

City of Lake Stevens Mission Statement



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

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



REGULAR CITY COUNCIL MEETING AGENDA
Lake Stevens School District Educational Service Center (Admin. Bldg.)
12309 22nd Street NE, Lake Stevens
Monday, May 23, 2011 - 7:00 p.m.

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

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

ROLL CALL:

GUEST BUSINESS: A. Community Transit update by Todd Morrow.

CONSENT AGENDA: *A. Approve May 2011 vouchers. Barb
*B. Approve minutes of May 9, 2011 regular Council meeting. Norma

PUBLIC HEARINGS:

PUBLIC HEARING FORMAT:

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

*A. Consideration of first reading of Ordinance No. 855, land use code amendments related to the Shoreline Management Act. Karen

*B. Consideration of first reading of Ordinance No. 856, adoption of the Shoreline Master Program and associated documents, related code amendments and related comprehensive plan amendments. Karen

Lake Stevens City Council Regular Meeting Agenda

May 23, 2011

- ACTION ITEMS:**
- *A. Economic Development Professional Services Agreement for Business/Development Recruitment Services with William Trimm. Becky
 - *B. Approve contract with Civic Plus for new City website. Troy

- DISCUSSION ITEMS:**
- *A. Purchase of new permit tracking system. Becky

**COUNCIL
PERSON'S
BUSINESS:**

MAYOR'S BUSINESS:

STAFF REPORTS:

**INFORMATION
ITEMS:**

**EXECUTIVE
SESSION:**

ADJOURN:

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

THE PUBLIC IS INVITED TO ATTEND

Special Needs

The City of Lake Stevens strives to provide accessible opportunities for individuals with disabilities. Please contact Steve Edin, City of Lake Stevens ADA Coordinator, (425) 377-3227, at least five business days prior to any City meeting or event if any accommodations are needed. For TDD users, please use the state's toll-free relay service, (800) 833-6384, and ask the operator to dial the City of Lake Stevens City Hall number.

**BLANKET VOUCHER APPROVAL
 2011**

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

Payroll Direct Deposits	904250-904308	\$121,902.70
Payroll Checks	31808-31811	\$10,095.87
Claims	31812-31871	\$118,967.77
Electronic Funds Transfers	332-334	\$5,004.68
Void Checks	31763, 31771, 31794, 31801	(\$1,715.11)
Tax Deposit(s)	5/13/2011	\$46,136.68
Total Vouchers Approved:		\$300,392.59

This 23rd day of May 2011:

 Mayor

 Councilmember

 Finance Director

 Councilmember

 Councilmember

 Councilmember



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Direct Deposit Register

16-May-2011

Wells Fargo - AP

Lake Stevens

Direct Deposits to Accounts

16-May-2011	<u>Vendor</u>	<u>Source</u>	<u>Amount</u>	<u>Draft#</u>	<u>Bank Name</u>	<u>Transit</u>	<u>Account</u>
9407	Department of Retirement (Pers	C	\$3,758.50	332	Wells Fargo	121000248	4159656917
9408	NATIONWIDE RETIREMENT SOL	C	\$843.72	333	Wells Fargo	121000248	4159656917
9405	Wash State Support Registry	C	\$402.46	334	Wells Fargo	121000248	4159656917
Total:			\$5,004.68		Count:	3.00	

Direct Deposit Summary

<i>Type</i>	<i>Count</i>	<i>Total</i>
C	3	\$5,004.68

Pre-Note Transactions

Detail Check Register

12-May-11

Lake Stevens

Check No	Check Date	VendorNo	Vendor	Check Amount	
31812	12-May-11	12182	Central Welding Supply		\$561.29
EV 158948			Welding supplies	\$561.29	\$0.00
101016543504801			Street - Facilities R&M (PW)	\$561.29	
31813	12-May-11	670	HOGLANDS TOP SHOP		\$327.60
37765			Patrol Operations/PT 29 drivers seat	\$327.60	\$0.00
001008521004800			Law Enforcement - Repair & Mai	\$327.60	
31814	12-May-11	1273	RODDA PAINT COMPANY		\$23.12
35134523			Pump Shield	\$23.12	\$0.00
101016542004800			Street Fund - Repair & Mainten	\$23.12	
31815	12-May-11	13322	Snohomish County Cities		\$35.00
05/19			5/19/11 SCC meeting	\$35.00	\$0.00
001001511604300			Legislative - Travel & Mtgs	\$35.00	
31816	12-May-11	13178	The Daily Herald		\$162.00
04/11-04/12			Subscription	\$162.00	\$0.00
001013519903100			General Government - Operating	\$162.00	
31817	12-May-11	1491	The Everett Herald		\$186.20
1733628			Advertising - legal	\$186.20	\$0.00
001007558004400			Planning - Advertising	\$186.20	
Total Of Checks:					\$1,295.21

Detail Check Register

18-May-11

Lake Stevens

Check No	Check Date	VendorNo	Vendor	Check Amount		
31818	18-May-11	13314	Cash			\$200.00
change			Cash for Spring cleanup	\$200.00	\$0.00	\$200.00
001013531007000			Earth Day Clean-Up	\$200.00		
31819	18-May-11	13833	Deborah J Rhodes			\$1,000.00
Pmt 2			Lundeen roundabout art	\$1,000.00	\$0.00	\$1,000.00
112013575306400			Art - Public Art Acquisition	\$1,000.00		
Total Of Checks:						\$1,200.00

Detail Check Register

19-May-11

Lake Stevens

Check No	Check Date	VendorNo	Vendor	Check Amount	
31820	23-May-11	12070	Aramark Uniform Services		\$274.75
655-5488083			Uniform cleaning	\$489.78	\$0.00
					\$489.78
001010576803100			Parks - Operating Costs	\$68.57	
101016542002600			Street Fund - Clothing	\$254.69	
410016542402600			Storm Water-Clothing	\$166.52	
655-5500218			Uniform cleaning	(\$215.03)	\$0.00
					(\$215.03)
001010576803100			Parks - Operating Costs	(\$30.10)	
101016542002600			Street Fund - Clothing	(\$111.82)	
410016542402600			Storm Water-Clothing	(\$73.11)	
31821	23-May-11	174	Bills Blueprint		\$77.38
438089			Laminate Maps for PW Crew	\$77.38	\$0.00
					\$77.38
101016542003101			Street Fund Office Supplies	\$77.38	
31822	23-May-11	969	Business Card		\$3,140.74
05/11 1411			Travel/Staff Dev/Misc	\$74.00	\$0.00
					\$74.00
001008521004300			Law Enforce - Travel & Mtgs	\$13.00	
001008521004900			Law Enforcement - Miscellaneou	\$1.00	
001008521004901			Law Enforcement - Staff Develo	\$60.00	
05/11 4949			Operating/Repair	\$602.36	\$0.00
					\$602.36
001008521003104			Law Enforcement-Operating Cost	\$578.69	
001008521004800			Law Enforcement - Repair & Mai	\$23.67	
05/11 5242			Domain/fees	\$136.14	\$0.00
					\$136.14
001013519903100			General Government - Operating	\$125.00	
001013519904200			General Government - Communica	\$10.14	
001013519904900			General Government - Miscellan	\$1.00	
05/11 6202			Travel/Staff Dev/Operating/Misc	\$353.97	\$0.00
					\$353.97
001003513104101			Administration - Staff Develop	\$40.00	
001003513104300			Administration - Travel & Mtgs	\$300.00	
001013519903100			General Government - Operating	\$12.97	
001013519904900			General Government - Miscellan	\$1.00	
05/11 7750			Operating/Advert/Repair/Misc	\$637.09	\$0.00
					\$637.09
001007558004400			Planning - Advertising	\$335.33	
001007558004900			Planning - Miscellaneous	\$1.00	
001010576804800			Parks - Repair & Maintenance	\$199.00	
101016542003102			Street Fund Operating Costs	\$65.00	
101016542004900			Street Fund - Miscellaneous	\$36.76	
05/11 8109			Operating/Staff dev/Repair/Misc	\$604.24	\$0.00
					\$604.24

Detail Check Register

19-May-11

Lake Stevens

Check No	Check Date	VendorNo	Vendor	Check Amount	
001008521003104			Law Enforcement-Operating Cost	\$396.95	
001008521004800			Law Enforcement - Repair & Mai	\$156.29	
001008521004900			Law Enforcement - Miscellaneou	\$1.00	
001008521004901			Law Enforcement - Staff Develo	\$50.00	
05/11 9127			Advertising/Travel/Staff Dev/Misc	\$732.94	\$0.00
					\$732.94
001007558004300			Planning - Travel & Mtgs	\$8.00	
001007558004400			Planning - Advertising	\$558.20	
001007558004900			Planning - Miscellaneous	\$1.00	
001007558400001			Planning - Staff Development	\$165.74	
31823	23-May-11	11952	Carquest Auto Parts Store		\$9.75
2421-158171			Supplies	\$9.75	\$0.00
					\$9.75
101016542004800			Street Fund - Repair & Mainten	\$9.75	
31824	23-May-11	13776	Chris L Griffen		\$300.00
C7817L			Public Defender svcs	\$300.00	\$0.00
					\$300.00
001013512800000			Court Appointed Attorney Fees	\$300.00	
31825	23-May-11	276	City Of Lake Stevens		\$35.05
938			Retainage-New Chapter	\$35.05	\$0.00
					\$35.05
001007558004100			Planning - Professional Servic	\$1.15	
001007559004100			Building Department - Professi	\$1.15	
001008521004100			Law Enforcement - Professional	\$20.10	
001013519904100			General Government - Professio	\$5.75	
001013555504100			Community Center - Cleaning	\$4.60	
101016542004100			Street Fund - Professional Ser	\$1.15	
410016542404101			Storm Water - Professional Ser	\$1.15	
31826	23-May-11	12004	CITY OF MARYSVILLE		\$22,548.49
11-007			Court citations April 2011	\$12,032.66	\$0.00
					\$12,032.66
001013512500001			Municipal Court Fees	\$12,032.66	
5786			Professional services - Hwy 9	\$437.50	\$0.00
					\$437.50
001013519904100			General Government - Professio	\$437.50	
POLIN 11-0058			Prisoner housing April 2011	\$10,078.33	\$0.00
					\$10,078.33
001008523005100			Law Enforcement - Jail	\$10,078.33	
31827	23-May-11	13361	Clover Island Inn		\$842.25
Folio 183610 rm 426			Barnes boating class May 2-6	\$421.10	\$0.00
					\$421.10
001008521004300			Law Enforce - Travel & Mtgs	\$421.10	
Folio 183611 rm 312			Guertin boating class	\$421.15	\$0.00
					\$421.15

Detail Check Register

19-May-11

Lake Stevens

Check No	Check Date	VendorNo	Vendor	Check Amount	
001008521004300			Law Enforce - Travel & Mtgs	\$421.15	
31828	23-May-11	13030	COMCAST		\$98.95
05/04/11			Communications Internet	\$98.95	\$0.00
001003513104200			Administration-Communications	\$1.98	
001003514104200			City Clerks-Communications	\$1.98	
001003516104200			Human Resources-Communications	\$5.94	
001003518104200			IT Dept-Communications	\$3.96	
001004514234200			Finance - Communications	\$3.96	
001007558004200			Planning - Communication	\$15.83	
001008521004200			Law Enforcement - Communicatio	\$57.39	
001010576804200			Parks - Communication	\$2.64	
101016542004200			Street Fund - Communications	\$2.64	
410016542404200			Storm Water - Communications	\$2.63	
31829	23-May-11	13757	Comdata Corporation		\$2,930.54
20140947			Fuel	\$2,930.54	\$0.00
001007559003101			Building Department - Operatin	\$177.12	
001013519903200			General Government - Fuel	\$76.21	
101016542003200			Street Fund - Fuel	\$2,677.21	
31830	23-May-11	91	Corporate Office Supply		\$123.99
116529i			Office Supplies - colored folder/file l	\$45.59	\$0.00
101016542003101			Street Fund Office Supplies	\$45.59	
117051			Supplies	\$78.40	\$0.00
001008521003100			Law Enforcement - Office Suppl	\$78.40	
31831	23-May-11	9386	Crystal and Sierra Springs		\$154.95
5249844 050111			Bottled Water	\$154.95	\$0.00
001007559003101			Building Department - Operatin	\$38.74	
001013519904900			General Government - Miscellan	\$38.74	
101016542003102			Street Fund Operating Costs	\$38.74	
410016542403102			Storm Water - Operating Costs	\$38.73	
31832	23-May-11	13027	DEPARTMENT OF LICENSING		\$180.00
949442-964151			Weapons permits	\$180.00	\$0.00
633008586000000			Gun Permit - State Remittance	\$180.00	
31833	23-May-11	13027	DEPARTMENT OF LICENSING		\$72.00
949438-441			Weapons permits	\$72.00	\$0.00
633008586000000			Gun Permit - State Remittance	\$72.00	
31834	23-May-11	473	Electronic Business Machines		\$155.29

Detail Check Register

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Lake Stevens

Check No	Check Date	VendorNo	Vendor		Check Amount	
065277			copier maint	\$155.29	\$0.00	\$155.29
001008521004800			Law Enforcement - Repair & Mai	\$155.29		
31835	23-May-11	505	Everett Stamp Works			\$57.34
2972			Date stamps	\$57.34	\$0.00	\$57.34
001003514103100			City Clerks-Office Supplies	\$57.34		
31836	23-May-11	13468	Feldman & Lee			\$5,250.00
043011			Public Defender svcs	\$5,250.00	\$0.00	\$5,250.00
001013512800000			Court Appointed Attorney Fees	\$5,250.00		
31837	23-May-11	13785	Group Health Coop			\$440.00
64000949			Screening tests	\$440.00	\$0.00	\$440.00
001007559004100			Building Department - Professi	\$35.00		
001008521004100			Law Enforcement - Professional	\$105.00		
101016542004100			Street Fund - Professional Ser	\$150.00		
410016542404101			Storm Water - Professional Ser	\$150.00		
31838	23-May-11	13138	Helmets R Us			\$533.77
31452			Helmets	\$533.77	\$0.00	\$533.77
001008521003104			Law Enforcement-Operating Cost	\$33.77		
001008521703100			LE-Traffic Policing-MiscGrants	\$500.00		
31839	23-May-11	13177	James Barnes			\$43.75
050911			Travel-Boating Training	\$43.75	\$0.00	\$43.75
001008521004301			Boating - Travel/Training	\$43.75		
31840	23-May-11	13431	Jonathan Stevens			\$30.00
050911			CDL endorsement	\$30.00	\$0.00	\$30.00
101016542004001			Street Fund - Staff Developmen	\$30.00		
31841	23-May-11	852	Lake Stevens Journal			\$67.00
74894			Advertising - legal	\$16.75	\$0.00	\$16.75
001013514304400			General Government - Advertisin	\$16.75		
74895			Advertising - legal	\$50.25	\$0.00	\$50.25
001007558004400			Planning - Advertising	\$50.25		
31842	23-May-11	12751	LAKE STEVENS POLICE GUILD			\$908.00
05/15/11			Union dues	\$908.00	\$0.00	\$908.00
001000281000000			Payroll Liabilities	\$908.00		
31843	23-May-11	13844	Larry Skinner			\$32.37

Detail Check Register

19-May-11

Lake Stevens

Check No	Check Date	VendorNo	Vendor		Check Amount
050911			WABO Conference	\$32.37	\$0.00 \$32.37
001007559004300			Building Dept - Travel & Mtgs	\$32.37	
31844	23-May-11	12841	Law Offices of Weed, Graafstra		\$9,905.24
88			Professional services	\$9,905.24	\$0.00 \$9,905.24
001005515204100			Legal - Professional Service	\$5,230.34	
001007558904902			DOE - Shoreline Grant Expenses	\$1,188.00	
101016542004100			Street Fund - Professional Ser	\$2,615.17	
410016542404101			Storm Water - Professional Ser	\$871.73	
31845	23-May-11	12603	LES SCHWAB TIRE CENTER		\$40.40
323910			Supplies	\$40.40	\$0.00 \$40.40
410016542404800			Storm Water - Repairs & Maint.	\$40.40	
31846	23-May-11	13404	LexisNexis		\$54.30
1420700-20110430			Professional services	\$54.30	\$0.00 \$54.30
001008521004100			Law Enforcement - Professional	\$54.30	
31847	23-May-11	13774	Maltby Container & Recycling		\$243.50
19425			Dump fees	\$243.50	\$0.00 \$243.50
101016542004800			Street Fund - Repair & Mainten	\$243.50	
31848	23-May-11	13839	NASRO		\$495.00
1823WA			SRO Basic Acedmy/TBD Officer	\$495.00	\$0.00 \$495.00
001008521004901			Law Enforcement - Staff Develo	\$495.00	
31849	23-May-11	13711	New Chapter Cleaning		\$665.95
938			Janitorial services	\$665.95	\$0.00 \$665.95
001007558004100			Planning - Professional Servic	\$21.85	
001007559004100			Building Department - Professi	\$21.85	
001008521004100			Law Enforcement - Professional	\$381.90	
001013519904100			General Government - Professio	\$109.25	
00101355504100			Community Center - Cleaning	\$87.40	
101016542004100			Street Fund - Professional Ser	\$21.85	
410016542404101			Storm Water - Professional Ser	\$21.85	
31850	23-May-11	1091	Office Of The State Treasurer		\$20,684.44
April 2011			April 2011 State Court Fees	\$20,684.44	\$0.00 \$20,684.44

Detail Check Register

19-May-11

Lake Stevens

Check No	Check Date	VendorNo	Vendor	Check Amount	
633008559005100			Building Department - State Bl	\$58.50	
633008589000003			Public Safety And Ed. (1986 As	\$9,034.90	
633008589000004			Public Safety And Education	\$5,865.67	
633008589000005			Judicial Information System-Ci	\$2,748.11	
633008589000007			Crime Laboratory Analysis Fee	\$399.37	
633008589000008			Trauma Care	\$968.61	
633008589000009			school zone safety	\$391.88	
633008589000010			Public Safety Ed #3	\$192.54	
633008589000011			Auto Theft Prevention	\$1,024.86	
31851	23-May-11	1066	PERTEET ENGINEERING, INC.		\$710.00
20080052.002-18			Professional services	\$710.00	\$0.00
001007558004110			Planning - GIS Mapping	\$710.00	
31852	23-May-11	12450	PITNEY BOWES		\$176.00
2815967-MY11			Postage machine rental	\$176.00	\$0.00
001013519904500			General Government-Equip Renta	\$176.00	
31853	23-May-11	12520	PUBLIC SAFETY TESTING		\$425.00
2011-3832			Recruiting Testing services	\$425.00	\$0.00
001003516904100			Civil Service - Professional S	\$425.00	
31854	23-May-11	13094	Rebecca Ableman		\$49.00
050511			Econ Alliance mtg 5/4/11	\$40.00	\$0.00
001007558400001			Planning - Staff Development	\$40.00	
051311			Parking	\$9.00	\$0.00
001007558004300			Planning - Travel & Mtgs	\$9.00	
31855	23-May-11	12722	SHRED-it WESTERN WASHINGTON		\$99.00
101140139			shredding services	\$49.50	\$0.00
001008521003104			Law Enforcement-Operating Cost	\$49.50	
1140135			shredding services	\$49.50	\$0.00
001008521003104			Law Enforcement-Operating Cost	\$49.50	
31856	23-May-11	13715	Sno Co Sherrifs Office		\$2,517.91
2011-636			Prisoner Housing April 2011	\$2,517.91	\$0.00
001008523005100			Law Enforcement - Jail	\$2,517.91	
31857	23-May-11	1379	Snohomish County Human Service		\$1,754.88
Q1.2011			Q1.2011 Liquor Excise Tax	\$1,754.88	\$0.00

Detail Check Register

19-May-11

Lake Stevens

Check No	Check Date	VendorNo	Vendor	Check Amount	
001013567005100			General Government - Alcoholis	\$1,754.88	
31858	23-May-11	1382	Snohomish County Public Works	\$9,459.74	\$9,459.74
I000271460			Repair	\$9,459.74	\$0.00
001008521004800			Law Enforcement - Repair & Mai	\$6,204.36	
001008521004802			LE - Boating R&M	\$3,255.38	
31859	23-May-11	12961	SNOHOMISH COUNTY PUD	\$11,588.88	\$11,588.88
113684340			Utilities - electric	\$27.41	\$0.00
001010576804700			Parks - Utilities	\$27.41	
123647827			Utilities - electric	\$9,086.87	\$0.00
101016542630000			Street Fund - Street Lighting	\$9,086.87	
123647828			Utilities - electric	\$796.95	\$0.00
101016542630000			Street Fund - Street Lighting	\$796.95	
123647829			Utilities - electric	\$1,101.11	\$0.00
101016542630000			Street Fund - Street Lighting	\$1,101.11	
130285624			Utilities - electric	\$56.15	\$0.00
101016542630000			Street Fund - Street Lighting	\$56.15	
143472747			Utilities - electric	\$56.01	\$0.00
001010576804700			Parks - Utilities	\$56.01	
146791955			Utilities - electric	\$338.65	\$0.00
101016542630000			Street Fund - Street Lighting	\$338.65	
153431477			Utilities - electric	\$125.73	\$0.00
101016542630000			Street Fund - Street Lighting	\$125.73	
31860	23-May-11	13807	Snohomish County PUD	\$67.88	\$67.88
0390004149			Fill Station Water chgs	\$67.88	\$0.00
101016542003102			Street Fund Operating Costs	\$67.88	
31861	23-May-11	1388	Snohomish County Treasurer	\$382.15	\$382.15
April 2011			April 2011 Crime Victims Comp	\$382.15	\$0.00
633008589000001			Crime Victims Compensation	\$382.15	
31862	23-May-11	1356	SNOPAC	\$16,082.57	\$16,082.57
4791			Dispatch services	\$16,082.57	\$0.00

Detail Check Register

19-May-11

Lake Stevens

Check No	Check Date	VendorNo	Vendor	Check Amount	
001008528005100			Law Enforcement - Snopac Dispa	\$16,082.57	
31863	23-May-11	13821	Termnix Commercial		\$59.51
304516872			Pest Control	\$59.51	\$0.00
001010576803101			Parks-Eagle Ridge Pk Exp	\$59.51	
31864	23-May-11	1491	The Everett Herald		\$135.80
1733782			Advertising - legal	\$135.80	\$0.00
001007558004400			Planning - Advertising	\$135.80	
31865	23-May-11	12022	THE SEATTLE TIMES		\$429.30
J794615802/J79470630			Advertising - legal	\$429.30	\$0.00
001007558004400			Planning - Advertising	\$429.30	
31866	23-May-11	13112	Tyler Enterprises		\$215.00
04/11			Professional Services	\$215.00	\$0.00
001007559004100			Building Department - Professi	\$215.00	
31867	23-May-11	13045	UPS		\$17.88
74Y42181			Evidence shipping	\$17.88	\$0.00
001008521004200			Law Enforcement - Communicatio	\$17.88	
31868	23-May-11	13682	Versatile Mobile Systems		\$256.11
51077			barcode scanner for PT 48	\$256.11	\$0.00
001008521003104			Law Enforcement-Operating Cost	\$256.11	
31869	23-May-11	13055	Washington St. Dept of Printin		\$41.26
47371			ref. RO 3519-printing of business ca	\$41.26	\$0.00
001008521003100			Law Enforcement - Office Suppl	\$41.26	
31870	23-May-11	12761	WASHINGTON STATE PATROL		\$472.00
111008429			Background checks	\$10.00	\$0.00
001003516104100			Human Resources-Professional S	\$10.00	
111009096			CPL Background checks	\$462.00	\$0.00
633008589000006			Gun Permit - FBI Remittance	\$462.00	
31871	23-May-11	13843	Weinman Consulting LLC		\$1,137.50
2			Professional services	\$1,137.50	\$0.00
001007558804111			Planning-Economic Development	\$1,137.50	

Detail Check Register

19-May-11

Lake Stevens

Check No	Check Date	VendorNo	Vendor	Check Amount
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Total Of Checks:				\$116,472.56
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**CITY OF LAKE STEVENS
REGULAR CITY COUNCIL MEETING MINUTES**

Monday, May 9, 2011
Lake Stevens School District Educational Service Center (Admin. Bldg.)
12309 22nd Street N.E. Lake Stevens

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

COUNCILMEMBERS PRESENT: Mark Somers, Kim Daughtry, Marcus Tageant, Kathy Holder, Suzanne Quigley, Neal Dooley and John Spencer

COUNCILMEMBERS ABSENT:

STAFF MEMBERS PRESENT: Planning Director Becky Ableman, City Administrator Jan Berg, City Attorney Cheryl Beyer, Public Works Director/City Engineer Mick Monken, Finance Director/Treasurer Barb Lowe, Principal Planner Karen Watkins, Senior Planner Russ Wright, Associate Planner Andy Galuska, Human Resource Director Steve Edin, Police Chief Randy Celori, and City Clerk/Admin. Asst. Norma Scott

OTHERS:

New Employee Introductions. Planning Director Ableman introduced new Senior Planner Russ Wright and Associate Planner Andy Galuska.

Guest Business. None.

Consent Agenda. Councilmember Daughtry moved to approve the Consent Agenda (A. May 2011 vouchers: Payroll Direct Deposits 904185-904249 for \$117,834.98; Payroll Checks 31753-31756 for \$6,491.82; Claims 31757-31807 for \$62,424.01; Electronic Funds Transfers 325-331 for \$145,604.22; Void Checks 31711 for deduct of \$1,386.72; Tax Deposit for 4-29-11 for \$42,047.64 for total vouchers approved of \$373,015.95 and B. Rescind April 25, 2011 Council motion approving the Snohomish Regional Drug and Gang Task Force Interlocal and approve the revised interlocal), seconded by Councilmember Tageant; motion carried unanimously. (7-0-0-0)

Approve minutes of April 25, 2011 regular meeting. Councilmember Spencer moved to approve minutes from April 25 regular meeting, seconded by Councilmember Holder; motion carried with Councilmembers Somers, Tageant and Dooley abstaining. (4-0-3-0)

Approve suspension of Public Education Government (PEG) capital contribution. City Administrator Berg commented the cable consortium agreement for Channel 21 paid for moving and upgrading cable hardware/software from City Hall to the Police Department, which allows each City to do programming on the internet. Because the number of Comcast subscribers has increased Ms. Berg recommends that the PEG capital contribution subscribers pay should be stopped until we complete a capital improvement plan. There are 6,675 subscribers and the capital contribution fund is about \$11,000, which will be used as reserve for breakdowns. Comcast has 45 days to change the billing.

MOTION: Councilmember Dooley moved to authorize the Mayor to suspend collection of PEG fee from Comcast, seconded by Councilmember Somers; motion carried unanimously. (7-0-0-0)

Approve revised agreement with the Senior Center. City Administrator Berg handed out a revised Senior Center agreement. The agreement includes the use of the detached garage for garage sales and the following two changes were made: Page 3 change nay to any and Item 3.I. Code should be Title 10. The agreement was back dated to original agreement date.

MOTION: Councilmember Tageant moved to approve revised agreement with Senior Center, seconded by Councilmember Holder; motion carried unanimously. (7-0-0-0)

Approve Second Amendment to Interlocal Agreement for Surface Water Management Services with Snohomish County. Public Works Director/Engineer Monken reported the County will contribute 20% for the first phase with the possibility of contributing more if the contract goes higher. The agreement extends through 2020 with the County paying their proportionate share. The original agreement was executed in 2009.

MOTION: Councilmember Spencer moved to authorize the Mayor to contract the Interlocal Agreement with Snohomish County for Amendment No. 2 for Surface Water Management Services, seconded by Councilmember Daughtry; motion carried unanimously. (7-0-0-0)

Shoreline Master Plan briefing. Principal Planner Watkins reported Department of Ecology (DOE) regulations for docks is as follows: new docks 4' wide walkway for 30 feet, allowed 6' for 30 feet for repaired docks, and if currently 8' can remain 8'. The next Planning Commission meeting is May 18 and Council's Hearings are May 23, June 13 and June 27 if needed. Once the City adopts the Shoreline Ordinance, DOE has 6 months to approve or make changes. If DOE makes changes, then the City would adopt a new ordinance.

Council Person's Business: Councilmembers reported on the following meetings: Tageant – Chamber Breakfast on Tuesday the 17th; Holder – Sewer Utility Subcommittee; Somers – roundabout art on schedule; Dooley – Sewer Utility Subcommittee; and Daughtry – Fire Commissioner meeting.

Mayor's Business: Mayor Little reported on the following: answered questions at a 3rd Grade class at Hillcrest, attended the Sewer Utility Subcommittee meeting and this Saturday is Relay for Life.

Staff Reports: Staff reported on the following: Public Works Director/Engineer Monken – updated Web page and still waiting on the weather for paving projects.

Executive session. Mayor Little called for an executive session on potential litigation at 8:06 p.m. for ten minutes with no action to follow. The executive session began at 8:10 p.m. and convened into the regular session at 8:17 p.m.

Lake Stevens City Council Regular Meeting Minutes

May 9, 2011

Adjourn. Councilmember Dooley moved to adjourn at 8:17 p.m., seconded by Councilmember Spencer; motion carried unanimously. (7-0-0-0)

Vern Little, Mayor

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

DRAFT



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LAKE STEVENS CITY COUNCIL
STAFF REPORT

Agenda Date: May 23, 2011

Subject: Lake Stevens Shoreline Master Program Update – Public Hearing (LS2009-11)

Contact Person/Department: Karen Watkins

Budget Impact: Grant

RECOMMENDATION(S)/ACTION REQUESTED OF PLANNING COMMISSION: Hold a First Reading and Public Hearing on Ordinance No. 855 (Code Amendments Related to the Shoreline Management Act). Hold a First Reading and Public Hearing on Ordinance No. 856 (Adoption of Final Draft Shoreline Master Program (SMP) documents and Code Amendments related to the SMP and Comprehensive Plan Amendments) on May 23, 2011. The Second Reading for both ordinances is scheduled for June 13, 2011.

SUMMARY: The City received a two year, \$60,000, Shoreline Master Program Update grant from the Washington State Department of Ecology in 2009 to complete a comprehensive Shoreline Master Program update as mandated by State law to preserve and protect the Waters of the State as a valuable resource for today and the future. The State has jurisdiction of the public waters and the shoreline extending 200 feet landward. The grant covers July 1, 2009 through June 30, 2011. The City hired Makers Architecture, Inc. and The Watershed Company to assist City Staff in preparing the SMP. Additionally, a Shoreline Citizen Advisory Committee was created to guide the consultants and staff through the process. As part of drafting of the required documents, three open houses were offered to solicit public comments.

With Final Draft documents and final comments from Ecology, the City is now in the Local Adoption Process required by the SMP Guidelines. The Planning Commission held a public hearing on Ordinances No. 855 and 856 on May 4, 2011 and continued the hearing to May 18, 2011. The Planning Commission's recommendation letter is in ***Exhibit D***.

ALL PUBLIC TESTIMONY TO DATE HAS BEEN ON THE SHORELINE MASTER PROGRAM DOCUMENT.

DISCUSSION: The following sections describe the attachments to this staff report and summarize additional public testimony from the Planning Commission's May 18th Continued Public Meeting.

Attachments to this Staff Report

In order to retain the public record throughout the Local Adoption Process, this staff report includes the three Planning Commission Public Hearing Staff Reports (dated May 4 and 18, 2011) with all attachments.

Exhibit A is the May 4th Planning Commission Public Hearing packet with attachments. ***Exhibit B*** is the May 18th Planning Commission Continued Public Hearing packet with attachments. ***Exhibit C*** is the May

18th Planning Commission Continued Public Hearing packet #2 with attachments. **Exhibit D** is the Planning Commission's Recommendation letter. **Exhibit E** includes additional written public comments submitted to the Planning Commission at the May 18 Continued Public Hearing. This staff report references attachments in the Planning Commission packets by stating **Exhibit #, Attachment #** to guide you to the appropriate document.

The documents listed below are the documents under Local Adoption review by the Planning Commission and City Council (dated April 19, 2011 unless document was updated and has a more recent date):

- Ordinance No. 855 adopting Code Amendments for consistency with Shoreline Management Act (April 27, 2011) (**Exhibit A, Attachment 7**)
- Grant/Deny Form - GMA Comprehensive Plan Amendments for consistency with SMP (**Exhibit C, Attachment B**)
- Ordinance No. 856 (**Exhibit A, Attachments 1-6**) adopting Final Draft Shoreline Master Program documents and direction for staff to submit to Ecology (includes code amendments for consistency with SMP) with the following exhibits to the ordinance:
 1. Lake Stevens 2011 Shoreline Master Program – Final Draft (April 27, 2011)
 2. Lake Stevens 2011 Cumulative Impact Analysis – Final Draft
 3. Lake Stevens 2011 Shoreline Restoration Plan – Final Draft
 4. Lake Stevens 2011 No Net Loss Report – Final Draft
 5. Code Amendments Related to the SMP
 6. GMA Comprehensive Plan Amendments for consistency with SMP

Ordinance No 855 – Code Amendments Related to SMA. This ordinance includes code amendments that are necessary with State law whether or not the SMP is adopted. The amendments are code corrections, updates based on changes to the Shoreline Management Act and the consolidation of definitions into Chapter 14.08 Definitions. These amendments are not required to be reviewed by Ecology and will become effective when adopted by the Council. The ordinance has been reviewed as to form by the City Attorney. There have been no public comments on this ordinance to date.

*The Planning Commission recommendation is to adopt Ordinance No. 855 (See **Exhibit D**).*

Grant/Deny Form. Comprehensive Plan Amendments related to Shoreline Master Program Updates are allowed separate from the once per year requirement if adopted with the SMP. However, still the City has to review the amendments related to the Comprehensive Plan amendment process in Chapter 1 of the Plan. This form is used for all proposed Comprehensive Plan amendments during the docket process. The Council should use this form to determine whether to grant or deny the proposed amendments Chapter 10 Critical Areas Element of the Plan. The Comprehensive Plan amendments are included in Ordinance No. 856 for adoption with the SMP documents. No public comments have been submitted on these amendments to date.

*The Planning Commission recommendation is to grant the Comprehensive Plan Amendments to Chapter 10 Critical Areas Element (See **Exhibit D**).*

Ordinance No 856 – Adopting Final Draft Shoreline Master Program Documents. This ordinance adopts all four SMP documents, the Code Amendments related to the SMP, and the Comprehensive Plan amendments related to the SMP Update. The ordinance also authorizes staff to forward the ordinance and attachments to Ecology for review and approval. The ordinance has been reviewed as to form by the City Attorney. All public comments to date have been the SMP document attached to this ordinance.

*The Planning Commission recommendation in general is to adopt Ordinance No. 856 with amendments as proposed by staff and the Planning Commission (See **Exhibit D**). These amendments, as described in the Planning Commission staff reports and Recommendation letter, have not been made to the documents currently under review by the Council.*

Ecology's Final Comments

The draft Shoreline Master Program Update was completed in December and sent to Ecology for review. The City received final comments on the December 15, 2010 draft SMP on May 7, 2011 on the SMP Checklist (See **Exhibit B, Attachment I**). The Final Draft SMP documents have been modified to meet Ecology's comments, with a few exceptions related to Appendix B Critical Areas Regulations Within Shoreline Jurisdiction. The May 18th Staff Report #2 has additional proposed revisions to Appendix B of the SMP.

Revisions to SMP Since Planning Commission's May 4 Public Hearing

Both May 18th Planning Commission Staff Reports include proposed amendments from staff based on questions from the Planning Commission, public testimony or additional research. Staff may have additional proposed comments as the process continues based on additional review of the SMP documents, additional public testimony or comments from the City Council. These would be proposed at the Council's continued public hearing on June 13, 2011.

Additional Public Comments

The Planning Commission reopened public testimony at the May 18th Continued Public Hearing with four people speaking. In addition, the City received some written comments which were verbally related to the Planning Commission on May 18th and are attached in **Exhibit E**.

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

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

STAFF RECOMMENDATIONS: Staff recommends the City Council hold a second and final reading of Ordinance No. 855 (Code Amendments related to the Shoreline Management Act) on June 13, 2011. Staff recommends the City Council hold a second reading of Ordinance No. 856 (Adoption of SMP documents, code amendments related to the SMP and Comprehensive Plan amendments) on June 13, 2011 with consideration of the proposed amendments based on Planning Commission recommendations and any additional amendments that may arise during the Council public hearings. Please note that there are a couple of alternatives if Council feels it necessary to add a third reading or allow for more public comment. June 27th is a scheduled regular meeting and Council could continue the hearing to that date. As indicated earlier this month, staff has requested a short extension to August 15, 2011 from Ecology for

submitting a City adopted plan. The extension would allow for Council action into July. An update to the request will be provided at the Council Meeting.

EXHIBITS:

Exhibit A – May 4th PC Staff Report

- Attachment 1 – Ordinance No. 856 adopting SMP Documents
- Attachment 2 – Shoreline Master Program
- Attachment 3 – Cumulative Impacts Analysis
- Attachment 4 – No Net Loss Report
- Attachment 5 – Shoreline Restoration Plan
- Attachment 6 – Comprehensive Plan Amendments
- Attachment 7 – Ordinance No. 855 for Code Amendment related to Shoreline Management Act
- Attachment 8 – Email Comments from Ecology and Fish & Wildlife
- Attachment 9 – Table Comparing Dock Dimensions in SMPs
- Attachment 10 – Summary of Changes to Chapter 14.88 LSMC to create Appendix B of SMP
- Attachment 11 – Comment Letter from Urban Concepts, LLC

Exhibit B – May 18th PC Staff Report

- Attachment 1 – SMP Checklist from Ecology dated May 7, 2011
- Attachment 2 – Ecology’s SMP Frequently Asked Questions
- Attachment 3 – Written Public Testimony Before or At the Planning Commission Public Hearing on May 4, 2011
- Attachment 4 – Verbal Public Testimony Before or At the Planning Commission Public Hearing on May 4, 2011
- Attachment 5 – Responsiveness Survey dated May 12, 2011 with Responses

Exhibit C – May 18th PC Staff Report #2

- Attachment A – Staff Proposed Findings and Motions
- Attachment B – Text Amendment Staff Summary – Comprehensive Plan Amendments

Exhibit D – Planning Commission’s Recommendation Letter dated May 18, 2011

Exhibit E – Additional Written Public Testimony



LAKE STEVENS PLANNING COMMISSION
STAFF REPORT

Agenda Date: May 4, 2011

Subject: Lake Stevens Shoreline Master Program Update – Public Hearing (LS2009-11)

Contact Person/Department: Karen Watkins

Budget Impact: Grant

RECOMMENDATION(S)/ACTION REQUESTED OF PLANNING COMMISSION: Hold a public hearing on the Final Draft Shoreline Master Program (SMP) documents on May 4, 2011 and make a recommendation to the City Council on whether the documents should be adopted. The Planning Commission may continue the hearing to Wednesday, May 18, 2011.

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

The draft Shoreline Master Program Update was completed in December and sent to Ecology for review. The City received comments on the December 15, 2010 draft SMP on April 20 and 25, 2011. The Final Draft SMP documents have been modified to meet Ecology's comments.

This staff report provides a summary of changes to the documents since the February briefing to the Planning Commission. The documents listed below are the documents under Local Adoption review by the Planning Commission (dated April 19, 2011 unless shown below):

- Ordinance No. 856 adopting Final Draft Shoreline Master Program documents and direction for staff to submit to Ecology (includes code amendments for consistency with SMP) with the following Exhibits to the ordinance:
 1. Lake Stevens 2011 Shoreline Master Program – Final Draft (April 27, 2011)
 2. Lake Stevens 2011 Cumulative Impact Analysis – Final Draft
 3. Lake Stevens 2011 Shoreline Restoration Plan – Final Draft
 4. Lake Stevens 2011 No Net Loss Report – Final Draft
- Ordinance No. 855 adopting Code Amendments for consistency with Shoreline Management Act
- GMA Comprehensive Plan Amendments for consistency with SMP

DISCUSSION: The SMP Local Adoption process will include at least one Planning Commission public hearing with a recommendation to Council and at least two City Council public hearings with final adoption of the SMP documents. Any recommendations in changes to the SMP documents will be presented to the Council during the presentation by staff.

Document Review

Ecology reviewed the December 15, 2010 version of the SMP documents. Their comments have been addressed in the Local Adoption versions of the SMP documents. However, this does not guarantee approval of the adopted documents. The City Attorney has reviewed the two ordinances as to form and reviewed some portions of the SMP documents. The Attorneys comments are also incorporated into the attached SMP documents.

Process

A Determination of Non-Significance (DNS) was issued on April 15 with a two week comment period and additional seven-day appeal period ending May 6, 2011. To date, no comments have been received on the SEPA DNS. In addition, the proposal was sent to the Washington Department of Commerce for a 60-day review (April 5 – June 6, 2011).

After the SMP documents are adopted by the City Council, the Washington State Department of Ecology's review process will begin. Their process takes approximately six months with review, public hearings, and adoptions as presented, adoption with changes, or request for additional work. The ordinance adopting the SMP documents states the effective date as adoption by Ecology.

A Responsiveness Summary is required to be prepared by the City and submitted to Ecology with the adopted SMP documents. This summary is a table showing all public comments with a response. Staff will be working on this summary throughout the public hearing process. Staff will share the final summary with Planning Commission.

Changes Since December 15th Document

In general, few changes were made to the December document. The most important changes included the removal of new 8-foot wide docks based on comments from Ecology and the Washington Department of Fish and Wildlife (*Attachment 8*) and review of other jurisdiction's adopted and proposed SMPs (*Attachment 9*). As you can see from Ecology's and Fish & Wildlife's comments, there is no need for 8-foot wide docks as the Americans Disability Act (ADA) only requires a five-foot wide dock. The comparison of dock widths from other jurisdictions shows no jurisdiction allowed an 8-foot wide dock except for Community Docks in Chelan and only three jurisdictions that allow a 6-foot wide dock (Everett, Redmond and Snohomish County).

The other important change was completion of Appendix B - Critical Areas Regulations for Wetlands under shoreline jurisdiction in the SMP. The City and Consultants have been working with Ecology on the final changes. This appendix was created by taking the existing Critical Areas Regulations in Chapter 14.88 LSMC and making changes for consistency with the Shoreline Management Act and SMP State Guidelines. A summary of the changes made to Title 14.88 LSMC to create Appendix B is included in *Attachment 10*.

The following is a summary of other changes since the December 15th document:

- Page 8 – fair market value changed from \$5,000 dollars to \$5,718 for consistency with State code
- Pages 10-11 – Added Local Adoption Process description
- Page 58, Section 3.C.10 – modified to state structures shall not rest on the lake bottom
- Page 61, Section 3.C.21.d.i – removed exception for 8-ft wide dock with two trees
- Page 64, Recreational Floats/Swim Platforms – #34, added language about allowable location of recreational equipment

- Page 64, Public and Commercial Over-Water Structures - #38, added allowance of one new commercial dock per commercial waterfront lot
- Chapter 6, Definitions – added “boathouse or boat shelter”, “marina”, “primary structure”, and all the Critical Areas Regulations definitions from Chapter 14.88 LSMC
- Page 123, Chapter 7 – Add reference that “development” and “substantial development” are as defined in RCWs
- Appendix B – Restoration Plan Map was removed and Appendix C became B

Issues Needing Resolution

Ecology sent comments on Appendix B of the SMP. Staff is still reviewing and making changes to the critical areas regulations within shoreline jurisdiction. We will present any changes from the attached documents at the public hearing. In addition, staff is preparing the Grant/Deny form for the proposed Comprehensive Plan Amendments. This will be presented and discussed at the public hearing.

Public Comments

Since the Local Adoption process has begun, the City has received one comment letter from Urban Concepts, LLC (*Attachment 11*).

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

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

PLANNING COMMISSION RECOMMENDATION TO CITY COUNCIL: This section provides guidance for Planning Commission’s recommendation to Council to ensure a recommendation is made on all required documents. Staff recommends the Planning Commission make a motion on each of the items below in the order presented. The Planning Commission’s Rules and Procedures provide a guide (staff has underlined important language):

Motions and Voting: All members of the Planning Commission may make and vote on motions to recommend approval, approval with conditions, or denial of any development proposal or amendment to a long-range plan or land use application. All motions shall be made in the affirmative. For matters requiring a public hearing, all motions shall be accompanied by an oral statement, by the person making the motion, of reasons and findings supporting the motion. This statement may include reference to any part or all of the planning staff’s report and to testimony or evidence submitted at the hearing.

A motion should be made on the following items:

- Shoreline Master Program
 - Cumulative Impacts Analysis
 - No Net Loss Report
 - Restoration Plan
 - Comprehensive Plan Amendments
 - Ordinance No. 856 adopting SMP Documents
 - Ordinance No. 855 for Code Amendments related to the Shoreline Management Act
-

ATTACHMENTS:

- Attachment 1 – Ordinance No. 856 adopting SMP Documents
- Attachment 2 – Shoreline Master Program
- Attachment 3 – Cumulative Impacts Analysis
- Attachment 4 – No Net Loss Report
- Attachment 5 – Shoreline Restoration Plan
- Attachment 6 – Comprehensive Plan Amendments
- Attachment 7 – Ordinance No. 855 for Code Amendment related to Shoreline Management Act
- Attachment 8 – Email Comments from Ecology and Fish & Wildlife
- Attachment 9 – Table Comparing Dock Dimensions in SMPs
- Attachment 10 – Summary of Changes to Chapter 14.88 LSMC to create Appendix B of SMP
- Attachment 11 – Comment Letter from Urban Concepts, LLC

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; AMENDING THE FOLLOWING CHAPTERS OF THE LAKE STEVENS MUNICIPAL CODE TO BE CONSISTENT WITH THE 2011 SHORELINE MASTER PROGRAM: CHAPTER 14.16C LSMC “LAND USE ACTIONS, PERMITS AND DETERMINATIONS – DECISION CRITERIA AND STANDARDS” BY AMENDING SECTION 14.16C.100, CHAPTER 14.40 LSMC “PERMISSIBLE USES” BY AMENDING TABLE 14.40-I USE DESCRIPTIONS, CHAPTER 14.44 LSMC “SUPPLEMENTARY USE REGULATIONS” BY AMENDING SECTIONS 14.44.070 AND 14.44.074, CHAPTER 14.48 LSMC “DENSITY AND DIMENSIONAL REGULATIONS” BY AMENDING SECTION 14.48.040, AND CHAPTER 14.76 LSMC “SCREENING AND TREES” BY AMENDING SECTION 14.76.090; AMENDING THE COMPREHENSIVE PLAN, ORDINANCES NO. 726 AND 739, AS AMENDED, BY APPROVING THE TEXT AMENDMENTS TO CHAPTER 10 “CRITICAL AREAS PROTECTION”; 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”) 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; 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, four public open houses, 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 April 19, 2011, the City issued a Final Draft 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, 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, 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 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, the City is concurrently adopting the 2011 Shoreline Master Program with associated code amendments, comprehensive plan amendments and updated shoreline permit fees; 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 _____, 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 _____; 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 __, 2011 for its 60-day review and received documentation of completion of the procedural requirement on June __, 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 __ and __, 2011, and all public testimony was given full consideration before a recommendation was made to the City Council; and

WHEREAS, on May __ and June __ and __, 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 a duly noticed public hearing, 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. The City of Lake Stevens 2011 Shoreline Master Program, associated documents, and Comprehensive Plan Amendments as set forth in the following **Exhibits 1 through 5** (attached to this ordinance and incorporated by reference) are hereby approved 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 -- Cumulative Impacts Analysis for City of Lake Stevens Shorelines: Lake Stevens, Catherine Creek, and Little Pilchuck Creek.
3. Exhibit 3 -- The Shoreline Restoration Plan for City of Lake Stevens Shorelines: Lake Stevens, Catherine Creek, and Little Pilchuck Creek.
4. Exhibit 4 -- No Net Loss Report Summary.
5. Exhibit 5 -- Comprehensive Plan Amendments to Chapter 10 "Critical Areas Protection."

Section 3. Ch. 14.16C LSMC is hereby amended by amending LSMC 14.16C.100 to read as follows:

14.16C.100 Shoreline Permits.

(a) This section describes the procedures and requirements for development within specified areas related to lakes, rivers, streams, wetlands, and floodplains, as required to

implement the Shoreline Management Act, as amended, Chapter 90.58 RCW, and as consistent with Chapter 14.92.

(b) Permit Required. A substantial shoreline development permit is required for development that either materially interferes with the normal public use of the water or shorelines of the City or exceeds a total cost or fair market value of \$5,718, or \$10,000 for docks, and is located within the shorelines of the City as defined in Section 14.92.010 and RCW 90.58.030. The current shoreline areas are described below:

(1) Shoreline Areas. The shoreline areas are designated in the Shoreline Master Program and are generally described as:

(i) Lake Stevens, its underlying land, associated wetlands, and a line 200 feet landward at the line of ordinary high water (elevation 27 feet above sea level) plus the area within the one percent numerical probability floodplain (100-year floodplain) as defined by the best available data.

(ii) Catherine Creek for approximately one mile south of Hartford Drive NE, the confluence the outflow from Lake Stevens, where the mean annual flow is 20.0 cubic feet per second or more, and the territory between 200 feet on either side of the tops of the banks, plus associated wetlands and the area within the one percent probability floodplain (100-year floodplain) as defined by the best possible data.

(iii) Little Pilchuck Creek north of the confluence with Catherine Creek on the eastern edge of the Urban Growth Area where the mean annual flow is 20.0 cubic feet per second or more, and the territory between 200 feet on either side of the tops of the banks, plus associated wetlands and the area within the one percent probability floodplain (100-year floodplain) as defined by the best possible data.

(iv) Associated wetlands including areas along Stevens Creek, Lundeen Creek and Stitch Lake, which influence or are influenced by a lake or stream subject to the Shoreline Management Act.

(2) Adjacent Areas. Those parcels of land adjacent to the shoreline areas involving projects and developments that overlap into the shoreline areas.

(c) Exemptions. The following types of developments are exempt from the requirements of a shoreline substantial development permit but shall obtain a shoreline exemption under subsection (d)(1) of this section and comply with all other policies, plans, codes and regulations of the City and shall be consistent with the policy and intent of the Shoreline Management Act of 1971 and of this chapter and with the City's Shoreline Master Program:

(1) Normal maintenance or repair of existing structures or developments, including damage by accident, fire, or elements.

(2) Construction of the normal protective bulkhead common to single-family residences.

(3) Emergency construction necessary to protect property from damage from the elements.

(4) Construction or modification of navigational aids such as markers and anchor buoys.

(5) Construction by an owner, lessee or contract purchaser of a single-family residence for his own use or for the use of his family, which residence does not exceed a height of 35 feet above average grade level and which meets all requirements of the state agency or City government having jurisdiction, other than requirements imposed pursuant to Chapter 90.58 RCW and this title.

(6) Construction of a dock, including a community dock, designed for pleasure craft only, for the private noncommercial use of the owner, lessee, or contract purchaser of single- and multiple-family residences, when the fair market value of the dock does not exceed \$10,000, but if subsequent construction having a fair market value exceeding \$2,500 occurs within five years of completion of the prior construction, the subsequent construction shall be considered a substantial development for the purpose of this section.

(7) Operation, maintenance, or construction of canals, waterways, drains, reservoirs, or other facilities that now exist or are hereafter created or developed as a part of an irrigation system for the primary purpose of making use of system waters, including return flow and artificially stored ground water for the irrigation of lands.

(8) The marking of property lines or corners on State-owned lands, when such marking does not significantly interfere with normal public use of the surface of the water.

(9) Operation and maintenance of any system of dikes, ditches, drains, or other facilities existing on September 8, 1975, which were created, developed, or utilized primarily as a part of an agricultural drainage or diking system.

(10) Site exploration and investigation activities that are prerequisite to preparation of an application for development authorization under this chapter, if:

(i) The activity does not interfere with the normal public use of the surface waters;

(ii) The activity will have no significant adverse impact on the environment including, but not limited to, fish, wildlife, fish or wildlife habitat, water quality, and aesthetic values;

(iii) The activity does not involve the installation of a structure, and upon completion of the activity the vegetation and land configuration of the site are restored to conditions existing before the activity;

(iv) A private entity seeking development authorization under this section first posts a performance bond or provides other evidence of financial

responsibility to the local jurisdiction to ensure that the site is restored to preexisting conditions; and

(v) The activity is not subject to the permit requirements of RCW 90.58.550.

(11) The process of removing or controlling an aquatic noxious weed, as defined in RCW 17.26.020, through the use of an herbicide or other treatment methods applicable to weed control that are recommended by a final environmental impact statement published by the Department of Agriculture or the Department jointly with other State agencies under Chapter 43.21C RCW.

(d) Procedures.

(1) Applications for a shoreline exemption shall follow the procedures for a Type I review pursuant to Chapter 14.16B.

(2) Applications for a shoreline substantial development permit shall follow the procedures for a Type II review pursuant to Chapter 14.16B.

(3) Applications for a shoreline conditional use permit shall follow the procedures for a Type III review pursuant to Chapter 14.16B.

(4) Applications for a shoreline variance shall follow the procedures for a Type III review pursuant to Chapter 14.16B.

(5) Special Requirements. No final action or construction shall be taken until 21 days after notice of the final action taken by the City is filed with the Department of Ecology.

(e) Decision Criteria. All applications, including exemptions, shall comply with WAC 173-27-140.

(1) Shoreline Exemption. Types of developments outlined in subsection (c) of this section are exempt from the requirements of a shoreline substantial development permit but shall comply with all other policies, plans, codes and regulations of the City.

(2) Shoreline Substantial Development Permit. Shoreline substantial development permit applications shall be reviewed pursuant to WAC 173-27-150 and the following shoreline policies:

(i) A permit shall be granted only when the proposed development is consistent with the Lake Stevens Shoreline Master Program.

(ii) A permit shall be granted only when the proposed development is consistent with the policy of RCW 90.58.020.

(iii) Surface drilling for oil and gas is prohibited in the waters of Lake Stevens from on all lands within 1,000 feet landward from the ordinary high water mark.

(iv) A permit shall be denied if the proposed development is not consistent with the above enumerated policies.

(v) The granting of any shoreline development permit by the City shall be subject to the conditions imposed by the Shoreline Hearings Board.

(3) Shoreline Conditional Use Permit. Uses which are not classified or set forth in the Shoreline Master Program or use regulations may be allowed, provided the applicant can demonstrate that they meet the criteria outlined in WAC173-27-160.

(4) Shoreline Variance. Relief may be granted from specific provisions of the Shoreline Master Program or shoreline use regulations, provided the applicant can demonstrate that the variance will meet the criteria outlined in WAC173-27-170.

Section 4. Ch. 14.40 LSMC is hereby amended by amending Table 14.40-I Use Descriptions 6.400, 6.500, 6.600 and adding Use Descriptions 6.700 and 6.800 as shown on attached incorporated **Exhibit A**, and by adding the following footnotes to said sections:

- ¹⁴ These structures are regulated by the Shoreline Master Program and Title 14 LSMC.
- ¹⁵ Allowed structures are jet ski lifts, boatlifts, and boatlift canopies. Temporary inflatable recreational equipment is allowed between May 1 and September 30. New recreational floats and swimming platforms are prohibited.
- ¹⁶ Accessory uses in support of boating facilities may include fuel docks and storage, boating equipment sales and rental, wash-down facilities, fish cleaning stations, repair services, public launching, bait and tackle shops, potable water, waste disposal, administration, parking, groceries, and dry goods.

Section 5. Ch. 14.44 LSMC is hereby amended by amending LSMC 14.44.070 to read as follows:

14.44.070 Float Plane and Helicopter Facilities~~((Uses Within Commercial Recreational Districts to Be Compatible with Regional Recreation Facilities))~~.

~~((Repealed by Ord. 811.))~~Float plane and helicopter facilities for private use shall comply with the following guidelines:

(a) Location. Float planes are a water-dependent use and may use an existing, legally conforming dock or pier for moorage or a new dock, if no dock exists on the property, pursuant to subsection 14.44.074(c). Helicopters are not a water-dependent use, but may use an existing dock or pier for landing.

(b) Only one float plane or helicopter is allowed per lot.

(c) Float planes shall observe the watercraft operation requirements pursuant to Chapter 10.20, except for the speeds necessary for a short duration during landing and takeoff.

(d) Float plane and helicopter operation shall comply with Federal Aviation Administration standards.

Section 6. Ch. 14.44 LSMC is hereby amended by amending LSMC 14.44.074 to read as follows:

14.44.074 Over- and In-Water Structures (Docks, Boathouses, Etc.).

(a) It is unlawful to erect or construct any building or structure, except for docks, outward from the shores of Lake Stevens. This section shall not prohibit the construction or maintenance of docks, or maintenance of existing boathouses built upon piling, or floating docks, provided the same have been constructed or maintained in accordance with a lawful permit or have legal nonconforming status.

(b) All existing, legally conforming private piers or docks shall meet the following standards:

(1) Replacement of pier or dock, or up to 50 percent or more of the pier-support piles, can be replaced up to 100 percent of the square footage of the existing pier or dock. Areas greater than six feet wide must use grated decking with a minimum open space of 40 percent for the entire portion of the dock wider than six feet.

(2) Piles. New piles shall be either steel, PVC, or untreated wood, and shall be spaced a minimum of 12 feet apart, except when shown not to be feasible for site-specific engineering or design considerations.

(3) Additions. Additions may be permitted up to the size allowed for new piers in subsection (c) below. If proposed additions would exceed the maximums for new docks, the addition may be proposed under a shoreline variance.

(4) Single-family residences with more than one dock, must remove one of the docks as a condition of repair or replacement of a dock. The remaining dock may be improved to the same dimensions as either existing dock.

(5) Repair. Repairs of less than 50 percent of the existing pier-support piles require the decking to be removed in order to replace the piles on areas wider than six feet to be replaced with grated decking as per subsection (b)(1) above. Replacement piles must meet the requirements in subsection (b)(2) above.

(cb) All new private docks shall meet the following standards:

(1) Maximum Length. No permit may be issued for a new private dock that extends beyond the average of ((an imaginary line drawn between)) the two most adjacent legally existing docks within 300 feet on either side of the proposed dock. If no legal docks exist within 300 feet of either side of the proposed dock, then the

maximum length of the dock is the minimum necessary to reach a five and a half foot water depth below the ordinary high water mark((shall be 50 feet)). The maximum length of ells, fingers and floats is 20 feet.

(2) Maximum Width. The maximum width of a dock walkway is four feet for the first 30 feet from shore and up to six feet for portions of walkways extending more than 30 feet from the shore. The maximum width of ells and floats is six feet. Additional fingers may be no wider than two feet. The maximum width of a ramp connecting a dock to a float is four feet.

(32) Maximum Height of Decking. The maximum height of private docks shall be three feet((30 inches)) above the mean high water mark.

(43) Maximum Height of Hand Railings. The maximum height of hand railings on private docks shall be 36 inches.

(54) Minimum Side Yard Requirements. See Section 14.48.040 (Building Setback Requirements).

(6) Decking Materials. At a minimum, the first 30 feet of decking shall be fully grated with a minimum open space of 40 percent.

(7) Piles. Piles shall be either steel, PVC, or untreated wood and shall be spaced a minimum of 12 feet apart, except when shown not to be feasible for site-specific engineering or design considerations.

(de) All public and commercial docks shall meet the following standards:

(1) Maximum Length. No permit may be issued for a public dock that extends beyond the shore more than 200((450)) feet.

(2) Maximum Height of Decking. The maximum height of private docks shall be three feet((30 inches)) above the mean high water mark.

(3) Maximum Height of Hand Railings. The maximum height of hand railings on public docks shall be 42 inches.

(4) Minimum Side Yard Requirements. See Section 14.48.040 (Building Setback Requirements).

(5) Existing public and commercial docks may be repaired and/or replaced in the same location as the existing structure.

(6) Decking Materials. At a minimum, the first 30 feet of decking shall be fully grated with a minimum open space of 40 percent.

(7) Piles. Piles shall be either steel, PVC, or untreated wood and shall be spaced a minimum of 12 feet apart, except when shown not to be feasible for site-specific engineering or design considerations.

(8) New floating piers may be allowed in the first 30 feet from shore if it is shown to be necessary to support the launching of small watercraft.

Section 7. Ch. 14.48 LSMC is hereby amended by amending LSMC 14.48.040 to read as follows:

14.48.040 Building Setback Requirements.

(a) Table 14.48-I sets forth the minimum building and freestanding sign setbacks required from lot lines, ultimate street rights-of-way and street centerlines.

(1) If the ultimate street right-of-way line is readily determinable (by reference to the Comprehensive Plan Transportation Plan, a recorded map, set irons, adopted plan, or other means), the setback shall be measured from the ultimate right-of-way line. If it is not so determinable, the setback shall be measured from the actual street centerline.

(2) As used in this section, the term “lot boundary line” refers to all easements and lot boundaries other than those that abut streets. Setbacks from access easements and access tracts are considered lot boundary line setbacks.

(3) As used in this section, the term “building” includes any substantial structure which by nature of its size, scale, dimensions, bulk, or use tends to constitute a visual obstruction or generate activity similar to that usually associated with a building. It also includes any element that is substantially a part of the building, such as eaves, bay windows and chimneys, and not a mere appendage, such as a flagpole. Without limiting the generality of the foregoing, for the purpose of determining setbacks the following structures are to be considered buildings:

- (i) Gas pumps and overhead canopies or roofs;
- (ii) Fences and hedges taller than 42 inches.

(b) Whenever a lot in a residential district abuts a nonresidential district, and its required setback is greater than that of the nonresidential lot, the nonresidentially zoned lot shall observe the more restrictive setback. Where a lot zoned General or Light Industrial shares a boundary with a residentially zoned lot, the setback for the industrial property along that common boundary shall be 30 feet.

(c) In the High Urban Residential District, one five-foot interior side yard setback of a lot may be reduced to a zero feet for portions of the house that shares a common wall with the home on the adjacent lot. Portions of a house which do not share a common wall must be setback a minimum of five feet. The Fire and Building Codes have special building requirements which must be met when setbacks are less than five feet.

(d) All docks and other permissible overwater structures shall be set back a minimum of 10((20)) feet from side property lines. For the purposes of this section each property line extending into the lake shall be extended at the same angle as the property line on shore~~((construed as extending perpendicular from the shore from the point at which they leave the shore))~~.

Section 8. Ch. 14.76 LSMC is hereby amended by adding a new subsection LSMC 14.76.090 “Screening Requirements in Shoreline Areas” to read as follows:

14.76.090 Screening Requirements in Shoreline Areas.

(a) Parking areas within shoreline jurisdiction shall require a Type B screen using native species between the parking and the lake or stream in addition to landscaping requirements required per this chapter.

(b) Public access areas should include landscaped elements to soften the view from the water of hard surfaces or structures.

(c) Commercial buildings shall include native vegetation to break up longer sections of walls facing the shoreline in addition to other landscaping requirements per this chapter.

Section 9. The City Planning Director or her designee shall forward the appropriate 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 10. 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 11. 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 on the later of five days after the date of publication, or 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 _____, 2011.

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 A – Table 14.40-I Use Descriptions 6.400, 6.500, 6.600 Amendments

<u>USE DESCRIPTIONS</u>	<u>SR</u>	<u>WR</u>	<u>UR</u>	<u>HUR</u>	<u>MFR</u>	<u>NC⁴</u>	<u>LB</u>	<u>CBD</u>	<u>MU¹</u>	<u>PBD⁵</u>	<u>SRC</u>	<u>LI</u>	<u>GI</u>	<u>P/SP</u>
6.400 Over-Water or In-Water Structures, Other Than Boathouses or Boat Shelters, Accessible From Shore ¹⁴														
6.410 Privately owned, used by owner(s) of property only		P					C							
<u>6.415 Privately owned, used by public</u>							<u>C</u>							
6.420 Publicly owned, used by public		A					C							A
6.500 Boathouses or Boat Shelters ¹⁴														
6.600 Over-Water or In-Water Structures, Other Than Boathouses or Boat Shelters, Inaccessible From Shore ^{14, 15}														
6.610 Privately owned, used by owner(s) of property only		<u>P</u>												
6.620 Publicly owned, used by public		A												A
<u>6.700 Marina¹⁴</u>							<u>C</u>							
<u>6.800 Accessory Uses to a Boating Facility^{14, 16}</u>							<u>C</u>							

**Grant No. G100027
Ordinance No.**

Lake Stevens 2011 Shoreline Master Program

FINAL DRAFT FOR LOCAL ADOPTION

April 27, 2011

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CHAPTER 1

Introduction to the SMP

A. What is the Shoreline Master Program?

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

1. Applicable Documents

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

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

2. Related Documents

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

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

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

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

B. History of the SMA

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

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

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

to a people's initiative and was ratified by the voters, giving the SMA a populist foundation as well as an environmental justification.

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

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

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

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

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

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

The City adopted Snohomish County's Shoreline Master Program in 1974, and has not subsequently updated the document other than minor revisions to the administrative

provisions found separately in Chapter 14.92 (Shoreline Management) of the Lake Stevens Municipal Code (LSMC). The City's Comprehensive Plan (Critical Areas Element) contains a few shoreline goals and policies. Regulations applicable to critical areas which are located within shoreline jurisdiction underwent a comprehensive update in 2008, consistent with Growth Management Act requirements for use of "best available science." In those regulations, the City specified a stream shoreline buffer of 150 feet, applicable to Catherine Creek and Little Pilchuck Creek.

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

C. Implementation of the SMA

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

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

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

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

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

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

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

D. Geographic Applications of the SMA

As defined by the Shoreline Management Act of 1971, shorelines include certain waters of the state plus their associated “shorelands.” At a minimum, the waterbodies designated as

shorelines of the state are streams whose mean annual flow is 20 cubic feet per second (cfs) or greater and lakes whose area is greater than 20 acres. Shorelands are defined as:

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

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

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

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

1. Applicable Area

The City of Lake Stevens and its Urban Growth Area (UGA) is located in Snohomish County, WA. The City is bordered nearly on all sides by unincorporated Snohomish County jurisdiction, with a small shared border with Marysville along the northwest portion of the City. The City of Everett is located generally west and the City of Snohomish is located to the south. All of Lake Stevens is in the City's shoreline jurisdiction, either in City limits or the UGA. Catherine Creek is likewise split between City limits and the UGA, while Little Pilchuck Creek is entirely within the UGA. The City encompasses approximately 9 square miles. The study area for this report includes all land currently within the City's proposed shoreline jurisdiction (Appendix A). The total area subject to the City's updated SMP, not including aquatic area, is approximately 362 acres (0.57 square mile), and encompasses approximately 9.2 miles of shoreline. (See Appendix A)

E. How the Shoreline Master Program is Used

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

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

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

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

1. When Is a Permit Required?

A Shoreline Substantial Development Permit is required when a development or activity meets the definition of "substantial development" contained within Chapter 6 of this SMP. Substantial development is discussed in more detail in Section 7.C of this SMP. A development or activity is exempt if it meets the criteria listed in WAC 173-27-040. Some development may require a Shoreline Conditional Use Permit, if listed as such in the Use Tables contained in Section 5.B of this SMP; or a Shoreline Variance. Shoreline Conditional Use Permits and Shoreline Variances are discussed in more detail in Sections 7.D and E, respectively. However, **ALL** new development, uses, and activities must comply with the policies and regulations set forth in the City of Lake Stevens Shoreline Master Program, including those developments, uses, and

activities that are exempt from permits. Review under the State Environmental Policy Act (SEPA) may also be required.

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

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

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

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

“Substantial development” is any “development” where the total cost or fair market value exceeds five thousand seven hundred eighteen dollars (\$5,718), 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 thousand dollars (\$10,000), but if subsequent construction having a fair market value exceeding two thousand five hundred dollars (\$2,500) occurs within five years of completion of the prior construction, the subsequent construction shall be considered a substantial development.

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

2. The Permit Process

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

3. The Shoreline Permits

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

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

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

4. Relationship of this Shoreline Master Program to Other Plans

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

Submitting an application for a shoreline development, use, or activity does not exempt an applicant from complying with any other local, county, state, regional, or federal statutes or regulations, which may also be applicable to such development or use.

F. Public Process for SMP Adoption

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

1. Shoreline Citizen Advisory Committee (CAC)

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

2. Early Public Review

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

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

3. Local Adoption Process

The local adoption process began on April 4, 2011 with submittal of draft documents to the Washington Department of Commerce for the required 60-day review and ended with adoption of a resolution by the City Council on June 27, 2011 for approval of the final draft Shoreline Master Program documents and direction to staff to forward them to the Washington Department of Ecology for formal review and approval.

A summary of the local adoption process is provided below:

- April 5, 2011 – Draft Shoreline Master Program and associated documents submitted to Washington Department of Commerce for 60-day review of Comprehensive Plan amendments and Development Regulations, including SMP documents.
- April 12, 2011 – Postcard notice for the SEPA Determination of Non-Significance and Public Meetings mailed to 2,080 shoreline property owners or within 300 feet.
- April 13, 2011 – Notice of Planning Commission Public Hearing on May 4 published in Lake Stevens Journal.
- April 15, 2011 – Issued SEPA Determination of Non-Significance (DNS) and published in the Everett Herald.
- April 19, 2011 – Final Draft Shoreline Master Program documents completed.
- April 20, 2011 – Notice of Planning Commission Public Hearing on May 4 published in Lake Stevens Journal. Final documents uploaded to City of Lake Stevens website.
- April 29, 2011 – Comment period ends for SEPA DNS.
- May 4, 2011 – Planning Commission Public Hearing on the SMP documents. Attendance: _____. Notice of City Council Public Hearings on May 23 and June 13 published in Lake Stevens Journal.
- May 6, 2011 – Appeal period ends for SEPA DNS.
- May 11, 2011 – Notice of City Council Public Hearings on May 23 and June 13 published in Lake Stevens Journal.
- May 18, 2011 – Continuation of Planning Commission Public Hearing on the SMP documents and code amendments, and recommendation to City Council.
- May 23, 2011 – City Council Public Hearing and First Reading of Resolution to adopt Final Draft SMP documents. Attendance: ____.
- June 6, 2011 – 60-day Washington Department of Commerce review complete.
- June 13, 2011 – City Council Public Hearing and Second (& FINAL????) Reading of Resolution to adopt Final Draft SMP documents. Attendance: ____.
- June 27, 2011 – City Council Public Hearing and Third & Final Reading of Resolution to adopt Final Draft SMP documents. Attendance: ____.
- June 30, 2011 – Submittal of Draft Final SMP documents to the Washington Department of Ecology for formal review and approval.

The City received numerous phone calls from residents and property owners after sending the notice of the public hearings and during the public hearing process. Approximately ___ phone calls were received.

CHAPTER 2

Environment Designation Provisions

A. Introduction

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

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

B. Shoreline Environment Designation Maps

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

C. Policies and Regulations

1. "Natural" (N) Environment

a. Purpose

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

b. Designation Criteria

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

c. Management PoliciesUses

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

Access and Improvements

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

Implementing Regulations

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

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

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

b. Designation Criteria

A "High-Intensity" environment designation will be assigned to shorelands designated for commercial or industrial use in the Comprehensive Plan if they

currently support or are suitable and planned for high-intensity commercial, industrial, or institutional uses that either include, or do not detract from the potential for water-oriented uses, shoreline restoration and/or public access.

c. Management Policies

Uses

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

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

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

Public Access

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

Aesthetics

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

d. Specific Environment Designations

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

Table 1. High Intensity Environment Designation Descriptions

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

3. "Urban Conservancy" (UC) Environment

a. Purpose

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

b. Designation Criteria

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

commercial or residential land uses should also be designated “Urban Conservancy.”

c. Management Policies

Uses

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

Ecological Restoration and Public Access

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

d. Specific Environment Designations

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

Table 2. Urban Conservancy Environment Designation Descriptions

Environment Designation	Sub-Unit	Begins (parcel No.)	Ends (parcel No.)
Urban Conservancy	Lake Stevens Residential – City Limits	29060700200800	
Urban Conservancy	Lake Stevens Residential – City Limits	00493300900101	
Urban Conservancy	Lake Stevens Residential – City Limits	00553800002000	
Urban Conservancy	Lake Stevens Residential – City Limits	00553800001602	00553800001500
Urban Conservancy	Lake Stevens Residential – City Limits	29060800303400	
Urban Conservancy	Lake Stevens Residential – UGA	00533400001500	
Urban Conservancy	Little Pilchuck Creek - UGA	29060900303300	
Urban Conservancy	Little Pilchuck Creek - UGA	29060900302400	
Urban Conservancy	Little Pilchuck Creek – UGA	Eastern portion of 29060400301000	
Urban Conservancy	Catherine Creek – City	Eastern portion of 29060800400100	00828600099900

4. "Shoreline Residential" (SR) Environment

a. Purpose

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

b. Designation Criteria

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

c. Management Policies

Uses

1. Commercial development should be limited to water-oriented uses and not conflict with the residential character of lands in the "Shoreline Residential" environment.
2. Water-oriented recreational uses should be allowed.

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

d. Specific Environment Designations

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

Table 3. Shoreline Residential Environment Designation Descriptions

Environment Designation	Sub-Unit	Begins (parcel No.)	Ends (parcel No.)
Shoreline Residential	Lake Stevens Residential – City Limits	00493200100100	29060800300600
Shoreline Residential	Lake Stevens Residential – City Limits	00553800001900	00553800001601
Shoreline Residential	Lake Stevens Residential – City Limits	00553800001302	29061700202600
Shoreline Residential	Lake Stevens Residential – UGA	00719200099900	29061900104800
Shoreline Residential	Lake Stevens Residential – City Limits	29061900107000	00493300200300
Shoreline Residential	Lake Stevens Residential – City Limits	00493300101700	29051200400700
Shoreline Residential	Lake Stevens Residential – City Limits	00604900400100	29060700201100
Shoreline Residential	Little Pilchuck Creek – UGA	Southeastern corner of 29060500102200	
Shoreline Residential	Little Pilchuck Creek – UGA	Northeastern corner of 29060900200600	Northeastern corner of 29060900207900
Shoreline Residential	Little Pilchuck Creek – UGA	Southeastern corner of 29060900300500	Northeastern corner of 29060900302000
Shoreline Residential	Little Pilchuck Creek – UGA	29060900302600	29060900305200
Shoreline Residential	Catherine Creek – UGA	Southern portion of 29060900302000	Southern portion of 29060900301900
Shoreline Residential	Catherine Creek – UGA	29060900301600	29060900301200
Shoreline Residential	Catherine Creek – City Limits	29060900301100	00814400001100
Shoreline Residential	Catherine Creek – City Limits	00828600002000	00705800002000

5. "Aquatic" Environment

a. Purpose

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

b. Designation Criteria

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

c. Management Policies

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

CHAPTER 3

General Provisions

A. Introduction

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

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

B. Policies and Regulations

1. Universally Applicable Policies and Regulations

a. Applicability

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

b. Policies

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

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

c. Regulations

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

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

2. Archaeological and Historic Resources

a. Applicability

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

b. Policies

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

c. Regulations

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

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

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

3. Critical Areas

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

4. Environmental Impacts

a. Applicability

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

b. Policies

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

c. Regulations

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

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

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

- c. Rectifying the impact by repairing, rehabilitating, or restoring the affected environment;
 - d. Reducing or eliminating the impact over time by preservation and maintenance operations;
 - e. Compensating for the impact by replacing, enhancing, or providing substitute resources or environments; and
 - f. Monitoring the impact and the compensation projects (from subsection (e) above) and taking appropriate corrective measures.
5. Exception to the sequencing noted above: The City may provide for or allow mitigation of an environmental impact through a comprehensive mitigation program such as a mitigation banking program if such mitigation measures will result in a greater benefit in terms of ecological functions and values. Such a program must be based on a comprehensive analysis of ecological systems such as provided by the analysis and restoration plan accomplished as part of this SMP.

Mitigation measures shall be accomplished at locations in the following order of preference:

- a. On the site where impacts occur (first preference).
 - b. If (a) is not feasible or beneficial in terms of ecological functions, then within or adjacent to the same water body.
 - c. If (b) is not feasible or beneficial in terms of ecological functions, then within the City of Lake Stevens.
 - d. If (c) is not feasible or beneficial in terms of ecological functions, then within the UGA.
6. All shoreline development shall be located and constructed to avoid locally-specific significant adverse impacts to human health and safety.

5. Flood Hazard Reduction and River Corridor Management

a. Applicability

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

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

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

b. Policies

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

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

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

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

c. Regulations

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

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

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

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

6. Parking (Accessory)

a. Applicability

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

b. Policies

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

c. Regulations

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

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

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

7. Public Access

a. Applicability

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

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

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

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

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

b. Policies

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

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

c. Regulations

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

- e. Where the City determines that more effective public access can be provided through public access planning and other compensatory off-site public access improvements provided as part of the development.
3. The shoreline permit shall describe the impact, the required public access conditions, and how the conditions address the impact. Mitigation for public access impacts shall be in accordance with the definition of mitigation and mitigation sequencing in Chapter 3 Section B.4.

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

8. Shorelines of State-Wide Significance

a. Applicability

The Shoreline Management Act of 1971 designated certain shoreline areas as shorelines of state-wide significance. Within the City of Lake Stevens jurisdiction, Lake Stevens is a shoreline of state-wide significance. Shorelines thus designated are important to the entire state. Because these shorelines are major resources from which all people in the state derive benefit, this jurisdiction gives preference to uses which favor long-range goals and support the overall public interest.

b. Policies

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

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

3. Support actions that result in long-term benefits over short-term benefits.
 - a. Evaluate the short-term economic gain or convenience of developments relative to the long-term and potentially costly impairments to the natural shoreline.
 - b. In general, preserve resources and values of shorelines of state-wide significance for future generations and restrict or prohibit development that would irretrievably damage shoreline resources.
4. Protect the resources and ecology of the shoreline.
 - a. All shoreline development should be located, designed, constructed and managed to avoid disturbance of and minimize adverse impacts to wildlife resources, including spawning, nesting, rearing and habitat areas and migratory routes.
 - b. Actively promote aesthetic considerations when contemplating new development, redevelopment of existing facilities or general enhancement of shoreline areas.
 - c. Shoreline development should be managed to ensure no net loss of ecological functions.
5. Increase public access to publicly owned areas of the shoreline.
 - a. Give priority to developing paths and trails to shoreline areas, to provide linear access along the shorelines.
 - b. Locate development landward of the ordinary high water mark so that access is enhanced.
6. Increase recreational opportunities for the public on the shoreline by planning for and encouraging development of facilities for recreational use of the shoreline.

9. Signage

a. Applicability

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

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

b. Policies

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

c. Regulations

1. Prohibited Signs: The following types of signs are prohibited:
 - a. Off-premises detached outdoor advertising signs.
 - b. Commercial signs for products, services, or facilities located off-site.
 - c. Spinners, streamers, pennants, flashing lights and other animated signs used for commercial purposes. Highway and railroad signs are exceptions.
 - d. Signs placed on trees or other natural features, unless the Shoreline Administrator finds that these signs are necessary for public safety reasons.
2. Allowable Signs: The following types of signs may be allowed in all shoreline environments:
 - a. Water navigational signs, and highway and railroad signs necessary for operation, safety and direction.
 - b. Public information signs directly relating to a shoreline use or activity. Public information signs shall include public park signs, public access identification signs, and warning signs.
 - c. Off-premise, free-standing signs for community identification, information, or directional purposes.
 - d. National, site and institutional flags or temporary decorations customary for special holidays and similar events of a public nature.
 - e. Temporary directional signs to public or quasi-public events if removed within 10 days following the event.
3. All signs shall be located and designed to avoid interference with vistas, viewpoints and visual access to the shoreline.
4. Over-water signs, signs on floats or pilings, and signs for goods, services, or businesses not located directly on the site proposed for a sign are prohibited.
5. Lighted signs shall be hooded, shaded, or aimed so that direct light will not result in glare when viewed from surrounding properties or watercourses.
6. Signs shall not exceed 32 square feet in surface area. On-site freestanding signs shall not exceed 6 feet in height. When feasible, signs shall be flush-mounted against existing buildings.

7. Temporary or obsolete signs shall be removed within timeframes pursuant to LSMC 14.68.030. Examples of temporary signs include: real estate signs, directions to events, political advertisements, event or holiday signs, construction signs, and signs advertising a sale or promotional event.
8. Signs that do not meet the policies and regulations of this section B.9 shall be removed or shall conform within two years of the adoption of this SMP.
9. No signs shall be placed in a required view corridor.

10. Utilities (Accessory)

a. Applicability

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

b. Policies

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

c. Regulations

1. In shoreline areas, accessory utility transmission lines, pipelines and cables shall be placed underground unless demonstrated to be infeasible. Further, such lines shall utilize existing rights-of-way and/or bridge crossings whenever possible. Proposals for new corridors in shoreline areas involving water crossings must fully substantiate the infeasibility of existing routes.
2. Accessory utility development shall, through coordination with government agencies, provide for compatible multiple uses of sites and rights-of-way. Such uses include shoreline access points, trails and other forms of recreation and transportation systems, providing such uses will not unduly interfere with utility operations or endanger public health and safety.
3. Sites disturbed for utility installation shall be stabilized during and following construction to avoid adverse impacts from erosion and, where feasible, restored to pre-project configuration and replanted with native vegetation.

4. Utility discharges and outfalls shall be located, designed, constructed, and operated in accordance with best management practices to ensure degradation to water quality is kept to a minimum.
5. Utilities that need water crossings shall be placed deep enough to avoid the need for bank stabilization and stream/riverbed filling both during construction and in the future due to flooding and bank erosion that may occur over time. Boring is a preferred method of utility water crossing over open trenching.
6. Stormwater management systems shall conform to applicable Lake Stevens' stormwater regulations. Any conveyance pipes, detention tanks, or retention facilities shall be placed as far upland away from the shoreline as is feasible.

11. Vegetation Conservation

a. Applicability

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

b. Policies

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

c. Regulations

For All Shoreline Environments:

1. In order to create a new lot partially or wholly within shoreline jurisdiction, the applicant must demonstrate that development can be accomplished without significant vegetation removal within the required SMP setback area. The Shoreline Administrator may make exceptions to this standard for water dependent development and for development in the High Intensity environment only.
2. New development, including clearing and grading, shall minimize significant vegetation removal in shoreline jurisdiction to the extent feasible. In order to implement this regulation, applicants proposing development that includes significant vegetation removal, clearing, or grading within shoreline jurisdiction must provide, as a part of a substantial development permit or a letter of exemption application, a site plan, drawn to scale, indicating the extent of proposed clearing and/or grading. The Shoreline Administrator may require that the proposed development or extent of clearing and grading be modified to reduce the impacts to ecological functions.
3. Vegetation restoration of any shoreline that has been disturbed or degraded shall use native plant materials with a diversity and type similar to that which originally occurred on-site unless the Shoreline Administrator finds that native plant materials are inappropriate or not hardy in the particular situation.
4. In addressing impacts from significant vegetation removal, the Shoreline Administrator will apply the mitigation sequence described in Chapter 3 Section B.4.
5. Where shoreline restoration is required, the vegetation plantings shall adhere to the following specifications, unless the Shoreline Administrator finds that another method is more appropriate:

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

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

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

Where new vegetation would block significant views from a public right-of-way or two residential properties, the Shoreline Administrator may allow the

planting of trees and shrubs with a shorter mature height; provided the trees provide the applicable ecological functions.

6. A condition of all development shall be that those areas within the required SMP setback area that have been cleared or where significant vegetation removal has occurred and that are not otherwise occupied by approved structures or uses shall be revegetated with native vegetation. The Shoreline Administrator may require replanting of previously cleared areas or removal of invasive or noxious weeds and replanting with native vegetation as part of mitigation of ecological impacts.
7. Snags and living trees (i.e., large cottonwoods) shall not be removed within the required SMP setback area unless an arborist determines them to be extreme hazards and likely to fall into a park use area, or unless removal is part of an approved development that includes mitigation for impacts to ecological functions. Snags and living trees within the setback which do not present an extreme hazard shall be retained. Selective pruning of trees for safety and view protection is allowed. The City may make exceptions to this standard for water dependent development and for development in the High Intensity environment, or where the City determines that the removal of such vegetation is in the public interest and is consistent with the goals of the Shoreline Management Act as stated in section RCW 90.58.020.

For Shorelines in the Natural Environment

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

For Shorelines in the Urban Conservancy Environment

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

- b. The restoration of ecological processes and functions can be better achieved through other measures such as the removal of channel constraints.
 - c. Sufficient native vegetation already exists.
11. Minor vegetation removal may be done to provide for development and maintenance of public access and trails on public property provided impacts are mitigated.

For Shorelines in the High-Intensity Environment

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

For Shorelines in the Shoreline Residential Environment

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

For Shorelines in the Aquatic Environment

15. Aquatic weed control shall only occur when native plant communities and associated habitats are threatened or where an existing water dependent use is restricted by the presence of weeds. Aquatic weed control shall occur in compliance with all other applicable laws and standards.
16. The control of aquatic weeds by hand pulling, mechanical harvesting, or placement of aqua screens, if proposed to maintain existing water depth for navigation, shall be considered normal maintenance and repair and therefore exempt from the requirement to obtain a shoreline substantial development permit.
17. The control of aquatic weeds by derooting, rotovating or other method which disturbs the bottom sediment or benthos shall be considered development for which a substantial development permit is required, unless it will maintain existing water depth for navigation in an area covered by a previous permit for such activity, in which case it shall be considered normal maintenance and repair and therefore exempt from the requirement to obtain a substantial development permit.
18. Where large quantities of plant material are generated by control measures, they shall be collected and disposed of in an appropriate, identified upland location.

19. Use of herbicides to control aquatic weeds shall be prohibited except for those chemicals specifically approved by the Department of Ecology for use in aquatic situations and where no reasonable alternative exists and weed control is demonstrated to be in the public's interest. Application of herbicides for the control of aquatic weeds requires approval from the Department of Ecology. The Shoreline Administrator must be notified of all herbicide usage in aquatic areas and supplied with proof of approval from the Department of Ecology. Additionally, all herbicides shall be applied by a licensed professional.

12. Water Quality and Quantity

a. Applicability

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

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

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

b. Policies

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

implement this policy through the regulation of development and activities, through the design of new public works, such as roads, drainage, and water treatment facilities, and through coordination with other local, state, and federal water quality regulations and programs. The City should implement the City of Lake Stevens Surface Water Management Plan, as updated and adopted by City ordinance.

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

c. Regulations

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

CHAPTER 4

Shoreline Modification Provisions

A. Introduction and Applicability

Shoreline modifications are structures or actions which permanently change the physical configuration or quality of the shoreline, particularly at the point where land and water meet. Shoreline modification activities include, but are not limited to, structures such as revetments, bulkheads, levees, breakwaters, docks, and floats. Actions such as clearing, grading, landfilling, and dredging are also considered shoreline modifications.

Generally, shoreline modification activities are undertaken for the following reasons:

1. To prepare a site for a shoreline use
2. To provide shoreline stabilization or shoreline protection
3. To support an upland use

The policies and regulations in this chapter are intended to prevent or mitigate the adverse environmental impacts of proposed shoreline modifications. General provisions, which apply to all shoreline modification activities, are followed by provisions tailored to specific shoreline modification activities. This chapter provides policies and regulations for shoreline modification features including shoreline stabilization measures and docks and floats.

If a shoreline development entails more than one shoreline modification, then all of the regulations pertaining to each type of modification apply.

Even though a shoreline modification may not require a shoreline substantial development permit, it must still conform to the regulations and standards in this SMP. The City requires that a property owner contemplating a shoreline modification contact the Shoreline Administrator and apply for a “letter of exemption” or a shoreline permit. No shoreline modification shall be undertaken without either a shoreline permit or a letter of exemption.

B. Shoreline Modification Matrix

The following matrix (Table 4) is the shoreline modification matrix. The matrix provides the permitted, conditional, and prohibited uses in all shoreline environmental designations. The numbers in the matrix refer to footnotes which may be found immediately following the matrix. These footnotes provide additional clarification or conditions applicable to the associated modification. Where there is a conflict between the matrix and the written provisions in this chapter, the written provisions shall apply.

Table 4. Shoreline Modification Matrix

	Natural	High-Intensity	Urban Conservancy	Shoreline Residential	Aquatic ⁴
Shoreline stabilization:					
Environmental restoration/enhancement	P	P	P	P	P
Bioengineering	C	P	P	P	C
Revetments	X	P	C	P	C
Bulkheads	X	P	C	P	C
Breakwaters/jetties/rock weirs/groins	X	X	X	X	X
Dikes/levees	X	C	C	C	C
Clearing and Grading	X	P	P	P	N/A
Dredging	N/A	N/A	N/A	N/A	C
Hazardous waste cleanup	P	P	P	P	P
Fill ¹	X	P	P	P	C ²
Piers/docks ³	X	P	P	P	P
Moorage piles, mooring buoys, & permanent swim floats	X	X	X	X	X

P = May be permitted

C = May be permitted as a conditional use only

X = Prohibited; the use is not eligible for a variance or conditional use permit

N/A = Not applicable

All shoreline modifications are subject to other provisions in this SMP. See, especially, Section C “Policies and Regulations” below.

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.

C. Policies and Regulations

1. General Policies and Regulations

a. Applicability

The following provisions apply to all shoreline modification activities whether such proposals address a single property or multiple properties.

b. Policies

1. Structural shoreline modifications should be allowed only where they are demonstrated to be necessary:
 - a. To support or protect an allowed primary structure or a legally existing shoreline use that is in danger of loss or substantial damage; or
 - b. For reconfiguration of the shoreline to mitigate impacts or enhance the shoreline ecology.
2. The adverse effects of shoreline modifications should be reduced, as much as possible, and shoreline modifications should be limited in number and extent.
3. Allowed shoreline modifications should be appropriate to the specific type of shoreline and environmental conditions in which they are proposed.
4. The City should take steps to assure that shoreline modifications individually and cumulatively do not result in a net loss of ecological functions, as stated in WAC 173-26-231. This is to be achieved by preventing unnecessary shoreline modifications, by giving preference to those types of shoreline modifications that have a lesser impact on ecological functions, and by requiring mitigation of identified impacts resulting from shoreline modifications.
5. Where applicable, the City should base decisions on available scientific and technical information and a comprehensive analysis of site-specific conditions provided by the applicant, as stated in WAC 173-26-231.
6. Impaired ecological functions should be enhanced where feasible and appropriate while accommodating permitted uses, as stated in WAC 173-26-231. As shoreline modifications occur, the City will incorporate all feasible measures to protect ecological shoreline functions and ecosystem-wide processes.
7. In reviewing shoreline permits, the City should require steps to reduce significant ecological impacts according to the mitigation sequence in WAC 173-26-201(2)(e).

c. Regulations

1. All shoreline modification activities must be in support of a permitted shoreline use or to provide for human health and safety. Shoreline modification activities which do not support a permitted shoreline use are

- considered “speculative” and are prohibited by this SMP, unless it can be demonstrated that such activities are necessary to protect human health and safety, ecological functions, and the public interest.
2. Structural shoreline modification measures shall be permitted only if nonstructural measures are unable to achieve the same purpose or are not feasible. See Chapter 6 for definition of “feasible”. Nonstructural measures considered shall include alternative site designs, increased setbacks, drainage improvements, relocation of proposed structures, and vegetation enhancement.
 3. Stream channel modification (i.e., realignment) shall be prohibited as a means of shoreline stabilization or shoreline protection, unless it is the only feasible alternative and includes environmental enhancement.
 4. All new shoreline development shall be located and designed to prevent or minimize the need for shoreline modification activities.
 5. Proponents of shoreline modification projects shall obtain all applicable federal and state permits and shall meet all permit requirements.
 6. Shoreline modification materials shall be only those approved by the City and applicable state agencies. No toxic (e.g., creosote) or quickly degradable materials (e.g., plastic or fiberglass that deteriorates under ultraviolet exposure) shall be used.
 7. In channel migration zones, natural geomorphic and hydrologic processes shall not be limited and new development shall not be established where future shoreline modifications will be required and shall include appropriate protection of ecological function.

2. Shoreline Stabilization (Including Bulkheads)

a. Applicability

Shoreline stabilization includes actions taken to address erosion impacts to property, dwellings, businesses, or essential structures caused by processes, such as current, flood, wind, or wave action. Structural shoreline modifications are only allowed to protect a primary structure or legally existing shoreline use (WAC 173-26-231). These include structural and nonstructural methods.

Nonstructural methods include building setbacks, relocation of the structure to be protected, erosion and groundwater management, planning and regulatory measures to avoid the need for structural stabilization.

Structural methods include “hard” and “soft” structural stabilization measures.

Hard Structural Shoreline Stabilization means erosion control practices using hardened structures that armor and stabilize the shoreline from further erosion. Hard structural shoreline stabilization typically uses concrete, boulders, dimensional lumber or other materials to construct linear, vertical or near-vertical faces. These include bulkheads, rip-rap, groins, and similar structures.

Soft Structural Shoreline Stabilization means erosion control and restoration practices that contribute to restoration, protection or enhancement of shoreline ecological functions. Soft shoreline stabilization typically includes a mix of gravels, cobbles, boulders, logs and native vegetation placed to provide stability in a non-linear, sloping arrangement. On lakes such as Lake Stevens, non-structural and soft structural stabilization measures can be cost-effective and practicable solutions.

Generally, the harder the construction measure, the greater the impact on shoreline processes, including sediment transport, geomorphology, and biological functions.

Maintenance, Repair, and Replacement WAC 173-27-040(2)(b) defines normal maintenance and repair of existing structures and notes that many maintenance and repair activities are exempt from the requirement for a shoreline substantial development permit. As indicated in that section, normal maintenance and repair actions are not exempt from substantial development permits if “by their intrinsic nature, may have a significant ecological impact on shoreline ecological functions or shoreline resources depending on location, design, and site conditions.” Additions to or increases in size of existing shoreline stabilization measures shall be considered new structures.

For the purposes of this section, repair of shoreline stabilization means the strengthening or reconstruction of less than 50 percent of the length of a shoreline stabilization measure over a five-year period. Reconstruction or strengthening of more than 50 percent of the length of a shoreline stabilization structure over a five-year period constitutes replacement.

Some shoreline stabilization measures for single-family residences may be exempt from a shoreline substantial development permit in accordance with WAC 173-27-040(2). However, such measures must comply with the provisions of this SMP.

b. Policies

1. Non-structural stabilization measures are preferred over soft structural measures. Soft structural shoreline stabilization measures are strongly preferred over hard structural shoreline stabilization. Proposals for hard and soft structural solutions, including bulkheads, should be allowed only when it is demonstrated that nonstructural methods are not feasible. Hard structural shoreline stabilization measures should be allowed only when it is demonstrated that soft structural measures are not feasible.
2. Bulkheads and other structural stabilizations should be located, designed, and constructed primarily to prevent damage to existing primary structures and minimize adverse impacts to ecological functions.
3. New development requiring bulkheads and/or similar protection to protect a primary structure should not be allowed. Shoreline uses should be located in a

manner so that bulkheads and other structural stabilization are not likely to become necessary in the future.

4. Shoreline modifications individually and cumulatively shall not result in a net loss of ecological functions. This is to be achieved by giving preference to those types of shoreline modifications that have a lesser impact on ecological functions and requiring mitigation of identified impacts resulting from shoreline modifications.

c. Regulations

New Development

1. New primary structures shall, where feasible, be located and designed to eliminate the need for concurrent or future shoreline stabilization. New non-water dependent primary structures that would require shoreline stabilization that would cause significant adverse impacts to adjacent or down-current properties or restrict channel migration in Channel Migration Zones is prohibited.
2. New primary structures, including single-family residences, which include structural shoreline stabilization, will not be allowed unless all of the conditions below are met:
 - a. The need to protect the primary structure from damage due to erosion caused by natural processes, such as currents, waves, and by manmade processes such as boat wakes, is demonstrated through a geotechnical report.
 - b. The erosion is not being caused by upland conditions, such as loss of vegetation and drainage.
 - c. Nonstructural measures, such as placing the primary structure farther from the shoreline, planting vegetation, low impact development measures, or installing on-site drainage improvements, are not feasible or not sufficient.
 - d. The structure will not result in a net loss of shoreline ecological functions.
3. New primary structures on steep slopes or bluffs shall be set back sufficiently to ensure that shoreline stabilization will not be needed during the life of the structure, as demonstrated by a geotechnical analysis by a geotechnical engineer or related professional licensed and in good standing in the State of Washington.

New or expanded shoreline stabilization measures

4. New stabilization measures are not allowed except to protect or support an existing or approved primary structure, as necessary for human safety, for the restoration of ecological functions, or for hazardous substance remediation pursuant to Chapter 70.105D RCW. The construction of a bulkhead for the primary purpose of retaining or creating dry land that is not specifically authorized as a part of the permit is prohibited.

5. New or replacement structural shoreline stabilization measures are allowed on Catherine Creek and Little Pilchuck Creek shorelines for necessary flood hazard reduction provided that all feasible steps are taken to minimize adverse impacts to the natural environment. The structures must be in conformance with a City-approved flood hazard reduction program.
6. New or enlarged structural shoreline stabilization measures for a primary structure or residence shall not be allowed unless there is conclusive evidence, documented by a geotechnical analysis (see definition in Chapter 6), that the structure is in danger from shoreline erosion caused by currents, waves, or boat wakes. Normal sloughing, erosion of steep bluffs, or shoreline erosion itself, without a scientific or geotechnical analysis by a licensed geotechnical engineer or related licensed professional, is not demonstration of need. The geotechnical report must demonstrate that erosion rates projected within three years would result in damage to an existing primary structure. The report must also evaluate on-site drainage issues and address drainage problems away from the shoreline edge before considering structural shoreline stabilization. The project design and analysis must also evaluate vegetation enhancement and low impact development measures as a means of reducing undesirable erosion.
7. Hard structural shoreline stabilization measures, such as bulkheads, are not allowed unless the applicant can demonstrate through a geotechnical analysis that soft structural measures such as vegetation or beach enhancement, or nonstructural measures, such as additional building setbacks, are not feasible.
8. Where structural shoreline stabilization measures are demonstrated to be necessary, as described in subsections c.6 and 7 above, the size of stabilization measures shall be limited to the minimum necessary. The Shoreline Administrator may require that the proposed structure be altered in size or design or impacts otherwise mitigated. Impacts to sediment transport shall be avoided or minimized.
9. The Shoreline Administrator will require mitigation of adverse impacts to shoreline functions in accordance with the mitigation sequence defined in Chapter 3 Section B.4 of the General Provisions. The Shoreline Administrator may require the inclusion of vegetation conservation, as described in Chapter 3 Section B.11, as part of shoreline stabilization, where feasible. In order to determine acceptable mitigation, the Shoreline Administrator may require the applicant to provide necessary environmental information and analysis, including a description of existing conditions/ecological functions and anticipated shoreline impacts, along with a restoration plan outlining how proposed mitigation measures would result in no net loss of shoreline ecological functions.
10. Shoreline stabilization measures that incorporate ecological restoration through the placement of rocks, gravel or sand, and native shoreline vegetation may be allowed. Soft shoreline stabilization that restores ecological functions may be permitted waterward of the OHWM as long as

the overriding intent is not to create dry land. Where the ecological restoration includes placement of new substrates, measures shall be taken to ensure that these substrates do not erode and reduce water depth of neighboring properties.

11. Following completion of shoreline modification activities, disturbed shoreline areas shall be restored to pre-project conditions or conditions set by the Shoreline Administrator (see regulation 9 above). Vegetation conservation measures, including the planting of native vegetation along the shoreline, may be required. Plantings shall consist of native grasses, shrubs, and trees as approved by the Shoreline Administrator in keeping with preexisting or typical naturally occurring bank vegetation. Vegetation shall be fully reestablished within three years. All revegetation projects shall include a program for monitoring and maintenance. Areas which fail to adequately reestablish vegetation shall be replanted with approved plants and/or vegetation until the plantings/vegetation is successfully reestablished.

Replacement and Repair

12. An existing shoreline stabilization structure shall not be replaced with a similar structure unless there is need to protect primary structures from erosion caused by currents or waves and a nonstructural measure is not feasible. At the discretion of the Shoreline Administrator, the demonstration of need does not necessarily require a geotechnical report by a geotechnical engineer or related professional licensed and in good standing in the State of Washington. The replacement structure shall be designed, located, sized, and constructed to minimize harm to ecological functions.

Replacement walls or bulkheads shall not encroach waterward of the OHWM or existing structures 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. When an existing bulkhead is being repaired or replaced by construction of a vertical wall fronting the existing wall, it shall be constructed no farther waterward of the existing bulkhead than is necessary for construction of new footings. When a bulkhead has deteriorated such that an OHWM has been established by the presence and action of water landward of the bulkhead, then the replacement bulkhead must be located at or near the actual OHWM.

Design of Shoreline Stabilization Measures

13. Bulkhead design and development shall conform to all other applicable City and state agency policies and regulations, including the Washington State Department of Fish and Wildlife criteria governing the design of bulkheads.
14. Gabions (wire mesh filled with concrete or rocks) are prohibited, except as a conditional use where it is determined that gabions are the least environmentally disruptive method of shoreline stabilization.

15. Stairs and other allowed structures may be built as integral to a bulkhead but shall not extend waterward of the bulkhead or structure unless it is necessary to access the shoreline or a use or structure is otherwise allowed over water.
16. Bulkheads shall be designed to permit the passage of surface water or groundwater without causing ponding or over-saturation of retained soil/materials of lands above the OHWM.
17. Adequate toe protection and proper footings shall be provided to ensure bulkhead stability without relying on additional riprap.
18. Materials and dimensional standards:
 - a. New bulkheads and other shoreline stabilization structures shall not be constructed higher than 24 inches above the OHWM or, if the bulkhead is set back from the shoreline, 24 inches above grade at the base of the bulkhead or structure. On steep slopes, new bulkheads may be built taller than 24 inches high if necessary to meet the existing slope. Replacement bulkheads may be built to the height of the original bulkhead.

Exception: The Shoreline Administrator may waive this provision for flood hazard minimization measures conforming to this SMP.
 - b. While structural materials are not the preferred method of shoreline stabilization, if structural shoreline measures are allowed according to subsections c.6 and 7 above, the following are examples of acceptable materials for shoreline stabilization structures, listed in order of preference from top to bottom:
 - i. Large stones, with vegetation planted in the gaps. Stones should not be stacked steeper than 2 horizontal to 1 vertical slope.
 - ii. Timbers or logs. Note the prohibition against toxic wood treatments.
 - iii. Stacked masonry units (e.g., interlocking cinder block wall units).
 - iv. Cast-in-place reinforced concrete.
 - c. The following materials are not acceptable for shoreline stabilization structures:
 - i. Degradable plastics and other nonpermanent synthetic materials.
 - ii. Sheet materials, including metal, plywood, fiberglass, or plastic.
 - iii. Broken concrete, asphalt, or rubble.
 - iv. Car bodies, tires or discarded equipment.
 - v. Other materials deemed inappropriate by the Shoreline Administrator.
19. Fill behind bulkheads shall be limited to an average of 1 cubic yard per running foot of bulkhead. Any filling in excess of this amount shall be considered landfill and shall be subject to the provisions for landfill and the requirement for obtaining a shoreline substantial development permit.

Bioengineering

20. Bioengineering projects shall use native trees, shrubs, and grasses and/or ground cover, unless such an approach is not feasible.
21. All bioengineering projects shall include a program for monitoring and maintenance.

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

a. Applicability

Over-water structures for moorage, boat-related, float plane-related, and other direct water-dependent uses or development, including docks, piers, boat launches, and swimming/diving platforms, inflatable recreational equipment, as well as public access boardwalks, fishing piers, and viewpoints, in shoreline areas shall be subject to the following policies and regulations. All over-water structures shall also conform to all applicable state and federal requirements.

b. Policies

1. Moorage associated with a single-family residence is considered a water-dependent use provided that it is designed and used as a facility to access watercraft (including float planes).
2. New moorage, excluding docks accessory to single-family residences, should be permitted only when the applicant/proponent has demonstrated that a specific need exists to support the intended water-dependent or public access use. To demonstrate “need”, the applicant shall provide a statement of intent that clearly shows the intent to provide for a water-dependent or public access use as well as the provision of all other services and support (e.g. utilities, access, etc.) needed for the intended use.
3. To minimize continued proliferation of individual private moorage, reduce the amount of over-water and in-water structures, and reduce potential long-term impacts associated with those structures, shared moorage facilities are preferred over single-user moorage. New subdivisions of more than two (2) lots and new multi-family development of more than two (2) dwelling units should provide shared moorage.
4. Docks, piers, and other water-dependent use developments including those accessory to single-family residences, should be sited and designed to avoid adversely impacting shoreline ecological functions or processes, and should mitigate for any unavoidable impacts to ecological functions.
5. Moorage and other water-dependent use developments should be spaced and oriented in a manner that minimizes hazards and obstructions to public navigation rights and corollary rights thereto such as, but not limited to, fishing, swimming and pleasure boating.

6. Moorage and other water-dependent use developments should be restricted to the minimum size necessary to meet the needs of the proposed use. The length, width and height of over-water structures and other developments regulated by this section should be no greater than that required for safety and practicality for the primary use.
7. Moorage and other water-dependent use developments should be constructed of materials that will not adversely affect water quality or aquatic plants and animals in the long term.

c. Regulations

General Regulations for Private and Public Structures

1. All new, reconstructed, repaired, or modified over-water structures shall be allowed only in support of an allowed water-dependent use and must comply with all other regulations as stipulated by State and Federal agencies. Non-water-dependent uses may use a dock constructed for a water-dependent use as long as they do not impede the water-dependent use. Over-water structures built solely for the purpose of a non-water-dependent use are prohibited.
2. All moorage and other over-water structures shall be designed and located so as not to constitute a hazard to navigation or other public uses of the water.
3. Proposed private over-water structures which do not comply with the dimensional standards contained in this chapter may only be approved if they obtain a shoreline variance. See Chapter 7 Section D.
4. No portion of the deck of a pier shall, during the course of the normal fluctuations of the elevation of the waterbody, protrude more than three (3) feet above the OHWM. Temporary cabanas without a permanent frame and diving boards over 3 feet in height may be allowed. Temporary structures are allowed for only five months of the year (May 1 – September 30).
5. Docks, piers, and other developments for water-dependent uses shall be located at least ten (10) feet from the extended side property lines (extended at the same angle as the property line on shore), except for joint use structures. Where a ten (10) foot setback is not feasible, as determined by the Shoreline Administrator, a five (5) foot setback from the side property line may be permitted. All over-water structures shall be configured to minimize interference with rights of navigation.
6. No residential use may occur over water, including houseboats, live-aboards, or other single- or multi-family dwelling units.
7. Only piers and ramps are permitted in the first 30 feet of the OHWM. All ells and fingers must be at least 30 feet waterward of the OHWM.
8. All pier and dock dimensions shall be minimized to the maximum extent feasible. The proposed length must be the minimum necessary to support the intended use.

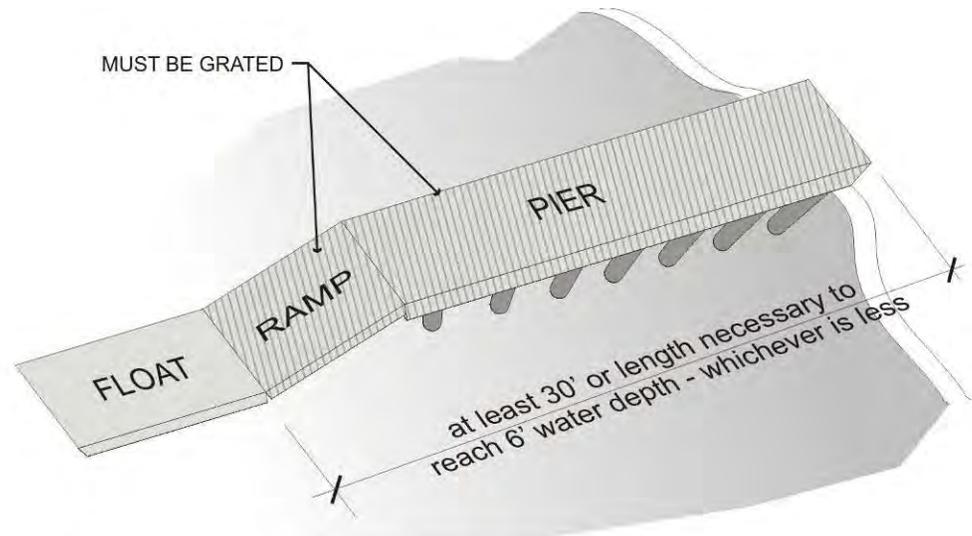
9. Skirting that extends to the water is not permitted on any structure except to contain or protect floatation material.
10. All piers, docks, and similar structures shall at no time rest on the lake substrate.
11. All over-water structures and other water-dependent use developments shall be constructed and maintained in a safe and sound condition. Abandoned or unsafe structures shall be removed or repaired promptly by the owner.
12. Lighting associated with over-water structures shall be beamed, hooded or directed to avoid causing glare on adjacent properties or waterbodies. Illumination levels shall be the minimum necessary for safety, no more than 1 footcandle measured 10 feet from the source. All lights shall be shielded and light directed to prevent directly lighting the water surface and light shining toward the uplands.
13. Piles, floats and other overwater structures that are in direct contact with water or over water shall not be treated or coated with herbicides, fungicides, paint, pentachlorophenol, or other materials deemed inappropriate by the Shoreline Administrator. Use of wood members treated with arsenate compounds or creosote is prohibited.
14. Temporary moorages shall be permitted for vessels used in the construction of shoreline facilities. The design and construction of temporary moorages shall be such that upon termination of the project, the aquatic habitat in the affected area can be returned to its original (pre-construction) condition within one (1) year at no cost to the environment or the public.
15. New covered moorage, boathouses, or other walled covered moorage are prohibited. Covered boat lifts in conformance with other provisions in this section may be allowed. The nonconforming use clause in Chapter 7 Section G shall apply to existing enclosed moorage structures.
16. If a dock is provided with a safety railing, such railing shall not exceed 36 inches in height and shall be an open framework that does not unreasonably interfere with shoreline views of adjoining properties.
17. Moorage facilities shall be marked with reflectors, or otherwise identified to prevent unnecessarily hazardous conditions for water surface users during the day or night. Exterior finish shall be generally non-reflective.

New Private, Non-Commercial Piers

Regulations 18 – 30 below apply specifically to residential and private recreational properties not used for commercial purposes.

18. A new private pier or dock may be permitted on lots owned for residential or for private recreational use, provided:
 - a. The applicant has demonstrated a need for moorage.

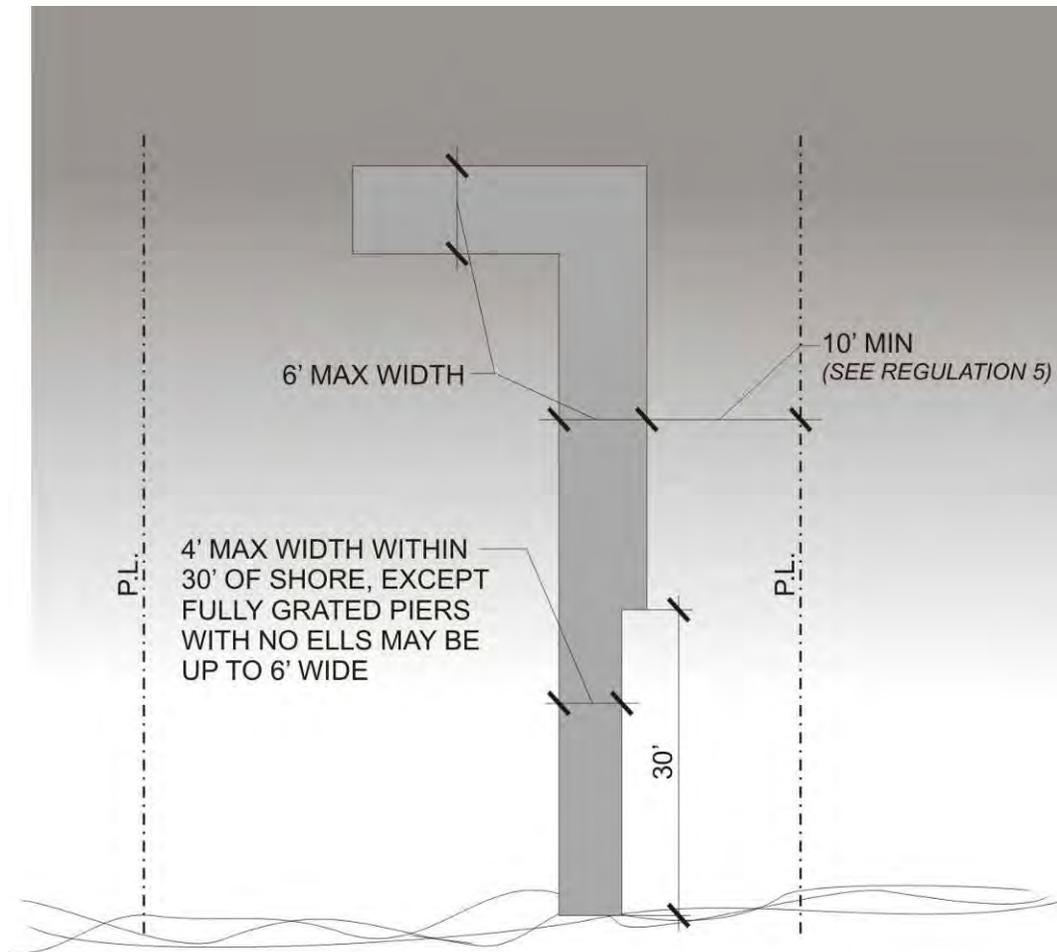
- b. No more than one (1) pier is permitted for each single-family residence or private recreational lot not used for commercial purposes. .
 - c. On waterfront lots subdivided to create additional waterfront lots, upland lots with waterfront access rights, or lots with waterfront multi-family development, joint-use piers shall be required.
19. A new, joint-use pier may be permitted on a community recreation lot shared by a number of waterfront or upland lots provided the applicant has demonstrated a need for moorage or other allowed water-dependent use.
20. New floating docks located within the first 30 feet of shoreline, measured waterward of the OHWM, are prohibited except where the float is located in water at least six (6) feet in depth, measured from the OHWM. Piers that terminate in a waterward float are allowed; provided that the landward edge of the float is over water with a depth of six (6) feet or more, measured from the OHWM, or is at least 30 feet waterward of the OHWM. All float tubs shall be fully encapsulated.



Requirement to offset new floats from pier

Figure 1. Pier approach length. (See regulation 4.C.3.c.20.)

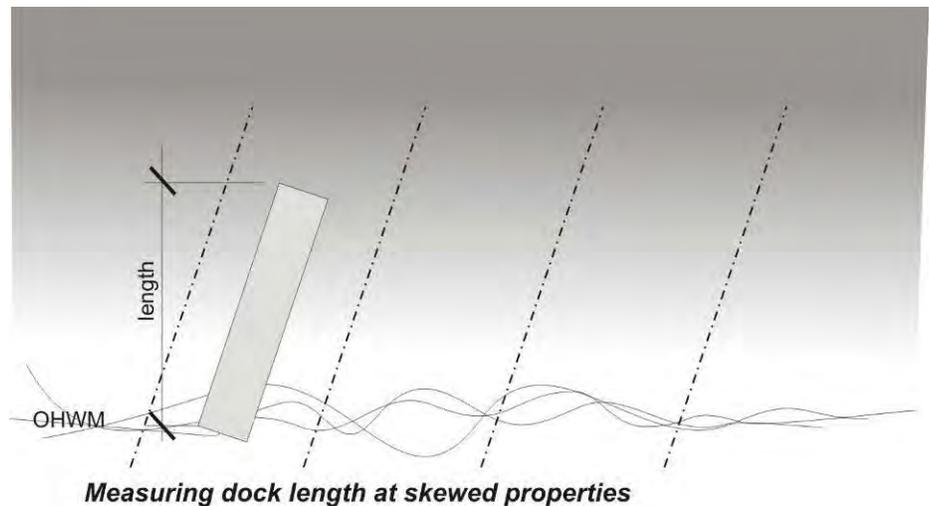
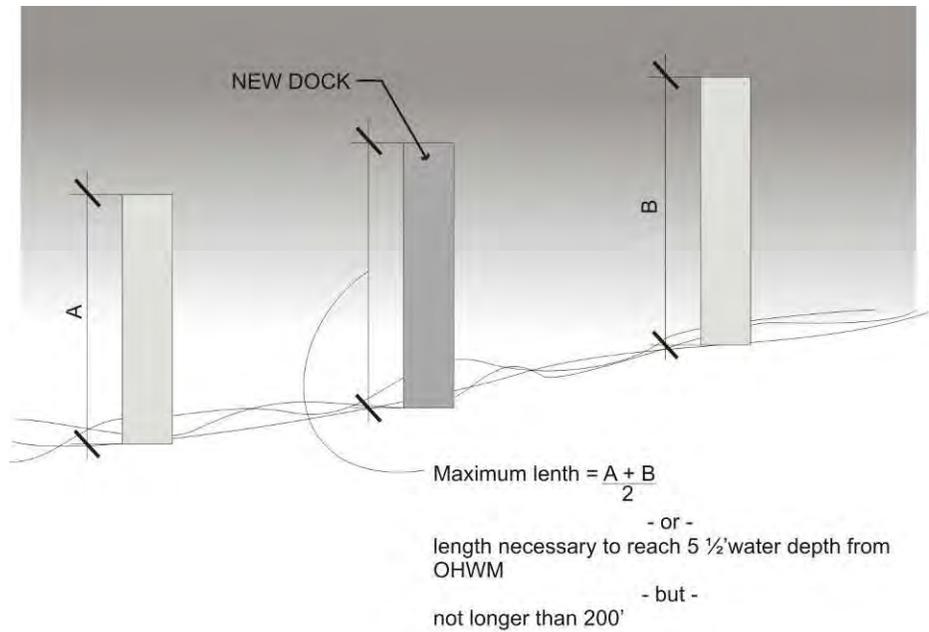
21. Development Standards for New Docks
- a. Decking: All new docks must be fully grated within 30 feet of the shoreline. Decking shall have a minimum open space of 40 percent. See regulations C.3.c.25 to 28 for dock repair requirements.
 - b. Piles. Piles shall be either steel, PVC, or untreated wood and shall be spaced a minimum of 12 feet apart, except when shown not to be feasible for site-specific engineering or design considerations.



Residential dock width and geometric dimension requirements

Figure 2. Residential dock width and geometric dimension requirements.

- c. Length.
- i. The maximum waterward intrusion of any portion of the dock shall not extend beyond the average of the two most adjacent legally existing docks within 300 feet on either side of the proposed dock. If no legal docks exist within 300 feet, the maximum length of the dock is the minimum necessary to reach a 5 ½ -foot water depth below the OHWM.
- Exception: If the above dock limits do not allow the dock to reach an adequate depth to moor a boat, the Shoreline Administrator may approve a longer dock up to the minimum necessary to reach 5½ feet of depth, as measured from the OHWM. However, in no case shall a dock extend more than 200 feet from the shoreline, measured perpendicularly to the shoreline.



- ii. The maximum length of ells, fingers, and floats is 20 feet.
- d. Width.
 - i. The maximum width of a dock walkway is 4 feet for the first 30 feet from shore and up to 6 feet for portions of walkways which extend more than 30 feet from the shore.

Exception: Provided the applicant receives Washington Department of Fish and Wildlife (WDFW) Hydraulic Project Approval (HPA), the maximum width of the dock in the nearshore 30 feet can extend up to 6 feet if the docks are only linear and do not terminate in an ell,

- float, or other non-linear configuration OR the dock is grated for the entire portion of the dock (not just the first 30 feet).
- ii. The maximum width of ells and floats is 6 feet. Ells and floats shall be positioned beyond 30 feet from shore.
 - iii. Any additional fingers must be no wider than 2 feet.
 - iv. The maximum width of a ramp connecting a dock to a float is 4 feet.

Replacement of Existing Private Pier or Dock

22. 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 (square footage) of the existing pier or dock and shall comply with the following standards:
- a. Decking: All replacement piers must be grated as described in subsection C.21.a. above.
 - b. Replacement piles must be sized as described above under 21.b, and must achieve the minimum 12-foot spacing to the extent allowed by site-specific engineering or design considerations.

Additions to Private Pier or Dock

23. Additions to existing, legally conforming piers or docks may be permitted up to the size allowed for new piers as described in subsection 4.C.3.c.21. provided any additions in the nearshore 30 feet are grated. If the existing dock's dimensions are non-conforming, additions are prohibited.
24. 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 4.C.3.c.21, 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 6 feet;
 - c. The decking of all new pier elements must be grated as described in subsection C.21.a. above; and
 - d. Any proposed new piles must comply with standards under subsection C.21.b. above.

Repair of Existing Private Pier or Dock

25. Repair proposals which replace less than 50 percent of the existing pier-support piles must comply with the following:
- a. If the width of pier element is wider than 6 feet in the area where the piles will be replaced, the decking that would be removed in order to replace the

- piles shall be replaced with grated decking as described in subsection C.21.a. above.
- b. Replacement piles must be sized as described under subsection C.21.b. above, and must achieve the minimum 12-foot spacing to the extent allowed by site-specific engineering or design considerations.
26. Repair proposals which replace 50 percent or more of the decking on any pier element (i.e., pier walkway, ell, etc.) greater than 6 feet wide must use grated decking for the entire portion of that element that is wider than 6 feet as described in subsection C.21.a. above.
27. If the cumulative repair proposed over a three-year period exceeds thresholds established in subsection c.22 above, the current repair proposal shall be reviewed under subsection c.22 above.
28. Other repairs to existing legally established moorage facilities where the nature of the repair is not described in the above subsections shall be considered minor repairs and are permitted, consistent with all other applicable codes and regulations.
29. If a single-family residence has two or more existing docks and one requires replacement or repair as described in regulations C.3.c.22 to .26, then one dock must be removed as a condition of the repair. The remaining dock may be improved to the same dimensions as either existing dock.

Jet Ski Lifts, Boatlifts, Boatlift Canopies, and Covered Moorage (see also regulation C.3.c.5)

30. Boatlifts and boatlift canopies may be permitted as an accessory to residential development provided that:
- a. Jet ski lifts are movable equipment employed to temporarily lift jet skis above the water for protection and storage.
 - b. Boatlifts are movable equipment employed to temporarily lift boats above the water for protection and storage. Residential piers may have one boatlift per single-family lot having legal use of the structure.
 - c. All lifts are placed as far waterward as feasible and safe, within the limits of the dimensional standards for docks in this chapter.
 - d. Boatlift canopies (covers over the raised boat) must not be constructed of permanent structural material. The bottom of a boatlift canopy is elevated above the boatlift to the maximum extent practicable, the lowest edge of the canopy must be at least 4 feet above the ordinary high water mark, and the top of the canopy must not extend more than 8 ½ feet above the adjacent pier.
 - e. Boatlift canopies must be made of fabric material.
 - f. Any platform lifts are fully grated.

- g. The lifts and canopies comply with all other regulations as stipulated by State and Federal agencies.

Boat Launching Facilities

31. The maximum waterward intrusion of any portion of any launching ramp or lift station shall be the point where the water depth is six (6) feet below the ordinary high water mark.
32. Boat ramps are only permitted for public access, public or joint recreational uses, and emergency access. Any asphalt or concrete launch that solidly covers the substrate below the ordinary high water mark are not permitted accessory to private residential uses.
33. Launching rails are prohibited.

Recreational Floats/Swim Platforms

34. New recreational floats and swimming platforms for private properties are prohibited. Temporary inflatable recreational equipment (e.g., floating trampolines) is allowed from May 1 through September 30. Temporary inflatable recreational equipment shall be located a maximum of ten feet waterward from the end of the associated dock. If there is no associated dock, the temporary inflatable recreational equipment shall be located a maximum of ten feet waterward from the average of the two most adjacent legally existing docks.

Public and Commercial Over-Water Structures – including Docks and Piers

35. Existing public and commercial over-water structures such as docks, piers, or boardwalks may be repaired and/or replaced in the same location as the existing structure.
36. Public and commercial over-water structures may be expanded in size subject to the following:
 - a. The existing structure is not large enough to support the intended use.
 - b. The applicant must remove any in-water structures rendered obsolete by the expansion (e.g., portions of an existing dock that are no longer needed must be removed).
 - c. Piles. Piles shall be either PVC, steel, or untreated wood and shall be spaced a minimum of 12 feet apart except when shown not to be feasible for site-specific engineering or design considerations.
 - d. At no point shall any new portion of the pier exceed 12 feet in width.
 - e. All new dock portions shall be grated.
 - f. The length of the pier is the minimum necessary to accommodate the intended public usage of the pier.

37. New public docks or piers may be permitted if increased public usage of existing structures has required the need for additional over-water cover. For new public docks or piers, floating piers located in the first 30 feet may be allowed as a conditional use if it is found to be necessary to support the launching of small watercraft (such as canoes, kayaks, or rowing shells).
38. One new commercial dock or pier may be permitted per commercial waterfront lot, provided it is in support of a water-oriented use.
39. New public and commercial over-water structures shall be subject to the standards under 36.c through f above.

4. Fill

a. Applicability

Fill is the addition of soil, sand, rock, gravel, sediment, earth retaining structure, or other material to an area waterward of the OHWM, in wetlands, or on shorelands in a manner that raises the elevation or creates dry land. Any fill activity conducted within shoreline jurisdiction must comply with the following provisions.

b. Policies

1. Fills waterward of OHWM should be allowed only when necessary to support allowed water-dependent or public access uses, cleanup and disposal of contaminated sediments, and other water-dependent uses that are consistent with this SMP.
2. Shoreline fill should be designed and located so there will be no significant ecological impacts and no alteration of local currents, surface water drainage, channel migration, or flood waters which would result in a hazard to adjacent life, property, and natural resource systems.

c. Regulations

1. Fill waterward of OHWM requires a conditional use permit and may be permitted only when:
 - a. In conjunction with a water-dependent or public use permitted by this SMP;
 - b. In conjunction with a levee, bridge, or navigational structure for which there is a demonstrated public need and where no feasible upland sites, design solutions, or routes exist; or
 - c. As part of an approved shoreline restoration project.
2. Waterward of OHWM, pile or pier supports shall be utilized whenever feasible in preference to fills. Fills for approved road development in floodways or wetlands shall be permitted only if pile or pier supports are proven not feasible.

3. Fill **prohibited** in floodplains where the fill would alter the hydrologic characteristics, flood storage capacity, or inhibit channel migration that would, in turn, increase flood hazard or other damage to life or property. Fill **prohibited** in floodway, except when approved by conditional use permit and where required in conjunction with a proposed water-dependent or other use specified in subsection 4.c.2 above.
4. Fill shall be permitted only where it is demonstrated that the proposed action will not:
 - a. Result in significant ecological damage to water quality, fish, shellfish, and/or wildlife habitat; or
 - b. Adversely alter natural drainage and circulation patterns, currents, river flows or significantly reduce flood water capacities.
 - c. Alter channel migration, geomorphic, or hydrologic processes.
5. Environmental cleanup action involving excavation/fill, as authorized by the Shoreline Administrator, may be permitted.
6. Sanitary fills shall not be located in shoreline jurisdiction.
7. Fill waterward of the ordinary high water mark that is for the purpose of restoring ecological functions is a permitted use and does not require a conditional use permit.

5. Dredging and Disposal

a. Applicability

Dredging is the removal or displacement of earth or sediment (e.g., gravel, sand, mud, silt and/or other material or debris) from a stream, river, lake, marine water body, or associated marsh, bog or swamp. Activities which may require dredging include the construction and maintenance of navigation channels, levee construction, recreation facilities, boat access, and ecological restoration.

Dredge material disposal is the depositing of dredged materials on land or into water bodies for the purpose of either creating new or additional lands for other uses or disposing of the by-products of dredging.

b. Exemptions

Pursuant to WAC 173-27-040, dredging or dredge disposal actions may be exempt from the requirement for a shoreline substantial development permit, but may still require a conditional use or variance permit.

c. Policies

1. Dredging operations should be planned and conducted to minimize interference with navigation and adverse impacts to other shoreline uses, properties, and values.

2. When allowed, dredging and dredge material disposal should be limited to the minimum amount necessary.
3. Disposal of dredge material within a channel migration zone shall be discouraged.

d. Regulations

General

1. Dredging and dredge disposal shall be permitted only where it is demonstrated that the proposed actions will not:
 - a. Result in significant or ongoing damage to water quality, fish, and shoreline habitat;
 - b. Adversely alter natural drainage and circulation patterns, currents, river flows, channel migration processes or significantly reduce flood water capacities; or
 - c. Cause other significant ecological impacts.
2. Proposals for dredging and dredge disposal shall include all feasible mitigating measures to protect marine habitats and to minimize adverse impacts such as turbidity, release of nutrients, heavy metals, sulfides, organic material or toxic substances, dissolved oxygen depletion, disruption of food chains, loss of benthic productivity and disturbance of fish runs and important localized biological communities.
3. Dredging and dredge disposal shall not occur in wetlands, except as authorized by conditional use permit as a shoreline restoration project.
4. Dredging and dredge disposal shall be carefully scheduled to protect ecological function (e.g., fish runs, spawning, benthic productivity, etc.) and to minimize interference with fishing activities.
5. Dredging and dredge disposal shall be prohibited on or in archaeological sites that are listed on the Washington State Register of Historic Places until such time that they have been released by the State Archaeologist.
6. Dredging shall utilize techniques which cause minimum dispersal and broadcast of bottom material.
7. Dredging shall be permitted only:
 - a. For navigation or navigational access and recreational access;
 - b. In conjunction with a water-dependent use of water bodies or adjacent shorelands;
 - c. As part of an approved habitat improvement project;
 - d. To improve water quality;

- e. In conjunction with a bridge, navigational structure or wastewater treatment facility for which there is a documented public need and where other feasible sites or routes do not exist;
 - f. To improve water flow or manage flooding only when consistent with an approved flood/stormwater comprehensive management plan; or
 - g. To clean up contaminated sediments.
8. When dredging is permitted, the dredging shall be the minimum necessary to accommodate the proposed use.
 9. New dredging activity is prohibited:
 - a. In shoreline areas with bottom materials which are prone to significant sloughing and refilling due to currents, resulting in the need for continual maintenance dredging, except by conditional use permit; and
 - b. In habitats identified as critical to the life cycle of officially designated or protected fish, shellfish or wildlife.
 10. Dredging for the primary purpose of obtaining material for landfill is prohibited.
 11. New development shall be located and designed to avoid or minimize the need for new or maintenance dredging where feasible.
 12. Maintenance dredging of established navigation channels, public access facilities and basins is restricted to maintaining previously dredged and/or existing authorized location, depth, and width.

Regulations -- Dredge Material Disposal

13. Depositing clean dredge materials in water areas shall be allowed only by conditional use permit for one or more of the following reasons:
 - a. For wildlife habitat improvement or shoreline restoration; or
 - b. To correct problems of material distribution adversely affecting fish and wildlife resources.
14. Where the Shoreline Administrator requires, revegetation of land disposal sites shall occur as soon as feasible in order to retard wind and water erosion and to restore the wildlife habitat value of the site. Native species and other compatible plants shall be used in the revegetation.
15. Proposals for disposal in shoreline jurisdiction must show that the site will ultimately be suitable for a use permitted by this SMP.
16. The Shoreline Administrator may impose reasonable limitations on dredge disposal operating periods and hours and may require provision for buffers at land disposal or transfer sites in order to protect the public safety and other lawful interests from unnecessary adverse impacts.
17. Disposal of dredge material within a channel migration zone shall require a conditional use permit.

6. Shoreline Restoration and Ecological Enhancement

a. Applicability

Shoreline restoration and ecological enhancement are the improvement of the natural characteristics of upland or submerged shoreline using native materials. The materials used are dependent on the intended use of the restored or enhanced shoreline area. An Ecological Restoration Plan accompanies this SMP and recommends ecological enhancement and restoration measures.

b. Policies

1. The City should consider shoreline enhancement as an alternative to structural shoreline stabilization and protection measures where feasible.
2. All shoreline enhancement projects should protect the integrity of adjacent natural resources including aquatic habitats and water quality.
3. Where possible, shoreline restoration should use maintenance-free or low-maintenance designs.
4. The City should pursue the recommendations in the shoreline restoration plan prepared as part of this SMP update. The City should give priority to projects consistent with this plan.
5. Shoreline restoration and enhancement should not extend waterward more than necessary to achieve the intended results.

c. Regulations

1. Shoreline enhancement may be permitted if the project proponent demonstrates that no significant change to sediment transport or river current will result and that the enhancement will not adversely affect ecological processes, properties, or habitat.
2. Shoreline restoration and enhancement projects shall use best available science and management practices.
3. Shoreline restoration and enhancement shall not significantly interfere with the normal public use of the navigable waters of the state without appropriate mitigation.
4. Shoreline restoration and ecological enhancement projects may be permitted in all shoreline environments, provided:
 - a. The project's purpose is the restoration of natural character and ecological functions of the shoreline, and
 - b. It is consistent with the implementation of a comprehensive restoration plan approved by the Shoreline Administrator, or the Shoreline Administrator finds that the project provides an ecological benefit and is consistent with this SMP.

7. Dikes and Levees

a. Applicability

Dikes and levees are manmade earthen embankments utilized for the purpose of flood control, water impoundment projects, or settling basins.

b. Policies

1. Dikes and levees should be constructed or reconstructed only as part of a comprehensive flood hazard reduction program.
2. Environmental enhancement measures should be a part of levee improvements.

c. Regulations

1. Dikes and levees shall be designed, constructed, and maintained in accordance with Washington State Department of Fish and Wildlife Hydraulic Project Approval, federal levee criteria, and in consideration of resource agency recommendations.
2. Dikes and levees shall protect the natural processes and resource values associated with streamways and deltas, including, but not limited to, wildlife habitat.
3. Dikes and levees shall be limited in size to the minimum height required to protect adjacent lands from the projected flood stage.
4. Dikes and levees shall not be placed in the floodway, except for current deflectors necessary for protection of bridges and roads.
5. Public access to shorelines should be an integral component of all levee improvement projects. Public access shall be provided in accordance with public access policies and regulations contained herein.
6. Dikes and levees shall only be authorized by conditional use permit and shall be consistent with "The Flood Insurance Study for Snohomish County, Washington and Incorporated Areas," dated September 16, 2005, as amended.
7. Dikes and levees shall be set back at convex (inside) bends to allow streams to maintain point bars and associated aquatic habitat through normal accretion, if feasible.
8. Proper diversion of surface discharge shall be provided to maintain the integrity of the natural streams, wetlands, and drainages.
9. Underground springs and aquifers shall be identified and protected.
10. Where feasible, the construction, repair, or reconstruction of dikes or levees shall include environmental restoration. The Lake Stevens Restoration Plan accompanying this SMP provides guidance the Shoreline Administrator will use in determining the amount and type of restoration required.

CHAPTER 5

Shoreline Use Provisions

A. Introduction

The provisions in this section apply to specific common uses and types of development to the extent they occur within shoreline jurisdiction.

B. Shoreline Use and Development Standards Matrices

The following matrices (Table 5 and Table 6) indicate the allowable uses and some of the standards applicable to those uses and modifications. Where there is a conflict between the matrices and the written provisions in Chapters 3, 4, or 5 of this SMP, the written provisions shall apply. The numbers in the matrices refer to footnotes which may be found immediately following the matrix. These footnotes provide additional clarification or conditions applicable to the associated use or shoreline environment designation.

Table 5. Shoreline Use Matrix

SHORELINE USE	Natural	High-Intensity	Urban Conservancy ¹¹	Shoreline Residential	Aquatic ¹²
Agriculture	C ⁹	X	P	X	X
Aquaculture	X	X	X	X	X
Boating facilities ¹⁴	X	P	P	P	P
Commercial:					
Water-dependent	X	P	P ¹	X	X
Water-related, water-enjoyment	X	P	P ¹	X	X
Nonwater-oriented	X	C ⁴	X	X	X
Flood hazard management	X	P	P	P	C
Forest practices	X	X	X	X	X

P = May be permitted
 C = May be permitted as a conditional use only
 X = Prohibited; the use is not eligible for a variance or conditional use permit¹⁰
 N/A = Not applicable

P = May be permitted
 C = May be permitted as a conditional use only
 X = Prohibited; the use is not eligible for a variance or conditional use permit¹⁰
 N/A = Not applicable

SHORELINE USE	Natural	High-Intensity	Urban Conservancy¹¹	Shoreline Residential	Aquatic¹²
Industrial:					
Water-dependent	X	P	X	X	X
Water-related, water-enjoyment	X	P	X	X	X
Nonwater-oriented	X	P ⁴	X	X	X
In-stream structures	C	C	C	C	C
Mining	X	X	X	X	X
Parking (accessory)	X	P ²	P ²	P ²	X
Parking (primary, including paid)	X	X	X	X	X
Recreation:					
Water-dependent	P ³	P	P	P	P
Water-enjoyment	P ³	P	P	P	X
Nonwater-oriented	X	P ⁴	P ⁴	P	X
Single-family residential	X	X	X	P ⁸	X
Multi-family residential	X	P	C ¹³	P	X
Land subdivision	P	P	P ⁵	P	X
Signs:					
On premise	X	P	P ⁶	X	X
Off premise	X	X	X	X	X
Public, highway	X	P	P	X	X
Solid waste disposal	X	X	X	X	X
Transportation:					
Water-dependent	X	P	P	C	P
Nonwater-dependent	X	P	C	C	C ⁷
Roads, railroads	C ⁷	P	P ⁷	P	C ⁷
Private non-commercial float plane landing and mooring facilities on Lake Stevens	X	X	X	X	P
Utilities (primary)	C ⁷	P ¹⁵	P ⁷	P ⁷	C ^{7, 16}

Use Matrix Notes:

1. Park concessions, such as small food stands, cafes, and restaurants with views and seating oriented to the water, and uses that enhance the opportunity to enjoy publicly accessible shorelines are allowed.

2. *Accessory parking is allowed in shoreline jurisdiction only if there is no other feasible option, as determined by the Shoreline Administrator.*
3. *Passive activities, such as nature watching and trails, that require little development with no significant adverse impacts may be allowed.*
4. *Nonwater-oriented uses may be allowed as a permitted use where the Shoreline Administrator determines that water-dependent or water-enjoyment use of the shoreline is not feasible due to the configuration of the shoreline and water body or due to the underlying land use classification in the comprehensive plan.*
5. *Land division is only allowed where the Shoreline Administrator determines that it is for a public purpose.*
6. *Signs are allowed for public facilities only.*
7. *Roadways and public utilities are allowed if there is no other feasible alternative, as determined by the Shoreline Administrator, and all significant adverse impacts are mitigated.*
8. *Residences are allowed in shoreline jurisdiction only if it is not feasible, as determined by the Shoreline Administrator, to locate the building on the portion of the property outside shoreline jurisdiction.*
9. *Agricultural activities existing at the time of adoption of this SMP only.*
10. *For the treatment of existing nonconforming development, see Chapter 7 Section G.*
11. *Development in channel migration zones is allowed only by conditional use permit where it can be shown that such development would not prevent natural channel migration.*
12. *Uses noted as allowed in the Aquatic environment are allowed only if allowed in the adjacent upland environment.*
13. *Multifamily residences may be allowed as part of a mix of uses, provided public access and ecological restoration are included as part of the project.*
14. *No new marinas allowed. See Chapter 5 Section C.3. for specific boating facilities regulations.*
15. *See Chapter 5 Section C.10 for specific regulations for utilities.*
16. *Publicly owned and operated aerators are allowed in the aquatic environment without a conditional use permit.*

Table 6. Shoreline Development Standards Matrix³

	Natural	High-Intensity	Urban Conservancy	Shoreline Residential	Aquatic
DEVELOPMENT STANDARDS^{3, 4} (See also section cited in parentheses)					
Commercial Development (Ch. 5 Sec. C.4)					
Lakes:					
Water-dependent setback	N/A	60'	60'	N/A ²	N/A
Water-related, water-enjoyment setback	N/A	60'	60'	N/A ²	N/A
Nonwater-oriented setback	N/A	60'	60'	N/A ²	N/A
Rivers and Streams:					
Water-dependent setback	N/A	160'	160'	N/A	N/A
Water-related, water-enjoyment setback	N/A	160'	160'	N/A	N/A
Nonwater-oriented setback	N/A	160'	160'	N/A	N/A
Industrial Development (Ch. 5 Sec. C.5)					
Rivers and Streams:					
Water-dependent	N/A	160'	N/A	N/A	N/A
Water-related and water-enjoyment	N/A	160'	N/A	N/A	N/A
Nonwater-oriented	N/A	160'	N/A	N/A	N/A
Accessory Parking (Ch. 3 Sec. B.6)					
Setbacks	N/A	70' ¹	70' ¹	75' ²	N/A
Recreational Development					
Water-dependent park structures setback	N/A	60'	60'	N/A	N/A
Water-related, water enjoyment park structures setback	N/A	60'	60'	N/A	N/A
Nonwater-oriented park structures setback (Ch. 5 Sec. C.7.c.4)	N/A	60' ¹	60' ¹	N/A	?
Miscellaneous					
New agricultural activities setback (Ch. 5 Sec. C.2.c.4)	N/A	N/A	20' ¹	N/A	N/A
Residential Development²					

Other provisions in this SMP also apply.

Development Standards Matrix Notes:

1. *The Shoreline Administrator may reduce this dimension if it determines that the type of development allowed within this SMP and other municipal, state, and federal codes cannot be accommodated within the allowed site development area by reconfiguring, relocating, or resizing the proposed development. Where the Shoreline Administrator reduces a requirement, compensatory mitigation, such as vegetation enhancement or shoreline armoring removal, must be provided as determined by the Shoreline Administrator.*
2. *See regulation 5.C.8.c for residential development standards.*
3. *The maximum height of structures in shoreline jurisdiction is 35 feet above grade measured as called for in the City's zoning code and with exceptions as noted in the City's zoning code.*
4. *Setbacks from the shoreline do not apply to development separated from the shoreline by a public roadway.*

C. Shoreline Use Policies and Regulations

1. General Policies and Regulations

a. Applicability

The following provisions apply to all uses in shoreline jurisdiction.

b. Policy

1. The City should give preference to those uses that are consistent with the control of pollution and prevention of damage to the natural environment, or are unique to or dependent upon uses of the state's shoreline areas.
2. The City should ensure that all proposed shoreline development will not diminish the public health, safety, and welfare, as well as the land or its vegetation and wildlife, and should endeavor to protect property rights while implementing the policies of the Shoreline Management Act.
3. The City should reduce use conflicts by prohibiting or applying special conditions to those uses which are not consistent with the control of pollution and prevention of damage to the natural environment or are not unique to or dependent upon use of the state's shoreline. In implementing this provision, preference should be given first to water-dependent uses, then to water-related uses and water-enjoyment uses.
4. The City should encourage the full use of existing urban areas before expansion of intensive development is allowed.

c. Regulations

1. Developments that include a mix of water-oriented and nonwater-oriented uses may be considered water-oriented provided the Shoreline Administrator finds that the proposed development does give preference to those uses that are consistent with the control of pollution and prevention of damage to the natural environment, are dependent on a shoreline location, or enhance the public's ability to enjoy the shoreline.

2. All uses not explicitly covered in the SMP require a conditional use permit. The Shoreline Administrator should impose conditions to ensure that the proposed development meets the policies of this SMP.
3. All development and uses must conform to all of the provisions in the SMP.
4. All development and uses shall conform to the shoreline use matrix and the development standards matrix in Section B of this chapter unless otherwise stated in this chapter.
5. In channel migration zones, natural geomorphic and hydrologic processes shall not be limited and new development shall not be established where future stabilization would be required to protect the development. (Refer to the Channel Migration Zone Map, Figure No. 10.2 in the June 9, 2009 Final Shoreline Inventory and Analysis Report).
6. As described in WAC 173-26-221(3)(c), appropriate development may be allowed in areas landward of roads because the road prevents active channel movement and flooding. This area is therefore not within a channel migration zone (refer to Channel Migration Zone Map, Figure No. 10.2 in the Inventory and Analysis Report).

2. Agriculture

a. Applicability

Agriculture includes, but is not limited to, the commercial production of: horticultural, viticultural, floricultural, dairy, apiary, vegetable, or animal products or of berries, grain, hay, straw, turf, or seed; Christmas trees not subject to the excise tax imposed by Chapter 84.33. RCW; finfish in upland hatcheries; or livestock.

Uses and shoreline modifications associated with agriculture that are identified as separate use activities in this program, such as industry, shoreline stabilization, and flood hazard management, are subject to the regulations established for those uses in addition to the standards established in this section for agriculture.

b. Policies

1. The creation of new agricultural lands by diking, draining, or filling marshes, channel migration zones, and associated marshes, bogs, and swamps should be prohibited.
2. A vegetative buffer should be maintained between agricultural lands and water bodies or wetlands in order to reduce harmful bank erosion and resulting sedimentation, enhance water quality, reduce flood hazard, and maintain habitat for fish and wildlife.
3. Animal feeding operations, retention and storage ponds, and feedlot waste and manure storage should be located out of shoreline jurisdiction and constructed

to prevent contamination of water bodies and degradation of the adjacent shoreline environment.

4. Appropriate farm management techniques should be utilized to prevent contamination of nearby water bodies and adverse effects on valuable plant, fish, and animal life from fertilizer and pesticide use and application.
5. Where ecological functions have been degraded, new development should be conditioned with the requirement for ecological restoration to ensure no net loss of ecological functions.

The Shoreline Administrator will consult the provisions of this SMP and determine the applicability and extent of ecological restoration. The extent of ecological restoration shall be that which is reasonable given the specific circumstances of an agricultural development.

c. Regulations

1. Agricultural development shall conform to applicable state and federal policies and regulations, provided they are consistent with the Shoreline Management Act and this SMP to ensure no net loss of ecological function.
2. New manure lagoons, confinement lots, feeding operations, lot wastes, stockpiles of manure solids, aerial spraying, and storage of noxious chemicals are prohibited within shoreline jurisdiction.
3. A buffer of natural or planted permanent native vegetation not less than 20 feet in width, measured perpendicular to the shoreline, shall be maintained between areas of new development for crops, grazing, or other agricultural activity and adjacent waters, channel migration zones, and marshes, bogs, and swamps. The Shoreline Administrator shall determine the extent and composition of the buffer when the applicant applies for a permit or letter of exemption.
4. Stream banks and water bodies shall be protected from damage caused by concentration and overgrazing of livestock. Provide fencing or other grazing controls to prevent bank compaction, bank erosion, or the overgrazing of or damage to buffer vegetation. Provide suitable bridges, culverts, or ramps for stock crossing.
5. Agricultural practices shall prevent and control erosion of soils and bank materials within shoreline areas and minimize siltation, turbidity, pollution, and other environmental degradation of watercourses and wetlands.
6. Existing and ongoing agricultural uses may be allowed within a channel migration zone or floodway provided that no new restrictions to channel movement occur.
7. See Chapter 3 Section B.12.c.3-4 for water quality regulations related to the use of pesticides, herbicides, and fertilizers.
8. Agriculture in the natural environment is limited to those activities existing at the date of adoption of this SMP.

3. Boating Facilities

a. Applicability

Boating facilities include marinas, both dry storage and wet-moorage types; boat launch ramps; covered moorage; mooring buoys; and marine travel lifts.

A marina is a water-dependent use that consists of a system of piers, buoys, or floats to provide moorage for four or more boats. For regulatory purposes, commercial and community moorage facilities, yacht club facilities, and camp or resort moorage areas would also be reviewed as marinas. Publicly owned docks for transient moorage or small craft rental are not considered marinas. Boat launch facilities and supplies and services for small commercial and/or pleasure craft may be associated with marinas.

Accessory uses in support of boating facilities may include fuel docks and storage, boating equipment sales and rental, wash-down facilities, fish cleaning stations, repair services, public launching, bait and tackle shops, potable water, waste disposal, administration, parking, groceries, and dry goods.

There are uses and activities associated with boating facilities that are identified in this section as separate uses (e.g., Commercial Development and Industrial Development, including ship and boat building, repair yards, utilities, and transportation facilities) or as separate shoreline modifications (e.g., piers, docks, bulkheads, breakwaters, jetties and groins, dredging, and fill). These uses are subject to the regulations established for those uses and modifications in addition to the standards for boating facilities established in this section.

This section does not apply to residential moorage serving an individual single-family residence, including piers, docks, landing ramps, boat houses, float plane moorage, and moorage buoys serving a single-family residence. See Chapter 4 Section C.3 regarding single-family residential moorage facilities.

b. Policies

1. Boating facilities should be located, designed, and operated to provide maximum feasible protection and restoration of ecological processes and functions and all forms of aquatic, littoral, or terrestrial life—including animals, fish, shellfish, birds, and plants—and their habitats and migratory routes. To the extent possible, boating facilities should be located in areas of low ecological function.
2. Boating facilities should be located and designed so their structures and operations will be aesthetically compatible with the area visually affected and will not unreasonably impair shoreline views. However, the need to protect and restore ecological functions and to provide for water-dependent uses carries higher priority than protection of views.
3. Boat launch facilities should be provided at appropriate public access sites.
4. Existing public moorage and launching facilities should be maintained.

c. Regulations

1. It is the applicant's responsibility to comply with all other applicable state agency policies and regulations, including, but not limited to the following: the Department of Fish and Wildlife criteria for the design of bulkheads and landfills; Federal Marine Sanitation standards (EPA 1972) requiring water quality certification from the U.S. Army Corps of Engineers (Section 10); U.S. Army Corps of Engineers dredging standards (Section 404); and state and federal standards for the storage of fuels and toxic materials.
2. New boating facilities shall not significantly impact the rights of navigation on the waters of the state.
3. Accessory uses that support boating facilities, such as fuel service, pump out stations, or potable water stations, are allowed provided they meet all health and safety regulations.
4. Live aboard vessels, crafts and/or structures are prohibited.

Location

5. Boating facilities shall not be located where their development would reduce the quantity or quality of critical aquatic habitat or where significant ecological impacts would necessarily occur.
6. Accessory uses associated with a boating facility that require a building or structure, such as a marina office, grocery, cafe or restaurant, or boating rental or sales, shall be located as far landward as is feasible, with a minimum setback of 30'.

Design/Renovation/Expansion

7. Boating facilities shall be designed to avoid or minimize significant ecological impacts. The Shoreline Administrator shall apply the mitigation sequence defined in Chapter 3 Section B.4 in the review of boating facility proposals. On degraded shorelines, the Shoreline Administrator may require ecological restoration measures to account for environmental impacts and risks to the ecology to ensure no net loss of ecological function.

The Shoreline Administrator will consult the provisions of this SMP and determine the applicability and extent of ecological restoration required. The extent of ecological restoration shall be that which is reasonable given the specific circumstances of the proposed boating facility.

8. Boating facility design shall:
 - a. Provide thorough flushing of all enclosed water areas and shall not restrict the movement of aquatic life requiring shallow water habitat.
 - b. Minimize interference with geohydraulic processes and disruption of existing shoreline ecological functions.
9. Dry moorage shall require a conditional use permit.

10. The perimeter of parking, dry moorage, and other storage areas shall be landscaped to provide a visual and noise buffer between adjoining dissimilar uses or scenic areas. See Chapter 14.76 LSMC for specific landscape requirements.
11. Moorage of floating homes is prohibited.
12. New covered moorage is prohibited.

Boat Launches

13. Launch ramps shall, where feasible, be located where:
 - a. There are stable, non-erosional banks, where no or a minimum number of current deflectors or other stabilization structures will be necessary.
 - b. Water depths are adequate to eliminate or minimize the need for offshore channel construction dredging, maintenance dredging, spoil disposal, filling, beach enhancement, and other river, lake, harbor, and channel maintenance activities.
 - c. There is adequate water mixing and flushing, and the facility is designed so as not to retard or negatively influence flushing characteristics.
14. Boat ramps shall be placed and kept as flush as possible with the foreshore slope to permit launch and retrieval and to minimize the interruption of hydrologic processes.

4. Commercial Development

a. Applicability

Commercial development means those uses that are involved in wholesale, retail, service, and business trade. Examples include hotels, motels, grocery markets, shopping centers, restaurants, shops, offices, and private or public indoor recreation facilities. Commercial nonwater-dependent recreational facilities, such as sports clubs and amusement parks, are also considered commercial uses. This category also applies to institutional and public uses such as hospitals, libraries, schools, churches and government facilities.

Uses and activities associated with commercial development that are identified as separate uses in this program include Mining, Industry, Boating Facilities, Transportation Facilities, Utilities (accessory), and Solid Waste Disposal. Piers and docks, bulkheads, shoreline stabilization, flood protection, and other shoreline modifications are sometimes associated with commercial development and are subject to those shoreline modification regulations in Chapter 4 in addition to the standards for commercial development established herein.

b. Policies

1. Multi-use commercial projects that include some combination of ecological restoration, public access, open space, and recreation should be encouraged in

the High-Intensity Environment consistent with the City's Comprehensive Plan.

2. Where possible, commercial developments are encouraged to incorporate low impact development techniques into new and existing projects.

c. Regulations

1. Water-oriented commercial developments may be permitted as indicated in Chapter 5 Section B, "Shoreline Use and Development Standards Matrices."
2. Nonwater-oriented commercial developments may be permitted only where they are either separated from the shoreline and there is no opportunity for water-oriented uses **or** where all three (3) of the following can be demonstrated:
 - a. A water-oriented use is not reasonably expected to locate on the proposed site due to topography, incompatible surrounding land uses, physical features, or the site's separation from the water.
 - b. The proposed development does not usurp or displace land currently occupied by a water-oriented use and will not interfere with adjacent water-oriented uses.
 - c. The proposed development will be of appreciable public benefit by increasing ecological functions together with public use of or access to the shoreline.
3. Nonwater-oriented uses may be allowed as part of a mixed-use facility that includes water-dependent uses.
4. Commercial development shall be designed to avoid or minimize ecological impacts, to protect human health and safety, and to avoid significant adverse impacts to surrounding uses and the shoreline's visual qualities, such as views to the waterfront and the natural appearance of the shoreline. To this end, the Shoreline Administrator may adjust the project dimensions and setbacks (so long as they are not relaxed below minimum standards without a shoreline variance permit) or prescribe operation intensity and screening standards as deemed appropriate.
5. All new commercial development proposals will be reviewed by the Shoreline Administrator for ecological restoration and public access requirements consistent with Chapter 3 Section B.7. When restoration or public access plans indicate opportunities exist, the Shoreline Administrator may require that those opportunities are either implemented as part of the development project or that the project design be altered so that those opportunities are not diminished.

All new water-related and water-enjoyment development shall be conditioned with the requirement for ecological restoration and public access unless those activities are demonstrated to be not feasible.

All new nonwater-oriented development, where allowed, shall be conditioned with the requirement to provide ecological restoration and public access.

The Shoreline Administrator will consult the provisions of this SMP and determine the applicability and extent of ecological restoration and/or public access required. The extent of ecological restoration shall be that which is reasonable given the specific circumstances of a commercial development.

6. All commercial loading and service areas shall be located or screened to minimize adverse impacts to the shoreline environment.
7. Commercial development and accessory uses must conform to the setback and height standards established in Section B “Development Standards Matrix” in this Chapter.
8. Low impact development (LID) techniques shall be incorporated where appropriate.

5. Industry

a. Applicability

Industrial developments and uses are facilities for processing, manufacturing, and storing of finished or semi-finished goods and include, but are not limited to such activities as log storage, log rafting, petroleum storage, hazardous waste generation, transport and storage, ship building, concrete and asphalt batching, construction, manufacturing, and warehousing. Excluded from this category and covered under other sections of the SMP are boating facilities, piers and docks, mining (including on-site processing of raw materials), utilities, solid waste disposal, and transportation facilities.

Shoreline modifications and other uses associated with industrial development are described separately in this SMP. These include dredging, fill, transportation facilities, utilities, piers and docks, bulkheads, breakwaters, jetties and groins, shoreline stabilization and flood protection, and signs. They are subject to their own regulations in Chapter 4 in addition to the provisions in this chapter.

b. Policies

1. Because Little Pilchuck Creek and Catherine Creek are non-navigable waterways, new nonwater-oriented industrial development should be allowed if ecological restoration is provided as a significant public benefit.
2. Where possible, industrial developments are encouraged to incorporate low impact development techniques into new and existing projects.

c. Regulations

1. The amount of impervious surface shall be the minimum necessary to provide for the intended use. The remaining land area shall be landscaped with native plants according to Chapter 3 Section B.11.c.5.

2. Water-dependent industry shall be located and designed to minimize the need for initial and/or continual dredging, filling, spoil disposal, and other harbor and channel maintenance activities.
3. Storage and disposal of industrial wastes is prohibited within shoreline jurisdiction; provided, that wastewater treatment systems may be allowed in shoreline jurisdiction if alternate, inland areas have been adequately proven infeasible.
4. At new or expanded industrial developments, the best available facilities practices and procedures shall be employed for the safe handling of fuels and toxic or hazardous materials to prevent them from entering the water, and optimum means shall be employed for prompt and effective cleanup of those spills that do occur. The Shoreline Administrator may require specific facilities to support those activities as well as demonstration of a cleanup/spill prevention program.
5. Display and other exterior lighting shall be designed, shielded, and operated to avoid illuminating the water surface.
6. All industrial loading and service areas shall be located or screened to minimize adverse impacts to the shoreline environment (including visual impacts) and public access facilities.
7. Low impact development (LID) techniques shall be incorporated where appropriate.
8. Ship and boat building and repair yards shall employ best management practices (BMPs) concerning the various services and activities they perform and their impacts on the surrounding water quality. Standards for BMPs are found in the City of Lake Stevens Surface Water Management Plan.
9. All nonwater-oriented industrial development shall provide ecological restoration sufficient to mitigate for any impacts to ecological function as a result of the development.

6. In-Stream Structures

a. Applicability

In-stream structures are constructed waterward of the OHWM and either cause or have the potential to cause water impoundment or diversion, obstruction, or modification of water flow. They typically are constructed for hydroelectric generation and transmission (including both public and private facilities), flood control, irrigation, water supply (both domestic and industrial), recreational, or fisheries enhancement.

b. Policies

1. In-stream structures should provide for the protection, preservation, and restoration of ecosystem-wide processes, ecological functions, and cultural resources, including, but not limited to, fish and fish passage, wildlife and

water resources, shoreline critical areas, hydrogeological processes, and/or natural scenic vistas. Within the City of Lake Stevens, in-stream structures should be allowed only for the purposes of environmental restoration, maintenance of water levels, or water quality treatment.

c. Regulations

1. In-stream structures are permitted only for the purposes of environmental restoration, water quality management, or maintenance of water levels.
2. The Shoreline Administrator may require that projects with in-stream structures include public access, provided public access improvements do not create adverse environmental impacts or create a safety hazard.

7. Recreational Development

a. Applicability

Recreational development includes public and commercial facilities for recreational activities such as hiking, photography, viewing, fishing, boating, swimming, bicycling, picnicking, and playing. It also includes facilities for active or more intensive uses, such as parks, campgrounds, golf courses, and other outdoor recreation areas. This section applies to both publicly and privately owned shoreline facilities intended for use by the public or a private club, group, association or individual.

Recreational uses and development can be part of a larger mixed-use project. For example, a resort will probably contain characteristics of, and be reviewed under, both the Commercial Development and the Recreational Development sections. Primary activities such as boating facilities, resorts, subdivisions, and hotels are not addressed directly in this category.

Uses and activities associated with recreational developments that are identified as separate use activities in this SMP, such as boating facilities, piers and docks, residential development, and commercial development, are subject to the regulations established for those uses in addition to the standards for recreation established in this section.

Commercial indoor nonwater-oriented recreation facilities, such as bowling alleys and fitness clubs, are addressed as commercial uses.

b. Policies

1. The coordination of local, state, and federal recreation planning should be encouraged to satisfy recreational needs. Shoreline recreational developments should be consistent with all adopted park, recreation, and open space plans.
2. Recreational developments and plans should promote the conservation of the shoreline's natural character, ecological functions, and processes.
3. A variety of compatible recreational experiences and activities should be encouraged to satisfy diverse recreational needs.

4. Water-dependent recreational uses, such as angling, boating, and swimming, should have priority over water-enjoyment uses, such as picnicking and golf. Water-enjoyment uses should have priority over nonwater-oriented recreational uses, such as field sports.
5. Recreation facilities should be integrated and linked with linear systems, such as hiking paths, bicycle paths, easements, and scenic drives.
6. Where appropriate, nonintensive recreational uses may be permitted in floodplain areas. Nonintensive recreational uses include those that do not do any of the following:
 - a. Adversely affect the natural hydrology of aquatic systems.
 - b. Create any flood hazards.
 - c. Damage the shoreline environment through modifications such as structural shoreline stabilization or vegetation removal.
7. Opportunities to expand the public's ability to enjoy the shoreline in public parks through dining or other water-enjoyment activities should be pursued.

c. Regulations

1. Water-oriented recreational developments and mixed-use developments with water-oriented recreational activities may be permitted as indicated in Chapter 5 Section B, "Shoreline Use and Development Standard Matrices." In accordance with this matrix and other provisions of this SMP, nonwater-oriented recreational developments may be permitted only where it can be demonstrated that all of the following apply:
 - a. A water-oriented use is not reasonably expected to locate on the proposed site due to topography, surrounding land uses, physical features, or the site's separation from the water.
 - b. The proposed use does not usurp or displace land currently occupied by a water-oriented use and will not interfere with adjacent water-oriented uses.
 - c. The proposed use and development will appreciably increase ecological functions or, in the case of public projects, public access.
2. Accessory parking shall not be located in shoreline jurisdiction unless all of the following conditions are met:
 - a. The Shoreline Administrator determines there is no other feasible option.
 - b. The parking supports a water-oriented use.
 - c. All adverse impacts from the parking in the shoreline jurisdiction are mitigated.
3. All new recreational development proposals will be reviewed by the Shoreline Administrator for ecological restoration and public access opportunities. When restoration or public access plans indicate opportunities exist for these improvements, the Shoreline Administrator may require that those

opportunities are either implemented as part of the development project or that the project design be altered so that those opportunities are not diminished.

All new nonwater-oriented recreational development, where allowed, shall be conditioned with the requirement to provide ecological restoration and, in the case of public developments, public access. The Shoreline Administrator shall consult the provisions of this SMP and determine the applicability and extent of ecological restoration and public access required.

4. Nonwater-oriented structures, such as restrooms, recreation halls and gymnasiums, recreational buildings and fields, access roads, and parking areas, shall be set back from the OHWM at least 70 feet unless it can be shown that there is no feasible alternative.
5. See Chapter 3 Section 12.c.3-4 for water quality regulations related to the use of pesticides, herbicides, and fertilizers.

8. Residential Development

a. Applicability

Residential development means one or more buildings, 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 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.

Single-family residences are a preferred use under the Shoreline Management Act when developed in a manner consistent with this Shoreline Master Program.

b. Policies

1. Residential development should be prohibited in critical areas including, but not limited to wetlands, steep slopes, floodways, and buffers.
2. The overall density of development, lot coverage, and height of structures should be appropriate to the physical capabilities of the site and consistent with the comprehensive plan.
3. Recognizing the single-purpose, irreversible, and space consumptive nature of shoreline residential development, new development should provide adequate setbacks or open space from the water to provide space for community use of the shoreline and the water, to provide space for outdoor recreation, to protect or restore ecological functions and ecosystem-wide processes, to preserve views, to preserve shoreline aesthetic characteristics, to protect the privacy of nearby residences, and to minimize use conflicts.

4. Adequate provisions should be made for protection of groundwater supplies, erosion control, stormwater drainage systems, aquatic and wildlife habitat, ecosystem-wide processes, and open space.
5. Sewage disposal facilities, as well as water supply facilities, shall be provided in accordance with appropriate state and local health regulations.
6. New residences should be designed and located so that shoreline armoring will not be necessary to protect the structure. The creation of new residential lots should not be allowed unless it is demonstrated the lots can be developed without:
 - a. Constructing shoreline stabilization structures (such as bulkheads).
 - b. Causing significant erosion or slope instability.
 - c. Removing existing native vegetation within 20 feet of the shoreline.

c. Regulations

Properties within Shoreline Jurisdiction on Lakes

1. A summary of regulations for residential properties within shoreline jurisdiction is presented in Table 7 below. Refer to written provisions within this section for exceptions and more detailed explanations. See also Chapter 3 Section B.11 for vegetation conservation provisions.

Table 7. Shoreline Regulations for Residential Properties on Lakes

	Regulation:
Standard Minimum Building Setback from OHWM	60 feet ¹
Standard Minimum Deck Setback from OHWM	50 feet
Maximum Impervious Surface of Lot Area Above OHWM	40%

¹ Standard 2.a.i. discussed below requires the averaging of the setbacks of adjacent dwelling units with a minimum setback of 60 feet.

2. New residential development, including new structures, new pavement, and additions, within shoreline jurisdiction on lakes shall adhere to the following standards:
 - a. Setbacks:
 - i. 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 minimum setback of 60 feet from the OHWM. 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.
 - ii. Patios and decks: Uncovered patios or decks that are no higher than 2 feet above grade may extend a maximum of 10 feet into the building

setback, up to within 50 feet of the OHWM. See Section d below for exception to this requirement.

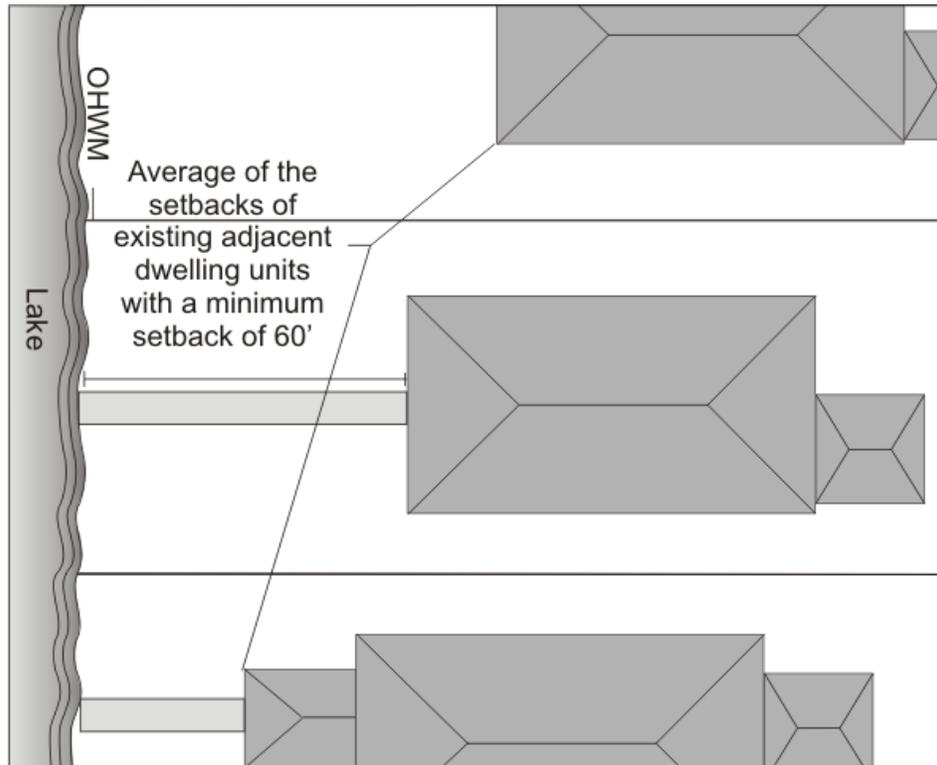
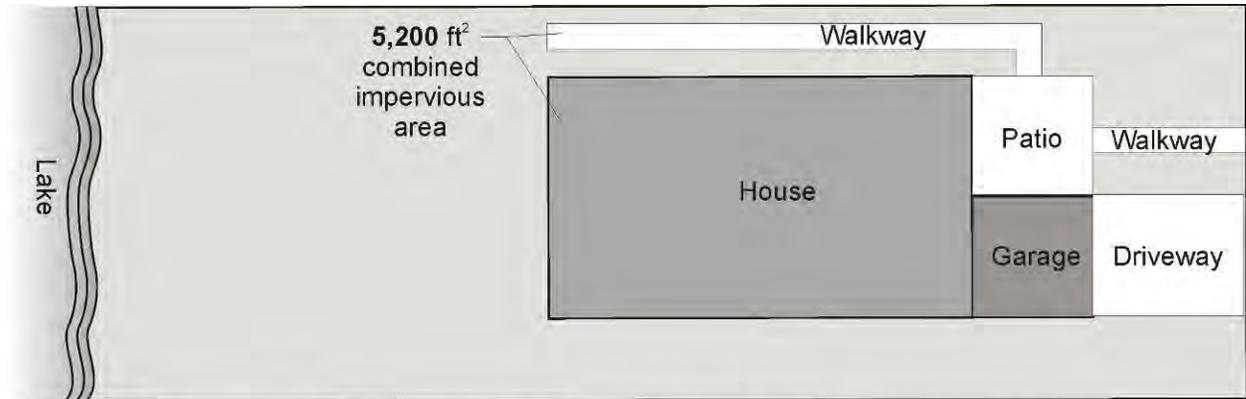


Figure 5. Standard setback from residential development on lakes.

- 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. 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.



Maximum amount of impervious surface is 40%. With a 13,000 square foot lot (65'x200'), 5,200 square feet of combined impervious surface is allowed.

Figure 6. Illustration of maximum impervious surface.

- c. Incentives to provide shoreline vegetation. The maximum amount of impervious surface area can be increased if native vegetation, including trees and shrubs, is included along the shoreline. For every five feet of vegetation depth (measured perpendicular to the shoreline) added along the OHWM, the percentage of total impervious surface area can increase by 2 percent, up to a maximum of 50 percent for total impervious surface area. Twenty-five percent of the native vegetated area may be left open for views and access. The vegetation provided cannot also be counted toward the incentive in d. below. If the property owner wants to take advantage of both incentives, the vegetation cannot be double counted.

All property owners who obtain approval for increase in the impervious surface cover in exchange for planting native vegetation must prepare, and agree to adhere to, a shoreline vegetation management plan prepared by a qualified professional and approved by the Shoreline Administrator that:

- i. Requires the native vegetation to consist of a mixture of trees, shrubs and groundcover and be designed to improve habitat functions,
- ii. Includes appropriate limitations on the use of fertilizer, herbicides and pesticides as needed to protect lake water quality, and
- iii. Includes a monitoring and maintenance program.

This plan shall be recorded as a covenant against the property after approval by the Shoreline Administrator. A copy of the recorded covenant shall be provided to the Shoreline Administrator.

- d. If there is no bulkhead, or if a bulkhead is removed, a small waterfront deck or patio can be placed along the shoreline provided:
- i. Waterfront deck or patio covers less than 25 percent of the shoreline frontage (width of lot measured along shoreline) and native vegetation covers a minimum of 75 percent of the shoreline frontage. The waterfront deck would count toward total impervious surface calculations.

- ii. Within 25 feet of the shoreline, for every 1 square foot of waterfront deck or patio, 3 square feet of native vegetated area (not lawn) shall be provided along the shoreline. The vegetation provided cannot also be counted toward the incentive in c. above. If the property owner wants to take advantage of both incentives, the vegetation cannot be double counted.
- iii. The total area of the waterfront deck or patio along the shoreline shall not exceed 400 square feet.
- iv. The deck or patio is set back 5 feet from the OHWM.
- v. The deck or patio is no more than 2 feet above grade and is not covered.
- vi. There are no permanent structures above the level of the deck within 20 feet of the property line.

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 adhere to, a shoreline vegetation management plan prepared by a qualified professional and approved by the Shoreline Administrator that:

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

This plan shall be recorded as a covenant against the property after approval by the Shoreline Administrator. A copy of the recorded covenant shall be provided to the Shoreline Administrator.

Lots with no bulkhead or if bulkhead is removed

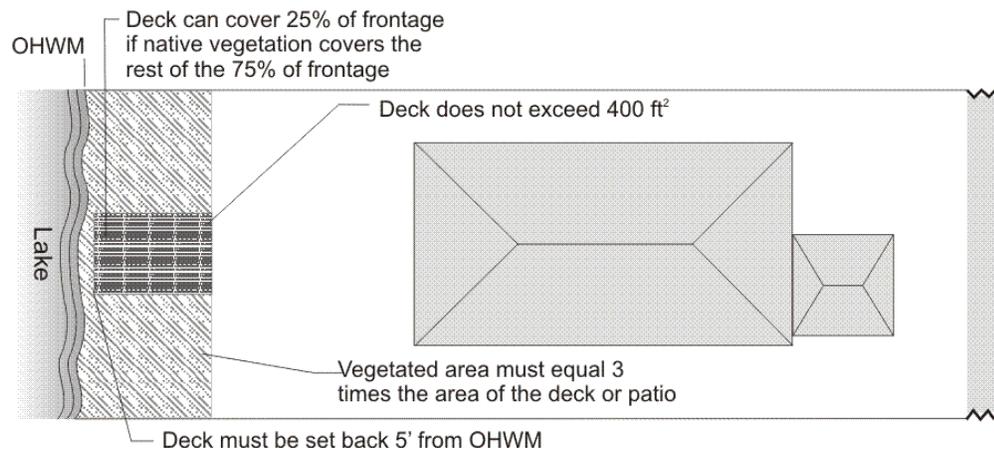


Figure 7. Waterfront deck bonus for lots with no bulkhead or if bulkhead is removed.

3. For new development on previously undeveloped lots, any existing native vegetation shall be retained along the shoreline to 20 feet 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.

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

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

This plan shall be recorded as a covenant against the property after approval of the Shoreline Administrator. A copy of the recorded covenant shall be provided to the Shoreline Administrator.

Property owners who provide more native vegetation than the minimum required can apply any additional vegetation over 20 feet to take advantage of the incentives described in subsection c.2.c and c.2.d above. For example, if 30 feet of vegetation is provided, 10 feet can be applied to the calculations described in subsection c.2.c above, for a total increase in impervious surface area of 4%.

New development on previously undeveloped lots

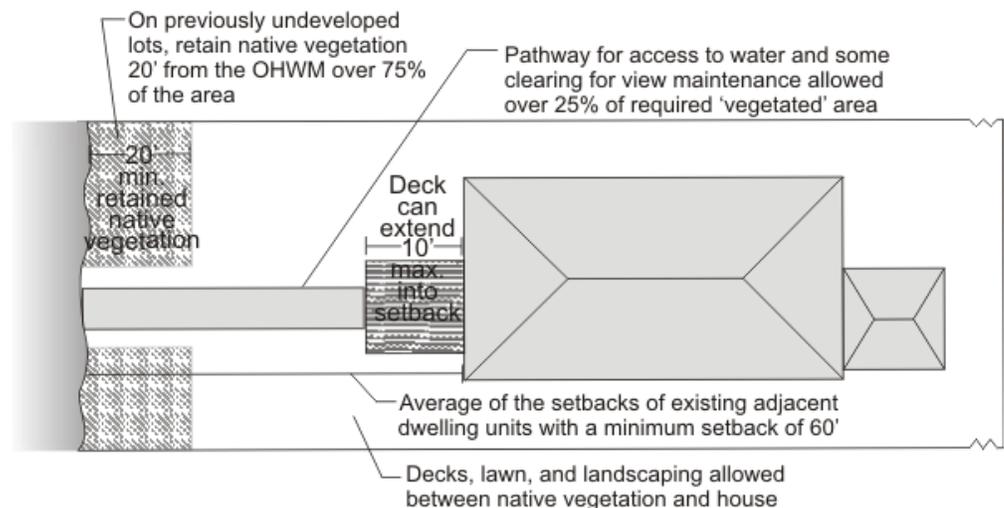


Figure 8. Standards for new development on previously undeveloped lots.

- a. Maximum impervious area 40%.
- b. Also see regulations for shoreline stabilization and docks and floats in Chapter 4.
- 4. Garages and pavements for motorized vehicles (drives and parking areas) shall be set back at least 75 feet from the OHWM, unless the Shoreline Administrator determines that such a configuration is not feasible.
- 5. Accessory uses and appurtenant structures not addressed in the regulations above shall be subject to the same conditions as primary residences.
- 6. 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 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.

In addition, new residential development on new lots that contain intact native vegetation shall conform to the regulations of c.3. above. (See also vegetation conservation standards in Chapter 3 Section B.11).

- 7. The stormwater runoff for all new or expanded pavements or other impervious surfaces shall be directed to infiltration systems in accordance with the City of Lake Stevens Surface Water Management Plan.
- 8. See the Chapter 3 Section B.11 for regulations related to clearing, grading, and conservation of vegetation.

Residential Properties within Shoreline Jurisdiction on Rivers and Streams

- 9. Table 8 below is a summary of regulations for residential properties within shoreline jurisdiction on rivers or streams:

Table 8. Regulations for Residential Properties within Shoreline Jurisdiction on Rivers or Streams

	Regulation:
Standard Minimum Building Setback	
Catherine Creek	160'
Little Pilchuck Creek	160'
Standard Minimum Deck Setback	150'

10. New residential development within shoreline jurisdiction on rivers and streams shall adhere to the following standards:
 - a. Setbacks:
 - i. Buildings on Catherine Creek and Little Pilchuck Creek: All covered or enclosed structures shall be set back a minimum of 160 feet. The Shoreline Administrator may revise this setback in accordance with levee reconstruction design. See Chapter 3 Section B.5.c.7.
 - ii. Patios and decks: Uncovered patios or decks no higher than 2 feet above grade may extend up to within 150 feet of the OHWM.
 - b. Maximum amount of impervious surface: In single-family zones, maximum impervious surface shall not exceed 40 percent of the lot for single-family and duplex residential developments. Other zones do not have a maximum impervious surface requirement.
 - c. Height: See Chapter 14.48 LSMC, Table 14.4I for maximum height limitations within each zone.
11. Also see regulations for Shoreline Stabilization and Docks and Floats in Chapter 4 for those structures.
12. For the purposes of maintaining visual access to the waterfront, the following standards apply to accessory uses, structures, and appurtenances for new and existing residences.
 - a. Fences: All streams shall have a wildlife-passable fence installed at the edge of the required SMP setback. Fencing shall consist of split rail cedar fencing (or other nonpressure treated materials approved by the Shoreline Administrator). The fencing shall also include sensitive area signage at a rate of one (1) sign per lot, or one (1) sign per one hundred (100) feet and along public right-of-way, whichever is greater.
 - b. Garages 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.
13. The stormwater runoff for all new or expanded pavements or other impervious surfaces shall be directed to infiltration systems in accordance with the City of Lake Stevens Surface Water Management Plan.
14. The creation of new residential lots within shoreline jurisdiction on rivers and streams 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 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.

In addition, new residential development on new lots that contain intact native vegetation shall conform to the regulations of c.3 above. See also Chapter 3 Section B.11.

15. See Chapter 3 Section B.11 for regulations related to clearing, grading, and conservation of vegetation.

9. Transportation

a. Applicability

Transportation facilities are those structures and developments that aid in land and water surface movement of people, goods, and services. They include roads and highways, bridges and causeways, bikeways, trails, railroad facilities, airports, heliports, float plane moorage, and other related facilities.

The various transport facilities that can impact the shoreline cut across all environmental designations and all specific use categories. The policies and regulations identified in this section pertain to any project, within any environment, that is effecting some change in present transportation facilities.

b. Policies

1. Circulation system planning on shorelands should include systems for pedestrian, bicycle, and public transportation where appropriate. Circulation planning and projects should support existing and proposed shoreline uses that are consistent with the SMP.
2. Trail and bicycle paths should be encouraged along shorelines and should be constructed in a manner compatible with the natural character, resources, and ecology of the shoreline.
3. When existing transportation corridors are abandoned, they should be reused for water-dependent use or public access.

c. Regulations

General

1. Development of all new and expanded transportation facilities in shoreline jurisdiction shall be consistent with the City's Comprehensive Plan and applicable capital improvement plans.

2. All development of new and expanded transportation facilities shall be conditioned with the requirement to mitigate significant adverse impacts consistent with Chapter 3 Section B.4 of this SMP. Development of new or expanded transportation facilities that cause significant ecological impacts shall not be allowed unless the development includes shoreline mitigation/restoration that increases the ecological functions being impacted to the point where:
 - a. Significant short- and long-term risks to the shoreline ecology from the development are eliminated.
 - b. Long-term opportunities to increase the natural ecological functions and processes are not diminished.

If physically feasible, the mitigation/restoration shall be in place and functioning prior to project impacts. The mitigation/restoration shall include a monitoring and adaptive management program that describes monitoring and enhancement measures to ensure the viability of the mitigation over time.

Float Plane Facilities

3. Use of a private, non-commercial dock for private float plane access or moorage on Lake Stevens shall be allowed for one float plane per residential lot.
4. Moorage for float planes shall meet all dock regulations in Chapter 4.C.3.
5. Float plane facilities and operation shall comply with FAA standards, including standards for fueling, oil spill cleanup, firefighting equipment, and vehicle and pedestrian separation.

Location

6. New nonwater-dependent transportation facilities shall be located outside shoreline jurisdiction, if feasible.
7. New transportation facilities shall be located and designed to prevent or to minimize the need for shoreline protective measures such as riprap or other bank stabilization, fill, bulkheads, groins, jetties, or substantial site grading. Transportation facilities allowed to cross over water bodies and wetlands shall utilize elevated, open pile, or pier structures whenever feasible. All bridges must be built high enough to allow the passage of debris and provide three feet of freeboard above the 100-year flood level.
8. Roads and railroads shall be located to minimize the need for routing surface waters into and through culverts. Culverts and similar devices shall be designed with regard to the 100-year storm frequencies and allow continuous fish passage. Culverts shall be located so as to avoid relocation of the stream channel.

9. Bridge abutments and necessary approach fills shall be located landward of wetlands or the OHWM for water bodies without wetlands; provided, bridge piers may be permitted in a water body or wetland as a conditional use.

Design/Construction/Maintenance

10. All roads and railroads, if permitted parallel to shoreline areas, shall provide buffer areas of compatible, self-sustaining vegetation. Shoreline scenic drives and viewpoints may provide breaks periodically in the vegetative buffer to allow open views of the water.
11. Development of new and expanded transportation facilities shall include provisions for pedestrian, bicycle, and public transportation where appropriate as determined by the Shoreline Administrator. Circulation planning and projects shall support existing and proposed shoreline uses that are consistent with the SMP.
12. Transportation and primary utility facilities shall be required to make joint use of rights-of-way and to consolidate crossings of water bodies if feasible, where adverse impact to the shoreline can be minimized by doing so.
13. Fill for development of transportation facilities is prohibited in water bodies and wetlands; except, such fill may be permitted as a conditional use when all structural and upland alternatives have been proven infeasible and the transportation facilities are necessary to support uses consistent with this SMP.
14. Development of new and expanded transportation facilities shall not diminish but may modify public access to the shoreline.
15. Waterway crossings shall be designed to provide minimal disturbance to banks.
16. All transportation facilities shall be designed, constructed, and maintained to contain and control all debris, overburden, runoff, erosion, and sediment generated from the affected areas. Relief culverts and diversion ditches shall not discharge onto erodible soils, fills, or sidecast materials without appropriate BMPs, as determined by the Shoreline Administrator.
17. All shoreline areas disturbed by construction and maintenance of transportation facilities shall be replanted and stabilized with native, drought-tolerant, self-sustaining vegetation by seeding, mulching, or other effective means immediately upon completion of the construction or maintenance activity. Such vegetation shall be maintained by the agency or developer constructing or maintaining the road until established. The vegetation restoration/replanting plans shall be as approved by the Shoreline Administrator.

10. Utilities

a. Applicability

Utilities are services and facilities that produce, transmit, carry, store, process, or dispose of electric power, gas, water, sewage, communications, oil, and the like. The provisions in this section apply to primary uses and activities, such as solid waste handling and disposal, sewage treatment plants, pipelines and outfalls, public high-tension utility lines on public property or easements, power generating or transfer facilities, and gas distribution lines and storage facilities. See Chapter 3 Section B.10, "Utilities (Accessory)," for on-site accessory use utilities.

Solid waste disposal means the discharge, deposit, injection, dumping, spilling, leaking, and/or placing of any solid or hazardous waste on any land area or in the water.

Solid waste includes solid and semisolid wastes, including garbage, rubbish, ashes, industrial wastes, wood wastes and sort yard wastes associated with commercial logging activities, swill, demolition and construction wastes, abandoned vehicles and parts of vehicles, household appliances and other discarded commodities. Solid waste does not include sewage, dredge material, agricultural wastes, auto wrecking yards with salvage and reuse activities, or wastes not specifically listed above.

b. Policies

1. New utility facilities should be located so as not to require extensive shoreline protection works.
2. Utility facilities and corridors should be located so as to protect scenic views. Whenever possible, such facilities should be placed underground, or alongside or under bridges.
3. Utility facilities and rights-of-way should be designed to preserve the natural landscape and to minimize conflicts with present and planned land uses.

c. Regulations

1. All utility facilities shall be designed and located to minimize harm to shoreline ecological functions, preserve the natural landscape, and minimize conflicts with present and planned land and shoreline uses while meeting the needs of future populations in areas planned to accommodate growth. The Shoreline Administrator may require the relocation or redesign of proposed utility development in order to avoid significant ecological impacts.
2. Utility production and processing facilities, such as power plants or parts of those facilities that are nonwater-oriented shall not be allowed in shoreline areas unless it can be demonstrated that no other feasible option is available. In such cases, significant ecological impacts shall be avoided.

3. Transmission facilities for the conveyance of services, such as power lines, cables, and pipelines, shall be located to cause minimum harm to the shoreline and shall be located outside of the shoreline area where feasible. Utilities shall be located in existing rights-of-way and utility easements whenever possible.
4. Development of pipelines and cables on shorelines, particularly those running roughly parallel to the shoreline, and development of facilities that may require periodic maintenance or that cause significant ecological impacts shall not be allowed unless no other feasible option exists. When permitted, those facilities shall include adequate provisions to protect against significant ecological impacts.
5. Restoration of ecological functions shall be a condition of new and expanded nonwater-dependent utility facilities.

The Shoreline Administrator will consult the provisions of this SMP and determine the applicability and extent of ecological restoration required. The extent of ecological restoration shall be that which is reasonable given the specific circumstances of utility development.

6. On Lake Stevens, utility development shall, through coordination with local government agencies, provide for compatible, multiple uses of sites and rights-of-way. Such uses include shoreline access points, trail systems and other forms of recreation and transportation, providing such uses will not unduly interfere with utility operations, endanger public health and safety or create a significant liability for the owner. On Little Pilchuck and Catherine Creek, connections to existing trails or access sites shall be provided, but new public access shall not be required.
7. New solid waste disposal sites and facilities are prohibited. Existing solid waste disposal and transfer facilities in shoreline jurisdiction shall not be expanded, added to or substantially reconstructed.
8. New electricity, communications and fuel lines shall be located underground, except where the presence of bedrock or other obstructions make such placement infeasible or if it is demonstrated that above-ground lines would have a lesser impact. Existing aboveground lines shall be moved underground during normal replacement processes.
9. Transmission and distribution facilities shall cross areas of shoreline jurisdiction by the shortest, most direct route feasible, unless such route would cause significant environmental damage.
10. Utility developments shall be located and designated so as to avoid or minimize the use of any structural or artificial shoreline stabilization or flood protection works.
11. Utility production and processing facilities shall be located outside shoreline jurisdiction unless no other feasible option exists. Where major facilities must be placed in a shoreline area, the location and design shall be chosen so as not

to destroy or obstruct scenic views, and shall avoid significant ecological impacts.

12. All underwater pipelines transporting liquids intrinsically harmful to aquatic life or potentially injurious to water quality are prohibited, unless no other feasible alternative exists. In those limited instances when permitted by conditional use, automatic shut-off valves shall be provided on both sides of the water body.
13. Filling in shoreline jurisdiction for development of utility facility or line purposes is prohibited, except where no other feasible option exists and the proposal would avoid or minimize adverse impacts more completely than other methods. Permitted crossings shall utilize pier or open pile techniques.
14. Power-generating facilities shall require a conditional use permit.
15. Clearing of vegetation for the installation or maintenance of utilities shall be kept to a minimum and upon project completion any disturbed areas shall be restored to their pre-project condition.
16. Telecommunication towers, such as radio and cell phone towers, are specifically prohibited in shoreline jurisdiction.
17. Utilities that need water crossings shall be placed deep enough to avoid the need for bank stabilization and stream/riverbed filling both during construction and in the future due to flooding and bank erosion that may occur over time. Boring, rather than open trenching, is the preferred method of utility water crossing.
18. Publicly owned and operated aerators are allowed in the aquatic environment for water quality purposes.

CHAPTER 6

Definitions

Accessory use. Any structure or use incidental and subordinate to a primary use or development.

Adjacent lands. Lands adjacent to the shorelines of the state (outside of shoreline jurisdiction).

Administrator. See Shoreline Administrator.

Alteration. Any human-induced action which impacts the existing condition of a critical area. Alterations include but are not limited to grading; filling; dredging; draining; channelizing; cutting, pruning, limbing or topping, clearing, relocating or removing vegetation; applying herbicides or pesticides or any hazardous or toxic substance; discharging pollutants; grazing domestic animals; paving, construction, application of gravel; modifying for surface water management purposes; or any other human activity that impacts the existing vegetation, hydrology, wildlife or wildlife habitat. Alteration does not include walking, passive recreation, fishing or other similar activities.

Anadromous. Fish species, such as salmon, which are born in fresh water, spend a large part of their lives in the sea, and return to freshwater rivers and streams to spawn.

Appurtenance. A structure or development which is necessarily connected to the use and enjoyment of a single-family residence and is located landward of the ordinary high water mark and also of the perimeter of any wetland. On a state-wide basis, normal appurtenances include a garage, deck, driveway, utilities, fences and grading which does not exceed two hundred fifty cubic yards and which does not involve placement of fill in any wetland or waterward of the ordinary high water mark. (WAC 173-27-040(2)(g))

Aquatic. Pertaining to those areas waterward of the ordinary high water mark.

Aquaculture. The cultivation of fish, shellfish, and other aquatic animals or plants, including the incidental preparation of these products for human use.

Archaeological. Having to do with the scientific study of material remains of past human life and activities.

Associated Wetlands. Wetlands that are in proximity to and either influence, or are influenced by tidal waters or a lake or stream subject to the Shoreline Management Act. Refer to WAC 173-22-030(1).

Average grade level. See “base elevation.”

Base elevation. The average elevation of the approved topography of a parcel at the midpoint on each of the four sides of the smallest rectangle that will enclose the proposed structure, excluding eaves and decks.

Beach. The zone of unconsolidated material that is moved by waves and wind currents, extending landward to the shoreline.

Beach enhancement/restoration. Process of restoring a beach to a state more closely resembling a natural beach, using beach feeding, vegetation, drift sills and other nonintrusive means as applicable.

Berm. A linear mound or series of mounds of sand and/or gravel generally paralleling the water at or landward of the ordinary high water mark. Also, a linear mound used to screen an adjacent activity, such as a parking lot, from transmitting excess noise and glare.

Best management practices (BMPs). The best available conservation practices or systems of practices and management measures that:

- a. Control soil loss and protect water quality from degradation caused by nutrients, animal waste, toxins, and sediment; and
- b. Minimize adverse impacts to surface water and groundwater flow, circulation patterns, and to the chemical, physical, and biological characteristics of critical areas.

Bioengineering. The use of biological elements, such as the planting of vegetation, often in conjunction with engineered systems, to provide a structural shoreline stabilization measure with minimal negative impact to the shoreline ecology.

Biofiltration system. A stormwater or other drainage treatment system that utilizes as a primary feature the ability of plant life to screen out and metabolize sediment and pollutants. Typically, biofiltration systems are designed to include grassy swales, retention ponds and other vegetative features.

Boathouse or Boat shelter. An over-water structure specifically designed or used for storage of boats with permanent walls and/or roofs.

Bog. A wet, spongy, poorly drained area which is usually rich in very specialized plants, contains a high percentage of organic remnants and residues, and frequently is associated with a spring, seepage area, or other subsurface water source. A bog sometimes represents the final stage of the natural process of eutrophication by which lakes and other bodies of water are very slowly transformed into land areas.

Buffer or buffer area. Areas that are contiguous to and protect a critical area and are required for continued maintenance, functioning, and/or structural stability of a critical area.

Building height. The vertical distance measured from the mean elevation of the finished grade around the perimeter of the building to the highest point of the building.

Building Setback. An area in which structures, including but not limited to sheds, homes, buildings, and awnings shall not be permitted within, or allowed to project into. It is measured horizontally upland from and perpendicular to the ordinary high water mark.

Bulkhead. A solid wall erected generally parallel to and near the ordinary high water mark for the purpose of protecting adjacent uplands from waves or current action.

Buoy. An anchored float for the purpose of mooring vessels.

Channel. An open conduit for water, either naturally or artificially created; does not include artificially created irrigation, return flow, or stockwatering channels.

Channel Migration Zone (CMZ). The area along a river within which the channel(s) can be reasonably predicted to migrate over time as a result of natural and normally occurring hydrological and related processes when considered with the characteristics of the river and its surroundings. For locations of CMZ, refer to the Channel Migration Zone Map, Figure No. 10.2 in the June 9, 2009 Final Shoreline Inventory and Analysis Report.

City. The City of Lake Stevens, Washington.

Clearing. The destruction or removal of vegetation groundcover, shrubs and trees including root material removal and topsoil removal.

Compensation. Replacement, enhancement, or creation of an undevelopable critical area equivalent in functions, values and size to those being altered by or lost to development.

Compensatory mitigation. Mitigation which compensates for the impact by replacing, enhancing, or providing substitute resources or environments.

Comprehensive Plan. The document, including maps, prepared under the Growth Management Act and adopted by the City Council, that outlines the City's goals and policies related to management of growth, and prepared in accordance with Chapter 36.70A RCW. The term also includes adopted subarea plans prepared in accordance with Chapter 36.70A RCW.

Conditional use. A use, development, or substantial development which is classified as a conditional use; or a use development, or substantial development that is not specifically classified within the SMP and is therefore treated as a conditional use.

Covered moorage. Boat moorage, with or without walls, that has a roof to protect the vessel.

Creation, wetland mitigation. Manipulation of the physical, chemical, or biological characteristics present to develop a wetland on an upland or deepwater site, where a wetland did not previously exist. Activities typically involve excavation of upland soils to elevation that will produce a wetland hydroperiod, create hydric soils, and support the growth of hydrophytic plant species. Establishment results in a gain in wetland acres.

Critical areas. Areas of the City that are subject to natural hazards or any landform feature that carries, holds, or purifies water and/or supports unique, fragile or valuable natural resources including fish, wildlife, and other organisms and their habitat. Critical areas include the following features: geologically hazardous areas, wetlands, streams, frequently flooded hazard areas, fish and wildlife conservation areas, aquifer recharge areas, and groundwater discharge areas.

Critical Areas Regulations, Non-Shoreline Jurisdiction. Refers to the City of Lake Stevens's Critical Areas Regulations, Chapter 14.88 LSMC (Ordinance 741 effective May 8, 2007 and updated by Ordinance 773 effective April 21, 2008).

Critical habitat. Habitat necessary for the survival of endangered, threatened, sensitive species as listed by the Federal Government or the State of Washington. Habitat for species listed on the candidate list, or monitored species as listed by the Federal Government or the State of Washington, may be considered critical habitat.

Current deflector. An angled stub-dike, groin, or sheet-pile structure which projects into a stream channel to divert flood currents from specific areas, or to control downstream current alignment.

Degraded wetland. A wetland in which the vegetation, soils, and/or hydrology have been adversely altered, resulting in lost or reduced functions and values.

Department of Ecology. The Washington State Department of Ecology.

Developable area. Land outside of critical areas, their setback, and buffers.

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

Development regulations. The controls in Title 14 LSMC placed on development or land uses by the City of Lake Stevens, including, but not limited to, zoning ordinances, Critical Areas Regulations, and all portions of a shoreline master program other than goals and policies approved or adopted under Chapter 90.58 RCW, together with any amendments thereto.

Dock. A structure which abuts the shoreline and is used as a landing or moorage place for craft. A dock may be built either on a fixed platform or float on the water. See also "development" and "substantial development."

Dredging. Excavation or displacement of the bottom or shoreline of a water body.

Ecological functions (or shoreline functions). The work performed or role played by the physical, chemical, and biological processes that contribute to the maintenance of the aquatic and terrestrial environments that constitute the shoreline's natural ecosystem.

Ecosystem-wide processes. The suite of naturally occurring physical and geologic processes of erosion, transport, and deposition and specific chemical processes that shape landforms within a specific shoreline ecosystem and determine both the types of habitat and the associated ecological functions.

Edge. Boundary of a wetland as delineated based on the criteria contained in this chapter.

EIS. Environmental Impact Statement.

Emergency. An unanticipated and imminent threat to public health, safety, or the environment which requires immediate action within a time too short to allow full compliance with the SMP. Emergency construction is construed narrowly as that which is necessary to protect property and facilities from the elements. Emergency construction does not include development of new permanent protective structures where none previously existed. Where new protective structures are deemed by the Shoreline Administrator to be the appropriate means to address the emergency situation, upon abatement of the emergency situation the new structure shall be removed or any permit which would have been required, absent an emergency, pursuant to Chapter 90.58 RCW or this SMP, shall be obtained. All emergency construction shall be consistent with the policies of Chapter 90.58 RCW and this SMP. As a general matter, flooding or seasonal events that can be anticipated and may occur but that are not imminent are not an emergency. (RCW 90.58.030(3)(e)(iii)).

Enhancement. Alteration of an existing resource to improve or increase its characteristics, functions, or processes without degrading other existing ecological functions.

Environment designation(s). See “shoreline environment designation(s).”

Erosion. The wearing away of land by the action of natural forces.

Erosion hazard areas. Lands or areas that, based on a combination of slope inclination and the characteristics of the underlying soils, are susceptible to varying degrees of risk of erosion.

Exemption. Certain specific developments listed in WAC 173-27-040 are exempt from the definition of substantial developments and are therefore exempt from the substantial development permit process of the SMA. An activity that is exempt from the substantial development provisions of the SMA must still be carried out in compliance with policies and standards of the SMA and the local SMP. Conditional use and variance permits may also still be required even though the activity does not need a substantial development permit. (RCW 90.58.030(3)(e); WAC 173-27-040.) (See also “development” and “substantial development.”)

Exotic species. Plants or animals that are not native to the Puget Sound Lowlands region.

Fair market value. The open market bid price for conducting the work, using the equipment and facilities, and purchase of the goods, services, and materials necessary to accomplish the development. This would normally equate to the cost of hiring a contractor to undertake the development from start to finish, including the cost of labor, materials, equipment and facility usage, transportation, and contractor overhead and profit. The fair market value of the development shall include the fair market value of any donated, contributed, or found labor, equipment, or materials.

Feasible. An action, such as a development project, mitigation, or preservation requirement, is feasible when it meets all of the following conditions:

- a. The action can be accomplished with technologies and methods that have been used in the past, or studies or tests have demonstrated that such approaches are currently available and likely to achieve the intended results.
- b. The action provides a reasonable likelihood of achieving its intended purpose.

- c. The action does not physically preclude achieving the project's primary intended use.

In cases where these regulations require certain actions unless they are infeasible, the burden of proving infeasibility is on the applicant.

In determining an action's infeasibility, the City may weigh the action's relative public costs and public benefits, considered in the short- and long-term time frames.

Fill. The addition of soil, sand, rock, gravel, sediment, earth retaining structure, or other material to an area waterward of the ordinary high water mark, in wetlands, or on shorelands in a manner that raises the elevation or creates dry land.

Fish and wildlife habitats (of local importance). A seasonal range or habitat element with which a given species has a primary association, and which, if altered, may reduce the likelihood that the species will maintain and reproduce over the long-term. These might include areas of relative density or species richness, breeding habitat, winter range, and movement corridors. These also include habitats of limited availability or high vulnerability to alteration, such as cliffs and wetlands.

Floats. An anchored, buoyed object.

Floodplain. A term that is synonymous with the one hundred-year floodplain and means that land area susceptible to inundation with a one percent chance of being equaled or exceeded in any given year. The limit of this area shall be based upon flood ordinance regulation maps or a reasonable method which meets the objectives of the SMA.

Floodway. Those portions of the area of a river valley lying streamward from the outer limits of a watercourse upon which flood waters are carried during periods of flooding that occur with reasonable regularity, although not necessarily annually, said floodway being identified, under normal condition, by changes in surface soil conditions or changes in types or quality of vegetative groundcover condition. The floodway shall not include those lands that can reasonably be expected to be protected from flood waters by flood control devices maintained by or maintained under license from the federal government, the state, or a political subdivision of the state.

Forested wetland. Wetlands with at least 20 percent of the surface area covered by woody vegetation greater than 30 feet in height.

Functions and values. Beneficial roles served by critical areas including, but not limited to, water quality protection and enhancement, fish and wildlife habitat, food chain support, flood storage, conveyance and attenuation, groundwater recharge and discharge, erosion control, wave attenuation, aesthetic value protection, and recreation. These roles are not listed in order of priority.

Gabions. Structures composed of masses of rocks, rubble or masonry held tightly together usually by wire mesh so as to form blocks or walls. Sometimes used on heavy erosion areas to retard wave action or as foundations for breakwaters or jetties.

Geologically hazardous areas. Lands or areas characterized by geologic, hydrologic, and topographic conditions that render them susceptible to varying degrees of potential risk of landslides, erosion, or seismic or volcanic activity; and areas characterized by geologic and hydrologic conditions that make them vulnerable to contamination of groundwater supplies through infiltration of contaminants to aquifers.

Geotechnical report (or geotechnical analysis). A scientific study or evaluation conducted by a qualified expert that includes a description of the ground and surface hydrology and geology, the affected land form and its susceptibility to mass wasting, erosion, and other geologic hazards or processes, conclusions and recommendations regarding the effect of the proposed development on geologic conditions, the adequacy of the site to be developed, the impacts of the proposed development, alternative approaches to the proposed development, and measures to mitigate potential site-specific and cumulative impacts of the proposed development, including the potential adverse impacts to adjacent and down-current properties. Geotechnical reports shall conform to accepted technical standards and must be prepared by qualified engineers or geologists who are knowledgeable about the regional and local shoreline geology and processes. If the project is in a Channel Migration Zone, then the report must be prepared by a professional with specialized experience in fluvial geomorphology in addition to a professional engineer. (Refer to the Channel Migration Zone Map, Figure No. 10.2 in the June 9, 2009 Final Shoreline Inventory and Analysis Report).

Grade. See “base elevation.”

Grading. The movement or redistribution of the soil, sand, rock, gravel, sediment, or other material on a site in a manner that alters the natural contour of the land.

Grassy Swale. A vegetated drainage channel that is designed to remove various pollutants from stormwater runoff through biofiltration.

Guidelines. Those standards adopted by the Department of Ecology into the Washington Administrative Code (WAC) to implement the policy of Chapter 90.58 RCW for regulation of use of the shorelines of the state prior to adoption of shoreline master programs. Such standards also provide criteria for local governments and the Department of Ecology in developing and amending shoreline master programs. The Guidelines may be found under WAC 173-26 Part III.

Habitat. The place or type of site where a plant or animal naturally or normally lives and grows.

Height. See “building height.”

Hydric soil. Soil that is saturated, flooded, or ponded long enough during the growing season to develop anaerobic conditions in the upper part. The presence of hydric soil shall be determined following the methods described in the Washington State Wetlands Identification and Delineation Manual 1997, or as amended hereafter.

Hydrological. Referring to the science related to the waters of the earth including surface and groundwater movement, evaporation and precipitation. Hydrological functions in shoreline include, water movement, storage, flow variability, channel movement and reconfiguration,

recruitment and transport of sediment and large wood, and nutrient and pollutant transport, removal and deposition.

Landslide hazard areas. Areas that, due to a combination of slope inclination and relative soil permeability, are susceptible to varying degrees of risk of landsliding.

Land uses, high intensity. Land uses which are associated with moderate or high levels of human disturbance or substantial impacts including, but not limited to, a zone classification allowing four or more dwelling units per acre, active recreation, and commercial and industrial land uses.

Land uses, low intensity. Land uses which are associated with low levels of human disturbance or low habitat impacts, including, but not limited to, passive recreation and open space.

Letter of exemption. A letter or other official certificate issued by the City to indicate that a proposed development is exempted from the requirement to obtain a shoreline permit as provided in WAC 173-27-050. Letters of exemption may include conditions or other provisions placed on the proposal in order to ensure consistency with the Shoreline Management Act and this SMP.

Littoral. Living on, or occurring on, the shore.

Littoral drift. The mud, sand, or gravel material moved parallel to the shoreline in the nearshore zone by waves and currents.

Low Impact Development (LID) technique. A stormwater management and land development strategy applied at the parcel and subdivision scale that emphasizes conservation and use of on-site natural features integrated with engineered, small-scale hydrologic controls to more closely mimic pre-development hydrologic functions. Additional information may be found in the City of Lake Stevens Surface Water Management Plan in addition to the 2005 State Department of Ecology Storm Water Management Manual for Western Washington, as amended by Sections 1 through 6 of Appendix 1 of the NPDES Phase II Municipal Stormwater Permit, as now or hereafter amended.

LSMC. Lake Stevens Municipal Code, including any amendments thereto.

Marina. A system of piers, buoys, or floats to provide moorage for four or more boats.

May. Refers to actions that are acceptable, provided they conform to the provisions of this SMP and the SMA.

Mitigation (or mitigation sequencing). The process of avoiding, reducing, or compensating for the environmental impact(s) of a proposal, including the following, which are listed in the order of sequence priority, with (a) being top priority.

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

- c. Rectifying the impact by repairing, rehabilitating, or restoring the affected environment.
- d. Reducing or eliminating the impact over time by preservation and maintenance operations.
- e. Compensating for the impact by replacing, enhancing, or providing substitute resources or environments.
- f. Monitoring the impact and the compensation projects and taking appropriate corrective measures.

Moorage facility. Any device or structure used to secure a boat, float plane or a vessel, including piers, docks, piles, lift stations or buoys.

Moorage pile. A permanent mooring generally located in open waters in which the vessel is tied up to a vertical column to prevent it from swinging with change of wind.

Multi-family dwelling (or residence). A building containing three or more dwelling units, including but not limited to townhouses, apartments and condominiums.

Must. A mandate; the action is required.

Native growth protection areas (NGPA). Areas where native vegetation is permanently preserved for the purpose of preventing harm to property and the environment, including, but not limited to, controlling surface water runoff and erosion, maintaining slope stability, buffering and protecting plants and animal habitat.

Native plants or native vegetation. These are plant species indigenous to the Puget Sound region that could occur or could have occurred naturally on the site, which are or were indigenous to the area in question.

Nonconforming development. A shoreline use or structure which was lawfully constructed or established prior to the effective date of this SMP provision, and which no longer conforms to the applicable shoreline provisions.

Nonpoint pollution. Pollution that enters any waters of the state from any dispersed land-based or water-based activities, including, but not limited to, atmospheric deposition, surface water runoff from agricultural lands, urban areas, or forest lands, subsurface or underground sources, or discharges from boats or marine vessels not otherwise regulated under the National Pollutant Discharge Elimination System program.

Nonwater-oriented uses. Those uses that are not water-dependent, water-related, or water-enjoyment.

Normal maintenance. Those usual acts to prevent a decline, lapse, or cessation from a lawfully established condition. See also “normal repair.”

Normal protective bulkhead. Those structural and nonstructural developments installed at or near, and parallel to, the ordinary high water mark for the sole purpose of protecting an existing single-family residence and appurtenant structures from loss or damage by erosion.

Normal repair. To restore a development to a state comparable to its original condition, including, but not limited to, its size, shape, configuration, location, and external appearance, within a reasonable period after decay or partial destruction, except where repair causes substantial adverse effects to shoreline resource or environment. (WAC 173-27-040) See also “normal maintenance” and “development.”

Off-site replacement. To replace wetlands or other shoreline environmental resources away from the site on which a resource has been impacted by a regulated activity.

OHWM. See “ordinary high water mark.”

Open space. Areas of varied size which contain distinctive geologic, botanic, zoologic, historic, scenic or other critical area or natural resource land features.

Ordinary high water mark (OHWM). That mark that will be found by examining the bed and banks and ascertaining where the presence and action of waters are so common and usual, and so long continued in all ordinary years, as to mark upon the soil a character distinct from that of the abutting upland, in respect to vegetation as that condition exists on June 1, 1971, as it may naturally change thereafter, or as it may change thereafter in accordance with permits issued by the City or the Department of Ecology. Any area where the ordinary high water mark cannot be found, the ordinary high water mark shall be the line of mean high water. (RCW 90.58.030(2)(b) and (c))

Periodic. Occurring at regular intervals.

Person. An individual, partnership, corporation, association, organization, cooperative, public or municipal corporation, or agency of the state or local governmental unit however designated. (RCW 90.58.030(1)(e))

Pesticide management plan. A guidance document for the prevention, evaluation, and mitigation for occurrences of pesticides or pesticide breakdown products in ground and surface waters.

Pier. An over-water structure, generally used to moor vessels or for public access, that is supported by piles and sits above the OHWM. A pier may be all or a portion of a dock.

Pier element. Sections of a pier including the pier walkway, the pier float, the ell, etc.

Practicable alternative. An alternative that is available and capable of being carried out after taking into consideration cost, existing technology, and logistics in light of overall project purposes, and having less impacts to critical areas. It may include an area not owned by the applicant which can reasonably be obtained, utilized, expanded, or managed in order to fulfill the basic purpose of the proposed activity.

Primary Structure. A structure that is central to the fundamental use of the property and is not accessory to the use of another structure on the property. Examples include a single-family home, multi-family housing or commercial building.

Priority habitats. Areas that support diverse, unique, and/or abundant communities of fish and wildlife, as determined by the Washington Department of Fish and Wildlife Map Products 2006.

Priority species. Wildlife species of concern due to their population status and their sensitivity to habitat alteration.

Provisions. Policies, regulations, standards, guideline criteria or designations.

Public access. Public access is the ability of the general public to reach, touch, and enjoy the water's edge, to travel on the waters of the state, and to view the water and the shoreline from adjacent locations. (WAC 173-26-221(4))

Public interest. The interest shared by the citizens of the state or community at large in the affairs of government, or some interest by which their rights or liabilities are affected such as an effect on public property or on health, safety, or general welfare resulting from a use or development.

RCW. Revised Code of Washington.

Re-establishment, wetland mitigation. The manipulation of the physical, chemical, or biological characteristics of a site with the goal of returning natural or historic functions to a former wetland. Activities could include removing fill material, plugging ditches, or breaking drain tiles. Re-establishment results in a gain in wetland acres.

Regulated wetlands. Wetlands, including their submerged aquatic beds, and those lands defined as wetlands under the 1989 Federal Clean Water Act, 33 USC Section 251, et seq., and rules promulgated pursuant thereto and shall be those areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Regulated wetlands generally include swamps, bogs, and similar areas. Wetlands created as mitigation and wetlands modified for approved land use activities shall be considered as regulated wetlands. Regulated wetlands do not include those constructed wetlands intentionally created from nonwetland sites, including, but not limited to, irrigation and drainage ditches, grass-lined swales, canals, detention/retention facilities, wastewater treatment facilities, farm ponds, and landscape amenities or those wetlands created after July 1, 1990, that were unintentionally created as a result of the construction of a road, street, or highway.

Rehabilitation, wetland mitigation. The manipulation of the physical, chemical, or biological characteristics of a site with the goal of repairing natural or historic function of a degraded wetland. Activities could involve breaching a dike or reconnecting wetland to a floodplain or returning tidal influence to a wetland. Rehabilitation results in a gain in wetland function but does not result in a gain in wetland acres

Repair or maintenance activities. An action to restore the character, size, or scope of a project only to the previously authorized condition.

Residential development. Development which is primarily devoted to or designed for use as a dwelling(s).

Restore. To significantly re-establish or upgrade shoreline ecological functions through measures such as revegetation, removal of intrusive shoreline structures, and removal or treatment of toxic sediments. To restore does not mean returning the shoreline area to aboriginal or pre-European settlement condition.

Revetment. Facing of stone, concrete, etc., built to protect a scarp, embankment, or shore structure against erosion by waves or currents.

Riparian. Of, on, or pertaining to the banks of a river.

Riparian area. A transitional area between terrestrial and aquatic ecosystems and which is distinguished by gradients in biophysical conditions, ecological processes, and biota.

Riparian habitat. An ecosystem that borders a stream which is occasionally flooded and periodically supports predominantly hydrophytes.

Riparian zone. A transitional area between aquatic ecosystems (lakes, streams, and wetlands) and upland terrestrial habitats.

Riprap. A layer, facing, or protective mound of stones placed to prevent erosion, scour, or sloughing of a structure or embankment; also, the stone so used.

Riverbank. The upland areas immediately adjacent to the floodway, which confine and conduct flowing water during non-flooding events. The riverbank, together with the floodway, represents the river channel capacity at any given point along the river.

Runoff. Water that is not absorbed into the soil but rather flows along the ground surface following the topography.

Sediment. The fine grained material deposited by water or wind.

Seismic hazard areas. Areas that, due to a combination of soil and groundwater conditions, are subject to severe risk of ground shaking, subsidence or liquefaction of soils during earthquakes.

SEPA (State Environmental Policy Act). SEPA requires state agencies, local governments and other lead agencies to consider environmental factors when making most types of permit decisions, especially for development proposals of a significant scale. As part of the SEPA process an EIS may be required to be prepared and public comments solicited.

Setback. A required open space, specified in this SMP, measured horizontally upland from and perpendicular to the ordinary high water mark. Setbacks are protective buffers which provide a margin of safety through protection of slope stability, attenuation of surface water flows, and landslide hazards reasonably necessary to minimize risk to the public from loss of life or well-being or property damage resulting from natural disasters; or an area which is an integral part of a stream or wetland ecosystem and which provides shading, input of organic debris and coarse sediments, room for variation in stream or wetland edge, habitat for wildlife and protection from harmful intrusion necessary to protect the public from losses suffered when the functions and values of aquatic resources are degraded.

Shall. A mandate; the action must be done.

Shorelands. Those lands extending landward for 200 feet in all directions as measured on a horizontal plane from the ordinary high water mark; floodways and contiguous floodplain areas landward 200 feet from such floodways; and all wetlands and river deltas associated with the streams, lakes, and tidal waters which are subject to the provisions of this chapter; the same to be designated as to location by the Department of Ecology. (RCW 90.58.030(2)(d))

Shoreline Administrator. City of Lake Stevens Planning Director or his/her designee charged with the responsibility of administering the Shoreline Master Program.

Shoreline areas (and shoreline jurisdiction). The same as "shorelines of the state" and "shorelands" as defined in RCW 90.58.030.

Shoreline environment designation(s). The categories of shorelines established to provide a uniform basis for applying policies and use regulations within distinctively different shoreline areas. Shoreline environment designations include: Aquatic, High Intensity, Urban Conservancy, Natural, and Shoreline Residential.

Shoreline functions. See "ecological functions."

Shoreline jurisdiction. The term describing all of the geographic areas covered by the SMA, related rules and this SMP. See definitions of "shorelines", "shorelines of the state", "shorelines of state-wide significance" and "wetlands." See also the "Shoreline Management Act Scope" section in the "Introduction" of this SMP.

Shoreline Management Act (SMA). The Shoreline Management Act of 1971, Chapter 90.58 RCW, as amended.

Shoreline master program, master program, or SMP. This Shoreline Master Program as adopted by the City of Lake Stevens and approved by the Washington Department of Ecology.

Shoreline modifications. Those actions that modify the physical configuration or qualities of the shoreline area, usually through the construction of a physical element such as a dike, breakwater, dock, weir, dredged basin, fill, bulkhead, or other shoreline structures. They can include other actions, such as clearing, grading, or application of chemicals.

Shoreline permit. A substantial development, conditional use, revision, or variance permit or any combination thereof.

Shoreline property. An individual property wholly or partially within shoreline jurisdiction.

Shoreline restoration or ecological restoration. The re-establishment or upgrading of impaired ecological shoreline processes or functions. This may be accomplished through measures including, but not limited to, revegetation, removal of intrusive shoreline structures, and removal or treatment of toxic materials. Shoreline restoration does not imply a requirement for returning the shoreline area to aboriginal or pre-European settlement conditions.

Shoreline sub-unit. An area of the shoreline that is defined by distinct beginning points and end points by parcel number or other legal description. These sub-units are assigned environment designations to recognize different conditions and resources along the shoreline.

Shorelines. All of the water areas of the state, including reservoirs, and their associated shorelands, together with the lands underlying them; except (i) shorelines of state-wide significance; (ii) shorelines on areas of streams upstream of a point where the mean annual flow is twenty cubic feet per second or less and the wetlands associated with such upstream areas; and (iii) shorelines on lakes less than twenty acres in size and wetlands associated with such small lakes. (RCW 90.58.030(2)(e))

Shorelines of the state. The total of all “shorelines” and “shorelines of state-wide significance” within the state.

Shorelines Hearings Board (SHB). A six member quasi-judicial body, created by the SMA, which hears appeals by any aggrieved party on the issuance of a shoreline permit, enforcement penalty and appeals by local government or Department of Ecology approval of shoreline master programs, rules, regulations, guidelines or designations under the SMA.

Shorelines of state-wide significance. A select category of shorelines of the state, defined in RCW 90.58.030(2)(e), where special policies apply.

Should. The particular action is required unless there is a demonstrated, compelling reason, based on policy of the Shoreline Management Act and this SMP, against taking the action.

Sign. A board or other display containing words and/or symbols used to identify or advertise a place of business or to convey information. Excluded from this definition are signs required by law and the flags of national and state governments.

Significant ecological impact. An effect or consequence of an action if any of the following apply:

- a. The action measurably or noticeably reduces or harms an ecological function or ecosystem-wide process.
- b. Scientific evidence or objective analysis indicates the action could cause reduction or harm to those ecological functions or ecosystem-wide processes described in (a) of this subsection under foreseeable conditions.
- c. Scientific evidence indicates the action could contribute to a measurable or noticeable reduction or harm to ecological functions or ecosystem-wide processes described in (a) of this subsection as part of cumulative impacts, due to similar actions that are occurring or are likely to occur.

Significant vegetation removal. The removal or alteration of native trees, shrubs, or ground cover by clearing, grading, cutting, burning, chemical means, or other activity that causes significant ecological impacts to functions provided by such vegetation. The removal of invasive, non-native, or noxious weeds does not constitute significant vegetation removal. Tree pruning, not including tree topping, where it does not affect ecological functions, does not constitute significant vegetation removal.

Single-family dwelling or residence. A detached dwelling designed for and occupied by one family or duplex for two families including those structures and developments within a contiguous ownership which are a normal appurtenance.

SMA. The Shoreline Management Act of 1971, Chapter 90.58 RCW, as amended.

Sphagnum. Any of a large genus of mosses that grow only in wet acidic soils and whose remains become compacted with other plant debris to form peat.

Stormwater. That portion of precipitation that does not normally percolate into the ground or evaporate but flows via overland flow, interflow, channels, or pipes into a defined surface water channel or constructed infiltration facility.

Stream. A naturally occurring body of periodic or continuously flowing water where: a) the mean annual flow is greater than twenty cubic feet per second and b) the water is contained within a channel. See also "channel." Streams are classified according to a locally appropriate stream classification system based on WAC [222-16-030](#). Streams also include open natural watercourses modified by man. Streams do not include irrigation ditches, waste ways, drains, outfalls, operational spillways, channels, stormwater runoff facilities or other wholly artificial watercourses, except those that directly result from the modification to a natural watercourse.

Structure. That which is built or constructed, or an edifice or building of any kind or any piece of work composed of parts joined together in some definite manner, and includes posts for fences and signs, but does not include mounds of earth or debris.

Subdivision. The division or redivision of land, including short subdivision for the purpose of sale, lease or conveyance.

Substantial development. Any development which meets the criteria of RCW 90.58.030(3)(e). See also definition of "development" and "exemption".

Substantially degrade. To cause damage or harm to an area's ecological functions. An action is considered to substantially degrade the environment if:

- a. The damaged ecological function or functions significantly affect other related functions or the viability of the larger ecosystem; or
- b. The degrading action may cause damage or harm to shoreline ecological functions under foreseeable conditions; or
- c. Scientific evidence indicates the action may contribute to damage or harm to ecological functions as part of cumulative impacts.

Sub-unit. For the purposes of this SMP, a sub-unit is defined as an area of the shoreline that is defined by distinct beginning points and end points by parcel number or other legal description. These sub-units are assigned environment designations to recognize different conditions and resources along the shoreline.

Swamp. A depressed area flooded most of the year to a depth greater than that of a marsh and characterized by areas of open water amid soft, wetland masses vegetated with trees and shrubs. Extensive grass vegetation is not characteristic.

Temporary cabana. A temporary fabric covered shelter that is less than 10' x 10'.

Terrestrial. Of or relating to land as distinct from air or water.

Transportation facilities. A structure or development(s), which aids in the movement of people, goods or cargo by land, water, air or rail. They include but are not limited to highways, bridges, causeways, bikeways, trails, railroad facilities, ferry terminals, float plane – airport or heliport terminals, and other related facilities.

Unavoidable and necessary impacts. Impacts that remain after a person proposing to alter critical areas has demonstrated that no practicable alternative exists for the proposed project.

Upland. Generally described as the dry land area above and landward of the ordinary high water mark.

Utility. A public or private agency which provides a service that is utilized or available to the general public (or a locationally specific population thereof). Such services may include, but are not limited to, stormwater detention and management, sewer, water, telecommunications, cable, electricity, and natural gas.

Utilities (Accessory). Accessory utilities are on-site utility features serving a primary use, such as a water, sewer or gas line connecting to a residence. Accessory utilities do not carry significant capacity to serve other users.

Variance. A means to grant relief from the specific bulk, dimensional, or performance standards set forth in this SMP and not a means to vary a use of a shoreline. Variance permits must be specifically approved, approved with conditions, or denied by the City's Hearing Examiner and the Department of Ecology.

Vessel. Ships, boats, barges, or any other floating craft which are designed and used for navigation and do not interfere with normal public use of the water.

Visual access. Access with improvements that provide a view of the shoreline or water, but do not allow physical access to the shoreline.

WAC. Washington Administrative Code.

Water-dependent use. A use or a portion of a use which cannot exist in any other location and is dependent on the water by reason of the intrinsic nature of its operations. Examples of water-dependent uses may include fishing, boat launching, swimming, float planes, and stormwater discharges.

Water-enjoyment use. A recreational use or other use that facilitates public access to the shoreline as a primary characteristic of the use; or a use that provides for recreational use or

aesthetic enjoyment of the shoreline for a substantial number of people as a general characteristic of the use and which through location, design, and operation ensures the public's ability to enjoy the physical and aesthetic qualities of the shoreline. In order to qualify as a water-enjoyment use, the use must be open to the general public and the shoreline-oriented space within the project must be devoted to the specific aspects of the use that fosters shoreline enjoyment.

Primary water-enjoyment uses may include, but are not limited to:

- Parks with activities enhanced by proximity to the water.
- Docks, trails, and other improvements that facilitate public access to shorelines of the state.
- Restaurants with water views and public access improvements.
- Museums with an orientation to shoreline topics.
- Scientific/ecological reserves.
- Resorts with uses open to the public and public access to the shoreline; and
- Any combination of those uses listed above.

Water-oriented use. A use that is water-dependent, water-related, or water-enjoyment, or a combination of such uses.

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

Water-related use. A use or portion of a use which is not intrinsically dependent on a waterfront location but whose economic viability is dependent upon a waterfront location because:

- a. The use has a functional requirement for a waterfront location such as the arrival or shipment of materials by water or the need for large quantities of water; or
- b. The use provides a necessary service supportive of the water-dependent uses and the proximity of the use to its customers makes its services less expensive and/or more convenient.

Watershed restoration plan. A plan, developed or sponsored by the department of fish and wildlife, the department of ecology, the department of natural resources, the department of transportation, a federally recognized Indian tribe acting within and pursuant to its authority, a city, a county, or a conservation district that provides a general program and implementation measures or actions for the preservation, restoration, re-creation, or enhancement of the natural resources, character, and ecology of a stream, stream segment, drainage area, or watershed for which agency and public review has been conducted pursuant to chapter [43.21C](#) RCW, the State Environmental Policy Act. (WAC 173-27-040(o)(ii))

Watershed restoration project. A public or private project authorized by the sponsor of a watershed restoration plan that implements the plan or a part of the plan and consists of one or more of the following activities:

- a. A project that involves less than ten miles of streamreach, in which less than twenty-five cubic yards of sand, gravel, or soil is removed, imported, disturbed or discharged, and in which no existing vegetation is removed except as minimally necessary to facilitate additional plantings;
- b. A project for the restoration of an eroded or unstable stream bank that employs the principles of bioengineering, including limited use of rock as a stabilization only at the toe of the bank, and with primary emphasis on using native vegetation to control the erosive forces of flowing water; or
- c. A project primarily designed to improve fish and wildlife habitat, remove or reduce impediments to migration of fish, or enhance the fishery resource available for use by all of the citizens of the state, provided that any structure, other than a bridge or culvert or instream habitat enhancement structure associated with the project, is less than two hundred square feet in floor area and is located above the ordinary high water mark of the stream. (WAC 173-27-040(o)(i))

Weir: A structure generally built perpendicular to the shoreline for the purpose of diverting water or trapping sediment or other moving objects transported by water.

Wetland or wetlands. Areas that are inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, bogs, marshes, and similar areas. Wetlands do not include those artificial wetlands intentionally created from nonwetland sites, including but not limited to, irrigation and drainage ditches, grass-lined swales, canals, detention facilities, wastewater treatment facilities, farm ponds, and landscape amenities or those wetlands created after July 1, 1990, that were unintentionally created as a result of the construction of a road, street, or highway. However, wetlands include those artificial wetlands intentionally created to mitigate conversion of wetlands. See the Washington State Wetlands Identification and Delineation Manual.

Wetland category. See Appendix B Critical Areas Regulations for Shoreline Jurisdiction.

Wetland delineation. See Appendix B Critical Areas Regulations for Shoreline Jurisdiction.

Wetland mitigation bank. A site where wetlands and buffers are restored, created, enhanced, or in exceptional circumstances, preserved expressly for the purpose of providing compensatory mitigation in advance of authorized impacts to similar resources.

Wetlands rating system. See Appendix B Critical Areas Regulations for Shoreline Jurisdiction.

Zoning. The system of land use and development regulations and related provisions of the Lake Stevens City Code, codified under Title 14 LSMC.

In addition, the definitions and concepts set forth in RCW 90.58.030, as amended, and implementing rules shall also apply as used herein.

CHAPTER 7

Administrative Provisions

A. Purpose and Applicability

1. The purpose of this chapter is to establish an administrative system designed to assign responsibilities for implementation of this SMP and to outline the process for review of proposals and project applications.
2. All proposed shoreline uses and development, including those that do not require a shoreline permit, must conform to the Shoreline Management Act (SMA) (Chapter 90.58 Revised Code of Washington (RCW)) and to the policies and regulations of this SMP. Where inconsistencies or conflicts with other sections of the Lake Stevens Municipal Code (LSMC) occur, this section shall apply.

When considering development proposals on properties within shoreline jurisdiction, the City shall use a process designed to ensure that proposed regulatory or administrative actions do not unconstitutionally infringe upon private property rights.

B. Shoreline Permits

The procedures and requirements for development within specified areas implementing the Shoreline Management Act is summarized below including shoreline exemptions, shoreline substantial development permits, shoreline conditional use permits and shoreline variances. Supplemental application requirements for a shoreline substantial development permit are included in 7.C1 below. Hearing procedures, effective dates and permit expirations are also summarized below.

The following is a summary of the procedures for shoreline permits:

1. Applicants shall apply for shoreline substantial development, variance, and conditional use permits on forms provided by the City.
2. Shoreline exemptions are a Type I Administrative Decisions without Public Notice review process and shall be processed and subject to the applicable regulations. Shoreline substantial development permits are a Type II Administrative Decisions With Public Notice review process and shall be processed and subject to the applicable regulations. Shoreline conditional use permits and variances are classified as Type III Quasi-Judicial, Hearing Examiner Decision review process and shall be subject to the applicable regulations.

All applications, including exemptions, shall comply with WAC [173-27-140](#) Review Criteria for All Development, as amended:

- a. No authorization to undertake use or development on shorelines of the state shall be granted by the local government unless upon review the use or development is determined to be consistent with the policy and provisions of the Shoreline Management Act and the master program.
 - b. No permit shall be issued for any new or expanded building or structure of more than thirty-five feet above average grade level on shorelines of the state that will obstruct the view of a substantial number of residences on areas adjoining such shorelines except where a master program does not prohibit the same and then only when overriding considerations of the public interest will be served.
3. Public notice. A notice of application shall be issued for all shoreline permit applications with a Type II or Type III review, excepting that the public comment period for the notice of application for a shoreline permit shall be not less than thirty (30) days, per WAC 173-27-1 10(2)(e).
 4. Application review. The Administrator shall make decisions on applications for shoreline exemptions and substantial development permits, and recommendations on applications for conditional use and variance permits based upon the policies and procedures of the Shoreline Management Act, and related sections of the Washington Administrative Code, and this SMP.
 5. Hearing Examiner action. The Hearing Examiner shall review applications for a shoreline conditional use and shoreline variance permit and make decisions based upon:
 - a. This SMP;
 - b. The policies and procedures of the Shoreline Management Act and related sections of the Washington Administrative Code;
 - c. Written and oral comments from interested persons;
 - d. Reports from the Administrator; and
 - e. City regulations for the Hearing Examiner's Office.
 6. Filing with Department of Ecology. All applications for an exemption, permit or permit revision shall be submitted to the Department of Ecology upon final decision by local government, as required by WAC 173-27-130 or as subsequently amended. Final decision by local government shall mean the order or ruling, whether it be an approval or denial, which is established after all local administrative appeals related to the permit have concluded or the opportunity to initiate such appeals have lapsed.

After City approval of a shoreline conditional use or variance permit, the City shall submit the permit to the Department of Ecology for the Department's approval, approval with conditions, or denial, as provided in WAC 173-27-200. The Department shall transmit its final decision to the City and the applicant within thirty (30) calendar days of the date of submittal by the City.

When a substantial development permit and a conditional use or variance permit are required for a development, the submittal on the permits shall be made concurrently.

7. Hold on construction. Each permit issued by the City shall contain a provision that construction pursuant to the permit shall not begin and is not authorized until twenty-one (21) days from the date of filing with the Department of Ecology, per WAC 173-27-190 or as subsequently amended. "Date of filing" of the City's final decision on substantial development permits differs from date of filing for a conditional use permit or variance. In the case of a substantial development permit, the date of filing is the date the City transmits its decision on the permit to the Department of Ecology. In the case of a variance or conditional use permit, the "date of filing" means the date the Department of Ecology's final order on the permit is transmitted to the City.
8. Duration of permits. Construction, or the use or activity, shall commence within two (2) years after approval of the permits. Authorization to conduct development activities shall terminate within five (5) years after the effective date of a shoreline permit. The Administrator may authorize a single extension before the end of either of these time periods, with prior notice to parties of record and the Department of Ecology, for up to one (1) year based on reasonable factors.
9. Compliance with permit conditions. When permit approval includes conditions, such conditions shall be satisfied prior to occupancy or use of a structure or prior to commencement of a nonstructural activity.

C. Substantial Development Permits and Exemptions

1. Exemptions from a Substantial Development Permit

Certain developments are exempt from the requirement to obtain a substantial development permit pursuant to WAC 173-27-040. The process for review of shoreline exemptions is a Type I review Administrative Review Without Public Notice. The process begins with a complete application, followed by decision by the appropriate department. The administrative approval body is the department director. Appeals of the Director's decision on a Type I Shoreline permit are made to the State Shoreline Hearings Board. The department director action is the final City decision on a Type I application.

Such developments still may require a variance or conditional use permit, and all development within the shoreline is subject to the requirements of this SMP, regardless of whether a substantial development permit is required. Developments which are exempt from requirement for a substantial development permit are identified in WAC 173-27-040 or as subsequently amended.

For the purposes of this chapter, the terms "development" and "substantial development" are as defined in RCW 90.58.030 or as subsequently amended.

The following is a short summary of the types of developments which do not require substantial development permits (see WAC 173-27-040 for detailed descriptions):

- a. Any development of which the total cost or fair market value, whichever is higher, does not exceed five thousand dollars, if such development does not materially interfere with the normal public use of the water or shorelines of the state. For purposes of determining whether or not a permit is required, the total cost or fair market value shall be based on the value of development that is occurring on shorelines of the state as defined in RCW [90.58.030](#) (2)(c). The total cost or fair market value of the development shall include the fair market value of any donated, contributed or found labor, equipment or materials;
- b. Normal maintenance or repair of existing structures or developments, including damage by accident, fire or elements. "Normal maintenance" includes those usual acts to prevent a decline, lapse, or cessation from a lawfully established condition. "Normal repair" means to restore a development to a state comparable to its original condition, including but not limited to its size, shape, configuration, location and external appearance, within a reasonable period after decay or partial destruction, except where repair causes substantial adverse effects to shoreline resource or environment;
- c. Construction of the normal protective bulkhead common to single-family residences. A "normal protective" bulkhead includes those structural and nonstructural developments installed at or near, and parallel to, the ordinary high water mark for the sole purpose of protecting an existing single-family residence and appurtenant structures from loss or damage by erosion. A normal protective bulkhead is not exempt if constructed for the purpose of creating dry land;
- d. Emergency construction necessary to protect property from damage by the elements. An "emergency" is an unanticipated and imminent threat to public health, safety, or the environment which requires immediate action within a time too short to allow full compliance with this chapter. Emergency construction does not include development of new permanent protective structures where none previously existed. As a general matter, flooding or other seasonal events that can be anticipated and may occur but that are not imminent are not an emergency;
- e. Construction and practices normal or necessary for farming, irrigation, and ranching activities, including agricultural service roads and utilities on shorelands, construction of a barn or similar agricultural structure, and the construction and maintenance of irrigation structures including but not limited to head gates, pumping facilities, and irrigation channels;
- f. Construction or modification of navigational aids such as channel markers and anchor buoys;
- g. Construction on shorelands by an owner, lessee or contract purchaser of a single-family residence for their own use or for the use of their family, which residence does not exceed a height of thirty-five feet above average grade level and which meets all requirements of the state agency or local government having jurisdiction thereof, other than requirements imposed pursuant to chapter [90.58](#) RCW.

Construction authorized under this exemption shall be located landward of the ordinary high water mark;

- h. Construction of a dock, including a community dock, designed for pleasure craft only, for the private noncommercial use of the owner, lessee, or contract purchaser of single-family and multiple-family residences. A dock is a landing and moorage facility for watercraft and does not include recreational decks, storage facilities or other appurtenances. This exception in fresh waters the fair market value of the dock does not exceed ten thousand dollars, but if subsequent construction having a fair market value exceeding two thousand five hundred dollars occurs within five years of completion of the prior construction, the subsequent construction shall be considered a substantial development for the purpose of this chapter;
- i. Operation, maintenance, or construction of canals, waterways, drains, reservoirs, or other facilities that now exist or are hereafter created or developed as a part of an irrigation system for the primary purpose of making use of system waters, including return flow and artificially stored groundwater from the irrigation of lands;
- j. The marking of property lines or corners on state-owned lands, when such marking does not significantly interfere with normal public use of the surface of the water;
- k. Operation and maintenance of any system of dikes, ditches, drains, or other facilities existing on September 8, 1975, which were created, developed or utilized primarily as a part of an agricultural drainage or diking system;
- l. Any project with a certification from the governor pursuant to Chapter [80.50](#) RCW;
- m. Site exploration and investigation activities that are prerequisite to preparation of an application for development authorization under this chapter, if specific provisions are met;
- n. The process of removing or controlling aquatic noxious weeds, as defined in RCW [17.26.020](#), through the use of an herbicide or other treatment methods applicable to weed control that are recommended by a final environmental impact statement published by the Department of Agriculture or the Department of Ecology jointly with other state agencies under chapter [43.21C](#) RCW;
- o. Watershed restoration projects as defined in WAC 173-27-040(o) and included in Chapter 6 of this SMP. Local government shall review the projects for consistency with the shoreline master program in an expeditious manner and shall issue its decision along with any conditions within forty-five days of receiving all materials necessary to review the request for exemption from the applicant. No fee may be charged for accepting and processing requests for exemption for watershed restoration projects as used in this section; or
- p. A public or private project that is designed to improve fish or wildlife habitat or fish passage, when specific provisions apply.

2. Shoreline Substantial Development Permits

Any person wishing to undertake substantial development within the shoreline shall submit materials as required for a Type II review and specific supplemental materials described below and shall apply to the Administrator for a shoreline permit, as required in this chapter and Chapter 90.58 RCW.

Supplemental Application Requirements for a Shoreline Development Permit

In addition to the application requirements of the specified submittal checklist, any person applying for a shoreline development permit shall submit with their application the following information:

- a. The name, address and phone number of the applicant, applicant's representative and property owner;
- b. The location and legal description of the proposed shoreline substantial development;
- c. Name of the shoreline (water body) associated with proposal;
- d. A general description of the vicinity of the project (at least 400 feet) including adjacent uses, structures and improvements, intensity of development and physical characteristics;
- e. The present and intended use of the property and a description of the proposed shoreline substantial development project including proposed use(s) and activities necessary to accomplish the project.
- f. A site development plan consisting of maps and elevation drawings, drawn to an appropriate scale to depict clearly all required information and including photos or text, as required. The following information will be provided on a site plan map:
 - i. Land contours, using five foot contour intervals; if project includes grading, filling or other alteration of contours, then either:
 - (a) Show both existing and proposed contours on a single map, clearly indicating which is which, and include subsections (f)(2) through (13) of this section; or
 - (b) Provide two or more maps, one showing existing contours, including subsection (f)(2) through (6) of this section, and the other showing proposed contours, including subsections (e)(7) through (13) of this section;
 - ii. Dimensions, including height, size and location of existing and proposed structures and improvements, including but not limited to buildings, paved or gravel areas, roads, utilities, septic tanks and drainfields, material stockpiles or surcharge, and stormwater management facilities;
 - iii. Ordinary high water mark;
 - iv. Beach type: sand, mud, gravel, etc.;

- v. Width of setback, side yards;
 - vi. Delineate all critical areas including lakes, streams and wetland areas and their buffers and identify those to be altered or used as part of the development;
 - vii. General indication of character of vegetation found on the site;
 - viii. Proposed temporary and permanent fill areas (state quantity, source and composition of fill);
 - ix. Proposed excavated or dredged areas (state quantity, composition and destination of material);
 - x. A landscaping plan for the project, if applicable;
 - xi. Plans for mitigation on or off the site for impacts associated with project, if applicable;
 - xii. A depiction of impacts to views from existing residential uses and public areas, where applicable; and
 - xiii. For variances, clearly show on plans where development could occur without approval of variance, the physical features and circumstances on the property that provide a basis for request and location of adjacent structures and uses.
- g. Total value of all construction and finishing work for which the permit will be issued, including all permanent equipment to be installed on the premises;
 - h. Approximate dates of construction initiation and completion;
 - i. Short statement explaining why this project needs a shoreline location and how the proposed development is consistent with the policies of the Shoreline Management Act of 1971;
 - j. Listing of any other permits for this project from State, Federal or local government agencies for which the applicant has applied or will apply;
 - k. Any additional material or comments concerning the application which the applicant wishes to submit may be attached to the application on additional sheets; and
 - l. Owners of record within 300 feet of project site in electronic table format.

Substantial development permits require a Type II review Administrative Decision with Public Notice. The process begins with a complete application, followed by decision by the appropriate department. The administrative approval body is the department director. Appeals of the Director's decision on a Type II Shoreline permit are made to the State Shoreline Hearings Board. The department director action is the final City decision on a Type II application.

3. Substantial Development Permit Decision Criteria

Shoreline substantial development permit applications shall be reviewed pursuant to WAC [173-27-150](#) and the following shoreline policies:

- a. A permit shall be granted only when the proposed development is consistent with the Lake Stevens Shoreline Master Program.
- b. A permit shall be granted only when the proposed development is consistent with the policy of RCW [90.58.020](#).
- c. Surface drilling for oil and gas is prohibited in the waters of Lake Stevens on all lands within 1,000 feet landward from the ordinary high water mark.
- d. A permit shall be denied if the proposed development is not consistent with the above enumerated policies.
- e. The granting of any shoreline substantial development permit by the City shall be subject to the conditions imposed by the Shoreline Hearings Board.

The following is from WAC 173-27-150 Review Criteria for Substantial Development Permits.

- f. A substantial development permit shall be granted only when the development proposed is consistent with:
 - i. The policies and procedures of the act;
 - ii. The provisions of this regulation; and
 - iii. The applicable master program adopted or approved for the area. Provided, that where no master program has been approved for an area, the development shall be reviewed for consistency with the provisions of chapter [173-26](#) WAC, and to the extent feasible, any draft or approved master program which can be reasonably ascertained as representing the policy of the local government.
- g. Local government may attach conditions to the approval of permits as necessary to assure consistency of the project with the act and the local master program.

4. Appeals - Shoreline Hearings Board

Any decision made by the Administrator on a shoreline exemption or substantial development permit or by the Hearing Examiner on a conditional use or variance permit shall be final unless an appeal is made. Persons aggrieved by the grant, denial, rescission or modification of a permit may file a request for review by the Shoreline Hearings Board in accordance with the review process established by RCW 90.58.180 or as subsequently amended, and with the regulations of the Shoreline Hearings Board contained in Chapter 461-08 WAC or as subsequently amended. The request for review must be filed with the Hearings Board within twenty-one (21) days of the date of filing pursuant to RCW 90.58.080.

D. Conditional Use Permits

1. Shoreline Conditional Use Permits

- a. Purpose. The purpose of a conditional use permit is to allow greater flexibility in varying the application of the use regulations of this SMP in a manner consistent with the policies of RCW 90.58.020. In authorizing a conditional use, special conditions may be attached to the permit by the City or the Department of Ecology to prevent undesirable effects of the proposed use and/or to assure consistency of the project with the Shoreline Management Act and this SMP. Uses which are specifically prohibited by this SMP may not be authorized pursuant to WAC 173-27-160.
- b. Process and Application. Shoreline conditional use permits are a Type III review Quasi-Judicial, Hearing Examiner Decision. This process begins with a complete application, followed by notice to the public of the application and a public comment period, during which time an informational meeting may be held. If required by the State Environmental Policy Act, a threshold determination will be issued by the SEPA Responsible Official. The threshold determination shall be issued prior to the issuance of staff's or Design Review Board's recommendation on the application. Following issuance of the Design Review Board recommendation, if applicable, a public hearing will be held before the city Hearing Examiner. The decision of the Hearing Examiner on a Type III Shoreline Permit application is appealable to the State Shoreline Hearings Board. The Hearing Examiner action deciding the appeal and approving, approving with modifications, or denying a project is the final City decision on a Type III application.
- c. Uses are classified as conditional uses if they are (1) specifically designated as conditional uses elsewhere in this SMP, or (2) are not specifically classified as a permitted or conditional use in this SMP but the applicant is able to demonstrate consistency with the requirements of WAC 173-27-160 and the requirements for conditional uses in section D.2 below.
- d. In the granting of all conditional use permits, consideration shall be given to the cumulative impact of additional requests for like actions in the area. For example, if conditional use permits were granted to other developments in the area where similar circumstances exist, the total of the conditional uses shall also remain consistent with the policies of the Shoreline Management Act and shall not produce substantial adverse effects to the shoreline environment.

2. Shoreline Conditional Use Permit Criteria

Shoreline conditional use permits may be granted, provided the applicant can satisfy the criteria for granting conditional use permits as set forth in WAC 173-27-160 or as subsequently amended.

The following is from WAC 173-27-160 Review Criteria for Conditional Use Permits.

The purpose of a conditional use permit is to provide a system within the master program which allows flexibility in the application of use regulations in a manner consistent with the policies of RCW 90.58.020. In authorizing a conditional use, special conditions may be attached to the permit by local government or the department to prevent undesirable effects of the proposed use and/or assure consistency of the project with the act and the local master program.

- a. Uses which are classified or set forth in the applicable master program as conditional uses may be authorized provided that the applicant demonstrates all of the following:
 - i. That the proposed use is consistent with the policies of RCW 90.58.020 and the master program;
 - ii. That the proposed use will not interfere with the normal public use of public shorelines;
 - iii. That the proposed use of the site and design of the project is compatible with other authorized uses within the area and with uses planned for the area under the comprehensive plan and shoreline master program;
 - iv. That the proposed use will cause no significant adverse effects to the shoreline environment in which it is to be located; and
 - v. That the public interest suffers no substantial detrimental effect.
- b. In the granting of all conditional use permits, consideration shall be given to the cumulative impact of additional requests for like actions in the area. For example, if conditional use permits were granted for other developments in the area where similar circumstances exist, the total of the conditional uses shall also remain consistent with the policies of RCW 90.58.020 and shall not produce substantial adverse effects to the shoreline environment.
- c. Other uses which are not classified or set forth in the applicable master program may be authorized as conditional uses provided the applicant can demonstrate consistency with the requirements of this section and the requirements for conditional uses contained in the master program.
- d. Uses which are specifically prohibited by the master program may not be authorized pursuant to either subsection (a) or (b) of this section.

E. Variances

1. Shoreline Variances

- a. Purpose. The purpose of a variance permit is strictly limited to granting relief from specific bulk, dimensional, or performance standards set forth in this SMP and where there are extraordinary circumstances relating to the physical character or configuration of property such that the strict implementation of this SMP

- would impose unnecessary hardships on the applicant or thwart the Shoreline Management Act policies as stated in RCW 90.58.020. In all instances where a variance is granted, extraordinary circumstances shall be shown and the public interest shall suffer no substantial detrimental effect. Variances from the use regulations of this SMP are prohibited.
- b. Application. Shoreline variances are a Type III review Quasi-Judicial, Hearing Examiner Decision. This process begins with a complete application, followed by notice to the public of the application and a public comment period, during which time an informational meeting may be held. If required by the State Environmental Policy Act, a threshold determination will be issued by the SEPA Responsible Official. The threshold determination shall be issued prior to the issuance of staff's or Design Review Board's recommendation on the application. Following issuance of the Design Review Board recommendation, if applicable, a public hearing will be held before the city Hearing Examiner. The decision of the Hearing Examiner on a Type III Shoreline Permit application is appealable to the State Shoreline Hearings Board. The Hearing Examiner action deciding the appeal and approving, approving with modifications, or denying a project is the final City decision on a Type III application.

2. Shoreline Variance Criteria

Shoreline variance permits may be authorized, provided the applicant can demonstrate satisfaction of the criteria for granting shoreline variances as set forth in WAC 173-27-170 or as amended.

The following is from WAC 173-27-170 Review Criteria for Variance Permits.

The purpose of a variance permit is strictly limited to granting relief from specific bulk, dimensional or performance standards set forth in the applicable master program where there are extraordinary circumstances relating to the physical character or configuration of property such that the strict implementation of the master program will impose unnecessary hardships on the applicant or thwart the policies set forth in RCW 90.58.020.

- a. Variance permits should be granted in circumstances where denial of the permit would result in a thwarting of the policy enumerated in RCW 90.58.020. In all instances the applicant must demonstrate that extraordinary circumstances shall be shown and the public interest shall suffer no substantial detrimental effect.
- b. Variance permits for development and/or uses that will be located landward of the ordinary high water mark (OHWM), as defined in RCW 90.58.030(2)(b), and/or landward of any wetland as defined in RCW 90.58.030(2)(h), may be authorized provided the applicant can demonstrate all of the following:
 - i. That the strict application of the bulk, dimensional or performance standards set forth in the applicable master program precludes, or significantly interferes with, reasonable use of the property;

- ii. That the hardship described in (1) of this subsection is specifically related to the property, and is the result of unique conditions such as irregular lot shape, size, or natural features and the application of the master program, and not for example, from deed restrictions or the applicants own actions;
 - iii. That the design of the project is compatible with other authorized uses within the area and with uses planned for the area under the comprehensive plan and shoreline master program and will not cause adverse impacts to the shoreline environment;
 - iv. That the variance will not constitute a grant of special privilege not enjoyed by the other properties in the area;
 - v. That the variance requested is the minimum necessary to afford relief; and
 - vi. That the public interest will suffer no substantial detrimental effect.
- c. Variance permits for development and/or uses that will be located waterward of the ordinary high water mark (OHWM), as defined in RCW 90.58.030(2)(b), or within any wetland as defined in RCW 90.58.030(2)(h), may be authorized provided the applicant can demonstrate all of the following:
- i. That the strict application of the bulk, dimensional or performance standards set forth in the applicable master program precludes all reasonable use of the property;
 - ii. That the proposal is consistent with the criteria established under subsection (b)(2) through (6) of this section; and
 - iii. That the public rights of navigation and use of the shorelines will not be adversely affected.
- d. In the granting of all variance permits, consideration shall be given to the cumulative impact of additional requests for like actions in the area. For example, if variances were granted to other developments and/or uses in the area where similar circumstances exist the total of the variances shall also remain consistent with the policies of RCW 90.58.020 and shall not cause substantial adverse effects to the shoreline environment.
- e. Variances from the use regulations of the master program are prohibited.

F. Revisions to Permits

When an applicant seeks to revise a shoreline substantial development, conditional use, or variance permit, the City shall request from the applicant detailed plans and text describing the proposed changes in the permit. If the Administrator determines that the proposed changes are within the scope and intent of the original permit, the revision may be approved, provided it is consistent with Chapter 173-27 WAC, the Shoreline Management Act (SMA), and this SMP. “Within the scope and intent of the original permit” means the following:

1. No additional over-water construction will be involved except that pier, dock, or float construction may be increased by five hundred square feet or ten percent from the provisions of the original permit, whichever is less.
2. Lot coverage and height may be increased a maximum of 10 percent from provisions of the original permit, provided that revisions involving new structures not shown on the original site plan shall require a new permit.
3. Landscaping may be added to a project without necessitating an application for a new permit if consistent with the conditions attached to the original permit and with this SMP.
4. The use authorized pursuant to the original permit is not changed.
5. No additional significant adverse environmental impact will be caused by the project revision.
6. The revised permit shall not authorize development to exceed height, lot coverage, setback, or any other requirements of this SMP except as authorized under a variance granted as the original permit or a part thereof.

If the revision, or the sum of the revision and any previously approved revisions, will violate the criteria specified above, the City shall require the applicant to apply for a new substantial development, conditional use, or variance permit, as appropriate, in the manner provided for herein.

The following is from WAC 173-27-100 Revisions to Permits.

A permit revision is required whenever the applicant proposes substantive changes to the design, terms or conditions of a project from that which is approved in the permit. Changes are substantive if they materially alter the project in a manner that relates to its conformance to the terms and conditions of the permit, the master program and/or the policies and provisions of chapter [90.58](#) RCW. Changes which are not substantive in effect do not require approval of a revision.

When an applicant seeks to revise a permit, local government shall request from the applicant detailed plans and text describing the proposed changes.

7. If local government determines that the proposed changes are within the scope and intent of the original permit, and are consistent with the applicable master program and the act, local government may approve a revision.
8. "Within the scope and intent of the original permit" means all of the following:
 - a. No additional over water construction is involved except that pier, dock, or float construction may be increased by five hundred square feet or ten percent from the provisions of the original permit, whichever is less;
 - b. Ground area coverage and height may be increased a maximum of ten percent from the provisions of the original permit;

- c. The revised permit does not authorize development to exceed height, lot coverage, setback, or any other requirements of the applicable master program except as authorized under a variance granted as the original permit or a part thereof;
 - d. Additional or revised landscaping is consistent with any conditions attached to the original permit and with the applicable master program;
 - e. The use authorized pursuant to the original permit is not changed; and
 - f. No adverse environmental impact will be caused by the project revision.
9. Revisions to permits may be authorized after original permit authorization has expired under RCW [90.58.143](#). The purpose of such revisions shall be limited to authorization of changes which are consistent with this section and which would not require a permit for the development or change proposed under the terms of chapter [90.58](#) RCW, this regulation and the local master program. If the proposed change constitutes substantial development then a new permit is required. Provided, this subsection shall not be used to extend the time requirements or to authorize substantial development beyond the time limits of the original permit.
 10. If the sum of the revision and any previously approved revisions under former WAC [173-14-064](#) or this section violate the provisions in subsection (2) of this section, local government shall require that the applicant apply for a new permit.
 11. The revision approval, including the revised site plans and text consistent with the provisions of WAC [173-27-180](#) as necessary to clearly indicate the authorized changes, and the final ruling on consistency with this section shall be filed with the department. In addition, local government shall notify parties of record of their action.
 12. If the revision to the original permit involves a conditional use or variance, local government shall submit the revision to the department for the department's approval, approval with conditions, or denial, and shall indicate that the revision is being submitted under the requirements of this subsection. The department shall render and transmit to local government and the applicant its final decision within fifteen days of the date of the department's receipt of the submittal from local government. Local government shall notify parties of record of the department's final decision.
 13. The revised permit is effective immediately upon final decision by local government or, when appropriate under subsection (6) of this section, upon final action by the department.
 14. Appeals shall be in accordance with RCW [90.58.180](#) and shall be filed within twenty-one days from the date of receipt of the local government's action by the department or, when appropriate under subsection (6) of this section, the date the department's final decision is transmitted to local government and the applicant. Appeals shall be based only upon contentions of noncompliance with the provisions of subsection (2) of this section. Construction undertaken pursuant to that portion of a revised permit not authorized under the original permit is at the applicant's own risk until the expiration of the appeals deadline. If an appeal is successful in proving that a revision is not within

the scope and intent of the original permit, the decision shall have no bearing on the original permit.

G. Nonconforming Uses

Nonconforming development shall be defined and regulated according to the provisions of WAC 173-27-080; excepting that if a nonconforming development is damaged to the extent of one hundred percent of the replacement cost of the original development, it may be reconstructed to those configurations existing immediately prior to the time the development was damaged. In order for this replacement to occur, application must be made for permits within six months of the date the damage occurred, and all restoration must be completed within two years of permit issuance.

The following is from WAC 173-27-080 Nonconforming Use and Development Standards.

When nonconforming use and development standards do not exist in the applicable master program, the following definitions and standards shall apply:

1. "Nonconforming use or development" means a shoreline use or development which was lawfully constructed or established prior to the effective date of the act or the applicable master program, or amendments thereto, but which does not conform to present regulations or standards of the program.
2. Structures that were legally established and are used for a conforming use but which are nonconforming with regard to setbacks, buffers or yards; area; bulk; height or density may be maintained and repaired and may be enlarged or expanded provided that said enlargement does not increase the extent of nonconformity by further encroaching upon or extending into areas where construction or use would not be allowed for new development or uses.
3. Uses and developments that were legally established and are nonconforming with regard to the use regulations of the master program may continue as legal nonconforming uses. Such uses shall not be enlarged or expanded, except that nonconforming single-family residences that are located landward of the ordinary high water mark may be enlarged or expanded in conformance with applicable bulk and dimensional standards by the addition of space to the main structure or by the addition of normal appurtenances as defined in WAC [173-27-040](#) (2)(g) upon approval of a conditional use permit.
4. A use which is listed as a conditional use but which existed prior to adoption of the master program or any relevant amendment and for which a conditional use permit has not been obtained shall be considered a nonconforming use. A use which is listed as a conditional use but which existed prior to the applicability of the master program to the site and for which a conditional use permit has not been obtained shall be considered a nonconforming use.

5. A structure for which a variance has been issued shall be considered a legal nonconforming structure and the requirements of this section shall apply as they apply to preexisting nonconformities.
6. A structure which is being or has been used for a nonconforming use may be used for a different nonconforming use only upon the approval of a conditional use permit. A conditional use permit may be approved only upon a finding that:
 - a. No reasonable alternative conforming use is practical; and
 - b. The proposed use will be at least as consistent with the policies and provisions of the act and the master program and as compatible with the uses in the area as the preexisting use.

In addition such conditions may be attached to the permit as are deemed necessary to assure compliance with the above findings, the requirements of the master program and the Shoreline Management Act and to assure that the use will not become a nuisance or a hazard.
7. A nonconforming structure which is moved any distance must be brought into conformance with the applicable master program and the act.
8. If a nonconforming development is damaged to an extent not exceeding seventy-five percent of the replacement cost of the original development, it may be reconstructed to those configurations existing immediately prior to the time the development was damaged, provided that application is made for the permits necessary to restore the development within six months of the date the damage occurred, all permits are obtained and the restoration is completed within two years of permit issuance.
9. If a nonconforming use is discontinued for twelve consecutive months or for twelve months during any two-year period, the nonconforming rights shall expire and any subsequent use shall be conforming. A use authorized pursuant to subsection (6) of this section shall be considered a conforming use for purposes of this section.
10. An undeveloped lot, tract, parcel, site, or division of land located landward of the ordinary high water mark which was established in accordance with local and state subdivision requirements prior to the effective date of the act or the applicable master program but which does not conform to the present lot size standards may be developed if permitted by other land use regulations of the local government and so long as such development conforms to all other requirements of the applicable master program and the act.

H. Documentation of Project Review Actions and Changing Conditions in Shoreline Areas

The City will keep on file documentation of all project review actions, including applicant submissions and records of decisions, relating to shoreline management provisions in this SMP. In addition, as stated in the Restoration Plan, the City will track information using

the City's permit system or a separate spreadsheet as activities occur (development, conservation, restoration and mitigation). The information that will be tracked includes:

- New shoreline development
- Shoreline variances and the nature of the variance
- Compliance issues
- New impervious surface areas
- Number of pilings
- Removal of fill
- Vegetation retention/loss
- Bulkheads/armoring

The City may require project proponents to monitor as part of project mitigation, which may be incorporated into this process. This information will assist the City in monitoring shoreline conditions to determine whether both project specific and SMP overall goals are being achieved.

I. Amendments to This Shoreline Master Program

If the City or Department of Ecology determines it necessary, the City will review shoreline conditions and update this SMP within seven years of its adoption.

J. Severability

If any provision of this SMP, or its application to any person, legal entity, parcel of land, or circumstance is held invalid, the remainder of this SMP, or its application to other persons, legal entities, parcels of land, or circumstances shall not be affected.

K. Enforcement

1. Violations

- a. It is a violation of this SMP for any person to initiate or maintain or cause to be initiated or maintained the use of any structure, land or property within the shorelines of the City without first obtaining the permits or authorizations required for the use by this Chapter.
- b. It is a violation of this SMP for any person to use, construct, locate, or demolish any structure, land or property within shorelines of the City in any manner that is not permitted by the terms of any permit or authorization issued pursuant to this SMP, provided that the terms or conditions are explicitly stated on the permit or the approved plans.

- c. It is a violation of this SMP to remove or deface any sign, notice, or order required by or posted in accordance with this SMP.
- d. It is a violation of this SMP to misrepresent any material fact in any application, plans or other information submitted to obtain any shoreline use or development authorization.
- e. It is a violation of this SMP for anyone to fail to comply with any other requirement of this SMP.

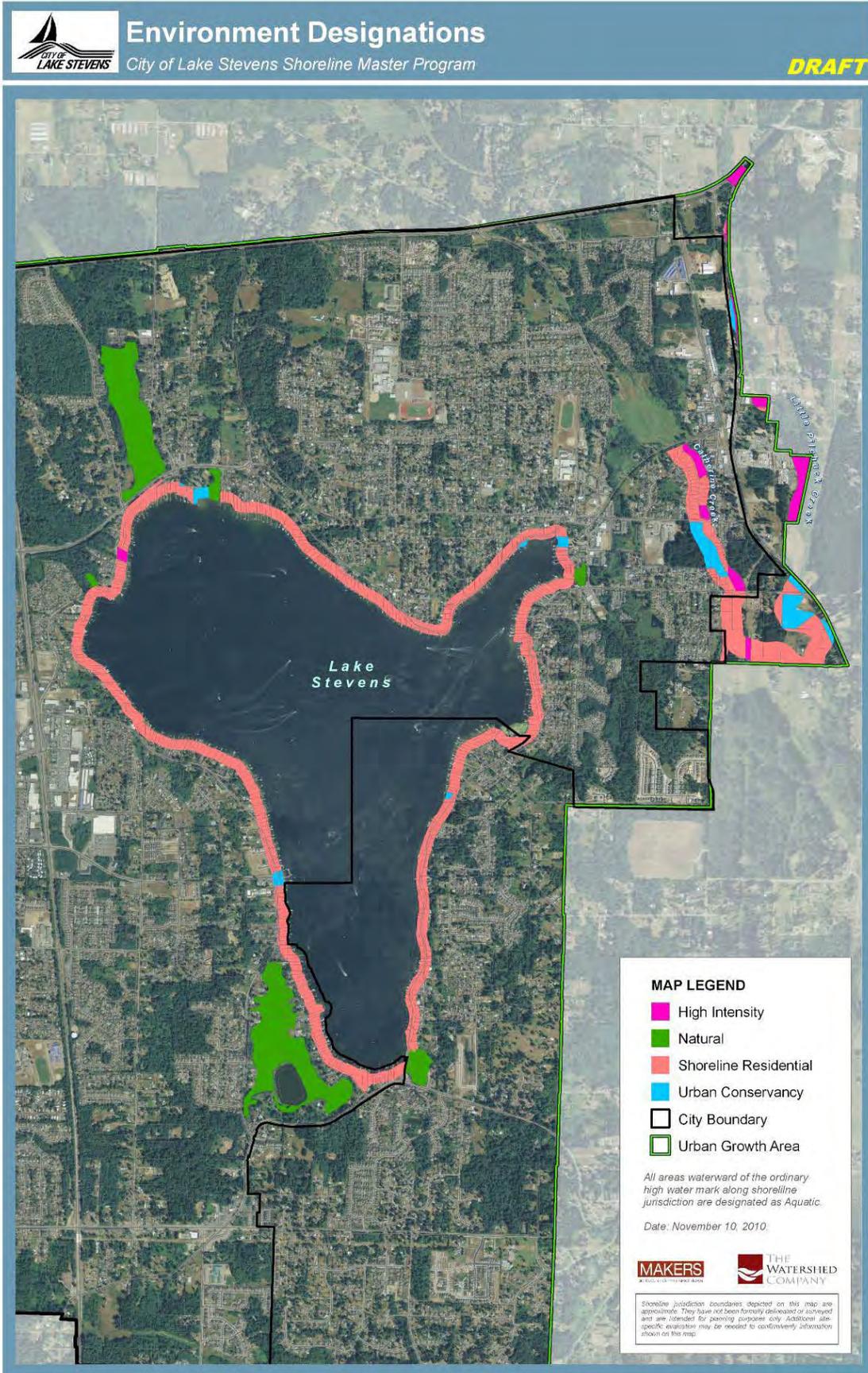
2. Duty to Enforce

- a. It shall be the duty of the Administrator to enforce this Chapter. The Administrator may call upon the police, fire, health, or other appropriate City departments to assist in enforcement.
- b. Upon presentation of proper credentials, the Administrator or duly authorized representative of the Administrator may, with the consent of the owner or occupier of a building or premises, or pursuant to lawfully issued inspection warrant, enter at reasonable times any building or premises subject to the consent or warrant to perform the duties imposed by this SMP.
- c. This SMP shall be enforced for the benefit of the health, safety and welfare of the general public, and not for the benefit of any particular person or class of persons.
- d. It is the intent of this SMP to place the obligation of complying with its requirements upon the owner, occupier or other person responsible for the condition of the land and buildings within the scope of this SMP.
- e. No provision of or term used in the SMP is intended to impose any duty upon the City or any of its officers or employees which would subject them to damages in a civil action.

3. Investigation and Notice of Violation

- a. The Administrator or his/her representative shall investigate any structure, premises or use which the Administrator reasonably believes does not comply with the standards and requirements of this SMP.
- b. If after investigation the Administrator determines that the SMP's standards or requirements have been violated, the Administrator shall follow the procedures for enforcement action and penalties shall be as specified in WAC 173-27-240 through 173-27-310, which are hereby adopted by this reference.

APPENDIX A:
**Shoreline Environment Designation
Maps**



APPENDIX B:

Critical Areas Regulations for Shoreline Jurisdiction

The regulations in Appendix B: Critical Areas Regulations for Shoreline Jurisdiction are fully enforceable and considered part of the SMP regulations.

Sections:

Part 1. Purpose and Intent

- 1.A Purpose and Intent
- 1.B Definitions

Part 2. General Provisions

- 2.A Applicability
- 2.B Regulated Activities
- 2.C Allowed Activities
- 2.D Classification as a Critical Area
- 2.E Submittal Requirements
- 2.F Site/Resource-Specific Reports
- 2.G Mitigation/Enhancement Plan Requirements
- 2.H Mitigation Monitoring
- 2.I Bonding (Security Mechanism)
- 2.J Pesticide Management
- 2.K Building Setbacks
- 2.L Fencing and Signage
- 2.M Dedication of Open Space/Native Growth Protection Area
- 2.N Permanent Protection for Streams, Wetlands and Buffers
- 2.O Density Transfers on Sites Less than Five Acres
- 2.P Innovative Development Design
- 2.Q Dedication of Land and/or Easements in Lieu of Park Mitigation
- 2.R Assessment Relief

Part 3. Fish and Wildlife Conservation Areas

- 3.A Classification
- 3.B Determination of Boundary
- 3.C Allowed Activities
- 3.D Requirements

3.E Mitigation

Part 4. Frequently Flooded Areas

- 4.A Classification
- 4.B Determination of Boundary
- 4.C Allowed Activities
- 4.D Requirements
- 4.E Mitigation

Part 5. Geologically Hazardous Areas

- 5.A Classification
- 5.B Determination of Boundary
- 5.C Allowed Activities
- 5.D Geological Assessment Requirements
- 5.E Setback Buffer Requirements
- 5.F Allowed Alterations
- 5.G Prohibited Alterations
- 5.H Mitigation

Part 6. Wetlands

- 6.A Classification
- 6.B Determination of Boundary
- 6.C Allowed Activities
- 6.D Requirements
- 6.E Mitigation

Part 1. 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

- (a) A project proponent shall make all reasonable efforts to avoid and minimize impacts to shoreline jurisdictional critical areas and buffers in the following sequential order of preference (WAC 173-26-201(2)(e)):
- (1) Avoiding impacts altogether by not taking a certain action or parts of an action; or
 - (2) When avoidance is not possible, minimizing impacts by limiting the degree or magnitude of the action and its implementation, using appropriate technology, or by taking affirmative steps, such as project redesign, relocations, or timing, to avoid or reduce impacts and mitigating for the affected functions and values of the shoreline jurisdictional critical area; and
 - (3) Rectifying the impact by repairing, rehabilitating, or restoring the affected environment.
 - (4) Reducing or eliminating impacts over time by preservation and maintenance operations during the life of the action.
 - (5) Compensating for unavoidable impacts by replacing, enhancing or providing substitute resources or environments.
 - (6) Monitoring the impact and the compensation projects and taking appropriate corrective measures (see WAC 173-26-201(2)(e)(i)(F) for more details).
- (b) Protect the public from personal injury, loss of life, or property damage due to flooding, erosion, landslides, seismic events, or soil subsidence.
- (c) Protect against publicly financed expenditures due to the misuse of shoreline jurisdictional critical areas which cause:
- (1) Unnecessary maintenance and replacement of public facilities;
 - (2) Publicly funded mitigation of avoidable impacts;
 - (3) Cost for public emergency rescue and relief operations where the causes are avoidable;
 - (4) Degradation of the natural environment.
- (d) Protect aquatic resources.
- (e) Protect unique, fragile, and valuable elements of the environment, including wildlife and its habitat.

- (f) Alert appraisers, assessors, owners, potential buyers, or lessees to the development limitations of environmentally sensitive areas.
- (g) Provide City officials with sufficient information to adequately protect shoreline jurisdictional critical areas when approving, conditioning, or denying public or private development proposals.
- (h) Give guidance to the development of Comprehensive Plan policies in regard to the natural systems and environment of the Lake Stevens Watershed.
- (i) Provide property owners and developers with succinct information regarding the City's requirements for property development.

1.B Definitions.

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

- (a) "Agriculture land" means land used for commercial production (as shown by record of any income) of horticultural, viticultural, floricultural, dairy, apiary, or animal products, or of vegetables, Christmas trees, berries, grain, hay, straw, turf, seed, or livestock, and that has long-term (six years or longer) commercial significance for agricultural production.
- (b) "Alteration" means any human-induced action which impacts the existing condition of a critical area. Alterations include but are not limited to grading; filling; dredging; draining; channelizing; cutting, pruning, limbing or topping, clearing, relocating or removing vegetation; applying herbicides or pesticides or any hazardous or toxic substance; discharging pollutants; grazing domestic animals; paving, construction, application of gravel; modifying for surface water management purposes; or any other human activity that impacts the existing vegetation, hydrology, wildlife or wildlife habitat. Alteration does not include walking, passive recreation, fishing or other similar activities.
- (c) "Aquifer recharge area" means geological formations with recharging areas having an effect on aquifers used for potable water where essential source of drinking water is vulnerable to contamination.
- (d) "Best management practices (BMPs)" means the best available conservation practices or systems of practices and management measures that:
 - (1) Control soil loss and protect water quality from degradation caused by nutrients, animal waste, toxins, and sediment; and
 - (2) Minimize adverse impacts to surface water and groundwater flow, circulation patterns, and to the chemical, physical, and biological characteristics of critical areas.

- (e) “Best available science” means current scientific information, which is used to designate, regulate, protect, or restore critical areas and which is derived from a valid scientific process as set forth in WAC [365-195-900](#) through [365-195-925](#) and Section [14.88.235](#).
- (f) “Bog” means a wetland with limited drainage and generally characterized by extensive peat deposits and acidic waters. Vegetation can include, but is not limited to, sedges, sphagnum moss, eriogonums, shrubs, and trees.
- (g) “Buffer areas, wetlands” means areas that are contiguous to and protect a critical area and are required for the continued maintenance, functioning, and/or structural stability of a critical area.
- (h) “Buffer management” means an activity proposed by a public agency, public utility, or private entity, and approved by the Planning and Community Development Director, within a buffer required by this title, that is proposed to:
- (1) Reduce or eliminate a verified public safety hazard;
 - (2) Maintain or enhance wildlife habitat diversity; or
 - (3) Maintain or enhance a fishery or other function of stream, wetland, or terrestrial ecosystems.
- (i) “Classes, wetland” means the wetland taxonomic classification system of the United States Fish and Wildlife Service (Cowardin, et al. 1978).
- (j) “Compensation” means the replacement, enhancement, or creation of an undevelopable critical area equivalent in functions, values and size to those being altered by or lost to development.
- (k) “Creation, wetland mitigation” means the manipulation of the physical, chemical, or biological characteristics present to develop a wetland on an upland or deepwater site, where a wetland did not previously exist. Activities typically involve excavation of upland soils to elevation that will produce a wetland hydroperiod, create hydric soils, and support the growth of hydrophytic plant species. Establishment results in a gain in wetland acres.
- (l) “Critical areas” means areas of the City that are subject to natural hazards or any landform feature that carries, holds, or purifies water and/or supports unique, fragile or valuable natural resources including fish, wildlife, and other organisms and their habitat. Critical areas include the following features: geologically hazardous areas, wetlands, streams, frequently flooded hazard areas, fish and wildlife conservation areas, aquifer recharge areas, and groundwater discharge areas.
- (m) “Critical habitat” means habitat necessary for the survival of endangered, threatened, sensitive species as listed by the Federal Government or the State of Washington. Habitat for species listed on the candidate list, or monitored species as listed by the Federal Government or the State of Washington, may be considered critical habitat.

- (n) “Degraded wetland” means a wetland in which the vegetation, soils, and/or hydrology have been adversely altered, resulting in lost or reduced functions and values.
- (o) “Developable area” means land outside of critical areas, their setback, and buffers.
- (p) “Edge” means the boundary of a wetland as delineated based on the criteria contained in this chapter.
- (q) “Emergent wetland” means a wetland with at least 30 percent of its surface covered by erect, rooted, herbaceous vegetation at the uppermost vegetative strata.
- (r) “Emergency” means an action that must be undertaken immediately or within a time frame too short to allow full compliance with this chapter, in order to avoid an immediate threat to public health or safety, to prevent a imminent danger to public or private property, or to prevent an imminent threat of serious environmental degradation.
- (s) “Enhancement, wetland mitigation” means the manipulation of the physical, chemical or biological characteristics of a wetland site, in order to heighten, intensify or improve functions or to change the growth stage or composition of the vegetation present. Enhancement is undertaken for specified purposes such as water quality improvement, flood water retention or habitat improvement. Activities typically consist of planting vegetation, controlling non-native or invasive species, modifying the site elevation or the proportion of open water to influence hydroperiods, or some combination of these activities. Enhancement results in a benefit to some wetland functions and can lead to a decline in other wetland functions but does not result in a gain in wetland acres. Activities typically consist of planting vegetation, controlling non-native or invasive species, modifying site elevations or the proportion of open water to influence hydroperiods, or some combination of these activities.
- (t) “Erosion hazard areas” means lands or areas that, based on a combination of slope inclination and the characteristics of the underlying soils, are susceptible to varying degrees of risk of erosion.
- (u) “Exotic species” means plants or animals that are not native to the Puget Sound Lowlands region.
- (v) “Extraordinary hardship” means prevention of all reasonable economic use of the parcel due to strict application of this chapter and/or programs adopted to implement this chapter.
- (w) “Fish and wildlife habitats (of local importance)” means a seasonal range or habitat element with which a given species has a primary association, and which, if altered, may reduce the likelihood that the species will maintain and reproduce over the long-term. These might include areas of relative density or species richness, breeding habitat, winter range, and movement corridors. These also include habitats of limited availability or high vulnerability to alteration, such as cliffs and wetlands.
- (x) Floodplain. See Section [14.08.010](#), “Floodplain.”

- (y) Floodway. See Section [14.08.010](#), “Floodway.”
- (z) “Forested wetland” means wetlands with at least 20 percent of the surface area covered by woody vegetation greater than 30 feet in height.
- (aa) “Forest land” means land used for growing trees, not including Christmas trees, for commercial purposes (as shown by record of any income) that has long-term (six years or more) commercial significance.
- (bb) “Frequently flooded areas” means lands indicated on the most current FEMA map to be within the 100-year floodplain. These areas include, but are not limited to, streams, lakes, coastal areas, and wetlands.
- (cc) “Functions and values” means the beneficial roles served by critical areas including, but not limited to, water quality protection and enhancement, fish and wildlife habitat, food chain support, flood storage, conveyance and attenuation, groundwater recharge and discharge, erosion control, wave attenuation, aesthetic value protection, and recreation. These roles are not listed in order of priority.
- (dd) “Geologically hazardous areas” includes areas susceptible to erosion, sliding, seismic activity, or other geological events. They may pose a threat to the health and safety of citizens when used as sites for incompatible commercial, residential or industrial development.
- (ee) “Hydric soil” means soil that is saturated, flooded, or ponded long enough during the growing season to develop anaerobic conditions in the upper part. The presence of hydric soil shall be determined following the methods described in the Washington State Wetlands Identification and Delineation Manual 1997, or as amended hereafter.
- (ff) “Landslide hazard areas” means areas that, due to a combination of slope inclination and relative soil permeability, are susceptible to varying degrees of risk of landsliding.
- (gg) “Land uses, high intensity” means uses which are associated with moderate or high levels of human disturbance or substantial impacts including, but not limited to, a zone classification allowing four or more dwelling units per acre, active recreation, and commercial and industrial land uses.
- (hh) “Land uses, low intensity” includes land uses which are associated with low levels of human disturbance or low habitat impacts, including, but not limited to, passive recreation and open space.
- (ii) “Mineral resource lands” means lands primarily devoted to the extraction of gravel, sand, other construction materials, or valuable metallic or mineral substances.
- (jj) “Mitigation” means an action or combination of actions which avoids, minimizes, or compensates for adverse impacts to critical areas or sensitive resources. Mitigation is considered in the following order of preference:

- (1) Avoiding the impact altogether by not taking a certain action or parts of an action;
- (2) Minimizing impacts by limiting the degree or magnitude of the action and its implementation by using appropriate technology or by taking affirmative steps to avoid or reduce impacts;
- (3) Rectifying the impacts by repairing, rehabilitating, or restoring the affected environment;
- (4) Reducing or eliminating the impact over time by preservation and maintenance operations during the life of the action;
- (5) Compensating for the impact by replacing, enhancing, or providing substitute resources or environments;
- (6) Monitoring the impact and the compensation project and taking appropriate corrective measures.

(kk) “Native growth protection areas (NGPA)” means areas where native vegetation is permanently preserved for the purpose of preventing harm to property and the environment, including, but not limited to, controlling surface water runoff and erosion, maintaining slope stability, buffering and protecting plants and animal habitat.

(ll) “Native vegetation” means plant species which are indigenous to the Puget Sound Lowlands region.

(mm) “Natural resource lands” means agriculture, forest, and mineral resource lands as defined in this section.

(nn) “Open space” means areas of varied size which contain distinctive geologic, botanic, zoologic, historic, scenic or other critical area or natural resource land features.

(oo) “Ordinary high water mark” means a mark that has been found where the presence and action of waters are common and usual and maintained in an ordinary year long enough to mark a distinct character from that of the abutting upland.

(pp) “Pesticide management plan” means a guidance document for the prevention, evaluation, and mitigation for occurrences of pesticides or pesticide breakdown products in ground and surface waters.

(qq) “Practicable alternative” means an alternative that is available and capable of being carried out after taking into consideration cost, existing technology, and logistics in light of overall project purposes, and having less impacts to critical areas. It may include an area not owned by the applicant which can reasonably be obtained, utilized, expanded, or managed in order to fulfill the basic purpose of the proposed activity.

(rr) “Priority habitats” means areas that support diverse, unique, and/or abundant communities of fish and wildlife, as determined by the Washington Department of Fish and Wildlife Map Products 2006.

(ss) “Priority species” means wildlife species of concern due to their population status and their sensitivity to habitat alteration.

(tt) “Public water system” means a water system that serves two or more connections.

(uu) “Re-establishment, wetland mitigation” means the manipulation of the physical, chemical, or biological characteristics of a site with the goal of returning natural or historic functions to a former wetland. Activities could include removing fill material, plugging ditches, or breaking drain tiles. Re-establishment results in a gain in wetland acres.

(vv) “Regulated wetlands” means wetlands, including their submerged aquatic beds, and those lands defined as wetlands under the 1989 Federal Clean Water Act, 33 USC Section 251, et seq., and rules promulgated pursuant thereto and shall be those areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Regulated wetlands generally include swamps, bogs, and similar areas. Wetlands created as mitigation and wetlands modified for approved land use activities shall be considered as regulated wetlands. Regulated wetlands do not include those constructed wetlands intentionally created from nonwetland sites, including, but not limited to, irrigation and drainage ditches, grass-lined swales, canals, detention/retention facilities, wastewater treatment facilities, farm ponds, and landscape amenities.

(ww) “Rehabilitation, wetland mitigation” means the manipulation of the physical, chemical, or biological characteristics of a site with the goal of repairing natural or historic function of a degraded wetland. Activities could involve breaching a dike or reconnecting wetland to a floodplain or returning tidal influence to a wetland. Rehabilitation results in a gain in wetland function but does not result in a gain in wetland acres

(xx) “Repair or maintenance activities” means an action to restore the character, size, or scope of a project only to the previously authorized condition.

(yy) “Riparian area” means a transitional area between terrestrial and aquatic ecosystems and which is distinguished by gradients in biophysical conditions, ecological processes, and biota.

(zz) “Riparian habitat” means an ecosystem that borders a stream which is occasionally flooded and periodically supports predominantly hydrophytes.

(aaa) “Riparian zone” means a transitional area between aquatic ecosystems (lakes, streams, and wetlands) and upland terrestrial habitats.

(bbb) “Scrub-shrub wetland” means a wetland with at least 30 percent of its surface area covered with woody vegetation less than 20 feet in height.

(ccc) “Seismic hazard areas” means areas that, due to a combination of soil and groundwater conditions, are subject to severe risk of ground shaking, subsidence or liquefaction of soils during earthquakes.

(ddd) “Setbacks” means protective buffers which provide a margin of safety through protection of slope stability, attenuation of surface water flows, and landslide hazards reasonably necessary to minimize risk to the public from loss of life or well-being or property damage resulting from natural disasters; or an area which is an integral part of a stream or wetland ecosystem and which provides shading, input of organic debris and coarse sediments, room for variation in stream or wetland edge, habitat for wildlife and protection from harmful intrusion necessary to protect the public from losses suffered when the functions and values of aquatic resources are degraded.

(eee) “Sphagnum” means any of a large genus of mosses that grow only in wet acidic soils and whose remains become compacted with other plant debris to form peat.

(fff) “Streams” means water contained within a channel, either perennial or intermittent, and classified according to a locally appropriate stream classification system based on WAC [222-16-030](#). Streams also include open natural watercourses modified by man. Streams do not include irrigation ditches, waste ways, drains, outfalls, operational spillways, channels, stormwater runoff facilities or other wholly artificial watercourses, except those that directly result from the modification to a natural watercourse. Streams are further characterized as S, F, Np, or Ns.

(ggg) “Swamp” means a wetland whose dominant vegetation is composed of woody plants and trees.

(hhh) “Unavoidable and necessary impacts” means impacts that remain after a person proposing to alter critical areas has demonstrated that no practicable alternative exists for the proposed project.

(iii) “Water-dependent” means a use for which the use of surface water would be essential in fulfilling the purpose of the proposed project.

(jjj) “Wetlands” means areas that are inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, bogs, marshes, and similar areas. Wetlands do not include those artificial wetlands intentionally created from nonwetland sites, including but not limited to, irrigation and drainage ditches, grass-lined swales, canals, detention facilities, wastewater treatment facilities, farm ponds, and landscape amenities. However, wetlands include those artificial wetlands intentionally created to mitigate conversion of wetlands. See the Federal Manual for Identifying and Delineating Jurisdictional Wetlands.

(kkk) “Wetland mitigation bank” means a site where wetlands and buffers are restored, created, enhanced, or in exceptional circumstances, preserved expressly for the purpose of providing compensatory mitigation in advance of authorized impacts to similar resources.

Part 2. General Provisions

2.A Applicability.

The provisions of this appendix apply to all lands, land uses and development activity in areas of shoreline jurisdiction within the City. No action shall be taken by any person which results in any alteration of any shoreline jurisdictional critical areas except as consistent with the purposes, objectives, and goals of this SMP.

2.B Regulated Activities.

Land use and development activities in shoreline jurisdictional critical areas shall ensure no net loss of critical area and functions. Regulated activities include, but are not limited to, the following activities consistent with WAC 173-26-221(2)(c)(i)(A):

- (a) The removal, excavation, grading, or dredging of soil, sand, gravel, minerals, organic matter, or material of any kind.
- (b) The dumping, discharging, or filling with any material, including discharges of storm water and domestic, commercial, or industrial wastewater.
- (c) The draining, flooding, or disturbing of the water level, duration of inundation, or water table.
- (d) The driving of pilings.
- (e) The placing of obstructions.
- (f) The construction, reconstruction, demolition, or expansion of any structure.
- (g) The destruction or alteration of vegetation in a critical area through clearing, harvesting, shading, intentional burning, or planting of vegetation that would alter the character of a critical area; provided, that these activities are not part of a forest practice governed under Chapter [76.09](#) RCW and its rules.
- (h) Activities that result in a significant change of water temperature, a significant change of physical or chemical characteristics of water sources, including quantity, or the introduction of pollutants.
- (i) Other uses or development that results in a significant ecological impact to the physical, chemical, or biological characteristics of wetlands, lakes or streams.
- (j) Activities reducing the functions of buffers.

2.C Allowed Activities.

Unless specifically prohibited elsewhere in this appendix or SMP, the following uses are allowed in any shoreline jurisdictional critical area; provided, that site/resource-specific reports prepared to describe the environmental limitations of and proposed mitigation for the site, and show how no net loss of area and functions, including lost time when the critical area does not perform the function. The report shall be submitted, reviewed, and approved by the City prior to permit issuance or land use approval. In addition, a Hydraulic Project Approval may be required from the Department of Fish and Wildlife before any activity takes place in the critical area:

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

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

(b) Navigation aids and boundary markers.

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

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

(e) Drilling for utilities/utility corridors (e.g., installation or construction of City road right-of-way; or installation, replacement, operation, repair, alteration, or relocation of all water, natural gas, cable communication, telephone, or other utility lines, pipes, mains, equipment or appurtenances, not including substations or other buildings) under a wetland, with entrance/exit portals located completely outside of the wetland buffer is preferred, provided that the drilling does not interrupt the groundwater connection to the wetland or percolation of surface water down through the soil column. Specific studies by a hydrologist are necessary to determine

whether the groundwater connection to the wetland or percolation of surface water down through the soil column will be disturbed. If not determined to be feasible due to any reason other than disturbing groundwater connection or surface water through the soil column, a shoreline variance must be requested and a detailed report/mitigation plan submitted, reviewed, and approved by the City prior to permit issuance or land use approval and all other agency approvals have been issued.

(f) Minor expansion of uses or structures existing at the time of adoption of this code, and which are in compliance with all development regulations; provided, that the applicant obtains all required local, State, and Federal permits, which may include, but not limited, to a Department of Fish and Wildlife Hydraulic Permit and a Clean Water Act 404 Permit and the expansion does not create a loss of wetland area and functions nor pose a significant threat to water quality. A site/resource-specific report and mitigation plan shall be prepared to describe the wetland area, function, and water quality and submitted to the City for review and approval prior to permit issuance. For the purposes of this subsection, “minor expansion” refers to an addition to or alteration of a use or structure and shall be limited to a maximum of 1,000 square feet of impervious area.

(g) Stormwater Management Facilities. Stormwater management facilities are limited to stormwater dispersion outfalls and bioswales. Stormwater management facilities are not allowed in buffers of Category I or II wetlands. They may be allowed within the outer 25 percent of the buffer of Category III or IV wetlands only, provided:

- (1) No other location is feasible, and
- (2) The location of such facilities will not degrade the function or values of the wetland.

(h) Emergency Activities. Those activities that are necessary to prevent an immediate threat to public health, safety, or welfare or pose an immediate risk of damage to a primary structure, and that require remedial or preventative action in a time frame too short to allow for compliance with the requirements of this chapter.

2.D Classification as a Critical Area.

Critical areas include fish and wildlife conservation areas, frequently flooded areas, geologically hazardous areas, and associated wetlands. Criteria for classification as a critical area will be listed under the applicable sections of this appendix.

2.E Submittal Requirements.

To enable the City to determine compliance with this appendix, at the time of application submittal, the applicant shall file a SEPA Environmental Checklist (if use is subject to SEPA), a critical area checklist, site/resource-specific reports as specified in Section 2.F, all supplemental

application requirements for a shoreline permit described in Chapter 7 of this SMP, and any other pertinent information requested by the Department of Planning and Community Development.

2.F Site/Resource-Specific Reports.

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

2.G Mitigation/Enhancement Plan Requirements.

In the event that mitigation and/or enhancement is required, the Department of Planning and Community Development shall require the applicant to provide a mitigation plan for approval and a performance and maintenance bond in a form and amount acceptable to the City in accordance with Section [2.I](#). The plan shall provide information on land acquisition, construction, maintenance and monitoring of the replaced shoreline jurisdictional critical area that creates a no-net-loss area in function of the original area in terms of acreage, function, geographic location and setting. The plan shall also include critical areas and buffer impacts and critical areas and proposed buffer areas. All mitigation plans shall include the following items, which shall be submitted by the applicant or a qualified biologist, civil or geotechnical engineer:

- (a) Data collected and synthesized for the critical area and/or the newly restored site;
- (b) Specific goals and objectives describing site function, target species, selection criteria and measures to avoid and minimize impacts which shall include:
 - (1) Avoiding the impact altogether.
 - (2) Reducing or eliminating the impact over time by preservation and maintenance operations.
 - (3) Compensating for the impact by replacing, enhancing, or providing substitute resources or environments.

- (4) Enhancing significantly degraded wetlands in combination with restoration or creation. Such enhancement should be part of a mitigation package that includes replacing the impacted area by meeting appropriate ratio requirements.
- (5) Unless it is demonstrated that a higher level of ecological functioning would result from an alternate approach, compensatory mitigation for ecological functions shall be either in-kind and on site, or in-kind and within the same stream reach, subbasin, or drift cell. Mitigation actions shall be conducted within the same subdrainage basin and on the same site as the alteration except as specifically provided for in Sections 3.E and 6.E;
- (c) Performance standards which shall include criteria for assessing goals and objectives;
- (d) Contingency plans which clearly define the course of action or corrective measures needed if performance standards are not met;
- (e) A legal description and a survey prepared by a licensed surveyor of the proposed development site and location of the critical area(s) on the site;
- (f) A scaled plot plan that indicates the proposed construction in relation to zoning setback requirements and sequence of construction phases including cross-sectional details, topographic survey data (including percent slope, existing and finished grade elevations noted at two-foot intervals or less), mitigation area, and water table elevation with sufficient detail to explain, illustrate and provide for:
- (1) Soil and substrate conditions, topographic elevations, scope of grading and excavation proposal, erosion and sediment treatment and source controls needed for critical area construction and maintenance;
 - (2) Planting plans specifying plant species, types, quantities, location, size, spacing, or density. The planting season or timing, watering schedule, and nutrient requirements for planting, and where appropriate, measures to protect plants from destruction; and
 - (3) Contingency or mid-course corrections plan and a minimum five-year monitoring and replacement plan establishing responsibility for removal of exotic and nuisance vegetation and permanent establishment of the critical area and all component parts. The monitoring plan is subject to the provisions of Sections [2.H](#) and [2.I](#);
- (g) A clearly defined approach to assess progress of the project, including the measurement of the success of a mitigation project by the presence of native species and an increase in the coverage of native plants over the course of the monitoring period;
- (h) The plan must indicate ownership, size, type, and complete ecological assessment including flora, fauna, hydrology, functions, etc., of the critical area being restored or created; and

(i) The plan must also provide information on the natural suitability of the proposed site for establishing the replaced critical area, including water source and drainage patterns, topographic position, wildlife habitat opportunities, and value of existing area to be converted.

2.H Mitigation Monitoring.

(a) All compensatory mitigation projects shall be monitored for the period necessary to establish that performance standards have been met, but in no event for a period less than five years for emergent communities and ten years for scrub-shrub and forested communities following the acceptance of the installation/construction by the Shoreline Administrator.

(b) Monitoring reports on the current status of the mitigation project shall be submitted to the Planning Department. The reports shall be prepared by a qualified consultant and shall include monitoring information on wildlife, vegetation, water quality, water flow, stormwater storage and conveyance, and existing or potential degradation. Reports shall be submitted in accordance with the following schedule:

- (1) At the time of construction;
- (2) Thirty days after planting;
- (3) Early in the growing season of the first year;
- (4) End of the growing season of the first year;
- (5) Twice the second year (at the beginning and end of the growing season); and
- (6) Annually thereafter, to cover a total monitoring period of at least five growing seasons.

(c) The Shoreline Administrator shall have the authority to extend the monitoring and surety period and require additional monitoring reports and maintenance activities beyond the initial five-year monitoring period for any project does not meet the performance standards identified in the mitigation plan, does not provide adequate replacement for the functions and values of the impacted critical area, or otherwise warrants additional monitoring.

2.I Bonding (Security Mechanism).

(a) If the development proposal is subject to compensatory mitigation, the applicant shall enter into an agreement with the City to complete the mitigation plan approved by the City and shall post a mitigation surety to ensure mitigation is fully functional.

(b) The surety shall be in the amount of 150 percent of the estimated cost of the uncompleted actions or the estimated cost of restoring the functions and values of the critical area that are at

risk, whichever is greater. The surety shall be based on a detailed, itemized cost estimate of the mitigation activity including clearing and grading, plant materials, plant installation, irrigation, weed management, and all other costs.

(c) The surety shall be in the form of an assignment of funds, bond, security device, or other means acceptable to the City Finance Director in consultation with the City Attorney.

(d) The performance surety authorized by this section shall remain in effect until the City determines, in writing, that the standards bonded for have been met. Once the mitigation installation has been accepted by the Shoreline Administrator, the bond may be reduced to 20 percent of the original mitigation cost estimate and shall become a maintenance surety. Said maintenance surety shall generally be held by the City for a period of five years to ensure that the required mitigation has been fully implemented and demonstrated to function, and may be held for longer periods under Section [2.H\(c\)](#).

(e) Depletion, failure, or collection of surety funds shall not discharge the obligation of an applicant to complete required mitigation, maintenance, monitoring, or restoration.

(f) Public development proposals shall be relieved from having to comply with the bonding requirements of this section if public funds have previously been committed for mitigation, maintenance, monitoring, or restoration.

(g) Any failure to satisfy critical area requirements established by law or condition including, but not limited to, the failure to provide a monitoring report within 30 days after it is due or comply with other provisions of an approved mitigation plan shall constitute a default. Upon notice of any default, the City may demand immediate payment of any financial guarantees or require other action authorized by the City code or any other law.

(h) Any funds paid or recovered pursuant to this section shall be used to complete the required mitigation or other authorized action.

(i) The Shoreline Administrator may authorize a one-time temporary delay, up to 120 days, in completing mitigation activities when environmental conditions could produce a high probability of failure or significant construction difficulties. The delay shall not create or perpetuate hazardous conditions or environmental damage or degradation. The request for the temporary delay shall include a written justification documenting the environmental constraints that preclude implementation of the mitigation plan and shall include a financial guarantee. The justification shall be verified by the City before approval of any delay.

(j) The provisions of LSMC [14.16A.180](#) (Security Mechanisms) shall also apply if necessary to ensure adequate protection of the public interest.

2.J Pesticide Management.

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

2.K Building Setbacks.

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

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

2.L Fencing and Signage.

Wetland fencing and signage adjacent to a regulated wetland or stream corridor shall be required.

- (a) Fencing shall be smooth wire or an alternative approved by the Shoreline Administrator.
 - (1) Fencing must be a permanent structure installed in a manner that allows continuous wildlife habitat corridors along critical fish and wildlife areas with a minimum gap of one and one-half feet at the bottom of the fence, and maximum height of three and one-half feet at the top;
 - (2) The fence shall be designed and constructed to clearly demarcate the buffer from the developed portion of the site and to limit access of landscaping equipment, vehicles, or other human disturbances; and
 - (3) No pressure treated posts and rails will be used for signage or fencing.
- (b) Signs designating the presence of a critical area shall be posted along the buffer boundary. The signs shall be posted at a minimum rate of one every 100 lineal feet. Standard details for signage shall be kept on file at the Planning and Community Development Department.

2.M Dedication of Open Space/Native Growth Protection Area.

- (a) In order to protect critical areas, open space easements or tracts, referred to as a native growth protection area, where proposed as mitigation, shall be dedicated to the City.
- (b) Anyone may offer to dedicate a critical area easement or tract and its buffer to the City even if not proposed as mitigation. The Shoreline Administrator shall make a determination regarding the City's acceptance of such a dedication, based on consistency with the goals and policies of the adopted Comprehensive Plan.
- (c) Such easements or tracts shall cover the critical area as delineated by its defined boundaries and buffers.

2.N Permanent Protection for Streams, Wetlands and Buffers.

All streams, wetlands and mitigation sites under this SMP and their required buffers shall be permanently protected by designating them as native growth protection areas (NGPAs) in accordance with Section [2.M](#). NGPAs are to be left permanently undisturbed in a substantially or environmentally enhanced natural state. No clearing, grading, filling, building construction or placement, or road construction is allowed except the following:

- (a) On a case by case basis when supported by a critical areas assessment study, crossings for underground utility lines which utilize the shortest alignment possible and for which no alignment that would avoid such a crossing is feasible;
- (b) Removal of hazardous trees by the property owner, when based on a recommendation by a qualified arborist and an assessment of hazardous tree risk study and when approved by the City.

Existing legally (on-going) established structures, and non-native or ornamental landscaping, including, but not necessarily limited to, gardens, yards, pastures, and orchards, are not required to be designated as NGPAs.

2.O Density Transfers on Sites Less than Five Acres.

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

- (a) Only the area contained in critical area buffers of the following wetlands is eligible to be used in the density transfer calculation:
 - (1) Category II and III wetlands with a habitat score of less than 20; and
 - (2) Category IV wetlands.

- (b) The development must be proposed to connect to sewer service and sewer service must be available.
- (c) The base density shall be consistent with the densities set forth in Chapter [14.36](#) of the Lake Stevens Municipal Code for the zoning districts. The site density shall be calculated using the area of the subject property divided by the minimum lot size of the applicable zone.
- (d) The overall density of the proposed site may be transferred from the undevelopable portion to the developable part of the site.
- (e) The development shall meet applicable policies, setbacks and other standards of the City except:
- (1) Lot widths of Chapter [14.48](#) Table V of the Lake Stevens Municipal Code may be modified to not less than 40 feet in the SR and UR zones and not less than 30 feet in the HUR zone;
 - (2) Lot sizes may be modified to not less than 4,000 square feet in the SR and UR zones and not less than 3,000 square feet in the HUR zone;
 - (3) Setbacks of the zone as specified in Chapter [14.48](#) Table V of the Lake Stevens Municipal Code may not be modified when using the density transfer provision;
 - (4) The proposed development must be compatible with the character of the area and adjacent uses; and
 - (5) The area to which density is transferred must not be constrained by other critical areas.

2.P Innovative Development Design.

A project permit applicant may request approval of an innovative design, which addresses wetland, fish and wildlife habitat conservation area or buffer treatment in a manner that deviates from the standards set forth in Sections [3.A](#) through [3.E](#), Fish and Wildlife Conservation Areas, and Sections [6.A](#) through [6.E](#), Wetlands under a shoreline variance process.

- (a) An innovative development design will be considered in conjunction with the primary land use project approval or building permit approval. An applicant may include the innovative development design proposal in the project pre-application review packet for review. The Shoreline Administrator shall give preliminary findings on the pre-application and shall only issue a final decision for the design with the project or building permit approval, whichever occurs first.

- (b) The applicant shall demonstrate in a site/resource-specific report required pursuant to Section [2.F](#) how the innovative development design complies with the following requirements:
- (1) The innovative development design will achieve protection equivalent to or better than the treatment of the functions and values of the critical areas that would be obtained by applying the standard prescriptive measures contained in this appendix and SMP;
 - (2) Applicants for innovative development design are encouraged to consider measures prescribed in guidance documents, such as watershed conservation plans or other similar conservation plans, and low impact stormwater management strategies which address wetlands, fish and wildlife habitat conservation areas or buffer protection consistent with this appendix and SMP;
 - (3) The innovative development design will not be materially detrimental to the public health, safety or welfare or injurious to other properties or improvements located outside of the subject property; and
 - (4) Applicants for innovative development design are encouraged to consider measures prescribed in the Puget Sound Action Team 2005 Technical Guidance Manual for Low Impact Development.

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

The dedication of critical areas and their buffers as open space may not be used for satisfying park mitigation requirements. Park land must be dedicated or fees in lieu of dedication must be paid as set forth in this title. However, if an applicant provides recreation amenities (e.g., trails, bench for wildlife viewing, etc.) in buffers as allowed under this appendix, the cost of those amenities may be subtracted from the total park mitigation calculated for a given project with prior approval of the Shoreline Administrator.

2.R Assessment Relief.

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

Part 3. Fish and Wildlife Conservation Areas

3.A Classification.

Fish and wildlife conservation areas include:

(a) Lands containing priority habitats and species, including plant and/or animal species listed on Federal or State threatened or endangered species lists.

(b) Naturally occurring ponds under 20 acres and their submerged aquatic beds that provide fish or wildlife habitat. These do not include ponds deliberately designed and created from dry sites such as canals, detention facilities, waste-water treatment facilities, farm ponds, temporary construction ponds (of less than three years duration), and landscape amenities. However, naturally occurring ponds may include those artificial ponds intentionally created from dry areas in order to mitigate conversion of ponds, if permitted by a regulatory authority.

(c) Waters of the State, as defined in WAC Title [222](#), Forest Practices Rules and Regulations. Waters of the State shall be classified using the system in WAC [222-16-030](#). In classifying waters of the State as fish and wildlife habitats the following shall be used:

- (1) Species are present which are endangered, threatened or sensitive;
- (2) Existing surrounding land uses are incompatible with salmonid and other game fish habitat;
- (3) Presence and size of riparian ecosystem;
- (4) Existing water rights.

(d) Lakes, ponds, and streams planted with game fish (defined at RCW [77.09.020](#)), including those planted under the auspices of Federal, State, local, or tribal programs, or which support priority fish species as identified by the Department of Fish and Wildlife.

(e) State natural area preserves and natural resource conservation areas.

(f) Streams shall be classified according to the stream type system as provided in WAC [222-16-030](#), Stream Classification System, as amended.

(1) Type S Stream. Those streams, within their ordinary high water mark, as inventoried as shorelines of the State under Chapter [90.58](#) RCW and the rules promulgated pursuant thereto.

(2) Type F Stream. Those stream segments within the ordinary high water mark that are not Type S streams, and which are demonstrated or provisionally presumed to be used by fish. Stream segments which have a width of two feet or greater at the ordinary high water mark and have a gradient of 16 percent or less for basins less than or equal to 50 acres in size, or have a gradient of 20 percent or less for basins greater than 50 acres in size, are provisionally presumed to be used by fish. A provisional presumption of fish use may be

refuted at the discretion of the Shoreline Administrator where any of the following conditions are met:

- (i) It is demonstrated to the satisfaction of the City that the stream segment in question is upstream of a complete, permanent, natural fish passage barrier, above which no stream section exhibits perennial flow;
 - (ii) It is demonstrated to the satisfaction of the City that the stream segment in question has confirmed, long-term, naturally occurring water quality parameters incapable of supporting fish;
 - (iii) Sufficient information about a geomorphic region is available to support a departure from the characteristics described above for the presumption of fish use, as determined in consultation with the Washington Department of Fish and Wildlife, the Department of Ecology, affected tribes, or others;
 - (iv) The Washington Department of Fish and Wildlife has issued a hydraulic project approval, pursuant to RCW [77.55.100](#), which includes a determination that the stream segment in question is not used by fish;
 - (v) No fish are discovered in the stream segment in question during a stream survey conducted according to the protocol provided in the Washington Forest Practices Board Manual, Section 13, Guidelines for Determining Fish Use for the Purpose of Typing waters under WAC [222-16-031](#); provided, that no unnatural fish passage barriers have been present downstream of said stream segment over a period of at least two years.
- (3) Type Np Stream. Those stream segments within the ordinary high water mark that are perennial and are not Type S or Type F streams. However, for the purpose of classification, Type Np streams include intermittent dry portions of the channel below the uppermost point of perennial flow. If the uppermost point of perennial flow cannot be identified with simple, nontechnical observations (see Washington Forest Practices Board Manual, Section 23), then said point shall be determined by a qualified professional selected or approved by the City.
- (4) Type Ns Stream. Those stream segments within the ordinary high water mark that are not Type S, Type F, or Type Np streams. These include seasonal streams in which surface flow is not present for at least some portion of a year of normal rainfall that are not located downstream from any Type Np stream segment.

3.B Determination of Boundary.

(a) The boundaries of fish and wildlife conservation areas shall be determined by the Shoreline Administrator, who may rely on a Departmental approved biological resources survey prepared by a qualified wildlife biologist per the Department's Biological Resources Survey Guidelines. Such a report would be supplied by the applicant of a permit.

(b) The boundary of the creek, stream, river, lake, or other surface water shall be determined by the Shoreline Administrator, relying on a delineation by a licensed surveyor or other comparable expert. Such boundary shall be contiguous with the 100-year floodplain designations as adopted by the City, or where such a designation has not been adopted by the City, the 100-year floodplain designation of the Federal Emergency Management Agency (FEMA) and the National Flood Insurance Program where it has been delineated (shown on Flood Insurance Rate Maps (FIRM)). Where this information does not exist, the boundary determination shall be made by a licensed surveyor and based upon the same criteria used by FEMA. This determination shall be confirmed by the City Engineer.

3.C Allowed Activities.

Except where regulated by other sections of this or any other title or law, the following uses shall be allowed within fish and wildlife conservation areas when the requirements of Section [3.D](#) have been met and mitigation adequate to alleviate any other impacts has been proposed:

- (a) Those activities listed in this SMP.
- (b) Activities consistent with the species located there and all applicable State and Federal regulations regarding the species, as determined by the Shoreline Administrator, who may consult with other resource agencies as to their recommendations.
- (c) Bridges and other crossings over streams for public and private rights-of-way.

3.D Requirements.

- (a) Except as provided in this subsection, a 50-foot buffer shall be required for all regulated activities adjacent to fish and wildlife conservation areas. All buffers shall be measured from the fish and wildlife conservation area boundary as surveyed in the field. The width of the buffer may be increased depending on the habitat value and the proposed land use.
- (b) Buffer widths may be increased based on recommendations by the Department of Fish and Wildlife based on their Management Recommendations for Priority Habitats and Species.
- (c) To retain the natural functions of streams and stream corridors, the following streamside buffers shall be maintained:

- (1) For ravines with banks greater than 10 feet in depth, maintain the existing or native vegetation within the ravine and a strip 25 feet from the top of the bank;
- (2) Where there is no ravine or the bank is less than 10 feet in depth, maintain existing or native vegetation on both sides of the stream as measured from the ordinary high water mark (OHWM), in accordance with Table 3-1, which sets forth the required buffer widths based on classification of stream types:

**Table 3-1: Stream Buffer
Width**

Stream Type	Buffer
S	150 feet
F	100 feet
Np	50 feet
Ns	50 feet

- (d) Widths shall be measured outward in each direction, on the horizontal plane, from the ordinary high water mark, or from the top of the bank if the ordinary high water mark cannot be identified, or from the outer edge of the channel migration zone when present.
- (e) The Shoreline Administrator may modify the buffer widths in the above table in accordance with the following:
 - (1) Buffer widths may be increased as necessary to fully protect riparian functions. For example, the buffer may be extended to the outer edge of the floodplain or windward into an area of high tree blow-down potential as determined by an arborist.
 - (2) Buffer widths may be reduced in exchange for restoration and enhancement of degraded areas in accordance with an approved plan.
 - (3) If the stream enters an underground culvert or pipe, and is unlikely to ever be restored aboveground, the Shoreline Administrator may waive the buffer along the underground stream; provided, that where the stream enters and emerges from the pipe the opposite outer edges of the buffer shall be joined by a radius equal to the buffer width, with said radius projecting over the piped stream.

(4) Buffer widths may be modified if the subject property is separated from the stream channel by pre-existing, intervening, and lawfully created structures, public roads, or other substantial pre-existing intervening improvements. The intervening structures, public roads, or other substantial improvements must separate the subject upland property from the stream channel by height or width, preventing or impairing the delivery of buffer functions to the steam channel. In such cases, the reduced buffer width shall reflect the buffer functions that can be delivered to the stream channel.

(g) To protect the natural functions and aesthetic qualities of a stream and stream buffer, a detailed temporary erosion control plan which identifies the specific mitigating measures to be implemented during construction to protect the water from erosion, siltation, landslides and hazardous construction materials shall be required. The City shall review the plan with the appropriate State, Federal and tribal agencies and any adjacent jurisdiction.

3.E Mitigation.

In order to avoid significant environmental impacts, the applicant for a land use or development permit may consider performing the following actions, listed in order of preference. What is considered adequate mitigation will depend on the nature and magnitude of the potential impact as determined in accordance with Section [2.G](#).

(a) Dedicate an exclusive open space easement for the protection of wildlife and/or habitat, creeks, streams, rivers, lakes, or other surface water over the creeks, streams, rivers, lakes, or other surface water and a buffer consistent with the standards listed in Section [3.D](#). Where such mitigation leads to, or would in the opinion of the Shoreline Administrator lead to a court finding of a taking, the below listed mitigation may be considered.

(b) Where on-site protection is not possible, dedicate an exclusive easement for the protection of an equivalent (in type and value) waterway over the waterway and a 50-foot buffer on an off-site waterway at a 2:1 ratio. The location of any off-site waterway shall be located as near to the site as possible, in accordance with the following preferred order:

- (1) Contiguous to the impacted waterway;
- (2) Within the same drainage basin;
- (3) Elsewhere within the City;
- (4) Within the Lake Stevens UGA;
- (5) Within the region.

Part 4. Frequently Flooded Areas

4.A Classification.

Classification for flood zones shall be consistent with the 100-year floodway and floodplain designations as adopted by the City, or where such a designation has not been adopted by the City, by the 100-year flood zone designation of the Federal Emergency Management Agency and the National Flood Insurance Program. Any such designations adopted by the City shall consider the following criteria if and when designating and classifying these areas:

- (a) Flooding impact to human health, safety, and welfare and to public facilities and services; and
- (b) Documentation including Federal, State and local laws, regulations and programs, local maps and federally subsidized flood insurance programs; and
- (c) The future floodplain defined as a channel of the stream and that portion of the adjoining floodplain which is necessary to contain and discharge the base flood flow at build-out without any measurable increase in flood heights.

4.B Determination of Boundary.

The boundary of a flood zone shall be contiguous with the 100-year floodway and floodplain designations as adopted by the City, or where such a designation has not been adopted by the City, the 100-year floodplain designation of the Federal Emergency Management Agency (FEMA) and the National Flood Insurance Program where it has been delineated (shown on Flood Insurance Rate Maps (FIRM)). Where this information does not exist, the boundary determination shall be made by a licensed engineer and based upon the same criteria used by FEMA. This determination shall be confirmed by the City Engineer.

4.C Allowed Activities.

Except where regulated by other sections of this or any other title or law, the following uses shall be allowed within floodways or floodplains when the requirements of Section [4.D](#) have been met and mitigation adequate to alleviate any other impacts has been proposed:

- (a) Floodways.
 - (1) Those activities allowed per this SMP.
 - (2) Outdoor nonmotorized recreational activities (including fishing, birdwatching, hiking, boating, horseback riding, swimming, canoeing, bicycling) and aquatic recreation facilities (docks, piers, boat mooring buoys, marinas and associated uses, swimming areas, parks).

(b) Floodplains.

- (1) All those activities allowed in floodways.
- (2) Recreational fields.

4.D Requirements.

All land uses and development proposals shall comply with the SMP and development regulations adopted by the City of Lake Stevens for general and specific flood hazard protection. Development shall not reduce the effective base flood storage volume. Reduction of the flood water storage volume effectiveness due to grading, construction, or other regulated activities shall be compensated for by creating on- or off-site detention and/or retention ponds. Effective storage capacity must be maintained. Base flood data and flood hazard notes shall be on the face of any recorded plat or site plan including, but not limited to, base flood elevations, flood protection elevation, boundary of floodplain and zero-rise floodway.

4.E Mitigation.

If potential flooding impacts cannot be avoided by design or by providing on- or off-site detention and/or retention ponds, other forms of mitigation may be considered in order to avoid significant environmental impacts. Applicants must provide mitigation plans exploring and analyzing any proposed mitigation measures.

Part 5. Geologically Hazardous Areas

5.A Classification.

(a) Geologically hazardous areas include areas susceptible to erosion, sliding, earthquakes, liquefaction, or other geological events. Geologically hazardous areas shall be classified based upon the history or existence of landslides, unstable soils, steep slopes, high erosion potential or seismic hazards. In determining the significance of a geologically hazardous area the following criteria shall be used:

- (1) Potential economic, health, and safety impact related to construction in the area;
- (2) Soil type, slope, vegetative cover, and climate of the area;
- (3) Available documentation of history of soil movement, the presence of mass wastage, debris flow, rapid stream incision, stream bank erosion or undercutting by wave action, or the presence of an alluvial fan which may be subject to inundation, debris flows, or deposition of stream-transported sediments.

(b) The different types of geologically hazardous areas are defined as follows:

- (1) Erosion hazard areas are as defined by the USDA Soil Conservation Service, United States Geologic Survey, or by the Department of Ecology Coastal Zone Atlas. The following classes are high erosion hazard areas.
- (i) Class 3, class U (unstable) includes severe erosion hazards and rapid surface runoff areas;
 - (ii) Class 4, class UOS (unstable old slides) includes areas having severe limitations due to slope; and
 - (iii) Class 5, class URS (unstable recent slides).
- (2) Landslide hazard areas shall include areas subject to severe risk of landslide based on a combination of geologic, topographic and hydrologic factors. Some of these areas may be identified in the Department of Ecology Coastal Zone Atlas, or through site-specific criteria. Landslide hazard areas include the following:
- (i) Areas characterized by slopes greater than 15 percent; and impermeable soils (typically silt and clay) frequently interbedded with permeable granular soils (predominantly sand and gravel) or impermeable soils overlain with permeable soils; and springs or groundwater seepage;
 - (ii) Any area which has exhibited movement during the Holocene epoch (from 10,000 years ago to present) or which is underlain by mass wastage debris of that epoch;
 - (iii) Any area potentially unstable due to rapid stream incision, stream bank erosion or undercutting by wave action;
 - (iv) Any area located on an alluvial fan presently subject to or potentially subject to inundation by debris flows or deposition of stream-transported sediments;
 - (v) Any area with a slope of 40 percent or greater and with a vertical relief of 10 or more feet except areas composed of consolidated rock;
 - (vi) Any area with slope defined by the United States Department of Agriculture Soil Conservation Service as having a severe limitation for building site development; and
 - (vii) Any shoreline designated or mapped as class U, UOS, or URS by the Department of Ecology Coastal Zone Atlas.
- (3) Slopes.

- (i) Moderate slopes shall include any slope greater than or equal to 15 percent and less than 40 percent.
 - (ii) Steep slopes shall include any slope greater than or equal to 40 percent.
- (4) Seismic hazard areas shall include areas subject to severe risk of earthquake damage as a result of seismic induced settlement, shaking, slope failure or soil liquefaction. These conditions occur in areas underlain by cohesionless soils of low density usually in association with a shallow groundwater table.

5.B Determination of Boundary.

Determination of a boundary of a geologically hazardous area shall be made by the Shoreline Administrator, relying on a geotechnical or similar technical report and other information where available and pertinent. Such reports or information shall be provided by an applicant for an activity or permit at the request of the City.

5.C Allowed Activities.

Except where regulated by other sections of this or any other title or law, the following uses shall be allowed within geologically hazardous areas when the requirements of Section [5.D](#) have been met and mitigation adequate to alleviate any other impacts has been proposed:

- (a) Those activities allowed per this SMP.
- (b) Any other use allowed per the environment designation; provided, that it meets the requirements of Section [5.D](#) and will not have a detrimental impact on the health, safety, and welfare of the public, or will not negatively impact neighboring properties.
- (c) No new development or creation of new lots is allowed that would cause foreseeable risk from geological conditions to people or improvements during the life of the development (WAC 173-26-221(2)(c)(ii)(B)).
- (d) No new development is allowed that would require structural shoreline stabilization over the life of the development. Exceptions may be made for the limited instances where stabilization is necessary to protect allowed uses where no alternative locations are available and no net loss of ecological functions will result. (WAC 173-26-221(2)(c)(ii)(C)).

5.D Geological Assessment Requirements.

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

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

- (5) The geological assessment shall document the field investigations, published data and references, data and conclusions from past geological assessments, or geotechnical investigations of the site, site-specific measurements, tests, investigations, or studies, as well as the methods of data analysis and calculations that support the results, conclusions, and recommendations.
- (6) The geological assessment shall contain a summary of any other information the geologist identifies as relevant to the assessment and mitigation of geological hazards.
- (e) Geological assessments shall be prepared under the responsible charge of a geologist, and shall be signed, sealed, and dated by the geologist.

5.E Setback Buffer Requirements.

(a) The setback buffer width shall be based upon information contained in a geological assessment, and shall be measured on a horizontal plane from a vertical line established at the edge of the geologically hazardous area limits (both from the top and toe of slope). In the event that a specific setback buffer is not included in the recommendation of the geological assessment, the setback buffer shall be based upon the standards contained in Chapter 18 of the International Building Code (IBC), or as the IBC is updated and amended.

(1) If the geological assessment recommends setback buffers that are less than the standard buffers that would result from application of Chapter 18 of the IBC, the specific rationale and basis for the reduced buffers shall be clearly articulated in the geological assessment.

(2) The City may require increased setback buffer widths under any of the following circumstances:

(i) The land is susceptible to severe erosion and erosion control measures will not effectively prevent adverse impacts.

(ii) The area has a severe risk of slope failure or downslope stormwater drainage impacts.

(iii) The increased buffer is necessary to protect public health, safety and welfare based upon findings and recommendations of geological assessment.

(b) Unless otherwise permitted as part of an approved alteration, the setback buffers required by this subsection shall be maintained in native vegetation to provide additional soil stability and erosion control. If the buffer area has been cleared, it shall be replanted with native vegetation in conjunction with any proposed development activity.

(c) The City may impose seasonal restrictions on clearing and grading within 200 feet of any geologically hazardous areas.

5.F Allowed Alterations.

Unless associated with another critical area, the alterations of an area may be allowed if identified as a geologically hazardous area or the setback buffers specified in the IBC if an approved geotechnical report demonstrates the following and the request is made through a shoreline variance process:

- (a) The proposed development will not create a hazard to the subject property, surrounding properties or rights-of-way, or erosion or sedimentation to off-site properties or bodies of water;
- (b) The proposal addresses the existing geological constraints of the site, including an assessment of soils and hydrology;
- (c) The proposed method of construction will reduce erosion potential, landslide and seismic hazard potential, and will improve or not adversely affect the stability of slopes;
- (d) The proposal uses construction techniques which minimize disruption of existing topography and natural vegetation;
- (e) The proposal is consistent with the purposes and provisions of this appendix and mitigates any permitted impacts to critical areas in the vicinity of the proposal;
- (f) The proposal mitigates all impacts identified in the geotechnical letter or geotechnical report;
- (g) All utilities and access roads or driveways to and within the site are located so as to require the minimum amount of modification to slopes, vegetation or geologically hazardous areas; and
- (h) The improvements are certified as safe as designed and under anticipated conditions by a geologist.

5.G Prohibited Alterations.

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

- (a) Where geologically hazardous slopes are located in a stream, wetland, and/or a fish and wildlife habitat conservation area or their required buffers, alterations of the slopes are not permitted, except as allowed in Section [2.C](#). The required buffer for such slopes shall be determined through the site-specific geological assessment, but in no case shall be less than 25 feet from the top of slopes of 25 percent and greater.

(b) Any proposed alteration that would result in the creation of, or which would increase or exacerbate existing geological hazards, or which would result in substantial unmitigated geological hazards either on or off site shall be prohibited.

5.H Mitigation.

(a) In addition to the other requirements of this SMP, as part of any approval of development on or adjacent to geologically hazardous areas or within the setback buffers required by this section:

(1) The City shall require:

(i) Geologically hazardous areas not approved for alteration and their buffers shall be placed in a native growth protection area as set forth in Section [2.M](#).

(ii) Any geologically hazardous area or required setback buffer that is allowed to be altered subject to the provisions of this appendix shall be subject to a covenant of notification and indemnification/hold harmless agreement in a form acceptable to the City Attorney. Such document shall identify any limitation placed on the approved alterations.

(2) The City may require:

(i) The presence of a geologist on the site to supervise during clearing, grading, filling, and construction activities which may affect geologically hazardous areas, and provide the City with certification that the construction is in compliance with the geologist's recommendations and has met approval of the geologist, and other relevant information concerning the geologically hazardous conditions of the site.

(ii) Vegetation and other soil stabilizing structures or materials be retained or provided.

(iii) Long term maintenance of slopes and on-site drainage systems.

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

Part 6. Wetlands

6.A Classification.

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

(a) Sources used to identify designated wetlands include, but are not limited to:

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

(b) Category I Criteria.

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

(c) Category II Criteria.

- (1) Category II wetlands are difficult though not impossible to replace and provide high levels of some functions.
 - (2) Category II wetlands criteria. Wetlands that score between 51 and 69 points out of 100 on the Western Washington Rating System.
- (d) Category III Criteria. Wetlands with a moderate level of functions and with rating system scores between 30 and 50 points out of 100.
- (e) Category IV Criteria. Wetlands with a low level of functions and with rating system scores less than 30 points out of 100.

6.B Determination of Boundary.

- (a) The Shoreline Administrator, relying on a field investigation supplied by an applicant and applying the wetland definition provided in this SMP, shall determine the location of the wetland boundary. Qualified professional and technical scientists shall perform wetland delineations as part of a wetland identification report in accordance with WAC 173-22-035. Criteria to be included in a required wetland identification report may be found in Section [2.G](#), Mitigation/Enhancement Plan Requirements. The applicant is required to show the location of the wetland boundary on a scaled drawing as a part of the permit application.
- (b) When the applicant has provided a delineation of the wetland boundary, the Shoreline Administrator shall verify the accuracy of, and may render adjustments to, the boundary delineation. In the event the adjusted boundary delineation is contested by the applicant, the Shoreline Administrator shall, at the applicant's expense, obtain expert services to render a final delineation.
- (c) The Shoreline Administrator, when requested by the applicant, may waive the delineation of boundary requirement for the applicant and, in lieu of delineation by the applicant, perform the delineation. The Shoreline Administrator shall consult with qualified professional scientists and technical experts or other experts as needed to perform the delineation. The applicant will be charged for the costs incurred. Where the Shoreline Administrator performs a wetland delineation at the request of the applicant, such delineation shall be considered a final determination.

6.C Allowed Activities.

Except where regulated by other sections of this appendix, SMP or any other title or law, and provided they are conducted using best management practices, the following uses and activities shall be allowed and regulated within wetlands and their buffers when the requirements of Sections [6.D](#) and [6.E](#) have been met and mitigation adequate to alleviate any other impacts has been proposed:

- (a) Those uses listed in Section [2.C](#).
- (b) In Category IV wetlands only, access to developable portions of legal lots using the shoreline variance process, where:
 - (1) There is no other reasonable method of accessing the property;
 - (2) Altering the terrain would not cause drainage impacts to neighboring properties; and
 - (3) Not more than 2,500 square feet of wetland is impacted.

6.D Requirements.

(a) **Buffers.** Wetland buffers shall be required for all regulated activities adjacent to regulated wetlands as provided in Table 6-1, unless modified per subsection (b) or (c) of this section. Any wetland created, restored, or enhanced as compensation for approved wetland alterations shall also include the standard buffer required for the category of the created, restored, or enhanced wetland. All buffers shall be measured from the wetland boundary as surveyed in the field. The width of the wetland buffer zone shall be determined according to wetland category and the proposed land use.

- (1) These buffers require the implementation of the measures in Table 6.2, where applicable, to minimize the impacts of the adjacent uses.
- (2) If an applicant chooses not to apply the mitigation measures in Table 6.2, then a 33 percent increase in the width of all buffers is required.

Table 6-1Wetland Buffer Requirements

Category	Sub-Category	HS 30-36	HS 21-29	HS <21
I	Based on Total Score	225	165	105
	Bogs	225	190	190
	Forested	225	165	105
II		225	165	105

III		60	165	105
IV		40	40	40

Table 6-2: Required Measures to Minimize Impacts to Wetlands

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

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

- (1) A larger buffer is necessary to maintain viable populations of existing species; or
- (2) The wetland is used by species proposed or listed by the Federal Government or the State as endangered, threatened, sensitive, critical or outstanding potential habitat for those species or has unusual nesting or resting sites such as heron rookeries or raptor nesting trees. An applicant must consult with the State Department of Fish and Wildlife to confirm any special recommendations for candidate or monitor species as listed for approval by the Shoreline Administrator; or
- (3) The adjacent land is susceptible to severe erosion and erosion control measures will not effectively prevent adverse wetland impacts, or the adjacent land has minimal vegetative cover or slopes greater than 15 percent; or
- (4) The larger buffer is required to meet no net loss of habitat function.

(c) **Wetland Buffer Width Averaging.** Wetland buffer widths may be modified by averaging with the shoreline variance process. In no instance shall the buffer width be reduced by more than 25 percent of the standard buffer. Wetland buffer width averaging shall be allowed only where the applicant demonstrates all of the following:

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

(d) **Buffer Conditions.** Except as otherwise specified, wetland buffers shall be retained in their natural condition. Where buffer disturbance has occurred outside of the development footprint during construction, revegetation with native wetland vegetation shall be required.

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

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

(2) Stormwater management facilities are limited to stormwater dispersion outfalls and bioswales. They may be allowed within the outer twenty-five percent of the buffer of Category III or IV wetlands only, provided that:

(i) No other location is feasible,

(ii) The location of such facilities will not degrade the function or values or the wetland and

(iii) Stormwater management facilities are not allowed in buffers of Category I or II wetlands.

6.E Mitigation.

The mitigation sequence set forth in WAC 173-26-201(2)(e) should be applied after impact avoidance and minimization measures have been taken. Compensatory mitigation for alterations to wetlands shall be used only for impacts that cannot be avoided or minimized and shall achieve equivalent or greater biologic functions. The design for the compensatory mitigation project needs to be appropriate for its location (i.e., position in the landscape). Therefore, compensatory mitigation should not result in the creation, restoration, or enhancement of an atypical wetland. An atypical wetland refers to a compensation wetland (e.g., created or enhanced) that does not match the type of existing wetland that would be found in the geomorphic setting of the site (i.e., the water source(s) and hydroperiod proposed for the mitigation site are not typical for the geomorphic setting).

(a) Location and Timing of Mitigation.

(1) Restoration, creation, or enhancement actions should be undertaken on or adjacent to the site. If this is shown in the critical areas report not to be feasible, restoration, creation, or enhancement may occur within the same watershed, but preferably as close to the existing wetland as possible. In-kind replacement of the impacted wetland is preferred for creation, restoration, or enhancement actions. The City may accept or recommend restoration, creation, or enhancement which is off site, if the applicant can demonstrate that on-site or in-kind restoration, creation, or enhancement is unfeasible due to constraints such as parcel size or wetland type, or that a wetland of a different type or location is justified

based on regional needs or functions. A watershed plan must be submitted if off-site mitigation is proposed;

(2) Whether occurring on site or off site, the mitigation project shall occur near an adequate water supply with a hydrologic connection to the wetland to ensure a successful wetlands development or restoration;

(3) Any approved mitigation proposal shall be completed before initiation of other permitted activities, unless a phased or concurrent schedule has also been approved by the Shoreline Administrator;

(4) Wetland acreage replacement ratios shall be as specified in Table 6-3;

(5) Credits from a wetland mitigation bank may be approved for use as compensation for unavoidable impacts to wetlands.

(i) This provision may be used when:

a. The bank is certified under Chapter [173-700](#) WAC;

b. The Shoreline Administrator determines that the wetland mitigation bank provides appropriate compensation for the authorized impacts; and

c. The proposed use of credits is consistent with the terms and conditions of the bank's certification.

(ii) Replacement ratios for projects using bank credits shall be consistent with replacement ratios specified in the bank's certification.

(iii) Credits from a certified wetland mitigation bank may be used to compensate for impacts located within the service area specified in the bank's certification. In some cases, the service area of the bank may include portions of more than one adjacent drainage basin for specific wetland functions.

(6) Fees are paid to an approved in-lieu fee program to compensate for the impacts.

(b) Mitigation Performance Standards.

(1) All reasonable measures shall be taken to avoid and reduce impacts. When such avoidance and reduction is not reasonable, adverse impacts to wetland functions and values shall be mitigated. Mitigation actions shall be implemented in the preferred sequence identified in Section [1.A\(a\)](#). Proposals which include less preferred or compensatory mitigation shall demonstrate that:

- (i) All reasonable measures will be taken to reduce impacts and losses to the original wetland;
 - (ii) No overall net loss will occur in wetland functions, values and acreage; and
 - (iii) The restored, created or enhanced wetland will be as persistent and sustainable as the wetland it replaces.
- (c) Wetland Replacement Ratios.
 - (1) Where wetland alterations are permitted by this appendix and SMP, the applicant shall restore or create equivalent areas of wetlands in order to compensate for wetland losses. Equivalent areas shall be determined according to size, function, category, location, timing factors, and projected success of restoration or creation.
 - (2) Where wetland creation is proposed, all required buffers for the creation site shall be located on the proposed creation site. Properties adjacent to or abutting wetland creation projects shall not be responsible for providing any additional buffer requirements.
 - (3) Mitigation ratios for the replacement of impacted wetlands shall be as listed in Table 6-3. The Shoreline Administrator may vary these standards if the applicant can demonstrate in the wetlands report and the Shoreline Administrator agrees that the variation will provide adequate compensation for lost wetland area, functions and values, or if other circumstances as determined by the Shoreline Administrator justify the variation. The shoreline variance process shall be used to review any changes in recommended replacement ratios
 - (4) The qualified scientific professional in the wetlands report may, where feasible, recommend that restored or created wetlands shall be a higher wetland category than the altered wetland.
- (d) The Shoreline Administrator may increase the ratios under the following circumstances:
 - (1) Uncertainty exists as to the probable success of the proposed restoration or creation; or
 - (2) A significant period of time will elapse between impact and replication of wetland functions.
- (e) All wetland restoration, creation and/or enhancement projects required pursuant to this appendix shall follow a mitigation plan prepared in conformance to the requirements of Section [2.G](#), Mitigation/Enhancement Plan Requirements.
- (f) Mitigation ratios for the replacement of impacted wetlands shall be as listed in Table 6-3.

6-3: Wetland Mitigation Ratios

Affected Wetland	Mitigation Type and Ratio				
Category	Re-establishment or Wetland Creation	Rehabilitation	Re-establishment or Creation (R/C) and Enhancement (E)	Enhancement Only	Preservation
Category IV	1.5:1	3:1	1:1 R/C and 2:1 E	6:1	10:1
Category III	2:1	4:1	1:1 R/C and 2:1 E	8:1	15:1
Category II	3:1	6:1	1:1 R/C and 4:1 E	12:1	20:1
Category I – Forested	6:1	12:1	1:1 R/C and 10:1 E	24:1	24:1
Category I – Score Based	4:1	8:1	1:1 R/C and 10:1 E	16:1	20:1
Category I – Bog, Natural Heritage Site	Not considered possible	6:1	N/A	N/A	10:1

FINAL DRAFT

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

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
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CUMULATIVE IMPACTS ANALYSIS

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

1 INTRODUCTION

1.1 Shoreline Management Act Requirements

The Shoreline Management Act guidelines (Guidelines) require local shoreline master programs (SMPs) to regulate new development to “achieve no net loss of ecological function.” The Guidelines (WAC 173-26-186(8)(d)) state that, “To ensure no net loss of ecological functions and protection of other shoreline functions and/or uses, master programs shall contain policies, programs, and regulations that address adverse cumulative impacts and fairly allocate the burden of addressing cumulative impacts.”

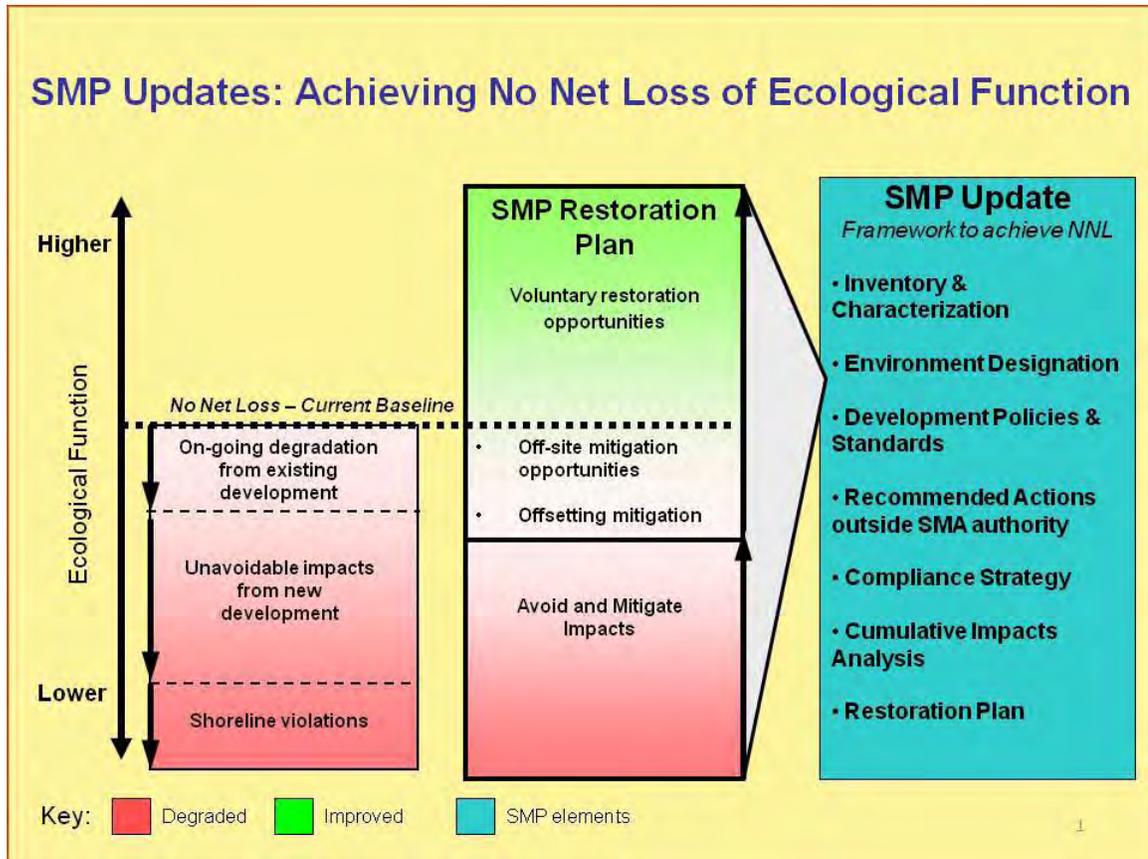
The Guidelines further elaborate on the concept of net loss as follows:

“When based on the inventory and analysis requirements and completed consistent with the specific provisions of these guidelines, the master program should ensure that development will be protective of ecological functions necessary to sustain existing shoreline natural resources and meet the standard. The concept of “net” as used herein, recognizes that any development has potential or actual, short-term or long-term impacts and that through application of appropriate development standards and employment of mitigation measures in accordance with the mitigation sequence, those impacts will be addressed in a manner necessary to assure that the end result will not diminish the shoreline resources and values as they currently exist. Where uses or development that impact ecological functions are necessary to achieve other objectives of RCW 90.58.020, master program provisions shall, to the greatest extent feasible, protect existing ecological functions and avoid new impacts to habitat and ecological functions before implementing other measures designed to achieve no net loss of ecological functions.” [WAC 173-206-201(2)(c)]

In short, updated SMPs shall contain goals, policies and regulations that prevent degradation of ecological functions relative to the existing conditions as documented in that jurisdiction’s characterization and analysis report. For those projects that result in degradation of ecological functions, the required mitigation must return the resultant ecological function back to the baseline. This is illustrated in the figure below. The jurisdiction must be able to demonstrate that it has accomplished that goal through an

analysis of cumulative impacts that might occur through implementation of the updated SMP. WAC 173-26-186(8)(d) states “[e]valuation of such cumulative impacts should consider:

- (i) current circumstances affecting the shorelines and relevant natural processes;
- (ii) reasonably foreseeable future development and use of the shoreline; and
- (iii) beneficial effects of any established regulatory programs under other local, state, and federal laws.”



Source: Department of Ecology

As outlined in the *Shoreline Restoration Plan* (Appendix B of the SMP) prepared as part of this SMP update, the SMA also seeks to restore ecological functions in degraded shorelines. This cannot be required by the SMP at a project level, but Section 173-26-201(2)(f) of the Guidelines says: “master programs shall include goals and policies that provide for restoration of such impaired ecological functions.” See the *Shoreline Restoration Plan* for additional discussion of SMP policies and other programs and activities in the City that contribute to the long-term restoration of ecological functions relative to the baseline condition.

1.2 Methodology

Using the textual, numerical and graphical information developed and presented in the *Shoreline Analysis Report*, this cumulative impacts analysis was prepared consistent with direction provided in the Guidelines as described above. To the extent that existing information was sufficiently detailed and assumptions about possible new or re-development could be made with reasonable certainty, the following analysis is quantitative. However, in many cases information about existing conditions and/or redevelopment potential was not available at a level that could be assessed quantitatively or the analysis would be unnecessarily complex to reach a conclusion that could be derived more simply. Further, ecological function does not have an easy metric. For these reasons, much of the following analysis is more qualitative.

2 EXISTING CONDITIONS

The following summary of existing conditions is based on the *Shoreline Analysis Report*. This discussion has been divided by waterbody and by proposed shoreline environment designations (see Appendix A of the SMP for a map of environment designations). Environment designations include Natural, Urban Conservancy, Shoreline Residential, High Intensity, and Aquatic. The *Shoreline Analysis Report* includes an in-depth discussion of the topics below, as well as information about transportation, stormwater and wastewater utilities, impervious surfaces, and historical/archaeological sites, among others.

2.1 Lake Stevens

The Lake Stevens shoreline in the City of Lake Stevens is primarily dominated by residential uses, although a number of parks are also present. Residential uses consist almost exclusively of single-family residences, with a smaller amount of multi-family residences currently present. Residential and parks uses are designated Shoreline Residential and Urban Conservancy, respectively. In addition, there are two separate areas of wetland complexes associated with Lake Stevens (Stevens Creek and Stitch Lake wetland complexes). Both complexes are almost completely undeveloped and are designated Natural.

The City's Lake Steven's shoreline (including wetland complexes) has been divided into three assessment units based on variations in land use and shore topography. Land use conditions in each assessment unit can be found in Table 8 of the *Shoreline Analysis Report*. Detailed information about existing functions, including a performance rating of individual reach functions, can be found in the *Shoreline Analysis Report*, Section 4.3.

2.2 Catherine Creek and Little Pilchuck Creek

Shoreline jurisdiction in the City of Lake Stevens includes portions of Catherine Creek and Little Pilchuck Creek. Land uses along both streams include a mix of residential, light industrial and open space. Public access to the shoreline includes mostly passive recreation trails, with the Centennial Trail passing through the Little Pilchuck shoreline. No shoreline armoring exists and vegetative cover is over 90% in most cases, while the shoreline areas show signs of alteration and channel modification. The collective performance of functions in these shoreline areas is Moderate (see Tables 5 through 7 of the *Shoreline Analysis Report*) because of their limited vegetation, lack of significant pools, and erosion problems. Based on the planned land use and the moderate function level, these freshwater shorelines are designated as High Intensity, Shoreline Residential or Urban Conservancy.

3 DEVELOPMENT POTENTIAL

Each waterbody was divided into assessment units (see Section 3.2 of the *Shoreline Analysis Report*) based upon biological character, dominant land use, and location within City limits or the UGA. Assessment units were then assigned environment designations based upon the performance of biological functions and anticipated future land uses.

3.1 Lake Stevens

The following table is an excerpt of material included in Chapter 5 of the *Shoreline Analysis Report*.

Table 1. Likely changes in land use along the Lake Stevens shoreline.

Assessment Unit	Likely Changes in Land Use
Lake Stevens: Residential Areas – City Limits	A majority of this reach is designated Waterfront Residential, which allows single-family housing at a density of 4 dwelling units per acre. There are a few areas that are designated Medium Density Residential which allows 4 – 12 dwelling units per acre. A majority of these parcels are built out and are not likely to change use. Some redevelopment of existing housing stock may occur, but a majority of the housing stock has been built in the last few decades. There are a few vacant lots in Waterfront Residential that may develop and some areas designated Medium Density Residential that have been subdivided but have not yet been developed. For the area that was recently annexed into the City, the zoning and land use classification names changed from the County's names to the City's names, but little changed in regards to development potential.
Lake Stevens: Residential Areas – UGA	This area is currently designated Urban Low Density Residential and is zoned R-9600. Many of the single-family residences in this reach are separated from the shoreline by Lake Stevens Road. A majority of these parcels are built out and are not likely to change use, but there are a few vacant lots that have the potential to develop. Some redevelopment of existing housing stock may occur, but a majority of the housing stock has been built in the last few decades.
Lake Stevens: Open Space Areas – City Limits	There are a number of parks that are designated as Public/ Semi-Public along the Lake Stevens shoreline. (See discussion of public access sites in Section 5). These uses are not likely to change, although the Parks Department may further develop some parks. The City Hall site is also designated Public/ Semi-Public and has open space in shoreline jurisdiction. There also appears to be private community access sites along the lake (Stevens Cove Homeowners Association, Cedar Cove Homeowners Association, Sandy Beach Community Club).
Lake Stevens: Open Space Areas – UGA	There are a number of parks that are designated as public within the UGA boundary (see public access map in Appendix D). These uses are not likely to change, although the existing parks may be further developed in the future.
Lake Stevens: Commercial Areas – City Limits	There are a few areas along the lake that are designated Mixed Use or Downtown/Local Commercial. (approx. 350 linear feet on the shoreline). A small portion of this is within "Old Town" or Downtown Lake Stevens. These parcels are likely to be redeveloped or developed in accordance with the City's Downtown Plan. There is also a parcel on the west side of the lake that is designated Downtown/Local Commercial that also has the potential for redevelopment. It is approximately 195 linear feet along the shoreline.
Lake Stevens: Stevens Creek Wetland Complex	A majority of this area is designated Medium Density Residential, which allows 4 – 12 dwelling units per acre. A very small portion of jurisdiction is designated High Density Residential, which allows any form of single-family, two-family, and multi-family residential uses with no density limits. It also allows limited public/semi-public, community, recreational, and commercial uses. The area is largely undeveloped, with houses surrounding the wetland area.
Lake Stevens: Stitch Lake Wetland Complex	This area is designated Medium Density Residential, but the majority of the area is undeveloped or low density development. This area should be protected and new development should be limited. There also appears to be a parcel that is in agricultural use in this area.

3.2 Catherine Creek and Little Pilchuck Creek.

The following table is an excerpt of material included in Chapter 5 of the *Shoreline Analysis Report*.

Table 2. Likely changes in land use along the Catherine and Little Pilchuck Creek shorelines.

Assessment Unit	Likely Changes in Land Use
Catherine Creek: Residential Areas – City Limits	The residential areas along Catherine Creek are designated Medium Density Residential and are primarily built-out. Some redevelopment of existing housing stock may occur, but a majority of the houses were built within the last few decades.
Catherine Creek: Industrial – City Limits	This area is designated Light Industrial. The parcel has the potential to be developed at a higher intensity, but redevelopment will be constrained by the lack of an existing sewer system and the 150' buffer requirement.
Catherine Creek: Open Space – City Limits	This area is designated Public/ Semi-Public and consists of Catherine Creek Park. The land is currently owned by the Lake Stevens School District but is leased by the City. If the lease expires, the School District has the potential to further develop this property. The City needs to continue to work with the School District to ensure this property remains in public use.
Catherine Creek: Residential Areas – UGA	This area is designated Urban Low Density Residential and is zoned R-20,000. It has the potential to be developed at a higher intensity.
Catherine Creek: Utilities – UGA	These parcels are designated Residential, but are currently used as utility sites. These parcels could be further developed in the future, so it is important to maintain required vegetated buffers.
Little Pilchuck Creek: Residential Areas	This area is designated Urban Low Density Residential and is zoned R-20,000. The area is largely under developed and has the potential to be developed at a higher intensity.
Little Pilchuck Creek: Industrial Areas	This area is designated and zoned General Industrial, but the area in shoreline jurisdiction is largely undeveloped. This area might see new industrial uses or redevelopment of existing uses.

4 PROTECTIVE SMP PROVISIONS

4.1 Environment Designations

The first line of protection of the City's shorelines is the environment designation assignments (see Appendix A of the SMP). The Natural environment is the most restrictive, followed by the Urban Conservancy environment. Only agriculture, in-stream structures, roads, and utilities are potentially allowed through a Conditional Use process in the Natural environment, while water-dependent and water-enjoyment uses

are allowed outright. In addition, the Urban Conservancy environment allows boating and parking facilities, signage, and in some cases multi-family residential uses. In some respects, the Shoreline Residential environment is as restrictive as or more restrictive than the Urban Conservancy environment considering specific limitations to other uses. The most permissive environment is the High Intensity environment, which has been assigned to those areas that are already developed with commercial or industrial uses or prepared (cleared) for such development.

Table 3 (Tables 4 and 5 in the SMP) below identifies the prohibited and allowed uses and modifications in each of the shoreline environments, and clearly shows a hierarchy of higher-impacting uses and modifications being allowed in the already highly altered shoreline environments, with uses more limited in the less developed areas. This strategy helps to minimize cumulative impacts by concentrating development activity in lower functioning areas that are not likely to experience function degradation with incremental increases in new development.

Table 3. Shoreline Use and Modification Matrix (from Tables 4 and 5 of the Shoreline Master Program)

The chart is coded according to the following legend. P = Permitted, when meeting requirements for that use and shoreline area, may be subject to Shoreline Substantial Development Permit or shoreline exemption requirements C = Conditional Use, when approved by the City and Department of Ecology X = Prohibited; the use is not eligible for a Variance or Conditional Use Permit ⁹						
	Natural	High Intensity	Urban Conservancy ¹⁰	Shoreline Residential	Aquatic ¹¹	
	Shoreline Uses					
	Agriculture	C ⁸	X	P	X	X
Aquaculture	X	X	X	X	X	
Boating Facilities ¹³	X	P	P	P	P	
Commercial:						
Water-dependent	X	P	P ¹	X	X	
Water-related, -enjoyment	X	P	P ¹	X	X	
Non-water-oriented	X	C ⁴	X	X	X	
Flood Hazard Management	X	P	P	P	C	
Forest Practices	X	X	X	X	X	
Industrial						
Water-dependent	X	P	X	X	X	
Water-related, -enjoyment	X	P	X	X	X	

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The chart is coded according to the following legend. P = Permitted, when meeting requirements for that use and shoreline area, may be subject to Shoreline Substantial Development Permit or shoreline exemption requirements C = Conditional Use, when approved by the City and Department of Ecology X = Prohibited; the use is not eligible for a Variance or Conditional Use Permit ⁹						
	Natural	High Intensity	Urban Conservancy ¹⁰	Shoreline Residential	Aquatic ¹¹	
	Non-water-oriented	X	P ⁴	X	X	X
	In-stream structures	C	C	C	C	C
	Mining	X	X	X	X	X
	Parking (accessory)	X	P ²	P ²	P ²	X
Parking (primary, including paid)	X	X	X	X	X	
Recreation:						
Water-dependent	P ³	P	P	P	P	
Water-enjoyment	P ³	P	P	P	X	
Nonwater-oriented	X	P ⁴	P ⁴	P	X	
Single-Family residential	X	X	X	P ¹⁷	X	
Multi-family residential	X	P	C ¹²	P	X	
Land subdivision	P	P	P ⁵	P	X	
Signs:						
On premises	X	P	P ⁶	X	X	
Off premise	X	X	X	X	X	
Public, highway	X	P	P	X	X	
Solid waste disposal	X	X	X	X	X	
Transportation:						
Water-dependent	X	P	P	C	P	
Nonwater-dependent	X	P	C	C	C/	
Roads, railroads	C/	P	P/	P	C/	
Utilities (primary)	C/	P	P/	P	C/	
Shoreline Modifications						
Shoreline stabilization:						
Environmental restoration	P	P	P	P	P	
Bioengineering	C	P	P	P	C	
Revetments	X	P	C	P	C	
Bulkheads	X	P	C	P	C	
Breakwaters/jetties/weirs/groins	X	X	X	X	X	
Dikes, levees	X	C	C	C	C	
Clearing and grading	X	P	P	P	NA	
Dredging	NA	NA	NA	NA	C	
Hazardous waste cleanup	P	P	P	P	P	
Fill ¹⁴	X	P	P	P	C ¹⁵	
Piers, docks ¹⁶	X	P	P	P	P	

<p>The chart is coded according to the following legend.</p> <p>P = Permitted, when meeting requirements for that use and shoreline area, may be subject to Shoreline Substantial Development Permit or shoreline exemption requirements</p> <p>C = Conditional Use, when approved by the City and Department of Ecology</p> <p>X = Prohibited; the use is not eligible for a Variance or Conditional Use Permit⁹</p>	Natural	High Intensity	Urban Conservancy ¹⁰	Shoreline Residential	Aquatic ¹¹
<p>Moorage piles, mooring buoys, swimming floats</p>	X	X	X	X	X

1. *Park concessions, such as small food stands, cafes, and restaurants with views and seating oriented to the water, and uses that enhance the opportunity to enjoy publicly accessible shorelines are allowed.*
2. *Accessory parking is allowed in shoreline jurisdiction only if there is no other feasible option, as determined by the City.*
3. *Passive activities, such as nature watching and trails, that require little development with no significant adverse impacts may be allowed.*
4. *Nonwater-oriented uses may be allowed as a permitted use where the City determines that water-dependent or water-enjoyment use of the shoreline is not feasible due to the configuration of the shoreline and water body or due to the underlying land use classification in the comprehensive plan.*
5. *Land division is only allowed where the City determines that it is for a public purpose.*
6. *Signs are allowed for public facilities only.*
7. *Roadways and public utilities are allowed if there is no other feasible alternative, as determined by the City, and all significant adverse impacts are mitigated.*
8. *Agricultural activities existing at the time of adoption of this SMP only.*
9. *For the treatment of existing nonconforming development, see Chapter 7 Section E.*
10. *Development in channel migration zones is allowed only by conditional use permit where it can be shown that such development would not prevent natural channel migration.*
11. *Uses noted as allowed in the Aquatic environment are allowed only if allowed in the adjacent upland environment.*
12. *Multifamily residences may be allowed as part of a mix of uses, provided public access and ecological restoration are included as part of the project.*
13. *No new marinas.*
14. *Fill in the floodplain must meet all federal, state, and local flood hazard reduction regulations.*
15. *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.*
16. *New non-public piers and docks are prohibited on Little Pilchuck Creek and Catherine Creek.*
17. *Residences are allowed in shoreline jurisdiction only if it is not feasible, as determined by the City, to locate the building on the portion of the property outside shoreline jurisdiction.*

4.2 General Goals, Policies and Regulations

The SMP contains numerous general policies, with supporting regulations (see SMP), intended to protect the ecological functions of the shoreline and prevent adverse cumulative impacts. These policies are summarized below.

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- Policy 4.b.2: All significant adverse impacts to the shoreline should be avoided or, if that is not possible, minimized to the extent feasible and provide mitigation to ensure no net loss of ecological function.
- Policy 8.b.4.a: All shoreline development should be located, designed, constructed and managed to avoid disturbance of and minimize adverse impacts to wildlife resources, including spawning, nesting, rearing and habitat areas and migratory routes.
- Policy 8.b.2.c: Protect and restore existing diversity of vegetation and habitat values, wetlands and riparian corridors associated with shoreline areas.
- Policy 11.b.2: This SMP in conjunction with other City development regulations should establish a coordinated and effective set of provisions and programs to protect and restore those functions provided by shoreline vegetation.
- SMP Table 6: All new development should provide adequate setbacks to protect or restore ecological functions and ecosystem-wide processes. Setbacks have been established by environment designation and for specific uses as follows:

Table 4. Shoreline Development Setbacks (from Table 6 of the Shoreline Master Program)

DEVELOPMENT STANDARDS^{3, 4} <i>(See also section cited in parentheses)</i>	Natural	High-Intensity	Urban Conservancy	Shoreline Residential	Aquatic
Commercial Development (Ch. 5 Sec. C.4)					
Lakes:					
Water-dependent setback	N/A	60'	60'	N/A ²	N/A
Water-related, water-enjoyment setback	N/A	60'	60'	N/A ²	N/A
Nonwater-oriented setback	N/A	60'	60'	N/A ²	N/A
Rivers and Streams:					
Water-dependent setback	N/A	160'	160'	N/A	N/A
Water-related, water-enjoyment setback	N/A	160'	160'	N/A	N/A
Nonwater-oriented setback	N/A	160'	160'	N/A	N/A
Industrial Development (Ch. 5 Sec. C.5)					
Rivers and Streams:					
Water-dependent	N/A	160'	N/A	N/A	N/A
Water-related and water-enjoyment	N/A	160'	N/A	N/A	N/A

DEVELOPMENT STANDARDS^{3, 4} <i>(See also section cited in parentheses)</i>	Natural	High-Intensity	Urban Conservancy	Shoreline Residential	Aquatic
Nonwater-oriented	N/A	160'	N/A	N/A	N/A
Accessory Parking (Ch. 3 Sec. B.6)					
Setbacks	N/A	70' ¹	70' ¹	75' ²	N/A
Recreational Development					
Water-dependent park structures setback	N/A	60'	60'	N/A	N/A
Water-related, water enjoyment park structures setback	N/A	60'	60'	N/A	N/A
Nonwater-oriented park structures setback (Ch. 5 Sec. C.7.c.4)	N/A	60' ¹	60' ¹	N/A	?
Miscellaneous					
New agricultural activities setback (Ch. 5 Sec. C.2.c.4)	N/A	N/A	20' ¹	N/A	N/A
Residential Development²					

1. *The City may reduce this dimension if it determines that the type of development allowed within this SMP and other municipal, state, and federal codes cannot be accommodated within the allowed site development area by reconfiguring, relocating, or resizing the proposed development. Where the City reduces a requirement, compensatory mitigation, such as vegetation enhancement or shoreline armoring removal, must be provided as determined by the City.*
2. *See regulation 5.C.8.c for residential development standards.*
3. *The maximum height of structures in shoreline jurisdiction is 35 feet above grade measured as called for in the City's zoning code and with exceptions as noted in the City's zoning code.*
4. *Setbacks from the shoreline do not apply to development separated from the shoreline by a public roadway.*

4.3 Shoreline Restoration Plan

As discussed above, one of the key objectives that the SMP must address is “no net loss of ecological shoreline functions necessary to sustain shoreline natural resources” (Ecology 2004). However, SMP updates seek not only to maintain conditions, but to improve them:

“...[shoreline master programs] include planning elements that when implemented, serve to improve the overall condition of habitat and resources within the shoreline area of each city and county (WAC 173-26-201(c)).”

The guidelines state that “master programs shall include goals, policies and actions for restoration of impaired shoreline ecological functions. These master program provisions

should be designed to achieve overall improvements in shoreline ecological functions over time, when compared to the status upon adoption of the master program” (WAC 173-26-201(2)(f)). Pursuant to that direction, the City has prepared a *Shoreline Restoration Plan*, which is a non-regulatory part of the SMP (Appendix B).

Practically, it is not always feasible for shoreline developments and redevelopments to achieve no net loss at the site scale, particularly for those developments on currently undeveloped properties or a new pier or bulkhead. The *Shoreline Restoration Plan*, therefore, can be an important component in making up that difference in ecological function that would otherwise result just from implementation of the SMP. The *Shoreline Restoration Plan* represents a long-term vision for restoration that will be implemented over time, resulting in incremental improvement over the existing conditions.

The *Shoreline Restoration Plan* identifies a number of project-specific opportunities for restoration on both public and private properties inside and outside of shoreline jurisdiction, and also identifies ongoing City programs and activities, non-governmental organization programs and activities, and other recommended actions consistent with a variety of watershed-level efforts.

4.4 General Cumulative Impacts Assessment

The following table (Table 5) summarizes for each environment designation and corresponding waterbody the existing conditions, anticipated development, relevant Shoreline Master Program (SMP) and other regulatory provisions, and the expected net impact on ecological function. Certain special topics are discussed and analyzed in greater detail in Chapter 5 following the table. The discussion of existing conditions is based on the *Shoreline Analysis Report*, and additional analysis needed to perform this assessment. The *Shoreline Analysis Report* includes a more in-depth discussion of the topics below, as well as information about transportation, stormwater and wastewater utilities, impervious surfaces, and historical/archaeological sites, *among others*.

In addition to the environment designations discussed in the following tables, the Aquatic designation will apply to those applicable areas of shoreline jurisdiction:

“Aquatic” Environment - The purpose of the “Aquatic” environment is to protect, restore and manage the unique characteristics and resources of marine waters, including habitat, ecology, navigation and public enjoyment. An “Aquatic” environment designation will be assigned to shoreline areas waterward of the ordinary high-water mark.

Table 5. General Cumulative Impacts Assessment.

Shoreline Segment	Existing Conditions	Likely Development / Functions or Processes Potentially Impacted	Effect of SMP Provisions	Effect of Other Development and Restoration Activities / Programs	Net Effect
High Intensity					
<p>Lake Stevens</p>	<p>The High Intensity area along Lake Stevens consists of one parcel with approximately 195 feet of shoreline. The parcel is developed with a commercial office building (currently vacant) and associated paved parking area and pier.</p>	<p>Future Development: It is likely that the High Intensity area along the Lake Stevens shoreline could redevelop with commercial uses.</p> <p>Functions/Processes Impacted: Water Quantity: No changes to water quantity are expected, as the site is nearly 100 percent impervious. Stormwater management requirements will be necessary to help alleviate water quantity impacts.</p> <p>Water Quality: Future redevelopment would likely provide improvements to water quality by improving shoreline vegetation and surface water management.</p> <p>Vegetation and Habitat: Given the cleared and very developed nature of the parcel, future degradation of shoreline vegetation is not anticipated. Future redevelopment should include enhancement of shoreline vegetation.</p>	<p>SMP policies for the “High Intensity” environment (SMP Section 2.C.2.c) include:</p> <ul style="list-style-type: none"> • “In regulating uses in the “High-Intensity” environment, first priority should be given to water-dependent uses. Second priority should be given to water-related and water-enjoyment uses.” • “Developments in the “High-Intensity” environment should be managed so that they enhance and maintain the shorelines for a variety of urban uses, with priority given to water-dependent, water-related, and water-enjoyment uses.” • “Existing public access ways should not be blocked or diminished.” • “Aesthetic objectives should be actively implemented by means such as sign control regulations, appropriate development siting, screening and architectural standards, and maintenance of natural vegetative buffers. These objectives may be implemented either through this SMP or other City ordinances.” • “In order to make maximum use of the available shoreline resource and to accommodate future water-oriented uses, shoreline restoration and/or public access, the redevelopment and renewal of substandard, degraded, obsolete urban shoreline areas should be encouraged.” <p>SMP development regulations include, for Commercial uses (SMP Section 5.C.4.c):</p> <ul style="list-style-type: none"> • “Commercial development shall be designed to avoid or minimize ecological impacts, to protect human health and safety, and to avoid significant adverse impacts to surrounding uses and the shoreline’s visual qualities, such as views to the waterfront and the natural appearance of the shoreline.” • “All commercial loading and service areas shall be located or screened to minimize adverse impacts to the shoreline environment.” • “Commercial development and accessory uses must conform to the setback and height standards established in Section B “Development Standards Matrix” in this 	<p>Any in- or over-water proposals would require review not only by the City of Lake Stevens, but also by the Washington Department of Fish and Wildlife (WDFW). A project that includes in-water fill would require review and permitting from the U.S. Army Corps of Engineers (Corps), and the Washington Department of Ecology. Each of these agencies is charged with regulating and/or protecting shorelines and the waters of Lake Stevens, and would impose certain design or mitigation requirements on applicants.</p> <p>Restoration opportunities available at the site include enhancement of native shoreline vegetation for both terrestrial and aquatic habitat, removal of small amount of shoreline armoring, reduction in surface water runoff and improvement in infiltration capacity.</p>	<p>Unmitigated new development in this area has the potential to further degrade the baseline condition.</p> <p>Strict implementation of the SMP will be needed to minimize impacts, and is expected to result in the long-term improvement in ecological function.</p>

Shoreline Segment	Existing Conditions	Likely Development / Functions or Processes Potentially Impacted	Effect of SMP Provisions	Effect of Other Development and Restoration Activities / Programs	Net Effect
			<p>Chapter.”</p> <ul style="list-style-type: none"> “Low Impact Development (LID) techniques shall be incorporated where appropriate.” <p>Commercial development shall be setback 60-feet from the Lake Stevens shoreline (SMP Section 5.B).</p> <p>For Industrial uses (SMP Section 5.C.5.2):</p> <ul style="list-style-type: none"> “The amount of impervious surface shall be the minimum necessary to provide for the intended use. The remaining land area shall be landscaped with native plants according to Chapter 3 Section B.11.c.5.” “Water-dependent industry shall be located and designed to minimize the need for initial and/or continual dredging, filling, spoil disposal, and other harbor and channel maintenance activities.” “Storage and disposal of industrial wastes is prohibited within shoreline jurisdiction; PROVIDED, that wastewater treatment systems may be allowed in shoreline jurisdiction if alternate, inland areas have been adequately proven infeasible.” “Display and other exterior lighting shall be designed, shielded, and operated to avoid illuminating the water surface.” “All industrial loading and service areas shall be located or screened to minimize adverse impacts to the shoreline environment (including visual impacts) and public access facilities.” “Low Impact Development (LID) techniques shall be incorporated where appropriate.” <p>Industrial development shall be setback 60-feet from the Lake Stevens shoreline (SMP Section 5.B).</p>		
<p>Catherine Creek</p>	<p>One parcel along Catherine Creek makes up the High Intensity environment. The parcel is owned by the City of Lake Stevens and is primarily undeveloped, with the exception of a paved parking area associated with the Hartford Industrial Park.</p>	<p>Future Development: It is likely that the High Intensity area along Catherine Creek could, over time, develop into commercial or light industrial uses.</p> <p>Functions/Processes Impacted: Water Quantity: Slight changes to water quantity related to surface runoff may increase with more commercial/industrial development. However, all future development would adhere to stormwater management requirements.</p>	<p>Same policies and regulations as above for High Intensity – Lake Stevens.</p> <p>Further, the commercial and industrial building setback in these areas is 160 feet. The accessory parking setback is 70 feet. (SMP Section 5.B).</p>	<p>Same State and Federal implications as outlined above for High Intensity – Lake Stevens.</p> <p>As identified in the Shoreline Restoration Plan (Appendix B of the SMP), several opportunities for improvements to shoreline ecological function exist:</p> <ul style="list-style-type: none"> Enhancing large woody debris (LWD) recruitment; promoting natural LWD recruitment; Promoting pool, riffle and gravel bar development; Evaluating and enhancing hydrologic conditions; Following Planning and Community Development 	<p>New development has the potential to degrade the baseline condition in these areas. This may include loss of vegetation and increase in impervious surfaces. Strict adherence to the SMP and critical areas regulations are necessary to ensure no net loss of functions in this area.</p>

Shoreline Segment	Existing Conditions	Likely Development / Functions or Processes Potentially Impacted	Effect of SMP Provisions	Effect of Other Development and Restoration Activities / Programs	Net Effect
		<p>Water Quality: Future development of commercial/industrial uses may impact water quality increasing the likely application of chemicals, fertilizers and pesticides.</p> <p>Vegetation and Habitat: Preservation and enhancement of vegetation in this and other areas will ensure protection of existing functions.</p>		<p>Department design guidelines in Catherine Creek Park;</p> <ul style="list-style-type: none"> Restoring degraded wetlands; and Restoring and enhancing riparian vegetation. <p>These actions address the ecological functions assessed in the Restoration Plan, as well as the continuation of ongoing studies, projects and other efforts on the Catherine Creek shoreline.</p>	
Little Pilchuck Creek	<p>This area is largely undeveloped.</p>	<p>Future Development: It is likely that undeveloped areas along Little Pilchuck Creek could, over time, develop into commercial or light industrial uses.</p> <p>Functions/Processes Impacted: Water Quantity: Slight changes to water quantity related to surface runoff may increase with more commercial/industrial development. However, all future development would adhere to stormwater management requirements.</p> <p>Water Quality: Future development of commercial/industrial uses may impact water quality increasing the likely application of chemicals, fertilizers and pesticides.</p> <p>Vegetation and Habitat: Preservation and enhancement of vegetation in this and other areas will ensure protection of existing functions.</p>	<p>Same policies and regulations as above for High Intensity – Lake Stevens.</p> <p>Further, the commercial and industrial building setback in these areas is 160 feet. The accessory parking setback is 70 feet. (SMP Section 5.B).</p>	<p>Same State and Federal implications as outlined above for High Intensity – Lake Stevens.</p> <p>As identified in the Shoreline Restoration Plan (Appendix B of the SMP), several opportunities for improvements to shoreline ecological function exist:</p> <ul style="list-style-type: none"> Evaluating and enhancing hydrologic conditions; Restoring degraded wetlands; Restoring riparian vegetation; Enhancing habitat with LWD; promoting natural LWD recruitment; and Implement projects to fill data gaps identified in the 2002 Snohomish River Basin Salmonid Habitat Conditions Review. <p>These actions address the ecological functions assessed in the Restoration Plan, as well as the continuation of ongoing studies, projects and other efforts on the Little Pilchuck Creek shoreline.</p>	<p>New development has the potential to degrade the baseline condition in these areas. This may include loss of vegetation and increase in impervious surfaces.</p> <p>Strict adherence to the SMP and critical areas regulations are necessary to ensure no net loss of functions in this area.</p>
Shoreline Residential					
Lake Stevens	<p>The residential areas along Lake Stevens are dominated by single-family residences. Most waterfront property is developed. Nearly half of all residential parcels are bisected by roads running parallel to the shoreline. Approximately three-quarters of the shoreline is armored. Nearly all properties have either single- or</p>	<p>Future Development: Currently only a few lots on Lake Stevens are undeveloped. Otherwise, no new development is expected along the shoreline.</p> <p>Functions/Processes Impacted: Water Quantity: Slight changes to water quantity related to surface runoff may increase with more residential development. However, all future development would adhere to stormwater management requirements.</p> <p>Water Quality: Future development of residential uses may impact water quality</p>	<p>SMP policies for the “Shoreline Residential” environment (SMP Section 2.C.4) include:</p> <ul style="list-style-type: none"> “Allow development only in those areas where impacts and hazards to or caused by the proposed development can be effectively mitigated and where the environment is capable of supporting the proposed use in a manner that protects ecological functions.” “Commercial development should be limited to water-oriented uses and not conflict with the residential character of lands in the “Shoreline Residential” environment. “Water-oriented recreational uses should be allowed.” 	<p>Any in- or over-water proposals would require review not only by the City of Lake Stevens, but also by the Washington Department of Fish and Wildlife (WDFW). A project that includes in-water fill would require review and permitting from the U.S. Army Corps of Engineers (Corps), and the Washington Department of Ecology. Each of these agencies is charged with regulating and/or protecting shorelines and the waters of Lake Stevens, and would impose certain design or mitigation requirements on applicants.</p> <p>As identified in the Shoreline Restoration Plan (Appendix B of the SMP), several opportunities for improvements to shoreline ecological function exist.</p>	<p>Limited new and redevelopment pressure as little waterfront property is undeveloped. New and redevelopment has the potential to degrade the baseline condition.</p> <p>Strict implementation of the SMP and the critical areas regulations should minimize impacts. If mitigation for potential setback reductions includes removal of</p>

Shoreline Segment	Existing Conditions	Likely Development / Functions or Processes Potentially Impacted	Effect of SMP Provisions	Effect of Other Development and Restoration Activities / Programs	Net Effect
	<p>joint-use pier access.</p>	<p>increasing the likely application of chemicals, fertilizers and pesticides. Slight improvements in water quality may occur upon development or redevelopment in areas devoid of shoreline vegetation through revegetation standards.</p> <p>Vegetation and Habitat: Preservation and enhancement of vegetation in this and other areas will ensure protection of existing functions. Improvements to vegetation coverage may also occur through implementation of development regulations which require shoreline planting areas.</p>	<ul style="list-style-type: none"> • “New residential development should be supported by adequate land area and services.” • “Land division and development should be permitted only 1) when adequate setbacks or buffers are provided to protect ecological functions and 2) where there is adequate access, water, sewage disposal, and utilities systems, and public services available and 3) where the environment can support the proposed use in a manner which protects or restores the ecological functions.” • “Development standards for setbacks or buffers, shoreline stabilization, vegetation conservation, critical area protection, and water quality should be established to protect and, where significant ecological degradation has occurred, restore ecological functions over time.” • “Multi-family development and subdivisions of land into more than four parcels should provide community access for residents of that development.” • “New residential development should be located and designed so that future shoreline stabilization is not needed.” <p>Additional policies in the Residential Development uses section (SMP Section 5.8.b) include:</p> <ul style="list-style-type: none"> • “No net loss of ecological functions must be assured with specific standards for setback of structures sufficient to avoid problems with future soil stabilization, buffers, density, shoreline stabilization, and on-site sewage disposal” • “The overall density of development, lot coverage, and height of structures should be appropriate to the physical capabilities of the site and consistent with the comprehensive plan.” • “Adequate provisions should be made for protection of groundwater supplies, erosion control, stormwater drainage systems, aquatic and wildlife habitat, ecosystem-wide processes, and open space.” • “Sewage disposal facilities, as well as water supply facilities, shall be provided in accordance with appropriate state and local health regulations.” • “New residences should be designed and located so that shoreline armoring will not be necessary to protect the structure.” 	<p>These include:</p> <ul style="list-style-type: none"> • Evaluating habitat conditions and current/potential fish use in the lake; • Restoring degraded wetlands; • Restoring shoreline vegetation; • Enhancing shorelines with LWD; promoting natural LWD recruitment; • Improving floodplain connectivity; • Monitoring and improving water quality in the lake; • Following Planning and Community Development Department design guidelines in North Cove, Lundeen, Sunset, and Wyatt Parks; and • Implementing projects to fill data gaps identified in the 2002 Snohomish River Basin Salmonid Habitat Conditions Review. <p>These actions address the ecological functions assessed in the Restoration Plan, as well as the continuation of ongoing studies, projects and other efforts on the Lake Stevens shoreline</p>	<p>substantial shoreline hardening and/or supplementation of native shoreline plantings, ecological function in developed residential areas could improve in the long term.</p> <p>Given the above potential impacts and mitigation measures, no net loss of ecological functions is expected.</p>

Shoreline Segment	Existing Conditions	Likely Development / Functions or Processes Potentially Impacted	Effect of SMP Provisions	Effect of Other Development and Restoration Activities / Programs	Net Effect
			<p>A detailed discussion of effects of SMP provisions related to residential setbacks is presented in Section 5.1. The regulations in SMP Section 5.C.8.c.1 provide for a protective setback of 60 feet in areas along the Lake Steven shoreline and allowances for reductions of the 60-foot setback that could occur only when paired with mitigation elements for restoration and enhancement of functions. Further, vegetation conservation regulations include, "For new development on previously undeveloped lots, any existing native vegetation shall be retained along the shoreline to 20 feet 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." (SMP Section 5.C.8.c.3)</p> <p>A detailed discussion of effects of SMP provisions related to residential overwater structures is presented in Section 5.2. The regulations in SMP Section 4.C.3 contain strict dimensional and materials standards.</p> <p>A detailed discussion of effects of SMP provisions related to new and replacement shoreline stabilization is presented in Section 5.3. The regulations contained within SMP Section 4.C.2 will considerably reduce the potential for new hard shoreline stabilization, and will likely result over time in conversions of existing hard structural stabilization to soft structural stabilization.</p>		
<p>Catherine Creek</p>	<p>The residential areas along Catherine Creek are primarily built-out, with a majority of the housing built within the last few decades.</p>	<p>Future Development: Currently only a few residential lots on Catherine Creek are undeveloped. Otherwise, no new development is expected along the shoreline.</p> <p>Functions/Processes Impacted: Water Quantity: Slight changes to water quantity related to surface runoff may increase with more residential development. However, all future development would adhere to stormwater management requirements.</p> <p>Water Quality: Future development of residential uses may impact water quality increasing the likely application of chemicals, fertilizers and pesticides. Slight improvements</p>	<p>Same policies and regulations as above for Shoreline Residential – Lake Stevens.</p> <p>Further, the residential setback in these areas is 160 feet (SMP Section 5.B).</p>	<p>Same State and Federal implications as outlined above for Shoreline Residential – Lake Stevens.</p> <p>As identified in the Shoreline Restoration Plan (Appendix B of the SMP), several opportunities for improvements to shoreline ecological function exist:</p> <ul style="list-style-type: none"> • Enhancing LWD recruitment; promoting natural LWD recruitment; • Promoting pool, riffle and gravel bar development; • Evaluating and enhancing hydrologic conditions; • Following Planning and Community Development Department design guidelines in Catherine Creek Park; • Restoring degraded wetlands; and • Restoring and enhancing riparian vegetation. 	<p>Limited new and redevelopment pressure, critical areas regulations, and SMP provisions ensure that any development in the Shoreline Residential jurisdiction would not result in net loss of ecological function.</p>

Shoreline Segment	Existing Conditions	Likely Development / Functions or Processes Potentially Impacted	Effect of SMP Provisions	Effect of Other Development and Restoration Activities / Programs	Net Effect
		<p>in water quality may occur upon development or redevelopment in areas devoid of shoreline vegetation through revegetation standards.</p> <p>Vegetation and Habitat: Preservation and enhancement of vegetation in this and other areas will ensure protection of existing functions. Improvements to vegetation coverage may also occur through implementation of development regulations which require shoreline planting areas.</p>		<p>These actions address the ecological functions assessed in the Restoration Plan, as well as the continuation of ongoing studies, projects and other efforts on the Catherine Creek shoreline.</p>	
<p>Little Pilchuck Creek</p>	<p>Residential designated areas along Little Pilchuck Creek are largely undeveloped.</p>	<p>Future Development: The area is largely under developed and has the potential to be developed at a higher intensity. There are approximately six residential parcels within this area.</p> <p>Functions/Processes Impacted: Water Quantity: Slight changes to water quantity related to surface runoff may increase with more residential development. However, all future development would adhere to stormwater management requirements.</p> <p>Water Quality: Future development of residential uses may impact water quality increasing the likely application of chemicals, fertilizers and pesticides. Slight improvements in water quality may occur upon development or redevelopment in areas devoid of shoreline vegetation through revegetation standards.</p> <p>Vegetation and Habitat: Preservation and enhancement of vegetation in this and other areas will ensure protection of existing functions. Improvements to vegetation coverage may also occur through implementation of development regulations which require shoreline planting areas.</p>	<p>Same policies and regulations as above for Shoreline Residential – Lake Stevens.</p> <p>Further, the residential setback in these areas is 160 feet (SMP Section 5.B).</p>	<p>Same State and Federal implications as outlined above for Shoreline Residential – Lake Stevens.</p> <p>As identified in the Shoreline Restoration Plan (Appendix B of the SMP), several opportunities for improvements to shoreline ecological function exist:</p> <ul style="list-style-type: none"> • Evaluating and enhancing hydrologic conditions; • Restoring degraded wetlands; • Restoring riparian vegetation; • Enhancing habitat with LWD; promoting natural LWD recruitment; and • Implement projects to fill data gaps identified in the 2002 Snohomish River Basin Salmonid Habitat Conditions Review. <p>These actions address the ecological functions assessed in the Restoration Plan, as well as the continuation of ongoing studies, projects and other efforts on the Little Pilchuck Creek shoreline.</p>	<p>Limited new and redevelopment pressure, critical areas regulations, and SMP provisions ensure that any development in the Shoreline Residential jurisdiction would not result in net loss of ecological function.</p>
<p>Urban Conservancy</p>					
<p>Lake Stevens</p>	<p>The Urban Conservancy designation along the Lake Stevens shoreline includes County-owned Wyatt Park and Sunset Park, and City-owned Lundeen Park, Swim Beach, and North Cove</p>	<p>Future Development: There is little likelihood of future changes through these shoreline areas with the exception of the expansion and redevelopment of North Cove Park.</p> <p>Functions/Processes Impacted: Water Quantity: With little to no expansion of impervious surface coverage planned, no</p>	<p>SMP policies for the “Urban Conservancy” environment (SMP Section 2.C.3.c) include:</p> <ul style="list-style-type: none"> • “Water-oriented recreational uses should be given priority over nonwater oriented uses. Water-dependent recreational uses should be given highest priority.” • “Public access and public recreation objectives should be implemented whenever feasible and 	<p>Any in- or over-water proposals would require review not only by the City of Lake Stevens, but also by the Washington Department of Fish and Wildlife (WDFW). A project that includes in-water fill would require review and permitting from the U.S. Army Corps of Engineers (Corps), and the Washington Department of Ecology. Each of these agencies is charged with regulating and/or protecting shorelines and the waters of Lake</p>	<p>SMP provisions, including setbacks and Restoration Plan implementation, ensure that environmental conditions in this environment will not be degraded relative to existing baseline over the long term.</p>

Shoreline Segment	Existing Conditions	Likely Development / Functions or Processes Potentially Impacted	Effect of SMP Provisions	Effect of Other Development and Restoration Activities / Programs	Net Effect
	<p>Park. Existing conditions include the following: Wyatt Park: Facilities include a public boat launch, a dock (for boats), a fishing pier, a lifeguard-monitored swimming area, restrooms, picnic tables, and 80 parking spaces. Sunset Park: Facilities include a public dock, picnic tables, and six parking spaces Lundeen Park: Facilities include a public pier, 500 feet of shoreline, a swimming area, sports courts and 98 parking spaces. Swim Beach: Facilities include 560 square feet of useable beach, a 600 square foot municipal swimming dock, a portable restroom, and 10 parking spaces. North Cove Park: The park has a 250 foot municipal boardwalk/pier (interpretation, fishing & picnicking, but no public boat access), picnic tables, and two horseshoe pits. Also a small dock for Police Department boats.</p>	<p>significant change to water quantity is expected. All future development would adhere to stormwater management requirements.</p> <p>Water Quality: Future development of residential uses may impact water quality by decreasing vegetative cover and increasing the likely application of chemicals, fertilizers and pesticides.</p> <p>Vegetation and Habitat: Future redevelopment and/or restoration activities at the various parks are likely to result in improved vegetation and habitat conditions through the addition of native plantings.</p>	<p>significant ecological impacts can be mitigated.”</p> <ul style="list-style-type: none"> “Standards should be established for shoreline stabilization measures, vegetation conservation, water quality, and shoreline modifications within the “Urban Conservancy” designation to ensure that new development does not further degrade the shoreline and is consistent with an overall goal to improve ecological functions and habitat.” “Water-dependent and water-enjoyment recreation facilities that do not deplete the resource over time, such as boating facilities, angling, wildlife viewing trails, and swimming beaches, are preferred uses, provided significant ecological impacts to the shoreline are avoided or mitigated.” <p>Development regulations within the Urban Conservancy environment state, “Nonwater-oriented structures, such as restrooms, recreation halls and gymnasiums, recreational buildings and fields, access roads, and parking areas, shall be set back from the OHWM at least 70 feet unless it can be shown that there is no feasible alternative.” (SMP Section 5.7.c.4)</p>	<p>Stevens, and would impose certain design or mitigation requirements on applicants.</p> <p>As identified in the Shoreline Restoration Plan (Appendix B of the SMP), several opportunities for improvements to shoreline ecological function exist. These include:</p> <ul style="list-style-type: none"> Evaluating habitat conditions and current/potential fish use in the lake; Restoring degraded wetlands; Restoring shoreline vegetation; Enhancing shorelines with LWD; promoting natural LWD recruitment; Improving floodplain connectivity; Monitoring and improving water quality in the lake; Following Planning and Community Development Department design guidelines in North Cove, Lundeen County, Sunset, and Wyatt Parks; and Implementing projects to fill data gaps identified in the 2002 Snohomish River Basin Salmonid Habitat Conditions Review. <p>These actions address the ecological functions assessed in the Restoration Plan, as well as the continuation of ongoing studies, projects and other efforts on the Lake Stevens shoreline.</p>	<p>It will be critical to evaluate projects on a site-specific and project-specific basis, however, and utilize the available impact minimization and protective provisions of the SMP.</p> <p>Given strict adherence to the SMP policies and regulations, no net loss of ecological functions is expected as no detrimental or un-mitigated alterations to the existing conditions are likely to occur along the Urban Conservancy designated shorelines.</p>
<p>Catherine Creek</p>	<p>The Urban Conservancy designation along the Catherine Creek shoreline includes Catherine Creek Park. The park is an 8-acre</p>	<p>Future Development: There is little likelihood of future changes through this shoreline area.</p> <p>Functions/Processes Impacted: Water Quantity: With little to no expansion of impervious surface coverage planned, no</p>	<p>SMP policies same as above for Urban Conservancy – Lake Stevens.</p>	<p>Same State and Federal implications as outlined above for Urban Conservancy – Lake Stevens.</p> <p>As identified in the Shoreline Restoration Plan (Appendix B of the SMP), several opportunities for</p>	<p>Net effect same as above for Urban Conservancy – Lake Stevens.</p>

Shoreline Segment	Existing Conditions	Likely Development / Functions or Processes Potentially Impacted	Effect of SMP Provisions	Effect of Other Development and Restoration Activities / Programs	Net Effect
	community park that is maintained primarily as a "natural" park with a network of trails (2 miles), access to Catherine Creek, picnic facilities, and a disc golf course.	<p>significant change to water quantity is expected. All future development would adhere to stormwater management requirements.</p> <p>Water Quality: Future development of recreational uses may impact water quality by decreasing vegetative cover and increasing the likely application of chemicals, fertilizers and pesticides.</p> <p>Vegetation and Habitat: Future redevelopment and/or restoration activities are likely to result in improved vegetation and habitat conditions.</p>		<p>improvements to shoreline ecological function exist:</p> <ul style="list-style-type: none"> • Enhancing LWD recruitment; promoting natural LWD recruitment; • Promoting pool, riffle and gravel bar development; • Evaluating and enhancing hydrologic conditions; • Following Planning and Community Development Department design guidelines in Catherine Creek Park; • Restoring degraded wetlands; and • Restoring and enhancing riparian vegetation. <p>These actions address the ecological functions assessed in the Restoration Plan, as well as the continuation of ongoing studies, projects and other efforts on the Catherine Creek shoreline.</p>	
Little Pilchuck Creek	The Urban Conservancy designation along the Little Pilchuck Creek shoreline includes the Centennial Trail. The 17-mile recreational trail runs from Snohomish to Arlington.	<p>Future Development: There is little likelihood of future changes through this shoreline area.</p> <p>Functions/Processes Impacted: Water Quantity: With little to no expansion of impervious surface coverage planned, no significant change to water quantity is expected. All future development would adhere to stormwater management requirements.</p> <p>Water Quality: Future development of residential uses may impact water quality by decreasing vegetative cover and increasing the likely application of chemicals, fertilizers and pesticides.</p> <p>Vegetation and Habitat: Future redevelopment and/or restoration activities are likely to result in improved vegetation and habitat conditions.</p>	SMP policies same as above for Urban Conservancy – Lake Stevens.	<p>Same State and Federal implications as outlined above for Urban Conservancy – Lake Stevens.</p> <p>As identified in the Shoreline Restoration Plan (Appendix B of the SMP), several opportunities for improvements to shoreline ecological function exist:</p> <ul style="list-style-type: none"> • Evaluating and enhancing hydrologic conditions; • Restoring degraded wetlands; • Restoring riparian vegetation; • Enhancing habitat with LWD; promoting natural LWD recruitment; and • Implement projects to fill data gaps identified in the 2002 Snohomish River Basin Salmonid Habitat Conditions Review. <p>These actions address the ecological functions assessed in the Restoration Plan, as well as the continuation of ongoing studies, projects and other efforts on the Little Pilchuck Creek shoreline.</p>	Net effect same as above for Urban Conservancy – Lake Stevens.
Natural					
Lake Stevens	The Stevens Creek and Stitch Lake wetland complexes are primarily in a naturally forested state, with an abundance of ponded areas that included both emergent and aquatic vegetation.	<p>Future Development: No future development is anticipated. The only anticipated activity would be restoration.</p> <p>Functions/Processes Impacted: No adverse impacts to function/processes are anticipated in the future. Habitat enhancement may occur at some point in the future.</p>	<p>SMP policies for the "Natural" environment (SMP Section 5.7) include:</p> <ul style="list-style-type: none"> • "Any use that would substantially degrade the ecological functions or natural character of the designated wetland area should be prohibited." • "Uses that are consumptive of physical, visual, and biological resources should be prohibited." <p>Development regulations within the Natural</p>	<p>While areas designated as Natural shoreline environments typically have properly functioning shoreline conditions that provide a variety of ecological functions, portions of these shoreline areas may also be in need of improvements.</p> <p>While no specific restoration opportunities are identified in the Shoreline Restoration Plan, preservation of the wetland areas in their present state, through the City's</p>	No net loss of ecological functions is expected as no detrimental alterations to the existing conditions in this environment are likely to occur.

Shoreline Segment	Existing Conditions	Likely Development / Functions or Processes Potentially Impacted	Effect of SMP Provisions	Effect of Other Development and Restoration Activities / Programs	Net Effect
		No adverse impacts to function/processes associated with the wetland complexes are anticipated in the future.	environment state that, "[t]he ecological resources in the Natural-Wetlands environment should be protected through the provisions in the Critical Areas section of this SMP." (SMP Section 2.C.1.c.6)	SMP and critical areas regulations, should ensure adequate protection.	

5 DEVELOPMENT IMPLICATIONS

In addition to the general cumulative impacts analysis presented in the table in Section 4, this section will expand on several key areas of functions and impacts associated with new and redevelopment within the “Shoreline Residential” environment designation on Lake Stevens.

5.1 Residential Setbacks on Lake Stevens

With the possible exception of limited additional residential-zoned lands being acquired for public open space, planned land use in the Shoreline Residential environment is not expected to change over the next 20 years, although new residential development and substantial remodels are anticipated. Typically, development of vacant lots into residential uses would result in replacement of pervious, vegetated areas with impervious surfaces and a landscape management regime that often includes chemical treatments of lawn and landscaping. These actions can have multiple effects on shoreline ecological functions, including:

- Reduction in ability of site to improve quality of waters passing through the untreated vegetation and healthy soils.
- Potential contamination of surface water from chemical and nutrient applications.
- Increase in surface water runoff due to reduced infiltration area and increased impervious surfaces, which can lead to excessive soil erosion and subsequent in-water sediment deposition.
- Elimination of upland habitat occupied by wildlife that use riparian areas.

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 proposed SMP (SMP **Section 8.c**), the minimum standard residential shoreline setback will be 60 feet, while the minimum deck setback will be 50 feet. 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.

City of Lake Stevens Cumulative Impacts Analysis

According to a sampling of the City's GIS data, the average residential setback for three areas of the lake are listed in Table 6.

Table 6. Breakdown of average building setbacks in the Shoreline Residential environment.

Location	# of parcels sampled	Average Setback
Western Shoreline	50	64-feet
Eastern Shoreline	50	103-feet
Northern Shoreline	50	98-feet

While the amount of space between the shoreline and a structure is an excellent quick evaluation of shoreline condition, for most urban residential shorelines, the condition of nearshore environments (including extent of native vegetation, amount of impervious surfaces, and extent of chemical usage on lawns and landscaping) is a more precise indicator of shoreline health. For the case of Lake Stevens, shoreline conditions allow for waterward development up to 50 feet from shore with most of that space used as mowed lawn with some ornamental landscaping, much of it presumably treated routinely or occasionally with pesticides, herbicides or fertilizers. Shoreline setbacks in conjunction with impervious surface cover restrictions and revegetation standards are an excellent means to improve overall shoreline ecological functions in developed areas.

The significance of impervious surfaces on a shoreline environment where surface water quantity is not really a factor (as the lake is primarily fed by groundwater) is very diminished given the residential uses. Single-family or multi-family homes generally have clean roof and sidewalk runoff, and driveways, whether 50 square feet or 5,000 square feet, are typically pollution-generating surfaces only to the extent that vehicle-related pollutants are deposited on them. Most single-family homes have between two and four vehicles, regardless of the driveway area and thus the correlation between driveway area and amount of pollution is not strong. Garages and pavement for motorized vehicles are to be set back at least 75 feet from the lake (SMP **Section 5.8.c.4**). An impervious surface standard has been set at 40 percent (SMP **Section 5.8.c.2.b**) for single-family lots, with incentives for an increase up to 50 percent (SMP **Section 5.8.c.2.c**). On newly developed lots, vegetation shall be retained along the shoreline to 20 feet from the OHWM (SMP **Section 5.8.c.3**). Those properties with a 60-foot standard setback that choose to reduce their setback would be required to mitigate impacts through various shoreline enhancement

mechanisms such as native revegetation, shoreline armoring removal or softening, impervious surface reductions, and stormwater controls.

Vegetation conservation standards for clearing and grading associated with residential development within shoreline jurisdiction include the implementation of a detailed landscape revegetation and monitoring plan (SMP **Section 5.8.c.3**).

Relative to the existing conditions in the Shoreline Residential environment along the Lake Stevens shoreline, the implementation of 60-foot 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, enhancement to nearshore ecological functions are likely to be proposed.

It is important that the impervious surfaces be separated from the waterbody to the extent that those surfaces replace vegetation, which can have a variety of ecological benefits. The setback provisions described above continue to maintain separation between the homes and the water, leaving the nearshore area available for vegetation.

In summary, new residences and substantial remodels/additions are expected in the Shoreline Residential environment over the next 20 years. The protective setbacks and other measures in the SMP, including a requirement for shoreline vegetation and impervious surface limits, will maintain or improve ecological functions of the shoreline over the long term, thereby resulting in no net loss of shoreline ecological function within the environment.

5.2 Overwater Structures

Overwater structures encompass a variety of uses, from in-water structures, such as fixed-pile piers, floating docks and platforms, to moorage covers, such as canopies and boathouses. Within the City, all overwater structures directly associated with a single-family residential use are located on Lake Stevens. It is difficult to determine exactly how many waterfront properties on Lake Stevens do not have a pier or pier access, particularly as many piers are located near property lines and thus it is possible that those may be shared with the adjacent property.

City of Lake Stevens Cumulative Impacts Analysis

The proposed SMP prohibits docks, piers, and floats for single-family residential use outside of Lake Stevens. Therefore, it is not anticipated that new structures will be developed outside of this area.

Piers and docks can adversely affect ecological functions and habitat in the following ways:

- Alter patterns of light transmission to the water column, affecting macrophyte growth and altering habitat for and behavior of aquatic organisms, including juvenile salmon.
- Interfere with long-shore movement of sediments, altering substrate composition and development.
- Contribute to contamination of surface water from chemical treatments of structural materials.

The current SMP does not include specifications for the width or overall size of piers and docks. Under the proposed SMP, dimensional criteria for new, expansion, and replacement structures is included (Chapter 4.C.3) in order to reduce potential impacts.

Under the proposed SMP, these criteria will include: 1) pier width of 6 feet or less; 2) grated decking at least in the first 30 feet from shore; 3) float/ell width of 6 feet or less; and 4) pier and float orientation designed to minimize light impacts.

Table 7 outlines some of the primary differences between the original and proposed SMP (see Draft SMP Chapter 4, Over-Water Structures) provisions for piers.

Under the proposed SMP, new piers will be smaller and narrower than piers approved under the original SMP. New and replacement piers will also include light-transmitting decking material for at least the first 30 feet from shore, which will reduce the effect of the overwater cover. Nevertheless, if new piers were the only pier-related activity in Lake Stevens, ecological function would still marginally decline. The decline would be due to an unavoidable net increase in in-water structures and overwater cover that cannot be mitigated.

However, pier repair and pier maintenance activities are more common, and it is anticipated that pier replacement proposals may become even more common as existing piers degrade or do not meet the property owner's needs in their current configuration or location. Under the proposed SMP, existing piers could be replaced at the same size as the existing pier, as long as the entire replacement pier contained light-transmitting decking material.

Table 7. Comparison of key differences between original and proposed SMP provisions for new over-water structures.

Pier Feature	Original SMP	Proposed SMP
Length	No longer than adjacent piers or 50-ft maximum	Length to reach a 5.5 foot water depth, maximum 200-ft
Width	No specification	4-ft walkway ¹ 6-ft remainder of pier 8-ft ells/float 2-ft finger 4-ft ramp connecting to pier
Deck Material	No specification	All new and replacement piers must be grated at least the first 30 feet from shore
Size	No specification	1,200 sq. ft. (if maximum 200-ft length is necessary to reach a 5 ½-ft water depth)

¹Exception: 1) 6 foot wide allowed if the dock remains entirely linear with no ell, float, or other configuration or if the dock is grated for the entire portion.

The Washington Department of Fish and Wildlife (WDFW) is typically requiring piers that are both smaller in overall size than average existing piers and also narrower in the nearshore area. However, WDFW will, on a case-by-case basis, consider replacement piers at the same size as the original pier if it can be thoroughly shown that the applicant has demonstrated a need for the pier, and that proper mitigation sequencing has been followed (avoidance, minimization, and mitigation). Grated decking is a mitigating factor that WDFW encourages. Any new or replacement pier would require a Hydraulic Project Approval (HPA) from WDFW, on whose guidelines the proposed SMP pier provisions are partially based. The combined effects of the City's proposed SMP and permit approvals from WDFW will likely result in a reduction over time of the net amount of overwater coverage and an increase in the amount of light-transmitting decking.

A quantitative analysis is provided below (Table 8), based partially on Lake Stevens lake-wide trends and assumptions. This analysis assumes that 19 of the estimated 41 properties on Lake Stevens without piers will add piers within the next 20 years. Also assumed is that 15 percent of all existing piers will need replacement over the same time period. Assuming that all new and replacement pier structures will be grated at least in the first 30 feet from shore and that replacement pier structures can be replaced at the same size as the existing pier, the total area of overwater structure is not anticipated to significantly increase over this time period. Based on the calculations provided in Table 8, a net decrease of approximately 216 (0.0%) square feet of new cover is anticipated. As improvements will be made to nearshore conditions through the addition of

City of Lake Stevens Cumulative Impacts Analysis

grated decking within the first 30 feet from shore associated with most pier projects, net improvements in nearshore functions are anticipated.

Table 8. Comparison of build-out conditions for overwater structures.

	Existing	Build-Out	Net Change	% Change
Number of Piers	398	417 ¹	+19	+4.6
Average Area of piers (sq. ft.)	1,232	1,192 ²	-40.0	-3.2
Total area of piers (sq. ft.)	490,215	489,999 ³	-216	0.0

¹ Assumes that 19 of 41 existing properties without piers will construct a new pier over the next 20 years.

² Assumes 19 new piers at 436 ft² each (based upon proposed SMP width provisions and average length of existing piers – 64 ft) and 15 percent replacement of existing piers over 20 years (assumes replacement piers to be replaced at the same size – 1,231.7 ft² average).

³ Assumes 19 new piers and 15 percent replacement piers are grated at least the first 30 feet from shore (grating is calculated to have 60 percent open space).

5.3 Shoreline Stabilization

New shoreline armoring typically has the following effects on ecological functions:

- Reduction in nearshore habitat quality for both aquatic and terrestrial species. Specifically, shoreline complexity and native emergent vegetation that provide forage and cover may be reduced or eliminated. Elimination of shallow-water habitat may also increase vulnerability of juvenile salmonids to aquatic predators.
- Reduction of natural sediment recruitment from the shoreline. This recruitment is necessary to replenish substrate and preserve shallow water conditions.
- Increase in wave energy at the shoreline if shallow water is eliminated, resulting in increased nearshore turbulence that can be disruptive to aquatic resources.

Under the proposed SMP (Chapter 4.C.2), new shoreline stabilization (using hard or soft methods) would only be allowed “to protect or support an existing or approved development, as necessary for human safety, for the restoration of ecological functions, or for hazardous substance remediation pursuant to Chapter 70.105D RCW.” It must be demonstrated in a study prepared by a qualified professional (e.g. geotechnical engineer) that the proposed stabilization is the least harmful method to the environment and the project will mitigate adverse impacts.

Proposals for hard stabilization methods (e.g. rock revetments, concrete walls, groins, etc.) must first demonstrate that softer methods using natural materials and non-structural solutions, including relocation or reconstruction of existing structures, are not feasible. Proposals for hard shoreline stabilization must show that the cumulative effect would have no net loss of shoreline ecological functions.

Replacement bulkheads may be permitted if there is a demonstrated need to protect principal uses or structures from erosion provided the proposed replacement structure does not encroach further waterward of the OHWM, all impacts are mitigated, and no net loss of shoreline ecological functions is assured.

Independent of regulations by other regulatory agencies, the proposed SMP ensures that shoreline stabilization projects will not degrade the baseline condition.

The Army Corps of Engineers and WDFW have jurisdiction over new shoreline stabilization projects, and repairs or modifications to existing shoreline stabilization. As part of their efforts to minimize and compensate for shoreline stabilization-related impacts, both agencies encourage implementation of native shoreline enhancement for new shoreline stabilization projects. Further, they also strongly promote shoreline restoration and additional impact compensation measures for many shoreline armoring modification projects, including placement of gravel at the toe of the armoring to create shallow-water habitat, angling the armored face landward to reduce wave turbulence, and shifting the armoring as far landward as feasible.

Based on an evaluation of the City's GIS data, approximately 80 percent of developed properties within the Shoreline Residential environment along the Lake Stevens shoreline currently contain shoreline armoring. Therefore, the need for new shoreline stabilization is expected to be limited. As mentioned above, it must be demonstrated that there is a need to protect a proposed development from damage due to erosion caused by natural processes, such as currents, waves, or boat wakes. The proposed SMP includes incentives for the removal of existing bulkheads under the residential setback reduction alternatives.

Over time, the combined effects of the City's proposed SMP, and permit approvals from the WDFW and the Corps will likely result in a reduction over time of the net amount of hardened shoreline at the ordinary high water mark, an increase in shallow-water habitat, and an increase in shoreline vegetation within the Shoreline Residential environment.

6 NET EFFECT ON ECOLOGICAL FUNCTION

As described above in Sections 4 and 5, the proposed SMP provides a substantially increased level of protection to shoreline ecological functions relative to the existing SMP. On its own, the proposed SMP, which includes the Shoreline Restoration Plan, is expected to protect and improve shorelines within the City of Lake Stevens while accommodating the reasonably foreseeable future shoreline development, resulting in no net loss of shoreline ecological function. State and federal regulations, acting in concert with this SMP, will provide further assurances of improved shoreline ecological functions over time.

As discussed above, major elements of the SMP that ensure no net loss of ecological functions fall into generally five categories: 1) environment designations (Chapter 2), 2) general provisions (Chapter 3), 3) shoreline use provisions (Chapter 5), 4) shoreline modification provisions (Chapter 4), and 5) Shoreline Restoration Plan (Appendix B).

Environment designations: The *Shoreline Analysis Report* provided the information necessary to assign environment designations for the City's shorelines. Shoreline uses and modifications were then individually determined to be either permitted (as substantial developments or conditional uses) or prohibited in each of those environment designations. The most uses and modifications are allowed in descending order of potential impact in the High Intensity, Shoreline Residential, Urban Conservancy, and Natural environments. The only uses allowed in the Natural environment are related generally to restoration, scientific studies, and passive recreation.

General provisions: **Chapter 3** contains a number of regulations on a variety of topics that contribute to protection and restoration of ecological functions, including **Section 3.B.3** (Critical Areas).

Shoreline use provisions: Regulations in **Chapter 5** focus on exclusion of uses that are incompatible with the existing land use and ecological conditions, and emphasize appropriate location and design of the various uses. These regulations also emphasize avoidance and minimization of ecological impacts via appropriate setbacks, protection and enhancement of vegetation, reduction of impervious surfaces, and use of innovative designs (such as LID techniques) that do not degrade and may even enhance shoreline functions. These factors are balanced with uses that are essential to the City's waterfront use and development. While allowing water-dependent uses and developments to continue along the shoreline, the proposed SMP emphasizes protection and

enhancement of shoreline resources such that no net loss of ecological functions will be achieved over time.

Shoreline modification provisions: **Chapter 4** contains a number of regulations on a variety of topics that contribute to protection and restoration of ecological functions, including **Section 4.C.3** (Over-water Structures), **Section 4.C.6** (Shoreline Restoration and Ecological Enhancement), and **Section 4.C.2** (Shoreline Stabilization). All of these shoreline modification regulations emphasize minimization of size of structures, and use of designs that do not degrade and may even enhance shoreline functions.

Shoreline Restoration Plan: The City follows a set of restoration goals and policies set forth in the Comprehensive Plan Critical Areas Element. The general goals are to protect all critical areas; policies include preventing any net loss of ecological function and value. Compensatory mitigation, which may include restoration, is called for in the Plan when new development would impact critical areas. As well, providing long-term protection for non-critical-area habitat is a goal. Both regulatory and non-regulatory approaches are supported in the Comprehensive Plan. A number of restoration projects and programs already in place are outlined in the *Shoreline Restoration Plan (Appendix B)*. Specific opportunities and/or implementation strategies for restoration on both public and private properties inside and outside of shoreline jurisdiction are proposed by various groups; these efforts are summarized in the Restoration Plan and include the Snohomish Basin Salmon Recovery Program, Shared Strategy for Puget Sound, Puget Sound Partnership, Snohomish County Public Works, and Snohomish Conservation District, as well as ongoing City programs and activities. All of these programs and organizations share restoration goals of protecting and restoring ecological function and value within the watershed.

Summary: The following are some of the key features identified in the proposed SMP and this evaluation which protect and enhance shoreline ecological functions.

- Only nineteen new residential piers/docks are anticipated. Repair and reconstruction of existing structures is most likely and would include mechanisms to reduce overall impacts.
- Reductions or softening of hard shorelines through development incentives.
- Retention and revegetation along shorelines as part of future development.

City of Lake Stevens Cumulative Impacts Analysis

- Protection of all large associated wetlands, and City parks and open spaces through Urban Conservancy or Natural environment designations.
- Residential development setbacks which are variable depending upon location throughout the City, with larger setbacks in areas with higher need for protection of shoreline resources and incentives to improve shoreline conditions through setback reductions.
- Emphasis on achieving no net loss of shoreline ecological functions throughout shoreline jurisdiction, including development of water-dependent uses.

Given the above provisions of the SMP, including the *Shoreline Restoration Plan* and the key features listed above, implementation of the proposed SMP is anticipated to achieve **no net loss of ecological functions in the City of Lake Stevens' shorelines.**

No Net Loss Report Summary

City of Lake Stevens Shoreline Master Program Update 4-19-11

Background:

This No Net Loss (NNL) Summary provides an overall review of how the City of Lake Stevens meets the NNL requirement per Washington Department of Ecology Guidelines and should be used in conjunction with the other supporting documents produced during the City's Shoreline Master Program (SMP) Update. This summary focuses on reporting how Ecological functions, as well as Public Access and Shoreline Use objectives have been met through the development of the SMP and will not be degraded or minimized over time as the SMP is implemented. Other products developed in support of the SMP include:

- Shoreline Analysis Report
- Cumulative Impacts Analysis
- Shoreline Restoration Plan

Lake Stevens is 1,014 acres, and is therefore included in a classification of unique shorelines known as Shorelines of Statewide Significance. The City's shoreline planning area has grown extensively due to multiple annexations around Lake Stevens, and eastward to also encompass the shorelines of Catherine Creek (downstream of Hartford Drive) and Little Pilchuck Creek. Careful consideration of the hydrologic associations of known wetlands around Lake Stevens also resulted in significant expansions of shoreline jurisdiction from what had previously been understood.

The Lake Stevens shoreline is highly developed, primarily with single-family residential uses (>90 percent) combined with local public parks. Only a small portion of shoreline is zoned for commercial use. The residential and recreational use of Lake Stevens has significantly altered the historical ecological functions supporting the shoreline. This includes the five public parks located at various locations around the lake. The result is a baseline condition of ecological functions that are highly degraded in the residential areas. Nearly 80 percent of the shoreline is armored and over 80 percent of the vegetation has been altered.

As provided in the table below and further supported in the Cumulative Impacts Analysis, future implementation of the City's proposed SMP is believed to result in no net loss of ecological functions. Potential restoration actions, as described in the Shoreline Restoration Plan, may help improve ecological functions in the future. As well, public access to the shoreline and shoreline uses are preserved, and where possible, enhanced.

FUNCTION/OBJECTIVE	LOSS OF FUNCTION OR OBJECTIVE	GAIN IN FUNCTION OR VALUE	NET IMPACT ON FUNCTION OR OBJECTIVE
Ecological			
Hydrologic Functions	<p>Lake Stevens</p> <p>As most of the residential shoreline is already developed (approximately 80% of shoreline is armored and over 80% of vegetation has been altered), future new development is likely to have only a moderate affect on existing baseline hydrologic functions. These may include:</p> <ul style="list-style-type: none"> • Degradation of water quality through the application of additional chemicals, fertilizers and pesticides. • Decrease in natural shorelines to attenuate wave energy as new and modified shoreline armoring is constructed. 	<p>Lake Stevens</p> <p>Vegetation standards for new shoreline developments and re-development of existing property has the potential to improve water quality by removing chemical, fertilizers and pesticides from surface water runoff.</p> <p>New armoring is only allowed when necessary to protect existing primary structures. When new, expanded or replaced armoring is proposed, soft armoring techniques must be explored first. The application of soft armoring techniques will likely be the most widely used form of shoreline armoring in the future due to the combined regulations of the City's SMP and WA State Department of Fish and Wildlife.</p>	<p>Lake Stevens</p> <p>Limited new development is expected in the future. While generally, new and redevelopment has the potential to degrade the baseline condition, strict implementation of the SMP and the critical areas regulations for jurisdictional wetlands should minimize impacts.</p> <p>Redevelopment of existing shoreline property will be the most prevalent shoreline development activity in future years. As such, mitigation for potential setback reductions, which includes removal of substantial shoreline hardening and/or supplementation of native shoreline plantings, should improve hydrologic functions in developed residential areas over the long term.</p>
	<p>Creeks</p> <p>Slight changes to water quantity related to surface runoff may increase with more commercial/industrial development. This may negatively impact stream habitat (loss of channel roughness) and the ability of the corridor to remove contaminants.</p> <p>Future development of commercial/industrial uses may impact water quality by increasing the likely application of chemicals, fertilizers and pesticides.</p>	<p>Creeks</p> <p>Future development would adhere to stormwater management requirements to mitigate loss of function (i.e. account for expanded impervious surfaces via detention and infiltration mechanisms).</p>	<p>Creeks</p> <p>New development has the potential to degrade the baseline condition in these areas. This may include loss of vegetation and increase in impervious surfaces. Strict adherence to the SMP and critical areas regulations (specifically stream buffers) are necessary to ensure no net loss of functions in this area.</p>
Hyporheic Functions	<p>Lake Stevens N/A</p>	<p>Lake Stevens N/A</p>	<p>Lake Stevens N/A</p>
	<p>Creeks</p> <p>Future development may increase impervious surface cover which in turn will reduce infiltration and the ability of hyporheic areas to remove excess nutrients and contaminants. However, the soils within these shoreline streams are largely fine-grained and not as conducive to hyporheic flow as a coarser substrate would be, thereby limiting the natural potential for hyporheic removal of excess nutrients and toxic compounds.</p>	<p>Creeks</p> <p>Very little loss or gain in hyporheic function is anticipated over time as the soils in the vicinity are not very conducive to hyporheic flow.</p>	<p>Creeks</p> <p>No significant change in function is expected as the soils in the vicinity are not very conducive to hyporheic flow.</p>
Vegetative Functions	<p>Lake Stevens</p> <p>As stated above, most of the residential shoreline is already developed. Therefore, future new development is likely to have only a moderate affect on existing baseline vegetative functions. For instance, on newly developed lots, the SMP will require vegetation to be retained along the shoreline within 20 feet from the OHWM.</p> <p>Redevelopment of existing residential uses, especially those that expand existing building footprints, has the potential to reduce vegetative cover. This, along with the potential increase in chemical, fertilizer, and pesticide applications associated with enhanced landscapes, could potentially lead to further water quality degradation. It should be noted that the City has a maximum impervious surface</p>	<p>Lake Stevens</p> <p>Increased vegetation coverage may occur through implementation of development regulations which require shoreline planting areas for new development and the potential enhancement of vegetation for redevelopments which involve setback reductions. Some pier replacement projects may also include revegetation standards. Enhancements to vegetative cover, specifically those adjacent to the shoreline, will have beneficial effects to water quality functions.</p>	<p>Lake Stevens</p> <p>Revegetation standards adjacent to shore are likely to provide net overall improvements to vegetative water quality functions and off-set potential negative impacts from new or expanded development footprints and loss of existing vegetation.</p>

FUNCTION/OBJECTIVE	LOSS OF FUNCTION OR OBJECTIVE	GAIN IN FUNCTION OR VALUE	NET IMPACT ON FUNCTION OR OBJECTIVE
	<p>requirement on single-family residential lots.</p> <p>Other vegetative functions, such as attenuation of wave energy, temperature regulation, and LWD recruitment, are not likely to have a significant change from the baseline condition.</p>		
	<p>Creeks</p> <p>Potential development or redevelopment within established 150-foot buffer zones has the potential to negatively affect vegetative functions. Most likely, these negative effects would include a potential reduction in the ability of vegetation to remove contaminants.</p> <p>Future development is unlikely to affect the riparian areas immediately adjacent to the streams and thus other vegetative functions, including streambank stability and flow attenuation, should not experience further degradation.</p>	<p>Creeks</p> <p>Enhancement of vegetative conditions (i.e. invasive removal, native replanting with trees and shrubs) along both stream corridors through implementation of the critical areas regulations, including mitigation for development impacts, may improve native vegetative cover in the immediate riparian area. This may have several beneficial effects, but in terms of vegetative functions, these actions may improve shading conditions (temperature regulation), stabilize streambanks, and provide recruitment of in-stream material (woody debris and food sources).</p>	<p>Creeks</p> <p>New development has the potential to degrade the baseline condition in these areas. This may include loss of vegetation and increase in impervious surfaces. Strict adherence to the SMP and critical areas regulations would ensure no net loss of functions in this area.</p>
Habitat Functions	<p>Lake Stevens</p> <p>Aquatic habitats may be affected over time by the continued degradation of water quality (loss of condition), the proliferation of invasive aquatic weeds such as milfoil (loss of space), and the continued degradation of nearshore environments through the presence of shoreline armoring.</p> <p>Terrestrial environments would mainly be affected through the loss of vegetation as described above under Vegetative Functions.</p>	<p>Lake Stevens</p> <p>Future planned restoration measures (e.g., Aquatic Plant Management Plan) to remove milfoil have the potential to vastly improve nearshore habitat conditions for aquatic species.</p> <p>Improvements to vegetative cover along shore as described above has the potential to improve both aquatic habitats (improved water quality – i.e. condition) and terrestrial habitats (improved space and food sources).</p>	<p>Lake Stevens</p> <p>Although continued degradation of aquatic and terrestrial habitats may occur through existing and ongoing uses, planned improvements to aquatic nearshore environments (milfoil removal) and required enhancements (revegetation and soft shoreline armoring) are likely to improve the overall habitat functions in Lake Stevens.</p>
	<p>Creeks</p> <p>As discussed above under Vegetative Functions, future development is unlikely to affect the riparian areas immediately adjacent to the streams but rather more likely to affect vegetated areas setback from the stream. Therefore, loss of physical habitat space and negative impacts to overall habitat conditions, including food production and delivery, would likely affect terrestrial species more than aquatics.</p>	<p>Creeks</p> <p>Enhancement of native vegetation as described under Vegetative Functions above, would likely improve habitat functions for both terrestrial and aquatic species by providing additional habitat niches (e.g. accumulated wood/snags, pools and off-channel areas) and food resources.</p>	<p>Creeks</p> <p>New development has the potential to degrade the baseline condition in these areas. This may include loss of vegetation and increase in impervious surfaces. Strict adherence to the SMP and critical areas regulations would ensure no net loss of functions in this area.</p>
Public Access			
Recreation Opportunities	<p>No loss of access is allowed in the SMP with additional access required on plats of more than four lots and new commercial or public development. Public access is not required along the creeks unless there is already a park because no other opportunities exist that would not create unavoidable safety and security problems.</p>	<p>City is undertaking a study that may add waterfront park improvements. There may be some improvements to an existing marina that will include water-enjoyment uses.</p>	<p>In the future, if there are any changes in the City's public access opportunities it will likely be an increase in the size and attractiveness of existing parks and public access.</p>
Visual	<p>SMP maintains current height and bulk limits</p>	<p>Building setbacks, limitations on floating elements (including inflatable structures) and incentives for more natural shoreline edge should reduce the "visual clutter" on the shoreline</p>	<p>No significant changes are expected but a general reduction of over water elements is expected.</p>
Miscellaneous	<p>Water enjoyment uses (e.g.: food concessions, etc.) are allowed in the</p>	<p>The City is considering a future downtown subarea plan that will likely result in greater intensity of</p>	<p>The City's planning efforts point to the Lake taking a more prominent</p>

FUNCTION/OBJECTIVE	LOSS OF FUNCTION OR OBJECTIVE	GAIN IN FUNCTION OR VALUE	NET IMPACT ON FUNCTION OR OBJECTIVE
	parks with a 60' shoreline setback.	activities near (but not necessarily within) shoreline jurisdiction. Currently, two rowing clubs and many triathlons use Lake Stevens to hold competitions, some are national and international events. This will accentuate the downtown waterfront park's prominence as a destination.	recreational and civic role.
Shoreline Use			
Water-Dependent	There is very little opportunity for changes in water dependent uses. Non-water oriented uses are allowed on creeks, where there is a 160' setback and no navigability. Also, non-water oriented uses are allowed	New marinas are prohibited but provisions for existing marinas encourage the enhancement of boating activities.	While single family residential uses will continue to be the overwhelming use on the lake. Water oriented uses, if anything will increase. Preservation of ecological functions will be the primary focus on the City's creeks. In general, the objectives of RCW 90.58.020 will be more effectively addressed due to SMP regulations and other planning/community development activities.
Water-Related	Future use of a developed, but unused marina could add new water-related uses such as gas sales, small store, or restaurant. Future development of downtown may also include similar types of water-related uses.	Future development of the downtown subarea and an existing, unused commercial marina could enhance water-related uses.	Future development of the downtown subarea and an existing, unused commercial marina could enhance water-related uses.
Water-Enjoyment	Most of the City is within views of the lake and four public parks exist on the lake. Water-enjoyment is available on many roads surrounding the lake with views to the lake.	Lake activities occur throughout the year with more occurring in warmer months. Two rowing clubs use the lake. Public access points around the lake allow for public enjoyment. Additional development in the downtown and commercial properties could increase water-enjoyment uses. Many yearly events actively use the lake (e.g., Aquafest, triathlons, rowing competitions, etc.).	Water enjoyment uses will continue to be a strong emphasis for the City and should increase.

Final Draft

**City of Lake Stevens
Grant No. G1000027**

Shoreline Restoration Plan Component of the Shoreline Master Program for the City of Lake Stevens Shorelines: Lake Stevens, Catherine

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SHORELINE RESTORATION PLAN CITY OF LAKE STEVENS

1.0 INTRODUCTION

Lake Stevens' Shoreline Master Program applies to activities in the shoreline jurisdiction zone. Activities that have adverse effects on the ecological functions and values of the shoreline must be mitigated. By law, the proponent of that activity is required to return the subject shoreline to a condition equivalent to the baseline level at the time the activity takes place. It is understood that some uses and developments cannot always be mitigated fully, resulting in incremental and unavoidable degradation of the baseline condition. The subsequent challenge is to improve the shoreline over time in areas where the baseline condition is degraded, severely or marginally.

WAC Section 173-26-201(2)(f) of the Shoreline Master Program Guidelines (Guidelines)¹ says:

“master programs shall include goals and policies that provide for restoration of such impaired ecological functions. These master program provisions shall identify existing policies and programs that contribute to planned restoration goals and identify any additional policies and programs that local government will implement to achieve its goals. These master program elements regarding restoration should make real and meaningful use of established or funded nonregulatory policies and programs that contribute to restoration of ecological functions, and should appropriately consider the direct or indirect effects of other regulatory or nonregulatory programs under other local, state, and federal laws, as well as any restoration effects that may flow indirectly from shoreline development regulations and mitigation standards.”

Degraded shorelines are not just a result of pre-Shoreline Master Program activities, but also of unregulated activities and exempt development. The new Guidelines also require that “[l]ocal master programs shall include regulations ensuring that exempt development in the aggregate will not cause a net loss of ecological functions of the shoreline.” While some actions within shoreline jurisdiction are exempt from a permit, the Shoreline Master Program should clearly state that those actions are not exempt from compliance with the Shoreline Management Act or the local Shoreline Master Program. Because the shoreline environment is also affected by activities taking place outside of a specific local master program's jurisdiction (e.g., outside of city limits,

¹ The Shoreline Master Program Guidelines were prepared by the Washington Department of Ecology and codified as WAC 173-26. The Guidelines translate the broad policies of the Shoreline Management Act (RCW 90.58.020) into standards for regulation of shoreline uses. See <http://www.ecy.wa.gov/programs/sea/sma/guidelines/index.html> for more background.

outside of the shoreline area within the city), assembly of out-of-jurisdiction actions, programs and policies can be essential for understanding how the City fits into the larger watershed context. The latter is critical when establishing realistic goals and objectives for dynamic and highly interconnected environments.

Restoration of shoreline areas, in relation to shoreline processes and functions, commonly refers to methods such as re-vegetation, removal of invasive species or toxic materials and removal of bulkhead structures, piers, and docks. Consistent with Ecology's definition, use of the word "restore," or any variations, in this document is not intended to encompass actions that reestablish historic conditions. Instead, it encompasses a suite of strategies that can be approximately delineated into four categories:

- Creation (of a new resource)
- Restoration (of a converted or substantially degraded resource)
- Enhancement (of an existing degraded resource)
- Protection (of an existing high-quality resource).

As directed by the Guidelines, the following discussions provide a summary of baseline shoreline conditions, list restoration goals and objectives, and discuss existing or potential programs and projects that positively impact the shoreline environment. In total, implementation of the Shoreline Master Program (with mitigation of project-related impacts) in combination with this Restoration Plan (for restoration of lost ecological functions that occurred prior to a specific project) should result in a net improvement in the City of Lake Stevens' shoreline environment in the long term.

In addition to meeting the requirements of the Guidelines, this Restoration Plan is also intended to support the City's or other non-governmental organizations' applications for grant funding, and to provide the interested public with contact information for the various entities working within the City to enhance the environment.

2.0 SHORELINE INVENTORY SUMMARY

2.1 Introduction

The City recently completed a comprehensive inventory and analysis of its shorelines (February 2010) as an element of its Shoreline Master Program update. The purpose of the shoreline inventory and analysis was to gain a greater understanding of the existing condition of Lake Stevens' shoreline environment to ensure the updated Shoreline Master Program policies and regulations are well-suited in protecting ecological processes and functions. The inventory describes existing physical and biological conditions in the shoreline zones within City limits and includes recommendations for

restoration of ecological functions where they are degraded. The *Shoreline Analysis Report for the City of Lake Stevens' Shorelines: Lake Stevens, Catherine Creek, and Little Pilchuck Creek* (The Watershed Company and Makers 2010) is summarized below.

2.2 Shoreline Boundary

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

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

The City adopted Snohomish County's Shoreline Master Program in 1974, the program is presently in the process of being updated (Makers Architecture/Urban Design and The Watershed Company 2010). This SMP consists of the goals and policies in the City's Comprehensive Plan and provisions in the City's Municipal Code.

Lake Stevens is 1,014 acres and is therefore included in a classification of unique shorelines known as Shorelines of Statewide Significance. The City's shoreline planning area has grown extensively due to multiple annexations around Lake Stevens, and eastward to also encompass the shorelines of Catherine Creek and Little Pilchuck Creek (Figure 1). The 20 cfs cutoff point for Catherine Creek is located at Hartford Drive NE in the City limits. The 20 cfs cutoff point for Little Pilchuck Creek is some distance upstream of the City and the UGA, and wanders in and out of the UGA along the eastern City boundary. Careful consideration of the hydrologic associations of known wetlands around Lake Stevens also resulted in significant expansions of shoreline jurisdiction from what had previously been understood. The entire jurisdiction assessment and determination process can be reviewed in great detail in Appendix C of the Draft City of Lake Stevens Shoreline Master Program (Makers Architecture/Urban Design and The Watershed Company 2010).

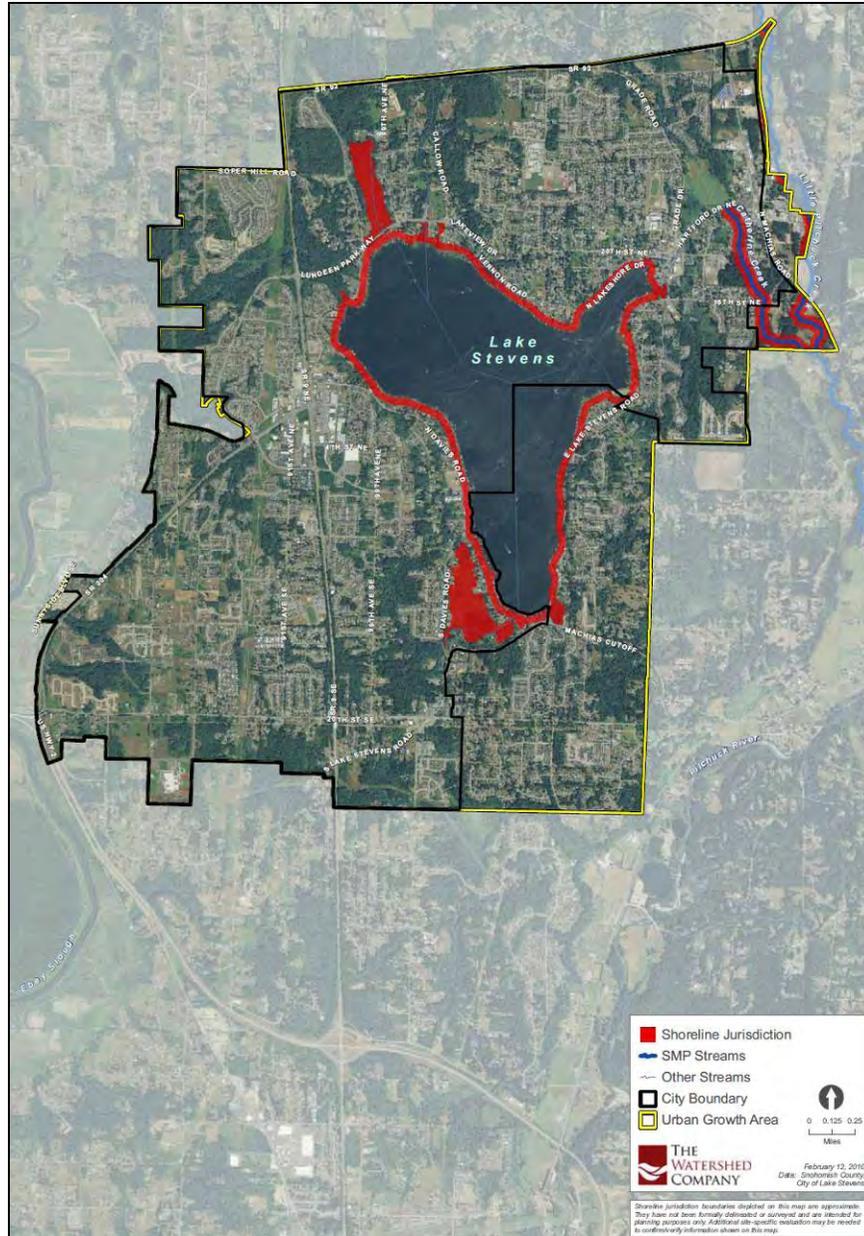


Figure 1. City of Lake Stevens shoreline jurisdiction.

2.3 Inventory

The City of Lake Stevens’ shoreline inventory includes all land within the City’s proposed shoreline jurisdiction [see Appendix D, Figure 1 of the Final Draft City of Lake Stevens Shoreline Analysis Report (The Watershed Company and Makers 2010)]. Not including aquatic area, the shoreline jurisdiction totals approximately 362 acres (0.57 square miles) in area and encompasses about 9.2 miles of shoreline.

In order to approach analysis of the shoreline in manageable units and allow for comparison among different areas, the shoreline has been divided into six assessment

units based on biological characteristics, dominant land use, and locations within City limits or the Urban Growth Area (UGA) (Figure 2).

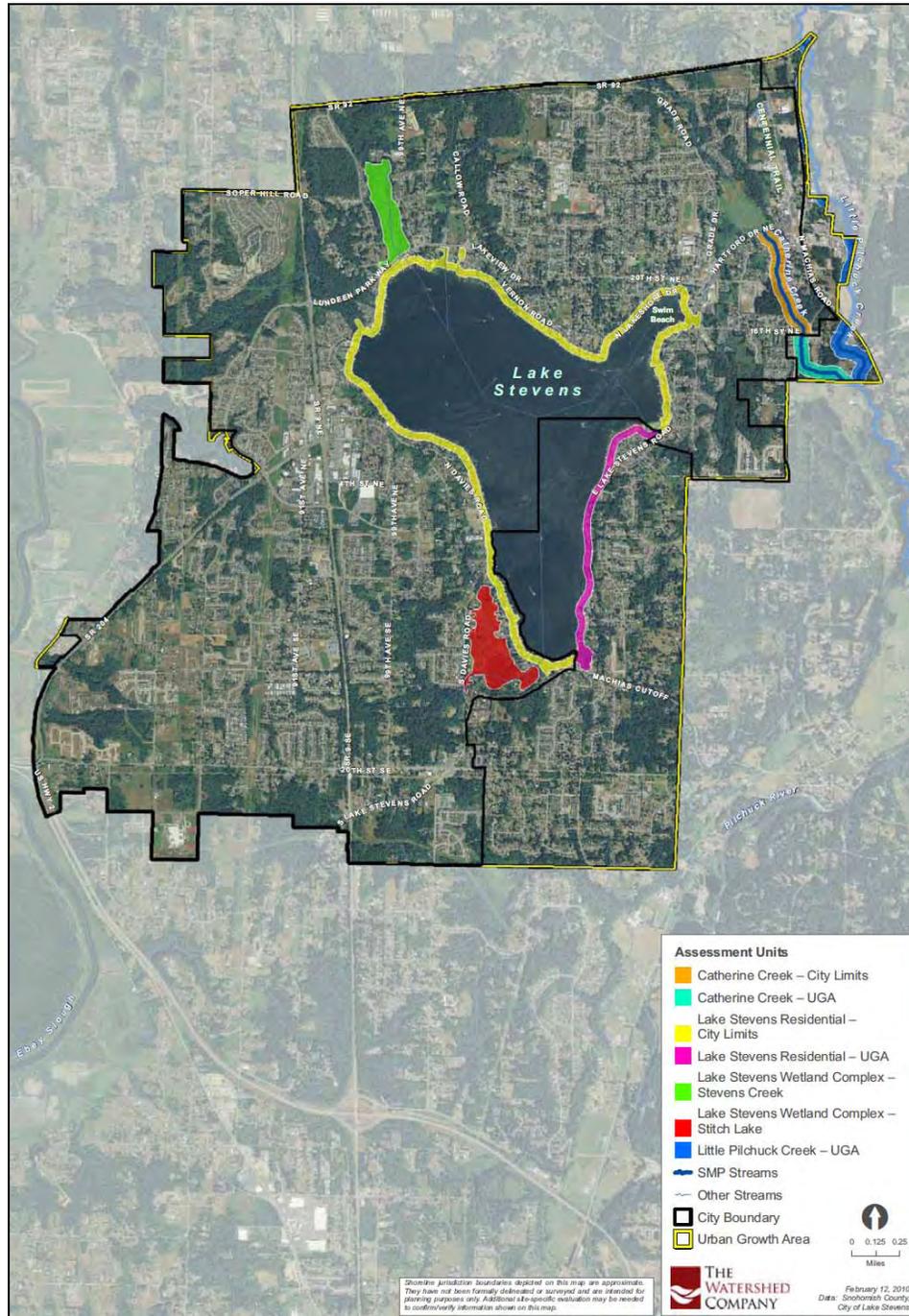


Figure 2. City of Lake Stevens shoreline assessment units.

Table 1 shows the shoreline frontage and acreage of each assessment unit. A summary of inventory and analysis information from the Shoreline Analysis Report (The Watershed Company and Makers 2010) is presented in the following sections.

Table 1. Dimensions of Lake Stevens shoreline assessment units.

Assessment Unit		Shoreline frontage (lineal feet)	Land Area (acres)
Lake Stevens	Residential – City Limits	29,818	144.5
	Residential – UGA	7,557	39.3
	Wetland Complexes ¹	N/A	94.5
Catherine Creek	City Limits	3,212	30.4
	UGA	2,165	19.9
Little Pilchuck Creek	UGA	3,353	33.6
TOTAL		46,105	362.2

¹ Stevens Creek and Stitch Lake

2.3.1 Land Use and Physical Conditions

The City of Lake Stevens and its UGA are located in west Snohomish County, WA, about midway between the north and south County boundaries. Shoreline jurisdiction includes all area within the City’s UGA, whether or not it is within City limits. The entire area is within Washington State’s Water Resource Inventory Area (WRIA) 7. Land uses in shoreline jurisdiction are summarized in Table 2 and consist primarily of residential, commercial, industrial, open space, and utilities. Current zoning is used to estimate the relative amounts of each kind of development.

Land cover in shoreline jurisdiction varies among the assessment units. The Lake Stevens Residential units (City Limits and UGA) include the entirety of Lake Stevens, and land use is almost entirely residential, with scattered park properties. The Lake Stevens Wetland Complexes unit is, by comparison, predominantly wetland. It is composed of two large wetland complexes, the northernmost one associated with Stevens Creek and the southern one with Stitch Creek and Stitch Lake. Waterfront residential use in this unit refers to Stitch Lake, as the unit is not contiguous with Lake Stevens.

The Catherine Creek units differ somewhat from one another in land use; City Limits unit consists of more urban residential use, while the UGA unit is zoned residential and has considerably less development overall. The Little Pilchuck Creek assessment unit is a mix of residential and heavy industrial zoning, but current use includes pasture for livestock as well.

The general elements of impervious surface, vegetated (terrestrial) cover, aquatic vegetation, overwater cover, shoreline armoring, and parks are summarized in Table 2 for each assessment unit.

Table 2. Summary of shoreline inventory land use analysis by assessment unit.

Land Use	Shoreline Assessment Unit					
	Lake Stevens			Catherine Creek		Little Pilchuck Creek
	Residential – City Limits	Residential – UGA	Wetland Complexes – Stevens Creek and Stitch Lake	City Limits	UGA	UGA
Development (Current Zoning)	<ul style="list-style-type: none"> • Waterfront residential - 84% • Suburban residential - 6% • Public/semi-Public - 5% • No zone - 2% • Urban residential - 1% • Mixed use - 1% • Local business - 1% • Central business district - 1% • High urban residential - <1% 	<ul style="list-style-type: none"> • Residential 9,600 – 100% 	<ul style="list-style-type: none"> • Suburban residential - 88% • No zone - 5% • Multi-family residential - 4% • Waterfront residential - 2% 	<ul style="list-style-type: none"> • Urban residential - 71% • Public/semi-public - 13% • Light industrial – 9% • Suburban residential - 3% • No zone - 3% 	<ul style="list-style-type: none"> • Residential 20,000 - 98% • No zone - 1% • Suburban residential - 1% 	<ul style="list-style-type: none"> • Residential 20,000 - 59% • Heavy industrial - 25% • Business park - 6% • Residential 9,600 - 5% • Public/semi-public - 3% • No zone - 2% • General industrial - <1%
Impervious Surface	37%	28%	4%	24%	9%	8%

Land Use	Shoreline Assessment Unit					
	Lake Stevens			Catherine Creek		Little Pilchuck Creek
	Residential – City Limits	Residential – UGA	Wetland Complexes – Stevens Creek and Stitch Lake	City Limits	UGA	UGA
Terrestrial Vegetation	<ul style="list-style-type: none"> Coniferous forest - 4% Shrubland/swamp/riparian forest - <1% Unconsolidated shore - <1% Regenerating forest - <1% Emergent wetland - <1% 	<ul style="list-style-type: none"> Coniferous forest - 2% Unconsolidated shore - 7% Regenerating forest - 3% Shrubland/swamp/riparian forest - 3% 	<ul style="list-style-type: none"> Shrubland/swamp/riparian forest - 29% Coniferous forest - 22% Open Water - 7% Emergent wetland - 3% Regenerating forest - 2% Pasture - <1% 	<ul style="list-style-type: none"> Coniferous forest - 31% Shrubland/riparian forest - 2% Regenerating forest - 2% Emergent wetland - <1% 	<ul style="list-style-type: none"> Shrubland/swamp/riparian - 57% Regenerating forest Pasture - 1% Madrone forest - <1% Emergent wetland - <1% 	<ul style="list-style-type: none"> Shrubland/swamp/riparian 48% Coniferous forest - 14% Regenerating forest - 14% Madrone forest - 4% Pasture - 3%
Aquatic Vegetation	125 ac	25 ac	NA	NA	NA	NA
Overwater Cover	9.9 ac	2.3 acres	NA	NA	NA	NA
Shoreline Armoring	<ul style="list-style-type: none"> Bulkhead - 62% Revetment - 20% Not armored - 17% Fill - 1% Boat ramp - 0.3% 	<ul style="list-style-type: none"> Bulkhead - 47% Not armored - 29% Revetment - 22% Fill - 1% 	NA	NA	NA	NA
Public Access/Parks	<ul style="list-style-type: none"> Wyatt Park Lundeen County Park Swim Beach North Cove Park 	<ul style="list-style-type: none"> Sunset Park 	NA	<ul style="list-style-type: none"> Catherine Creek Park 	NA	<ul style="list-style-type: none"> Centennial Trail

2.3.2 Biological Resources and Critical Areas

The City's shoreline jurisdiction includes Lake Stevens, a designated Shoreline of Statewide Significance based on its size of 1,014 acres. Shoreline jurisdiction also extends eastward to encompass the shorelines of Catherine Creek and portions of Little Pilchuck Creek, where it winds within City limits, north to the Stevens Creek wetland complex, and from the southwest edge of the lake to the Stitch Lake wetland complex (see Figure 2). Biological resources of the Lake Stevens shoreline areas perform hydrologic, vegetative, hyporheic and habitat functions, which are used in the Shoreline Analysis Report to evaluate assessment unit performance, summarized in the following paragraphs and Table 3.

The overall shoreline ecological function of the Lake Stevens Residential – City Limits and UGA units is low. The only functions being performed at a moderate or low-moderate level are wave attenuation, which is in the case of this unit performed by shoreline modifications, and water/sediment storage, performed well by the Lake itself but lacking in surrounding areas.

A previous (2006) assessment of the Stevens Creek (northern component of the Lake Stevens Wetland Complex assessment unit) rated the creek's health as poor to very poor. The Shoreline Analysis Report rates both the north and south complexes together as moderate-high. Habitat functions in particular rate highly, as the wetland complexes provide intact, diverse vegetated areas for reptiles, amphibians, waterfowls, raptors, songbirds and other wildlife.

The Catherine Creek – City Limits assessment unit performs moderate ecological functions. The creek channel lacks woody debris, cover and significant pools, and riparian vegetation is sparse. Bank erosion contributes to poor bed conditions. However, one segment provides a good deal of off-stream refuge during high flow, and water storage and transport, flow attenuation, nutrient removal, and water storage function is moderate in some areas of the floodplain. The Catherine Creek – UGA assessment unit is also of moderate ecological value. Hydrologic functions are performed by the natural and relatively undisturbed floodplain on both sides of the channel, and although the creek lacks woody debris and bedform complexity, riparian vegetation is generally better than in the City Limits unit.

Shoreline functions rate moderately in the Little Pilchuck Creek assessment unit. The stream still flows through fairly wide floodplain, contributing to hydrologic functional value. Much of the UGA portion of the creek is subject to erosion and channel degradation from livestock and associated clearing and channel modifications, however. Timber harvest also contributes to sedimentation issues in the creek. Riparian conditions are mixed, and most active pasture is outside of shoreline jurisdiction, with some large trees still dominating in the unit.

Table 3. Summary of shoreline inventory ecological functions rating by assessment unit

Function	Shoreline Assessment Unit				
	Lake Stevens		Catherine Creek		Little Pilchuck Creek
	Residential – City Limits and Residential – UGA	Wetland Complexes – Stevens Creek and Stitch Lake	City Limits	UGA	UGA
Hydrologic					
Water and sediment storage	Low-Moderate	High	Moderate	Moderate	Moderate
Wave/flow energy attenuation	Moderate	NA	Moderate	Moderate-High	Moderate
Nutrient and toxin removal	Low	Moderate-High	Moderate	Moderate	Moderate
Water and sediment transport	NA	NA	Moderate	Moderate	Moderate
Pool, riffle, gravel bar development	NA	NA	Low-Moderate	Moderate	Low-Moderate
LWD and organics recruitment	Low	Low	Low	Moderate	Moderate
Vegetation					
Temperature regulation	Low	Low	Moderate-Low	Moderate	Low-Moderate
Water quality improvement	Low	Moderate	Moderate	Moderate	Moderate

Function	Shoreline Assessment Unit				
	Lake Stevens		Catherine Creek		Little Pilchuck Creek
	Residential – City Limits and Residential – UGA	Wetland Complexes – Stevens Creek and Stitch Lake	City Limits	UGA	UGA
Wave/flow energy attenuation	Low	NA	Moderate-Low	Moderate-High	Moderate-Low
Sediment removal and bank stabilization	Low	High (sediment storage) NA (bank stabilization)	Moderate	Moderate	Moderate
LWD and organics recruitment	Low	Low (no recruitment to Lake Stevens) High (within the complexes)	Low	Moderate	Moderate
Hyporheic					
Nutrient and toxin removal	NA	NA	Moderate	Moderate	Moderate
Water storage and base flow maintenance	NA	NA	Moderate	Moderate	Moderate
Vegetation support	NA	NA	Moderate	Moderate	Moderate
Habitat					
Area and conditions for species support	Low	High	Moderate-Low	Moderate	Moderate-Low
Food production and delivery	Low	High	Moderate	Moderate	Moderate

Washington Department of Fish and Wildlife (WDFW) Priority Habitats and Species (PHS) maps obtained for this analysis depict state recognized PHS habitat and species occurrences in all assessment units [see the Shoreline Analysis Report, Appendix D, Figure 11 (The Watershed Company and Makers 2010)]. PHS wetlands occur in the Catherine Creek UGA, Lake Stevens Residential and UGA, and the lower (Stitch Lake) Lake Stevens Wetland Complex units. Both Catherine Creek assessment units and the Little Pilchuck Creek unit contain PHS riparian zones. Known PHS wildlife species occurrences are limited to a great blue heron colony in the Stitch Lake Wetland Complex, but two bald eagle nests outside of shoreline jurisdiction have associated shoreline buffer zones that extend to the Lake Stevens City Limits and northern Lake Stevens Wetland Complex units. In addition, steep slopes are present in all assessment units [see the Shoreline Analysis Report, Appendix D, Figure 10 (The Watershed Company and Makers 2010)].

3.0 RESTORATION GOALS AND OBJECTIVES

Goals of the Lake Stevens shoreline restoration plan are designed to promote the recovery of degraded areas and impaired ecological function through restoration strategies and policy. The City of Lake Stevens Comprehensive Plan Critical Areas Element (City of Lake Stevens 2006) developed a list of goals and policies that generally refer to the protection of shorelines, critical areas, vegetation, and water resources, all of which occur within lake Stevens shoreline jurisdiction, and subsequently are applicable to this restoration plan. Goals and policies in the Comprehensive Plan are as follows:

GOAL 10.1 Protect the natural environment and conserve all critical areas, including wetlands, shoreline, creeks/streams, geological hazard areas and wildlife habitat.

POLICIES

10.1.1 Update critical areas regulations which reflect the Best Available Science (BAS) pursuant to the GMA. These regulations must protect the functions and values of these areas and not unduly reduce property rights by requiring greater protection measures which offer diminishing beneficial returns.

10.1.2 Ensure compatibility of land uses with topography, geology, soil suitability, surface water, ground water, frequently flooded areas, wetlands, climate, and vegetation and wildlife.

10.1.3 Prevent a net loss of ecological functions and values. Require mitigation for impacts from new development within critical areas.

10.1.4 Encourage flexibility in design, development such as Conservation Design to utilize cluster development to conserve open space and protect critical areas.

10.1.5 Promote and encourage sustainable development through efficient land use, green building design, and water conservation.

10.1.6 Encourage and support local community programs to enhance natural resources.

10.1.7 The City of Lake Stevens should protect native plant communities by encouraging management and control of non-native invasive plants, including aquatic plants. Environmentally sound methods of vegetation control should be used to control noxious weeds.

10.1.8 Incorporate the use of innovative design provisions allowing design of new development to take advantage of such standards as Low Impact Development surface water techniques that employ inventive proposals ensuring the same or better critical area protection.

GOAL 10.2 Protect habitat areas for fish and wildlife.

POLICIES

10.2.1 Recognize the value of maintaining corridors for fish and wildlife and consider appropriate means of protecting significant corridors.

10.2.2 Protect Lake Stevens' priority habitats, habitats of local importance, and listed species habitats.

10.2.3 Support actions that protect other non-listed threatened species from becoming listed and endangered.

GOAL 10.3 Provide for long-term protection and no net loss of wetland ecological functions and values.

POLICIES

10.3.1 Protect existing wetlands from the impacts of new development to the greatest extent possible.

10.3.2 Protect functions and values of wetlands.

10.3.3 Protect existing wetlands with size greater than one acre that are valuable for wildlife habitat or are not artificially created from non-wetland sites (drainage ditches, grass-lined swales, detention ponds, landscape amenities, etc.).

10.3.4 Require wetland buffers and building setbacks around regulated wetlands to preserve vital wetland functions and values.

10.3.5 Require mitigation for any activity, which alters regulated wetlands and their buffers.

10.3.6 Support wetlands protection through non-regulatory approaches such as the adoption-a-wetland conservation program and low impact development.

10.3.7 Work with the land trust and other similar organizations to protect wetlands and other critical areas.

GOAL 10.4 Enhance the quality of surface water.

POLICIES

10.4.1 Protect water quality from the adverse impacts associated with erosion and sedimentation.

10.4.2 Protect water resources, including surface water, groundwater and critical aquifer recharge areas.

10.4.3 Protect the water quality of the City's creeks and its lake.

10.4.4 Require the use of drainage, erosion and sediment control practices for all construction or development activities.

10.4.5 Protect and preserve vegetation located along creek/stream corridors.

10.4.6 Provide buffers for new development along creeks and streams.

10.4.7 Consider creating a new staff position – "Watershed Seward" to inventory and educate the public on the importance of preserving the surface waters.

GOAL 10.5 Decrease potential for flooding from storm water runoff.

POLICIES

10.5.1 Promote retention of storm water. Encourage regional stormwater treatment solutions.

10.5.2 Preserve natural drainage courses.

10.5.3 Minimize adverse storm water impacts generated by the removal of vegetation and alteration of landforms.

10.5.4 Adopt and encourage incentive programs for new development to use best management practices such as reduction of impervious surfaces and provisions for filtering pollutants.

10.5.5 Encourage and support the retention of natural open spaces or land uses, which maintain hydrologic function and are at low risk to property damage from floodwaters within frequently flooded areas.

GOAL 10.6 Implement the State Shorelines Management Act along shorelines of statewide significance in the current or ultimate city limits of Lake Stevens.

POLICIES

10.6.1 Protect Shorelines by limiting uses and activities, which are incompatible with the shoreline environment.

10.6.2 New development within shoreline jurisdiction shall meet the policy requirements adopted within the City Shoreline Master Program.

10.6.3 Maintain native riparian vegetation encouraging the use of native species for landscaping and mitigation along rivers, creeks/streams and wetlands and discourage the use of invasive plants that threaten native vegetative communities.

10.6.4 Encourage shoreline dependent economic activities along City shorelines that will enhance the economic viability near commercial centers.

10.6.5 Promote development of diverse, convenient recreational opportunities along public shorelines within the City that are consistent with the character and physical limitations of the land.

10.6.6 Extend the Waterfront Residential Zone to shoreline areas as they annex to the City.

10.6.7 Encourage development of pedestrian access along the shoreline where practical.

10.6.8 Require developers to indicate how they plan to preserve shore vegetation and control erosion.

10.6.9 Encourage cluster development wherever feasible to maximize use of the shorelines by residents, maximizing both on-site and off-site aesthetic appeal, and minimizing disruption of the natural shorelines.

10.6.10 Encourage cluster development wherever feasible to maximize use of the shorelines by residents, maximizing both on-site and off-site aesthetic appeal, and minimizing disruption of the natural shoreline.

GOAL 10.7 Promote policies and development standards that minimize the threat of flooding.

POLICIES

10.7.1 Protect natural drainage systems associated with floodways, floodplains or other areas subject to flooding.

10.7.2 Emphasize flood prevention and damage reduction.

GOAL 10.8 Locate development within the most geologically suitable and naturally stable portions of a development.

POLICIES

10.8.1 Classify and designate areas on which development should be prohibited, conditioned, or otherwise controlled because of danger from geologic hazards.

10.8.2 Require geotechnical studies and special engineering or design as necessary for new developments in potential geologically hazardous areas.

10.8.3 Encourage cluster development for new residential development in areas of geologic hazards.

4.0 EXISTING AND ONGOING PROJECTS AND PROGRAMS

The following series of existing projects and programs are generally organized from the larger watershed scale to City-scale, including government-led and non-profit/private organizations active in the Lake Stevens area.

4.1 Washington State Conservation Commission

The completion of the 2002 Salmonid Habitat Limiting Factors Analysis for the Snohomish River Watershed (WRIA) 7) was a collaborative effort of the Washington State Conservation Commission and the Snohomish County Public Works Surface Water Management Division's Snohomish Basin Salmon Recovery Forum. The document identifies areas in the Snohomish watershed in need of protection , as well as data gaps.

4.2 Washington State Department of Ecology

The Draft Initial Watershed Assessment: Water Resource Inventory Area 7, Snohomish River Watershed (Pacific Groundwater Group 1995), guides monitoring and data collection pertaining to water rights and use, water quality, hydrology and fisheries in the watershed.

4.3 Snohomish County Public Works: Surface Water Management

The Snohomish County Public Works Department Surface Water Management Division encompasses several programs that incorporate restoration goals and recovery plans and strategies. These are described in the following sections.

4.3.1 *Snohomish Basin Salmon Recovery Forum*

The City of Lake Stevens is a member of the Snohomish Basin Salmon Recovery Forum (Forum). Formed in 1998, the Forum completed the 2001 Snohomish River Basin Chinook Salmon Near Term Action Agenda and promotes implementation of the June 2005 Snohomish River Basin Salmon Conservation Plan (Snohomish Basin Salmon Recovery Forum 2005), a guide to protection and restoration actions in the Snohomish River Basin. The Plan is a multi-salmonid strategy emphasizing Chinook, bull trout and coho salmon, using them as proxies for other species as well. Recovery strategies in the Plan are:

1. Protection efforts – this involves acquisitions, regulations, incentives, education and outreach.
2. Restoration efforts – evaluate current/potential fish use, habitat conditions, and watershed conditions; use results to develop an overall basin restoration strategy, identify limiting factors in sub-basins, and develop hypotheses and strategies for each sub-basin group; develop alternatives for focusing efforts, including specific restoration sites; and model Plan alternatives.
3. Harvest and hatchery – this is an ongoing multi-entity effort.
4. Integrated recovery plan – the Plan was developed in a coordinated fashion, addressing habitat, harvest and hatchery together.
5. Adaptive management – governed by monitoring efforts.

The Snohomish River Basin Chinook Salmon Near Term Action Agenda (Snohomish Basin Salmon Recovery Forum 2001) lists the following actions toward protection and restoration of habitat in the basin:

1. Preservation and restoration capital projects
2. Guidance for policies and regulations
3. Education and public outreach
4. Information and research
5. Monitoring and adaptive management

Guiding principles for planning and sequencing the actions are as follows:

- Conserve important habitat areas
- Protect and restore linkages between important habitat areas
- Protect functioning habitat within each sub-watershed
- Conserve areas that contribute to ecosystem processes, which support salmon habitat
- Identify and address risks and time sensitive opportunities
- Focus efforts in sub-watersheds that can support proposed restoration projects

The Near Term Action Agenda includes guidance for prioritizing restoration projects, as well as a protection and restoration strategy. These are described in Section 5.1.2, below.

The 2002 Snohomish River Basin Salmonid Habitat Conditions Review (Snohomish River Basin Salmonid Recovery Technical Committee 2002) rated the condition of habitat elements important to salmon and, while the report does not make restoration recommendations, it identifies data gaps the Lake Stevens and Little Pilchuck Creek drainages. Table 4 summarizes the results of the review.

4.3.2 Critical Areas Monitoring and Adaptive Management Program

The goal of this program is to determine the effectiveness of Snohomish County's critical area regulations in protecting critical areas in the County. The program assesses changes in land cover, shoreline conditions, and chemical and biological conditions in small catchments using remote sensing and other methods.

4.3.3 State of the Lakes Update

The Surface Water Management Division updated its 2003 State of the Lakes Report in 2008 with a report specific to Lake Stevens. The report classifies the Lake Stevens shoreline as the most highly developed in Snohomish County, with more than 8.3 ac of dock coverage and 78 percent shoreline modification. Productivity was categorized as low to moderate, and a trend toward increasing phosphorus concentration in bottom waters was identified. The overall rating of the lake was satisfactory, with future risk as water quality declines.

Table 4. Habitat conditions summary for Lake Stevens and Pilchuck Creek drainages (Snohomish River Basin Salmonid Recovery Technical Committee 2002)

Habitat Element	Habitat Condition Rating	
	Lake Stevens	Little Pilchuck Creek
Instream artificial barriers	Moderately degraded	<i>Data gap</i>
Sediment	Degraded	<i>Data gap</i>
Hydrology	Degraded	Moderately degraded
Water quality	Moderately degraded	<i>Data gap</i>
Wetlands/riparian and shoreline vegetation/LWD	Degraded	Degraded
Shoreline condition and floodplain connectivity	Moderately degraded	<i>Data gap</i>

4.4 City of Lake Stevens Critical Areas Regulations

The City of Lake Stevens' critical areas regulations are found in Lake Stevens Municipal Code Chapter 14.88. The City completed its last critical areas regulations update in September 2008. The updated regulations are based on best available science, and provide protection to critical areas in the City, including streams, lakes, wetlands, steep slopes, and fish and wildlife conservation areas. Some of the basic components of the critical areas regulations include a six-level stream typing system with standard buffers ranging between 0 and 115 feet, and Ecology's four-tiered wetland rating system with standard buffers ranging from 10 to 150 feet. Management of the City's critical areas using these regulations should help ensure that ecological functions and values are not degraded and impacts to critical areas are mitigated. These critical areas regulations are important tools that will help the City meet its restoration goals.

4.5 City of Lake Stevens Six-Year Transportation Improvement Plan: 2011 to 2016

A number of transportation projects include actions and construction designed to address stormwater runoff in streams draining to Lake Stevens. Minor arterial improvement projects on Hartford Road, Lundeen Parkway, and 20th Street SE incorporated drainage improvements near streams in or adjacent to shoreline jurisdiction.

4.6 City of Lake Stevens Public Works Department

The City's Public Works Department protects wetlands through native growth protection area (NGPA) rules that govern new development adjacent to these critical areas. Rules address grading, structures and non-natural planting, vehicle activity, grazing, vegetation removal, and dumping.

The Department completed a Surface Water Management Program (SWMP), pursuant to the requirements of the City of Lake Stevens NPDES Phase II Municipal Stormwater Permit. The SWMP is designed to protect water quality by reducing discharge of pollutants from the City's storm sewer system. Components of the SWMP include:

1. Public education and outreach to reduce or eliminate behaviors causing adverse water impacts.
2. Public involvement, including roles in stewardship programs and environmental activities.
3. Illicit discharge and elimination detection and removal.
4. Runoff control from new development, redevelopment and construction sites.
5. Pollution prevention and operation and maintenance for municipal operations to reduce or prevent runoff.

The Public Works Department completed a Quality Assurance Project Plan for Lake Stevens and its tributaries in 2008 (City of Lake Stevens Public Works Department 2008), including total maximum daily load (TMDL) monitoring. The plan included the City's goal *"to produce accurate, credible analytical data representative of water bodies from which the data and samples are taken"* and *"to determine areas with highest bacteria concentrations (high priority areas)."*

4.7 City of Lake Stevens Integrated Aquatic Vegetation Management Program

The City of Lake Stevens recently approved an effort to control Eurasian watermilfoil (*Myriophyllum spicatum*) from Lake Stevens through the development of an Integrated Aquatic Vegetation Management Program (IAVMP) in October 2010 (City of Lake Stevens 2010). The IAVMP will attempt to address the aggressive growth of milfoil around the littoral zone of the lake. Per a recent survey conducted in July 2010, milfoil was found to cover over 135 acres of the lake (>10 percent). The City applied for a planning grant from Ecology to develop the IAVMP in the hopes of beginning control and eventually eradicate milfoil from Lake Stevens. The following are basic recommendations from the IAVMP for aquatic plant control in the lake:

- Apply one large scale triclopyr treatment to eliminate the majority of milfoil from the lake.
- Make targeted, small-scale applications of triclopyr to manage small patches of milfoil.
- Conduct ongoing hand-pulling or bottom barrier installation to combat small and recurrent patches of milfoil.

- Conduct annual diver surveys of the littoral zone and quantitative reporting of the acres and locations of identified invasive plants.
- Establish an Aquatic Plant Control Advisory Committee for the lake whose function is to make recommendations annually about controls needed and to review aquatic plant management goals.

4.8 Snohomish Conservation District

Snohomish Conservation District's mission is *"to work cooperatively with others to promote and encourage conservation and responsible use of natural resources."* The District includes Lake Stevens and surrounding areas.

5.0 INVOLVEMENT OF OTHER AGENCIES AND ENTITIES

5.1 Snohomish Basin Salmon Recovery Forum

5.1.1 *Snohomish River Basin Recovery Plan*

The Snohomish River Basin Salmon Recovery Plan (Snohomish Basin Salmon Recovery Forum 2005), in addition to the general recovery strategies outlined in Section 4.3.1, details recommended actions for sub-basins, including Lake Stevens drainages, which is categorized in the "urban streams" group. The recommended recovery focus for urban streams is *"Habitat restoration and reconnection to maintain current habitat conditions and functions, while accommodating additional urban growth within urban growth areas."* The ecological actions that would contribute to recovery are listed as:

1. Preserve and protect the remaining and best habitat along critical reaches; protect riparian forest, wetlands, floodplains, and inner gorges; maintain opportunity for streams to migrate.
2. Remove human-made instream barriers along or adjacent to priority stream reaches.
3. Restore shorelines by removing riprap and utilizing large woody debris to protect property where necessary.
4. Enhance riparian zones to improve habitat and protect streams from urban impacts.
5. Improve water quality by preventing illegal discharge, bio-filtering surface water, and educating property owners about the impacts of excess fertilizer and pesticide use.

5.1.2 Snohomish River Basin Chinook Salmon Near Term Action Agenda

The Near Term Action Agenda lists six guidance points for prioritizing and implementing important protection and restoration capital projects. These are repeated verbatim below:

CAPITAL PROJECT GUIDANCE 1.

The Forum should continue to develop prioritized project lists for state Salmon Recovery Funding Board funding. It should also create a scientifically-based, prioritized list of projects that can guide the efforts of all organizations in the basin and be suited for a variety of funding sources.

CAPITAL PROJECT GUIDANCE 2.

Where regulations alone are not adequate to achieve habitat protection goals, local governments and non-governmental organizations should preserve and protect habitat using tools such as fee simple acquisitions, conservation easements, purchase or transfer of development rights, and purchase of timber rights where there is a willing seller. Sites should be selected based on the guidance in this document and the watershed priorities established by the Forum.

CAPITAL PROJECT GUIDANCE 3.

Federal, state, and local governments, tribes, and non-governmental organizations should commit resources to restoring and enhancing salmon habitat, based on the guidance in this document and the watershed priorities established by the Forum.

CAPITAL PROJECT GUIDANCE 4.

Project sponsors should provide information about and seek input on proposed acquisition and restoration projects from residents, business interests, community groups, and landowners. Opportunities for public input should be provided throughout project selection, design, and implementation to help gain knowledge about local conditions and concerns.

CAPITAL PROJECT GUIDANCE 5.

Restoration projects, especially dike and levee removal and installation of large woody debris projects, should be scoped and designed using both standard engineering practices and ecological expertise. Methods, effectiveness, and the evaluation of impacts should be monitored and used to inform future decisions about these types of projects.

CAPITAL PROJECT GUIDANCE 6.

Each spring, the Forum should annually review new science and tribal traditional knowledge that be may be available, as well as what has been learned about the functioning of existing projects. This information can be used to evaluate the boundaries of the focus areas, the project list, and

any new project ideas that have been suggested in the focus areas. Potential project sponsors should be notified of the review and encouraged to participate. An updated project idea list should be made available to potential project sponsors.

The guidance goes on to outline a four-component means of approaching restoration capital projects, based on methods used by the Skagit Watershed Council for identifying and prioritizing restoration projects. Briefly, it consists of:

1. A protection and restoration strategy that uses a “focus area concept” of identifying areas with concentrated Chinook spawning, rearing, and/or refugia and identifying appropriate habitat projects in these areas.
2. Project development guidelines for specific projects as they are developed. This may include guiding feasibility studies, permitting, funding accrual, regulation compliance, and other needed steps.
3. A focus areas and project idea list of projects in stages of conceptual development.
4. General guidance for other projects, including acquiring sensitive areas, restoring riparian zones, eliminating fish passage barriers, restoring floodplain migration and wetlands, installing woody debris, relocating or decommissioning roads, and stabilizing human-caused landslides.

5.2 Lake Stevens Planning and Community Development Department

The City’s Planning and Community Development Department contracted the completion of a Best Available Science document (URS 2008). This report was to ensure that the best information available is used to guide policy and recommendations pertaining to salmonid habitat and critical areas. The Department also oversees parks in the City, including Catherine Creek Park, North Cove Park, Lundeen County Park, and Wyatt Park, which occur fully or partially within shoreline jurisdiction.

The Planning and Community Development Department adopted the City of Lake Stevens Design Guidelines in April 1995 (Makers 1992). The following Guidelines elements are intended to protect the natural environment:

1. Sensitive areas
 - a. Protecting sensitive areas from development
 - b. Reducing impacts on steep slopes
 - c. Encouraging appropriate stormwater management
 - d. Minimizing damaging surface grading
2. Stormwater Management

- a. Reducing stormwater runoff using natural infiltration methods
3. Significant Trees
 - a. Retaining visual character of the landscape
 - b. Preserving physical and aesthetic character
 - c. Minimizing surface runoff to prevent erosion

5.3 Shared Strategy for Puget Sound

Shared Strategy for Puget Sound is a collaborate effort supported by state and federal agencies, local governments and non-government organizations, and legislators, aimed at encouraging recovery plans to protect and restore salmon runs in Puget Sound. Policies and actions put forth by the group for the Snohomish River Basin are to:

1. Coordinate critical areas regulation and SMP updates to better integrate salmon recovery planning in areas most likely to be affected by growth and development.
2. Focus efforts on mainstem rivers, building on implemented restoration efforts and working with farmers and other landowners.
3. Protect estuary habitat and, specifically, reconnect blind tidal channel sloughs and restore edge complexity along mainstems and sloughs.

5.4 Puget Sound Partnership

The Puget Sound Partnership consists of representatives from a variety of interests from the Puget Sound region including business, agriculture, the shellfish industry, environmental organizations, local governments, tribal governments, and the Washington state legislature. Some of the Partnership's key tasks are as follows:

- Develop a set of recommendations for the Governor, the Legislature and Congress to preserve the health of Puget Sound by 2020 and ensure that marine and freshwaters support healthy populations of native species as well as water quality and quantity to support both human needs and ecosystem functions.
- Engage citizens, watershed groups, local governments, tribes, state and federal agencies, businesses and the environmental community in the development of recommendations.
- Review current and potential funding sources for protection and restoration of the ecosystem and, where possible, make recommendations for the priority of expenditures to achieve the desired 2020 outcomes.

The Partnership through the Leadership Council released an Action Agenda in December 2008. Implementation of this Action Agenda has resulted in State and Federal

funding of restoration and protection initiatives and projects. This includes integrating the work of the Puget Sound Nearshore Restoration Project to increase focus on completing work necessary to request Puget Sound restoration funds under the Water Resources Development Act slated for 2012.

6.0 STRATEGIES TO ACHIEVE LOCAL RESTORATION GOALS

This section discusses programmatic measures for the City of Lake Stevens designed to foster shoreline restoration and achieve a net improvement in shoreline ecological processes, functions, and habitats. With projected budget and staff limitations, the City of Lake Stevens does not anticipate leading most restoration projects or programs. However, the City's SMP represents an important vehicle for facilitating and encouraging restoration projects and programs that could be led by private and/or non-profit entities. The discussion of restoration mechanisms and strategies below highlights programmatic measures that the City may potentially implement as part of the proposed SMP, as well as parallel activities that would be led by other governmental and non-governmental organizations.

6.1 Implementation of the Snohomish River Basin Near Term Action Agenda

This document includes recommended preservation and restoration projects, as well as detailed guidance for implementation. It provides guidance for employing policies and regulations, education and public outreach, information and research, and monitoring and adaptive management in protecting and restoring salmon habitat in the Snohomish Basin. Additionally, it includes potential funding sources and a long-term oversight strategy.

6.2 Capital Facilities Plans

The City could incorporate a shoreline restoration goal in capital facilities plans and improvement projects. Some projects in the current six-year transportation plan include improvements in and near streams, making them candidates for restoration components (see also Section 4.4).

6.3 Development Opportunities

When shoreline development occurs, the City has the ability to look for opportunities to conduct restoration in addition to minimum mitigation requirements as part of the SMP. Development may present timing opportunities for restoration that would not otherwise occur and may not be available in the future. Mitigation may also allow for "banking"

opportunities. In certain cases, on-site mitigation opportunities are limited due to building site constraints, limited potential ecological gains, or other site-specific factors. In these instances, the City shoreline administrator could identify an off-site mitigation opportunity that could be restored in lieu of on-site mitigation.

6.4 Development Incentives

Through the SMP, the City may provide development incentives for restoration, including the waiving of some or all of the development application fees, infrastructure improvement fees, or stormwater fees. This may serve to encourage developers to try to be more imaginative or innovative in their development designs to include more access and preservation.

6.5 Tax Relief / Fee System

A tax relief/fee system to directly fund shoreline restoration measures is being investigated under the SMP. One possibility is to have the City work with the county to craft a preferential tax incentive through the Public Benefit Rating System administered by the County under the Open Space Taxation Act (RCW 84.34) to encourage private landowners to preserve natural shore-zone features for "open space" tax relief. Ecology has published a technical guidance document for local governments who wish to use this tool to improve landowner stewardship of natural resources. More information about this program can be found at <http://www.ecy.wa.gov/biblio/99108.html>. The guidance in this report provides technically based property selection criteria designed to augment existing open space efforts with protection of key natural resource features that directly benefit the watershed. Communities can choose to use any portion, or all, of these criteria when tailoring a Public Benefit Rating System to address the specific watershed issues they are facing.

A second possibility is a Shoreline Restoration Fund. A chief limitation to implementing restoration is local funding, which is often required as a match for State and federal grant sources. To foster ecological restoration of the City's shorelines, the City may establish an account that may serve as a source of local match monies for non-profit organizations implementing restoration of the City's shorelines. This fund may be administered by the City shoreline administrator and be supported by a levy on new shoreline development proportional to the size or cost of the new development project. Monies drawn from the fund would be used as a local match for restoration grant funds, such as the Salmon Recovery Funding Board (SRFB), Aquatic Lands Enhancement Account (ALEA), or another source.

6.6 Shore Stewards Education

Shore Stewards is a volunteer program in which shoreline property owners and residents of waterfront communities with shared beach access voluntarily follow ten

wildlife-friendly guidelines in caring for their beaches, bluffs, gardens and homes. These guidelines help them create and preserve a healthy shoreline environment for fish, wildlife, birds and people. This program was created to help shoreline residents feel more connected to the nearshore ecosystem because it is found that when people understand the natural processes at work on their beaches, they may play a more active, positive role in the preservation of healthy, fish-friendly wildlife habitats.

The ten Shore Stewards guidelines for shoreline living are:

1. Use water wisely.
2. Maintain your septic or sewer system.
3. Limit pesticide and fertilizer usage.
4. Manage upland water runoff.
5. Encourage native plants and trees.
6. Know permit procedures for shoreline development.
7. Develop on bluffs with care.
8. Minimize bulkheads, docks and other structures.
9. Respect intertidal life.
10. Preserve eelgrass beds and forage fish spawning habitat.

Shore Stewards was created in 2002 with grant funding by the Island County Marine Resources Committee. The pilot program was launched on Camano Island by a dedicated group of Washington State University (WSU) Beach Watchers, who wrote the resource-packed Shore Stewards Guide. Shore Stewards is now expanding to other counties of Puget Sound.

6.7 Stewardship Certification Process

The Shore Stewards program sets up guidelines for shoreline residents to preserve and enhance the shoreline environment. With a verification component, Shore Stewards could provide certification and tracking. This could be implemented as a Shoreline Tax Incentives program when someone participates in the WDFW backyard sanctuary program. Since the City recognizes that there are important opportunities to improve shoreline ecological conditions and functions through non-regulatory, volunteer actions by shoreline residents and property owners, it might examine the potential for property tax breaks for shoreline property owners who actively manage their property for habitat protection or enhancement. To encourage volunteer actions that improve shoreline ecological functions, shoreline property owners actively participating in the WDFW backyard sanctuary program or some similar program could receive, for example, a 5% credit on their City property taxes.

A small demonstration restoration project that included a variety of techniques could be completed by the City as an example for others. The City could also identify a set of demonstration restoration projects (which have broad public support), then actively solicit entities to implement one or more of them. The City should also encourage participation in WDFW backyard sanctuary program and other citizen-oriented conservation programs.

6.8 Resource Directory

Development of a resource list would be helpful in aiding property owners who want to be involved in restoration. Examples of grant programs that could be included are:

Landowner Incentive Program (LIP): This is a competitive grant process to provide financial assistance to private individual landowners for the protection, enhancement, or restoration of habitat to benefit species-at-risk on privately owned lands.

Salmon Recovery Funding Board (SRFB) Grant Programs: SRFB administers two grant programs for protection and/or restoration of salmon habitat. Eligible applicants can include municipal subdivisions (cities, towns, and counties, or port, conservation districts, utility, park and recreation, and school districts), tribal governments, state agencies, nonprofit organizations, and private landowners.

6.9 Volunteer Coordination

The City will continue to emphasize and accomplish restoration projects by using community volunteers, as has been achieved for Parks projects and is called for in the Parks and Recreation Element of the Comprehensive Plan. The City can also coordinate with groups such as EarthCorps, Washington Conservation Corps, Washington Native Plant Society, and the Snohomish County Surface Water Management Division, which already have volunteer programs in place.

6.10 Regional Coordination

The City will continue its association and active involvement with the Snohomish Basin Salmon Recovery Forum. The City may also look for other opportunities for involvement in regional restoration planning and implementation.

7.0 PROPOSED IMPLEMENTATION TARGETS AND MONITORING METHODS

7.1 Project Evaluation

When a restoration project is proposed for implementation by the City, other agency, or by a private party, the project should be evaluated to ensure that the project's objectives are consistent with those of this Restoration Plan of the SMP and, if applicable, that the project warrants implementation above other candidate projects. It is recognized that, due to funding sources or other constraints, the range of any individual project may be narrow. It is also expected that the list of potential projects may change over time, that new projects will be identified and existing opportunities will become less relevant as restoration occurs and as other environmental conditions, or our knowledge of them, change.

When evaluating potential projects, priority should be given to projects most meeting the following criteria:

- Restoration meets the goals and objectives for shoreline restoration.
- Restoration of processes is generally of greater importance than restoration of functions.
- Restoration avoids residual impacts to other functions or processes.
- Projects address a known degraded condition.
- Conditions that are progressively worsening are of greater priority.
- Restoration has a high benefit to cost ratio.
- Restoration has a high probability of success.
- Restoration is feasible, such as being located on and accessed by public property or private property that is cooperatively available for restoration. Restoration should avoid conflicts with adjacent property owners.
- There is public support for the project.
- The project is supported by and consistent with other restoration plans.

The City should consider developing a project "score card" as a tool to evaluate projects consistent with these criteria.

7.2 Monitoring and Adaptive Management

In addition to project monitoring required for individual restoration and mitigation projects, the City should conduct system-wide monitoring of shoreline conditions and development activity, to the degree practical, recognizing that individual project

monitoring does not provide an assessment of overall shoreline ecological health. The following three-prong approach is suggested:

1. Track information using the City's permit system as activities occur (development, conservation, restoration and mitigation), such as:
 - a. New shoreline development
 - b. Shoreline variances and the nature of the variance
 - c. Compliance issues
 - d. New impervious surface areas
 - e. Number of pilings
 - f. Removal of fill
 - g. Vegetation retention/loss
 - h. Bulkheads/armoring

The City may require project proponents to monitor as part of project mitigation, which may be incorporated into this process. Regardless, as development and restoration activities occur in the shoreline area, the City should seek to monitor shoreline conditions to determine whether both project specific and SMP overall goals are being achieved.

2. Re-review status of environmental processes and functions at the time of periodic SMP updates to, at a minimum, validate the effectiveness of the SMP. Re-review should consider what restoration activities actually occurred compared to stated goals, objectives and priorities, and whether restoration projects resulted in a net improvement of shoreline resources.

Under the Shoreline Management Act, the SMP is required to result in no net loss of shoreline ecological functions. If this standard is found to not be met at the time of review, the City will be required to take corrective actions. The goal for restoration is to achieve a net improvement. The cumulative effect of restoration over time between reviews should be evaluated along with an assessment of impacts of development that is not fully mitigated to determine effectiveness at achieving a net improvement to shoreline ecological functions.

Evaluation of shoreline conditions, permit activity, policy, and regulatory effectiveness should occur at varying levels of detail consistent with the Comprehensive Plan update cycle. A complete reassessment of conditions, policies and regulations should be considered every seven years. To conduct a valid reassessment of the shoreline conditions every seven years, it is necessary to monitor, record and maintain key environmental metrics to allow a comparison with

baseline conditions. As monitoring occurs, the City should reassess environmental conditions and restoration objectives. Those ecological processes and functions that are found to be worsening may need to become elevated in priority to prevent loss of critical resources. Alternatively, successful restoration may reduce the importance of some restoration objectives in the future.

7.3 Reporting

The restoration opportunities presented in this document are based upon a detailed inventory and analysis of shoreline conditions by many sources. Nonetheless, exhaustive scientific information about shoreline conditions and restoration options is cost prohibitive at this stage. Additionally, restoration is at times experimental. Monitoring must be an aspect of all restoration projects. Information from monitoring studies will help demonstrate what restoration is most successful. Generally, conservation of existing natural areas is the least likely to result in failure.

This Restoration Plan does not provide a comprehensive scientific index of restoration opportunities that allows the City to objectively compare opportunities against each other. If funding was available, restoration opportunities could be ranked by which opportunities are expected to have the highest likelihood of success, which address the most pressing needs, and other factors. Funding could also support a long-term monitoring program that evaluates restoration over the life of the SMP (as opposed to independent monitoring for each project). However, the following table (Table 5) outlines a possible schedule and funding sources for implementation of a variety of efforts that could improve shoreline ecological function, and are described in previous sections of this report.

Table 5. Implementation Schedule and Funding for Restoration Projects, Programs and Plans

Restoration Project/Program	Schedule	Funding Source or Commitment
Snohomish Basin Salmon Recovery Forum	Ongoing	The City is an active member of the Forum and promotes implementation of the 2005 Snohomish River Basin Salmon Conservation Plan and the 2001 Snohomish River basin Chinook Salmon Near Term Action Agenda.
Washington Department of Ecology	Ongoing	The City has adopted the latest edition of the State Department of Ecology's Stormwater Management Manual for the Puget Sound Basin.
Snohomish County Public Works: Surface Water Management	Ongoing	The City has met NPDES Phase II Municipal Stormwater Permit requirement for development of a Surface Water Storm Management Program (SWMP). The SWMP commits the City to education and outreach, public involvement, detection and enforcement, stormwater control, and pollution prevention.

Restoration Project/Program	Schedule	Funding Source or Commitment
Comprehensive Plan	Ongoing	The City makes a substantial commitment of staff time in the course of project and program reviews to determine consistency and compliance with the recently updated Comprehensive Plan.
Critical Areas Regulations	Revised in September 2008	The City makes a substantial commitment of staff time in the course of project and program reviews to determine consistency and compliance with their recently updated Critical Areas Regulations.
City of Lake Stevens 6-Year Transportation Improvement Plan	Completed in 2009	Most projects are in process or have had state (WSDOT) and/or local funds committed; federal funding is also possible in some cases.

City planning staff is encouraged to track all land use and development activity, including exemptions, within shoreline jurisdiction, and may incorporate actions and programs of the other departments as well. A report may be assembled that provides basic project information, including location, permit type issued, project description, impacts, mitigation (if any), and monitoring outcomes as appropriate. Examples of data categories might include square feet of non-native vegetation removed, square feet of native vegetation planted or maintained, reductions in chemical usage to maintain turf, linear feet of eroding stream bank stabilized through plantings, or linear feet of shoreline armoring removed. The report would also outline implementation of various programs and restoration actions (by the City or other groups) that relate to watershed health.

The staff report may be assembled to coincide with Comprehensive Plan updates and may be used, in light of the goals and objectives of the Shoreline Master Program, to determine whether implementation of the SMP is meeting the basic goal of no net loss of ecological functions relative to the baseline condition established in the *Inventory and Analysis Report*. In the long term, the City should be able to demonstrate a net improvement in the City of Lake Stevens' shoreline environment.

8.0 REFERENCES

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CHAPTER 10 CRITICAL AREAS PROTECTION



INTRODUCTION

Much has happened since 1994 with regulations intended to protect our critical natural areas including a 1995 GMA amendment requiring counties and cities to include the best available science in developing policies and development regulations to protect the functions and values of critical areas. This chapter contains a basic description of the City of Lake Stevens natural environment, its current condition, and recommendations for its protection and enhancement. It also discusses current policies and regulations in effect to protect the local environment and recommends updates. As part of the integrated SEPA/GMA approach to this update, this section also discusses how critical areas protection factors into the other elements of the Plan.

Chapter 2 presents a good overall description of the City's natural environment. The City and its environs are characterized by plateaus and steep ravines, wetlands, significant creek corridors, three drainage basins and Lake Stevens. The lake itself is the most prominent environmental feature and is sensitive to the effects caused by urban development. ~~((A drainage district has had responsibility for water quality in the lake for several years, working jointly with the City and County.))~~

There remain significant habitat and green spaces in the City. Most recent housing developments have been required to dedicate Native Growth Protection Areas (NGPA) and other buffers around critical areas to assist in preserving their quality. The City also has tree retention regulations and innovative subdivision design regulations to protect these areas. The City also maintains a Shoreline Master Program that requires land use and environmental protections along the vast shoreline areas (Lake Stevens and portions of Catherine Creek and Little Pilchuck Creek and associated wetlands) with the City of Lake Stevens.

The City ~~((will--))~~ adopted an updated Critical Areas Ordinance in 2008, which ~~will--~~ contains provisions for "Best Available Science", a requirement of GMA, ~~((--The City will update its critical areas regulations))~~ using the Best Available Science Document prepared for the City by URS Consultants reflecting the unique environmental conditions in Lake Stevens.

Chapter 10 – Critical Areas Element

The City of Lake Stevens manages the shoreline environment through implementation of the Shoreline Master Program. The Washington State Shoreline Management Act (SMA), passed in 1971, provides guidance and prescribes the requirements for locally adopted Shoreline Master Programs. The SMA establishes a broad policy giving preferences to uses that:

- Protect shoreline natural resources, including water quality, vegetation, and fish and wildlife habitat;
- Depend on the proximity to the shoreline (i.e., “water-dependent uses); and
- Preserve and enhance public access or increased recreational opportunities for the public along shorelines.

The SMA establishes a balance of authority between local and state government. Under the SMA, Lake Stevens adopts a Shoreline Master Program that is based on state guidelines but tailored to the specific needs of the community. The program represents a comprehensive vision of how shoreline areas will be used and developed over time.

The City of Lake Stevens’ identity is strongly influenced and defined by its setting around the lake. The lake provides varied recreational opportunities for residents and visitors. Therefore, the utilization, protection, restoration and preservation of the shoreline must be considered for all development within shoreline areas.

The City and Snohomish County share jurisdiction of Lake Stevens with the City regulating within City boundaries and the County within the southeast portion of the lake still within the Urban Growth Area. The City adopted Snohomish County’s Shoreline Master Program in 1974. Over the almost four decades since the original adoption of a Shoreline Master Program, the lake front environment has substantially changed with additional single-family homes and subdivided lots, additional docks and bulkheads, and the loss of habitat along the shoreline. Impervious surfaces have increased both within the shoreline area and in adjacent watersheds, thus increasing surface water flows and impacting water quality and habitat for fish.

To address these changes, comply with the mandates of the Shoreline Management Act and enable the City to plan for emerging issues, the City initiated an extensive update of its Shoreline Master Program in 2009 with final adoption in 2011 or 2012. The Program will preserve the public’s opportunity to enjoy the physical and aesthetic qualities of Lake Stevens, Catherine Creek and Little Pilchuck Creek while protecting the functions of the shorelines so that at a minimum, the City achieves a “no net loss” of ecological functions as required for shorelines of the State.



GOALS AND POLICIES

GOAL 10.1: PROTECT THE NATURAL ENVIRONMENT AND CONSERVE ALL CRITICAL AREAS, INCLUDING WETLANDS, SHORELINES, CREEKS/STREAMS, GEOLOGICAL HAZARD AREAS AND WILDLIFE HABITATS.

Policies

- 10.1.1 Update critical areas regulations which reflect the Best Available Science (BAS) pursuant to the GMA. These regulations must protect the functions and values of these areas and not unduly reduce property rights by requiring greater protection measures which offer diminishing beneficial returns.
- 10.1.2 Ensure compatibility of land uses with topography, geology, soil suitability, surface water, ground water, frequently flooded areas, wetlands, climate, and vegetation and wildlife.
- 10.1.3 Prevent a net loss of ecological functions and values. Require mitigation for impacts from new development within critical areas.
- 10.1.4 Encourage flexibility in design, development such as Conservation Design to utilize cluster development to conserve open space and protect critical areas.
- 10.1.5 Promote and encourage sustainable development through efficient land use, green building design, and water conservation.
- 10.1.6 Encourage and support local community programs to enhance natural resources.
- 10.1.7 The City of Lake Stevens should protect native plant communities by encouraging management and control of non-native invasive plants, including aquatic plants. Environmentally sound methods of vegetation control should be used to control noxious weeds.
- 10.1.8 Incorporate the use of innovative design provisions allowing design of new development to take advantage of such standards as Low Impact Development surface water techniques that employ inventive proposals ensuring the same or better critical area protection.



GOAL 10.2: PROTECT HABITAT AREAS FOR FISH AND WILDLIFE.

Policies

- 10.2.1 Recognize the value of maintaining corridors for fish and wildlife and consider appropriate means of protecting significant corridors.
- 10.2.2 Protect Lake Stevens' priority habitats, habitats of local importance, and listed species habitats.
- 10.2.3 Support actions that protect other non-listed threatened species from becoming listed and endangered.

GOAL 10.3: PROVIDE FOR LONG-TERM PROTECTION AND NO NET LOSS OF WETLAND ECOLOGICAL FUNCTIONS AND VALUES.

Policies

- 10.3.1 Protect existing wetlands from the impacts of new development to the greatest extent possible.
- 10.3.2 Protect functions and values of wetlands.
- 10.3.3 Protect existing wetlands with size greater than one acre that are valuable for wildlife habitat or are not artificially created from non-wetland sites (drainage ditches, grass-lined swales, detention ponds, landscape amenities, etc).
- 10.3.4 Require wetland buffers and building setbacks around regulated wetlands to preserve vital wetland functions and values.
- 10.3.5 Require mitigation for any activity, which alters regulated wetlands and their buffers.
- 10.3.6 Support wetlands protection through non-regulatory approaches such as the adoption-a-wetland conservation program and low impact development.
- 10.3.7 Work with the land trust and other similar organizations to protect wetlands and other critical areas.



GOAL 10.4: ENHANCE THE QUALITY OF SURFACE WATER.

Policies

- 10.4.1 Protect water quality from the adverse impacts associated with erosion and sedimentation.
- 10.4.2 Protect water resources, including surface water, groundwater and critical aquifer recharge areas.
- 10.4.3 Protect the water quality of the City's creeks and its lake.
- 10.4.4 Require the use of drainage, erosion and sediment control practices for all construction or development activities.
- 10.4.5 Protect and preserve vegetation located along creek/stream corridors.
- 10.4.6 Provide buffers for new development along creeks and streams.
- 10.4.7 Consider creating a new staff position – "Watershed Steward" to inventory and educate the public on the importance of preserving the surface waters.

GOAL 10.5: DECREASE POTENTIAL FOR FLOODING FROM STORM-WATER RUNOFF.

Policies

- 10.5.1 Promote retention of storm-water. Encourage regional stormwater treatment solutions.
- 10.5.2 Preserve natural drainage courses.
- 10.5.3 Minimize adverse storm-water impacts generated by the removal of vegetation and alteration of landforms.
- 10.5.4 Adopt and encourage incentive programs for new development to use best management practices such as reduction of impervious surfaces and provisions for filtering pollutants.
- 10.5.5 Encourage and support the retention of natural open spaces or land uses, which maintain hydrologic function and are at low risk to property damage from floodwaters within frequently flooded areas.



GOAL 10.6: IMPLEMENT THE STATE SHORELINES MANAGEMENT ACT ALONG SHORELINES OF STATEWIDE SIGNIFICANCE IN THE CURRENT OR ULTIMATE CITY LIMITS OF LAKE STEVENS.

Policies

- 10.6.1 Protect Shorelines by limiting uses and activities, which are incompatible with the shoreline environment.
- 10.6.2 New development within shoreline jurisdiction shall meet the policy requirements adopted within the City Shoreline Master Program.
- 10.6.3 Maintain native riparian vegetation encouraging the use of native species for landscaping and mitigation on the shores of Lake Stevens and along rivers, creeks/streams and wetlands and discourage the use of invasive plants that threaten native vegetative communities.
- 10.6.4 Encourage ~~((shoreline-))~~water-dependent economic activities along City shorelines that will enhance the economic viability near commercial centers.
- 10.6.5 Promote development of diverse, convenient recreational opportunities along public shorelines within the City that are consistent with the character and physical limitations of the land.
- 10.6.6 Extend the Waterfront Residential Zone to shoreline areas as they annex to the City.
- 10.6.7 Encourage development of public~~((pedestrian))~~ access along the shoreline where practical.
- 10.6.8 Require developers to indicate how they plan to preserve shore vegetation and control erosion.
- 10.6.9 Encourage cluster development wherever feasible to maximize use of the shorelines by residents, maximizing both on-site and off-site aesthetic appeal, and minimizing disruption of the natural shorelines.
- 10.6.10 Encourage development of shared docks to reduce cover for migration of fish species along the shoreline.



10.6.11 Encourage removal of existing bulkheads with replacement with softer alternatives or addition of vegetation waterward of existing bulkheads to reduce wave action and provide additional habitat for aquatic species.

10.6.12 Educate property owners within shoreline jurisdiction on the proper maintenance of docks and decks, grass and gardens, and driveways or cars to reduce the types of pollutants potentially reaching the Lake or creeks.

10.6.13 Create a tracking system and periodically evaluate the cumulative effects of all project actions in shoreline jurisdiction.

GOAL 10.7: PROMOTE POLICIES AND DEVELOPMENT STANDARDS THAT MINIMIZE THE THREAT OF FLOODING.

Policies

10.7.1 Protect natural drainage systems associated with floodways, floodplains or other areas subject to flooding.

10.7.2 Emphasize flood prevention and damage reduction.

GOAL 10.8: LOCATE DEVELOPMENT WITHIN THE MOST GEOLOGICALLY SUITABLE AND NATURALLY STABLE PORTIONS OF A DEVELOPMENT.

Policies

10.8.1 Classify and designate areas on which development should be prohibited, conditioned, or otherwise controlled because of danger from geologic hazards.

10.8.2 Require geotechnical studies and special engineering or design as necessary for new developments in potential geologically hazardous areas.

10.8.3 Encourage cluster development for new residential development in areas of geologic hazards.

**CITY OF LAKE STEVENS
Lake Stevens, Washington
ORDINANCE NO. 855**

AN ORDINANCE OF THE CITY OF LAKE STEVENS, WASHINGTON, AMENDING THE FOLLOWING CHAPTERS OF THE LAKE STEVENS MUNICIPAL CODE TO BE CONSISTENT WITH THE SHORELINE MANAGEMENT ACT, CHAPTER 90.58 RCW, AND SHORELINE MANAGEMENT PERMIT AND ENFORCEMENT PROCEDURES, CHAPTER 173-27 WAC: CHAPTER 14.08 LSMC “BASIC DEFINITIONS AND INTERPRETATIONS” BY AMENDING SECTION 14.08.010, CHAPTER 14.16A LSMC “ADMINISTRATION AND PROCEDURES” BY AMENDING SECTION 14.16A.210, CHAPTER 14.16B LSMC “TYPES OF LAND USE REVIEW” BY AMENDING SECTIONS 14.16B.105, .110, .205, .230, .240, .245, .315, .320, .355, .710, AND .720, CHAPTER 14.16C LSMC “LAND USE ACTIONS, PERMITS AND DETERMINATIONS – DECISION CRITERIA AND STANDARDS” BY AMENDING SECTION 14.16C.100, CHAPTER 14.18 LSMC “SUBDIVISIONS, BOUNDARY LINE ADJUSTMENTS AND BINDING SITE PLANS” BY AMENDING SECTION 14.18.120, CHAPTER 14.36 LSMC “ZONING DISTRICTS AND ZONING MAPS” BY AMENDING SECTIONS 14.36.060 AND .200, CHAPTER 14.88 LSMC “CRITICAL AREAS” BY AMENDING SECTION 14.88.100, AND CHAPTER 14.92 LSMC “SHORELINE MANAGEMENT” BY AMENDING SECTIONS 14.92.010, .020, .050, .060, .070, .100, .120, .130, .140, .150, AND .160.

WHEREAS, the City is required ensure compliance with the Shoreline Management Act, Ch. 9058 RCW, and shoreline permit requirements, Ch. 173-26 WAC; and

WHEREAS, the City is updating the Shoreline Master Program under a two year grant from the Washington State Department of Ecology; and

WHEREAS, the adoption of code amendments for sections relating to shoreline permits is necessary to retain consistency between the Lake Stevens Municipal Code and the Shoreline Management Act; and

WHEREAS, the proposed code amendments are not directly related to the Lake Stevens 2011 Shoreline Master Program adoption; 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, Ch. 43.21C RCW; and

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

WHEREAS, postcards noticing the availability of the SEPA DNS and comment and appeal periods and dates and times of the Planning Commission and City Council public hearings were mailed on April 12, 2011 to approximately 2,080 property owners; and

WHEREAS, the Lake Stevens Planning Commission, after review of the proposed code amendments, held duly noticed public hearings on May 4 and __, 2011, and all public testimony was given full consideration; and

WHEREAS, on May __ and June __ and __, 2011, the Lake Stevens City Council reviewed the Planning Commission's recommendation relating to the proposed code amendments and held a duly noticed public hearing, and all public testimony has been given full consideration.

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

Section 1. Ch. 14.08 LSMC is hereby amended by amending the definition for "Shoreline Master Program" in LSMC 14.08.010 to read as follows:

Shoreline Master Program. The City's comprehensive shoreline plan and~~((land))~~ supplemental land use ~~((plan and))~~ regulations for shorelines adopted pursuant to Chapter 90.58 RCW.

Section 2. Ch. 14.08 LSMC is hereby amended by adding the following new definitions to LSMC 14.08.010 to read as follows:

Boathouse or Boat Shelter. An over-water structure specifically designed or used for storage of boats with permanent walls and/or roofs.

Marina. A system of piers, buoys, or floats to provide moorage for four or more boats.

Section 3. Ch. 14.08 and Ch. 14.88 LSMC are hereby amended by moving the following definitions from LSMC 14.88.100 to LSMC 14.08.010 in the new format and with revisions to read as follows:

Agriculture Land. Land used for commercial production (as shown by record of any income) of horticultural, viticultural, floricultural, dairy, apiary, or animal products, or of vegetables, Christmas trees, berries, grain, hay, straw, turf, seed, or livestock, and that has long-term (six years or longer) commercial significance for agricultural production.

Alteration. Any human-induced action which impacts the existing condition of a critical area. Alterations include but are not limited to grading; filling; dredging; draining; channelizing; cutting, pruning, limbing or topping, clearing, relocating or removing vegetation; applying herbicides or pesticides or any hazardous or toxic substance; discharging pollutants; grazing domestic animals; paving, construction, application of gravel; modifying for surface water management purposes; or any other human activity that impacts the existing vegetation, hydrology, wildlife or wildlife habitat. Alteration does not include walking, passive recreation, fishing or other similar activities.

Aquifer Recharge Area. Geological formations with recharging areas having an effect on aquifers used for potable water where essential source of drinking water is vulnerable to contamination.

Best Management Practices (BMPs). The best available conservation practices or systems of practices and management measures that:

(a((4))) Control soil loss and protect water quality from degradation caused by nutrients, animal waste, toxins, and sediment; and

(b((2))) Minimize adverse impacts to surface water and groundwater flow, circulation patterns, and to the chemical, physical, and biological characteristics of critical areas.

Best Available Science. Current scientific information, which is used to designate, regulate, protect, or restore critical areas and which is derived from a valid scientific process as set forth in WAC [365-195-900](#) through [365-195-925](#) and Section [14.88.235](#).

Bog. A wetland with limited drainage and generally characterized by extensive peat deposits and acidic waters. Vegetation can include, but is not limited to, sedges, sphagnum moss, eriogonums, shrubs, and trees.

Buffer Areas, Wetlands. Areas that are contiguous to and protect a critical area and are required for the continued maintenance, functioning, and/or structural stability of a critical area.

Buffer Management. An activity proposed by a public agency, public utility, or private entity, and approved by the Planning and Community Development Director, within a buffer required by this title, that is proposed to:

(a((4))) Reduce or eliminate a verified public safety hazard;

(b((2))) Maintain or enhance wildlife habitat diversity; or

(c((3))) Maintain or enhance a fishery or other function of stream, wetland, or terrestrial ecosystems.

Classes, Wetland. The wetland taxonomic classification system of the United States Fish and Wildlife Service (Cowardin, et al. 1978).

Compensation. The replacement, enhancement, or creation of an undevelopable critical area equivalent in functions, values and size to those being altered by or lost to development.

Creation, Wetland Mitigation. The manipulation of the physical, chemical, or biological characteristics present to develop a wetland on an upland or deepwater site, where a wetland did not previously exist. Activities typically involve excavation of upland soils to elevation that will produce a wetland hydroperiod, create hydric soils, and support the growth of hydrophytic plant species. Establishment results in a gain in wetland acres.

Critical Areas. Areas of the City that are subject to natural hazards or any landform feature that carries, holds, or purifies water and/or supports unique, fragile or valuable natural resources including fish, wildlife, and other organisms and their habitat. Critical areas include the following features: geologically hazardous areas, wetlands, streams,

frequently flooded hazard areas, fish and wildlife conservation areas, aquifer recharge areas, and groundwater discharge areas.

Critical Habitat. Habitat necessary for the survival of endangered, threatened, sensitive species as listed by the Federal Government or the State of Washington. Habitat for species listed on the candidate list, or monitored species as listed by the Federal Government or the State of Washington, may be considered critical habitat.

Degraded Wetland. A wetland in which the vegetation, soils, and/or hydrology have been adversely altered, resulting in lost or reduced functions and values.

Developable Area. Land outside of critical areas, their setback, and buffers.

Edge. The boundary of a wetland as delineated based on the criteria contained in this chapter.

Emergent Wetland. A wetland with at least 30 percent of its surface covered by erect, rooted, herbaceous vegetation at the uppermost vegetative strata.

Emergency. An action that must be undertaken immediately or within a time frame too short to allow full compliance with this chapter, in order to avoid an immediate threat to public health or safety, to prevent an imminent danger to public or private property, or to prevent an imminent threat of serious environmental degradation.

Enhancement, Wetland Mitigation. The manipulation of the physical, chemical or biological characteristics of a wetland site, in order to heighten, intensify or improve functions or to change the growth stage or composition of the vegetation present. Enhancement is undertaken for specified purposes such as water quality improvement, flood water retention or habitat improvement. Activities typically consist of planting vegetation, controlling non-native or invasive species, modifying the site elevation or the proportion of open water to influence hydroperiods, or some combination of these activities. Enhancement results in a benefit to some wetland functions and can lead to a decline in other wetland functions but does not result in a gain in wetland acres. Activities typically consist of planting vegetation, controlling non-native or invasive species, modifying site elevations or the proportion of open water to influence hydroperiods, or some combination of these activities.

Erosion Hazard Areas. Lands or areas that, based on a combination of slope inclination and the characteristics of the underlying soils, are susceptible to varying degrees of risk of erosion.

Exotic Species. Plants or animals that are not native to the Puget Sound Lowlands region.

Extraordinary Hardship. Prevention of all reasonable economic use of the parcel due to strict application of this chapter and/or programs adopted to implement this chapter.

Fish and Wildlife Habitats (of Local Importance). A seasonal range or habitat element with which a given species has a primary association, and which, if altered, may reduce the likelihood that the species will maintain and reproduce over the long-term. These might include areas of relative density or species richness, breeding habitat, winter range,

and movement corridors. These also include habitats of limited availability or high vulnerability to alteration, such as cliffs and wetlands.

Forested Wetland. Wetlands with at least 20 percent of the surface area covered by woody vegetation greater than 30 feet in height.

Forest Land. Land used for growing trees, not including Christmas trees, for commercial purposes (as shown by record of any income) that has long-term (six years or more) commercial significance.

Frequently Flooded Areas. Lands indicated on the most current FEMA map to be within the 100-year floodplain. These areas include, but are not limited to, streams, lakes, coastal areas, and wetlands.

Functions and Values. The beneficial roles served by critical areas including, but not limited to, water quality protection and enhancement, fish and wildlife habitat, food chain support, flood storage, conveyance and attenuation, groundwater recharge and discharge, erosion control, wave attenuation, aesthetic value protection, and recreation. These roles are not listed in order of priority.

Geologically Hazardous Areas. Areas susceptible to erosion, sliding, seismic activity, or other geological events. They may pose a threat to the health and safety of citizens when used as sites for incompatible commercial, residential or industrial development.

Hydric Soil. Soil that is saturated, flooded, or ponded long enough during the growing season to develop anaerobic conditions in the upper part. The presence of hydric soil shall be determined following the methods described in the Washington State Wetlands Identification and Delineation Manual 1997, or as amended hereafter.

Landslide Hazard Areas. Areas that, due to a combination of slope inclination and relative soil permeability, are susceptible to varying degrees of risk of landsliding.

Land Uses, High Intensity. Uses which are associated with moderate or high levels of human disturbance or substantial impacts including, but not limited to, a zone classification allowing four or more dwelling units per acre, active recreation, and commercial and industrial land uses.

Land Uses, Low Intensity. Land uses which are associated with low levels of human disturbance or low habitat impacts, including, but not limited to, passive recreation and open space.

Mineral Resource Lands. Lands primarily devoted to the extraction of gravel, sand, other construction materials, or valuable metallic or mineral substances.

Mitigation. An action or combination of actions which avoids, minimizes, or compensates for adverse impacts to critical areas or sensitive resources. Mitigation is considered in the following order of preference:

(a((1))) Avoiding the impact altogether by not taking a certain action or parts of an action;

(b((2))) Minimizing impacts by limiting the degree or magnitude of the action and its implementation by using appropriate technology or by taking affirmative steps to avoid or reduce impacts;

(c((3))) Rectifying the impacts by repairing, rehabilitating, or restoring the affected environment;

(d((4))) Reducing or eliminating the impact over time by preservation and maintenance operations during the life of the action;

(e((5))) Compensating for the impact by replacing, enhancing, or providing substitute resources or environments;

(f((6))) Monitoring the impact and the compensation project and taking appropriate corrective measures.

Native Growth Protection Areas (NGPA). Areas where native vegetation is permanently preserved for the purpose of preventing harm to property and the environment, including, but not limited to, controlling surface water runoff and erosion, maintaining slope stability, buffering and protecting plants and animal habitat.

Native Vegetation. Plant species which are indigenous to the Puget Sound Lowlands region.

Natural Resource Lands. Agriculture, forest, and mineral resource lands as defined in ~~((this section))~~ Chapter 14.88 LSMC.

Open Space. Areas of varied size which contain distinctive geologic, botanic, zoologic, historic, scenic or other critical area or natural resource land features.

Ordinary High Water Mark. A mark that has been found where the presence and action of waters are common and usual and maintained in an ordinary year long enough to mark a distinct character from that of the abutting upland.

Pesticide Management Plan. A guidance document for the prevention, evaluation, and mitigation for occurrences of pesticides or pesticide breakdown products in ground and surface waters.

Practicable Alternative. An alternative that is available and capable of being carried out after taking into consideration cost, existing technology, and logistics in light of overall project purposes, and having less impacts to critical areas. It may include an area not owned by the applicant which can reasonably be obtained, utilized, expanded, or managed in order to fulfill the basic purpose of the proposed activity.

Priority Habitats. Areas that support diverse, unique, and/or abundant communities of fish and wildlife, as determined by the Washington Department of Fish and Wildlife Map Products 2006.

Priority Species. Wildlife species of concern due to their population status and their sensitivity to habitat alteration.

Public Water System. A water system that serves two or more connections.

Re-establishment, Wetland Mitigation. The manipulation of the physical, chemical, or biological characteristics of a site with the goal of returning natural or historic functions to a former wetland. Activities could include removing fill material, plugging ditches, or breaking drain tiles. Re-establishment results in a gain in wetland acres.

Regulated Wetlands. Wetlands, including their submerged aquatic beds, and those lands defined as wetlands under the 1989 Federal Clean Water Act, 33 USC Section 251, et seq., and rules promulgated pursuant thereto and shall be those areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Regulated wetlands generally include swamps, bogs, and similar areas. Wetlands created as mitigation and wetlands modified for approved land use activities shall be considered as regulated wetlands. Regulated wetlands do not include those constructed wetlands intentionally created from nonwetland sites, including, but not limited to, irrigation and drainage ditches, grass-lined swales, canals, detention/retention facilities, wastewater treatment facilities, farm ponds, and landscape amenities or those wetlands created after July 1, 1990, that were unintentionally created as a result of the construction of a road, street, or highway.

Rehabilitation, Wetland Mitigation. The manipulation of the physical, chemical, or biological characteristics of a site with the goal of repairing natural or historic function of a degraded wetland. Activities could involve breaching a dike or reconnecting wetland to a floodplain or returning tidal influence to a wetland. Rehabilitation results in a gain in wetland function but does not result in a gain in wetland acres

Repair or Maintenance Activities. An action to restore the character, size, or scope of a project only to the previously authorized condition.

Riparian Area. A transitional area between terrestrial and aquatic ecosystems and which is distinguished by gradients in biophysical conditions, ecological processes, and biota.

Riparian Habitat. An ecosystem that borders a stream which is occasionally flooded and periodically supports predominantly hydrophytes.

Riparian Zone. A transitional area between aquatic ecosystems (lakes, streams, and wetlands) and upland terrestrial habitats.

Scrub-Shrub Wetland. A wetland with at least 30 percent of its surface area covered with woody vegetation less than 20 feet in height.

Seismic Hazard Areas. Areas that, due to a combination of soil and groundwater conditions, are subject to severe risk of ground shaking, subsidence or liquefaction of soils during earthquakes.

Setbacks. Protective buffers which provide a margin of safety through protection of slope stability, attenuation of surface water flows, and landslide hazards reasonably necessary to minimize risk to the public from loss of life or well-being or property damage resulting from natural disasters; or an area which is an integral part of a stream or wetland ecosystem and which provides shading, input of organic debris and coarse sediments, room for variation in stream or wetland edge, habitat for wildlife and protection from

harmful intrusion necessary to protect the public from losses suffered when the functions and values of aquatic resources are degraded.

Sphagnum. Any of a large genus of mosses that grow only in wet acidic soils and whose remains become compacted with other plant debris to form peat.

Streams. Water contained within a channel, either perennial or intermittent, and classified according to a locally appropriate stream classification system based on WAC [222-16-030](#). Streams also include open natural watercourses modified by man. Streams do not include irrigation ditches, waste ways, drains, outfalls, operational spillways, channels, stormwater runoff facilities or other wholly artificial watercourses, except those that directly result from the modification to a natural watercourse. Streams are further characterized as S, F, Np, or Ns.

Swamp. A wetland whose dominant vegetation is composed of woody plants and trees.

Unavoidable and Necessary Impacts. Impacts that remain after a person proposing to alter critical areas has demonstrated that no practicable alternative exists for the proposed project.

Water-dependent. A use for which the use of surface water would be essential in fulfilling the purpose of the proposed project.

Wetlands. Areas that are inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, bogs, marshes, and similar areas. Wetlands do not include those artificial wetlands intentionally created from nonwetland sites, including but not limited to, irrigation and drainage ditches, grass-lined swales, canals, detention facilities, wastewater treatment facilities, farm ponds, and landscape amenities or those wetlands created after July 1, 1990, that were unintentionally created as a result of the construction of a road, street, or highway. However, wetlands include those artificial wetlands intentionally created to mitigate conversion of wetlands. See the ~~((Federal Manual for Identifying and Delineating Jurisdictional Wetlands))~~ Washington State Wetlands Identification and Delineation Manual.

Wetland Mitigation Bank. A site where wetlands and buffers are restored, created, enhanced, or in exceptional circumstances, preserved expressly for the purpose of providing compensatory mitigation in advance of authorized impacts to similar resources.

Section 4. Ch. 14.08 and Ch. 14.92 LSMC are hereby amended by moving the following definitions from LSMC 14.92.010 to LSMC 14.08.010 in the new format and with revisions to read as follows:

Development (Definition related to shoreline permits only). A use consisting of the construction or exterior alteration of structures; dredging, drilling, dumping, filling, removal of sand, gravel or minerals, bulkheading, driving of pilings, placing of obstructions, or any project of a permanent or temporary nature which interferes with the

normal public use of the surface of the waters of the state subject to Chapter 90.58 RCW (~~overlying lands subject to this chapter~~) at any ~~(state)~~ stage of water level.

Floodway. Those portions of the area of a river valley lying streamward from the outer limits of a watercourse upon which flood waters are carried during periods of flooding that occur with reasonable regularity, although not necessarily annually, said floodwater being identified, under normal condition, by changes in surface soil conditions or changes in types or quality of vegetative ground cover condition. The floodway shall not include those lands that can reasonably be expected to be protected from flood waters by flood control devices maintained by or maintained under license from the Federal Government, the State, or a political subdivision of the State.

Lake Stevens. Any lands or waters contained within the incorporated boundaries of the City.

Shoreline Master Program. The comprehensive shoreline plan for Lake Stevens and the use regulations together with maps, diagrams, charts or other descriptive material and text, developed in accordance with the policies enunciated in Section 2 of the Shoreline Management Act of 1971 (RCW [90.58.020](#)).

Ordinary High Water Mark on Lake Stevens. ~~The~~ ~~(that)~~ mark that will be found by examining the bed and banks and ascertaining where the presence and action of waters are so common and usual, and so long continued in all ordinary years, as to mark upon the soil a character distinct from that of the abutting upland, in respect to vegetation, as that condition exists on June 1, 1971, as it may naturally change thereafter, or as it may change thereafter in accordance with permits issued by the City or the Department of Ecology; provided, that in any area where the ordinary high water mark cannot be found, the ordinary high water mark shall be the line of mean high water. ([RCW 90.58.030\(2\)\(b\)](#) and [\(c\)](#))

Person. An individual, partnership, corporation, association, organization, cooperative, public or municipal corporation or agency of the State or local governmental unit however designated. ([RCW 90.58.030\(1\)\(e\)](#))

Shorelands or Shoreland Areas. Lands extending landward for 200 feet in all directions as measured on a horizontal plane from the ordinary high water mark; floodways and contiguous floodplain areas landward 200 feet from such floodways; and all wetlands and river deltas associated with the streams, lakes, and tidal waters which are subject to the provisions of this chapter; the same to be designated as to location by the Department of Ecology. ([RCW 90.58.030\(2\)\(d\)](#))

Shorelines. All of the water areas of the state, including reservoirs, and their associated wetlands, together with the lands underlying them; except:

- ~~(a)~~ ~~(1)~~ Shorelines of State-wide significance;
- ~~(b)~~ ~~(2)~~ Shorelines on segments of streams upstream of a point where the mean annual flow is 20 cubic feet per second or less and the wetlands associated with such upstream segments;
- ~~(c)~~ ~~(3)~~ Shorelines on lakes less than 20 acres in size and wetlands associated with such small lakes. ([RCW 90.58.030\(2\)\(e\)](#))

Shorelines of Statewide Significance. In the Lake Stevens Area, those lakes, whether natural, artificial or a combination, with a surface acreage of 1,000 acres or more measured at the ordinary high water mark, and those natural rivers or segments thereof downstream of a point where the annual flow is measured at 1,000 cubic feet per second or more.

Shoreline Substantial Development. Any development of which the total cost or fair market value exceeds \$5,718 (WSR 07-15-090)((2,500)), or any development which materially interferes with the normal public use of the water or shorelines of the State; except that the types of development defined in Section 14.16C.100(c) shall not be considered substantial developments for the purpose of this chapter. A dock is not considered substantial development if the fair market value of the dock does not exceed \$10,000, but if subsequent construction having a fair market value exceeding \$2,500 occurs within five years of completion of the prior construction, the subsequent construction shall be considered a substantial development for the purpose of this chapter.

Shorelines of the State. The total of all “shorelines and shorelines of Statewide significance” within the State.

Section 5. Ch. 14.16A LSMC is hereby amended by amending LSMC 14.16A.210 to read as follows:

14.16A.210 Types of Review.

(a) The purpose of this section is to provide an overview of the six levels of land use review. Land use and development decisions are classified into six processes based on who makes the decision, the amount of discretion exercised by the decision maker, the level of impact associated with the decision, the amount and type of input sought, and the type of appeal opportunity.

(b) Classification of Permits and Decisions

(1) Type I Review - Administrative Decisions without Notice. A Type I process is an administrative review and decision by the appropriate department or division. Applications reviewed under the Type I process are minor administrative decisions and are exempt from certain administrative procedures, such as complete application review, noticing, and decision time frames. Appeals of Type I decisions are made to the Hearing Examiner, except shoreline permit appeals are made to the Shoreline Hearings Board. The permits and actions reviewed and decided as Type I are listed in the table in subsection (d) of this section.

(2) Type II Review - Administrative Decisions with Notice. A Type II process is an administrative review and decision with recommendation from staff, City departments or others and requiring public notice at the application and/or decision stages of the review. Appeals of Type II decisions are made to the Hearing Examiner, except shoreline permit appeals are made to the Shoreline Hearings Board. The permits and actions reviewed and decided as Type II are listed in the table in subsection (d) of this section.

(3) Type III Review - Quasi-Judicial Decisions - Hearing Examiner. This Type III process is a quasi-judicial review and decision by the Hearing Examiner. The Hearing Examiner makes a decision based on a staff report and, if required, the Design Review Board. A public meeting may be held prior to the Design Review Board recommendation. The Hearing Examiner considers public testimony received at an open

record public hearing. Public notification is provided at the application, public hearing, and decision stages of application review. Appeals of Hearing Examiner decisions are made to Snohomish County Superior Court, except shoreline permit appeals are made to the Shoreline Hearings Board. The permits and actions reviewed and decided as Type III are listed in the table in subsection (d) of this section.

(4) Type IV Review - Quasi-Judicial Decisions - City Council with Hearing Examiner Recommendation. A Type IV process is a quasi-judicial review and recommendation by the Hearing Examiner and a decision by the City Council. The Hearing Examiner considers the recommendation from the Design Review Board, if required, as well as public testimony received at an open record public hearing. The City Council makes a decision based on a recommendation from the Hearing Examiner during a closed record public meeting. Public notification is provided at the application, public hearing, and decision stages of application review. There is no opportunity for an administrative appeal. Appeals of City Council decisions are made to Snohomish County Superior Court. The permits and actions reviewed and decided as Type IV are listed in the table in subsection (d) of this section.

(5) Type V Review - Quasi-Judicial Decisions - City Council. A Type V process is a quasi-judicial review and decision by the City Council. Public notification is provided at the application, public hearing (if any), and decision stages of application review. There is no opportunity for an administrative appeal. Appeals of City Council decisions are made to Snohomish County Superior Court. The permits and actions reviewed and decided as Type V are listed in the table in subsection (d) of this section.

(6) Type VI Review - Legislative Decisions - City Council with Planning Commission Recommendation. A Type VI review is for legislative and/or nonproject decisions by the City Council under its authority to establish policies and regulations regarding future private and public development and management of public lands. The Planning Commission makes a recommendation to the City Council. The Planning Commission will conduct a public hearing to obtain public testimony on the proposed legislation. The City Council may elect to conduct an additional public hearing. The actions reviewed and decided as Type VI are listed in the table in subsection (d) of this section.

(c) Permits and Actions Not Listed. If a permit or land use action is not listed in Table 14.16A-I, the Planning Director shall make the determination as to the appropriate review procedure.

(d) Permit-Issuing Authority and Appeal Authority. The permit-issuing authority and appeal authority for permit applications and legislative actions are established in Table 14.16A-I. A detailed explanation for each review procedure is in Chapter [14.16B](#) under each subsection for each review type.

Table 14.16A-I: Classification of Permits and Decisions

Type of Review	Land Use Actions and Permits	Recommendation By	Public Hearing Prior to Decision	Permit-Issuing Authority	Administrative Appeal Body & Hearing
TYPE I Administrative without Public Notice	<ul style="list-style-type: none"> • Administrative Design Review • Administrative Modifications • Boundary Line Adjustments • Change of Use • Code Interpretations 	None	None	Department Director or designee	Hearing Examiner, <u>except shoreline permits to State Shoreline Hearings Board & Open</u>

	<ul style="list-style-type: none"> • Events • Grading Permit • Home Occupations • Master Sign Program • Reasonable Use Exceptions • Shoreline Exemptions • Signs • Temporary Uses 				Record
TYPE II Administrative with Public Notice	<ul style="list-style-type: none"> • Administrative Conditional Use (formerly Special Use) • Binding Site Plans • SEPA Review (early OR when not combined with another permit or required for a Type I permit) • Shoreline Substantial Developments • Short Plats • Short Plat Alterations • Short Plat Vacations • Site Plan Reviews 	None	None	Planning Director or designee	Hearing Examiner, except Shoreline permits to State Shoreline Hearings Board & Open Record
TYPE III Quasi-Judicial, Hearing Examiner	<ul style="list-style-type: none"> • Conditional Uses • Preliminary Plats • Shoreline Conditional Uses • Shoreline Variances • Variances 	Design Review Board (if required)	Open Record	Hearing Examiner	Superior Court, except Shoreline permits to State Shoreline Hearings Board & Closed Record
TYPE IV Quasi-Judicial, City Council with Hearing Examiner Recommendation	<ul style="list-style-type: none"> • Essential Public Facilities • Planned Neighborhood Developments • Rezone – Site Specific Zoning Map Amendments • Secure Community Transition Facilities 	Hearing Examiner with Open Record Hearing	Closed Record	City Council	None, appeal to Superior Court
TYPE V Quasi-Judicial, City Council	<ul style="list-style-type: none"> • Final Plats • Plat Alterations • Plat Vacations • Right-of-Way Vacations 	Design Review Board (if required)	Open Record	City Council	None, appeal to Superior Court
TYPE VI Legislative, City Council with Planning Commission Recommendation	<ul style="list-style-type: none"> • Comprehensive Plan Amendments, Map & Text • Development Agreements • Land Use Code Amendments • Rezones – Area-Wide Zoning Map Amendments 	Planning Commission with Open Record Hearing	Closed Record	City Council	Growth Management Hearings Board & Closed Record

(e) Associated Land Use Determinations. Associated land use determinations are decisions that need to be made as part of another land use action or permit review, as set forth in Table 14.16A-II. Each type of determination has a separate review process determined by the Planning Director or Public Works Director, except Design Review which is reviewed pursuant to Section [14.16C.050](#).

Table 14.16A-II: Associated Land Use Determinations

Associated Land Use Determinations
• EDDS Street Deviations
• Design Review
• Miscellaneous Administrative Determinations (e.g., application requirements, waiver allowed by code in parking or landscaping, etc.)
• Right-of-Way Improvement Exception
• Underground Utility Deviations

Section 6. Ch. 14.16B LSMC is hereby amended by amending LSMC 14.16B.105 to read as follows:

14.16B.105 Purpose.

A Type I review is an administrative review and decision by the appropriate department with no public notice requirements. These are applications which are categorically exempt from review under the State Environmental Policy Act (SEPA) or permits for which environmental review has been completed in connection with another application. Appeals of Type I decisions are made to the Hearing Examiner, except shoreline exemption appeals are made to the State Shoreline Hearings Board. Type I reviews are exempt from the procedures of Section 14.16A.230, Time Frames for Review. The purpose of this part is to provide the necessary steps for permit approvals requiring Type I review.

Section 7. Ch. 14.16B LSMC is hereby amended by amending LSMC 14.16B.110 to read as follows:

14.16B.110 Overview of Type I Review.

This section contains the procedures the City will use in processing Type I applications. The process begins with a complete application, followed by decision by the appropriate department. The administrative approval body is the department director. Appeals of the Director’s decision on a Type I appeal are made to the Hearing Examiner, except shoreline exemption appeals are made to the State Shoreline Hearings Board. An appeal of the Hearing Examiner’s appeal decision is made to the Snohomish County Superior Court.

Section 8. Ch. 14.146B LSMC is hereby amended by amending LSMC 14.16B.205 to read as follows:

14.16B.205 Purpose.

A Type II review is an administrative review and decision by the appropriate department. These are applications which are categorically exempt from review under the State Environmental Policy Act (SEPA) or permits for which environmental review has been completed in connection with another application. Public notification is provided at the application and decision stages of application review. Appeals of Type II decisions are

made to the Hearing Examiner, except shoreline permit appeals are made to the State Shoreline Hearings Board. Type II reviews are exempt from the procedures of Section 14.16A.230, Time Frames for Review. The purpose of this part is to provide the necessary steps for permit approvals requiring Type II review.

Section 9. Ch. 14.16B LSMC is hereby amended by amending LSMC 14.16B.230 to read as follows:

14.16B.230 Minimum Comment Period.

(a) The notice of application shall provide a minimum comment period of 14 days, except for shoreline permits pursuant to Section (e) below. All comments received on the notice of application must be received in the Permit Center by 4:00 p.m. on the last day of the comment period. Comments may be mailed, emailed, personally delivered or sent by facsimile. The Planning Director's decision on a Type II application shall not be issued prior to the expiration of the minimum comment period.

(b) Comments should be submitted to the Department of Planning and Community Services as early in the review of an application as possible and should be as specific as possible.

(c) If early SEPA review is requested, as described in Section 16.08.015, the Planning Director shall combine the notice of application and DNS comment periods. When a final DNS is issued, there is no additional comment period.

(d) The Planning Director may accept and respond to public comments at any time prior to making the Type II decision.

(e) Shoreline Substantial Development Permits. The minimum comment period on the notice of application for a shoreline substantial development permit shall be 30 days.

Section 10. Ch. 14.16B LSMC is hereby amended by amending LSMC 14.16B.240 to read as follows:

14.16B.240 Notice of Decision.

Within five days of a decision, the Planning Director shall mail or email notice of the decision and the SEPA determination, if any, to all parties of record, which shall include the applicant and each person who submitted comments during the public comment period or at any time prior to issuance of the decision. The notice of decision shall include a statement of any threshold determination made under SEPA (Chapter 43.21C RCW) and the procedures for administrative appeal, if any. For those project permits subject to SEPA, the notice of decision on the issued permit shall contain the requirements set forth in Section 14.16A.120, Environmental Review. For shoreline ~~((development-))~~permits, the Planning Director shall notify the following persons in writing of its final approval or disapproval of a shoreline substantial development permit:

- (~~a~~(1)) The applicant.
- (~~b~~(2)) The Department of Ecology.
- (~~c~~(3)) The Attorney General.
- (~~d~~(4)) Any person who has submitted written comments on the application.
- (~~e~~(5)) Any person who has written to the Director~~((Hearing Examiner))~~ requesting notification.

Section 11. Ch. 14.16B LSMC is hereby amended by amending LSMC 14.16B.245 to read as follows:

14.16B.245 Expiration of Approval.

Approval of the Type II application shall expire one year from the date approval was final, except for shoreline substantial development permits expire two years from final approval, unless significant action proposed in the application has been physically commenced and remains in progress pursuant to Section [14.16A.250](#).

Section 12. Ch. 14.16B LSMC is hereby amended by amending LSMC 14.16B.315 to read as follows:

14.16B.315 Notice of Application.

(a) Notice of application for Type III permits shall be provided within 14 days of the determination of completeness pursuant to Section [14.16A.230](#), Time Frames for Review. Notice shall be provided as indicated in subsection (b) of this section. If any open record pre-decision hearing is required for the requested project permit(s), the notice of application shall be provided at least 15 days prior to the open record hearing.

(b) Notice of Application Requirements of Type III Permits.

Type III Action or Permit	Mail	Post	Publish
All Type III Actions and Permits	X	X	X

(c) Mailed Notices and Postcard Notices. Mailings shall be completed pursuant to Section [14.16A.225](#) with the additional requirements stated below:

(1) Additional Notification Requirements for preliminary plats.

(i) Notice of the filing of a preliminary plat adjacent to or within one mile of the municipal boundaries of a City or town, or which contemplates the use of any City or town utilities, shall be given to the appropriate City or town authorities.

(ii) Notice of the filing of a preliminary plat of a proposed subdivision located in a City or town and adjoining the municipal boundaries thereof shall be given to the appropriate County officials.

(iii) Notice of the filing of a preliminary plat of a proposed subdivision located adjacent to the right-of-way of a State highway or within two miles of the boundary of a State or municipal airport shall be given to the Secretary of Transportation.

(2) Additional Notification Requirements for Shoreline Permits: a statement that any person desiring to submit written comments concerning an application, or desiring to receive notification of the final decision concerning the application as expeditiously as possible after issuance of the decision, may submit the comments or requests for decisions to the City within 30 days of the last date the notice is to be published pursuant to this section.

(d) Posted Notices. Posted notices shall be completed pursuant to Section [14.16A.225](#) with the additional requirements stated in subsection (d)(3) of this section:

(1) On-Site Posting. At least one public notice board shall be posted on the site on each public right-of-way fronting on the site.

(2) Public Posting. A public notice shall also be posted on the official notice board at City Hall.

(3) The following Type III applications are major land use actions: conditional uses, preliminary plats, and shoreline permits. In addition to the general notice

requirements, major land use actions shall comply with the extraordinary signage requirements in Section [14.16A.225](#)(b)(3).

Section 13. Ch. 14.16B LSMC is hereby amended by amending LSMC 14.16B.320 to read as follows:

14.16B.320 Minimum Comment Period.

(a) The notice of application shall provide a minimum comment period of 14 days with the exception for shoreline permits pursuant to section (e) below. All comments received on the notice of application must be received in the Department of Planning and Community Development by 4:00 p.m. on the last day of the comment period. Comments may be mailed, emailed, personally delivered, or sent by facsimile. Staff recommendation on a Type III application shall not be issued prior to the expiration of the minimum comment period.

(b) Comments should be submitted to staff as early in the review of an application as possible and should be as specific as possible.

(c) If the early SEPA review is requested, as described in Section [16.08.015](#), the notice of application and DNS comment periods shall be combined. When a final DNS is issued, there is no additional comment period.

(d) Staff may accept and respond to public comments at any time prior to the closing of the public hearing record.

(e) Shoreline Permits. The minimum comment period on the notice of application for a shoreline conditional use permit or shoreline variance shall be 30 days.

Section 14. Ch. 14.16B LSMC is hereby amended by amending LSMC 14.16B.355 to read as follows:

14.16B.355 Notice of Final Decision.

Within five days of the conclusion of the appeal period or the resolution of a filed appeal, the Planning Director shall mail or email the notice of final decision and any changes to the SEPA threshold determination, if any, to all parties of record, which shall include the applicant and each person who participated in the public hearing or who submitted comments during the public comment period at any time prior to issuance of the decision. For shoreline permits, the Planning Director shall notify the following persons in writing of its final approval or disapproval of a shoreline conditional use permit or shoreline variance:

(a) The applicant.

(b) The Department of Ecology.

(c) The Attorney General.

(d) Any person who has submitted written comments on the application.

(e) Any person who has written to the Hearing Examiner requesting notification.

Section 15. Ch. 14.16B LSMC is hereby amended by amending LSMC 14.16B.710 to read as follows:

14.16B.710 Appeal of Type I and II Administrative Decisions.

If a Type I or II decision has an administrative appeal available as set forth in Section [14.16B.115](#) or [14.16B.215](#), except for shoreline permits, the following procedures shall be followed:

(a) Appellant. The project applicant or any person who submitted written comments prior to the date the decision was issued may appeal the decision.

(b) Form of Appeal. A person appealing a Type I or II decision must submit a completed appeal form which sets forth:

- (1) Facts demonstrating that the person is adversely affected by the decision;
- (2) A concise statement identifying each alleged error and the manner in which the decision fails to satisfy the applicable decision criteria;
- (3) The specific relief requested; and
- (4) Any other information reasonably necessary to make a decision on the appeal.

(c) Time to Appeal. The written appeal and the appeal fee, if any, must be received by the Department of Planning and Community Development no later than 4:00 p.m. on the fourteenth day following the date of the notice of decision.

(d) Notice of Appeal. If a Type I or II decision is appealed, a hearing before the designated appeal body (as established in the table in Section [14.16B.115](#) or 14.16B.215) shall be set and notice of the hearing shall be mailed or emailed to the appellant, the applicant, and all parties of record by the applicable department director. Notice shall be mailed or emailed no less than 10 days prior to the appeal hearing, except that if the Type I or II decision has been consolidated with a recommendation on a Type III or IV application, any appeal of the Type I decision shall be consolidated with the Type III or IV public hearing. No separate notice of a Type I or II appeal needs to be provided if the public hearing has already been scheduled for the Type III or IV component of an application.

(e) Hearing Examiner.

(1) Public Hearing. The Hearing Examiner shall conduct an open record hearing on a Type I or II appeal. The appellant, the applicant, and the City shall be designated parties to the appeal. Each party may participate in the appeal hearing by presenting testimony or calling witnesses to present testimony. Interested persons, groups, associations, or other entities who have not appealed may participate only if called by one of the parties to present information or to present testimony on a consolidated Type III or IV application; provided, that the Examiner may allow nonparties to present relevant testimony if allowed under the Examiner rules of procedure.

(2) Decision on Appeal.

(i) Within 14 days after the close of the record for the Type I or II appeal, the Hearing Examiner shall issue a written decision to grant, grant with modifications, or deny the appeal. The Hearing Examiner may grant the appeal or grant the appeal with modification if:

- a. The appellant has carried the burden of proof; and
- b. The Examiner finds that the Type I or II decision is not supported by a preponderance of the evidence.

(ii) The Hearing Examiner shall accord substantial weight to the decision of the applicable department director.

(iii) Reconsideration Period. Any person who participated in the hearing may file a written request with the Hearing Examiner for reconsideration within 10 business days of the date of the Hearing Examiner's decision. The request shall explicitly set forth alleged errors of procedure or fact. The Hearing Examiner shall act within 14 days after the filing of the request for an appeal by denying the request, issuing a revised decision, or calling for an additional public hearing.

(f) Appeal of Hearing Examiner Decision on Appeal. A Hearing Examiner decision on a Type I or II appeal may be appealed to the Snohomish County Superior Court by filing a land use petition which meets the requirements set forth in Chapter [36.70C](#) RCW. The petition must be filed and served upon all necessary parties as set forth in State law and within the 21-day time period as set forth in RCW [36.70C.040](#). Requirements for fully exhausting City administrative appeal opportunities must be fulfilled.

(g) Time Period to Complete Appeal Process. In all cases, except where the parties to an appeal have agreed to an extended time period, the administrative appeal process generally shall be completed within 90 days from the date the original administrative appeal period closed. The administrative appeal process shall be deemed complete on the date of issuance of the Hearing Examiner's decision or the City Council's decision on the appeal.

(h) Shoreline Permit Appeals. An appeal of a shoreline exemption or shoreline substantial development permit shall be to the State Shoreline Hearings Board and shall be filed within 21 days of the receipt of the City's decision by the Department of Ecology, as set forth in RCW [90.58.180](#).

Section 16. Ch. 14.16B LSMC is hereby amended by amending LSMC 14.16B.720 to read as follows:

14.16B.720 Appeal of Type III Hearing Examiner Decisions.

(a) Except for shoreline conditional use or shoreline variance, which is appealed to the Shoreline Hearings Board as per Section (b) below(~~14.16B.710(i)~~), a Type III decision of the Hearing Examiner may be appealed to Snohomish County Superior Court by filing a land use petition which meets the requirements set forth in Chapter [36.70C](#) RCW. The petition must be filed and served upon all necessary parties, as set forth in State law and within the 21-day time period as set forth in RCW [36.70C.040](#). The appeal period shall commence upon the Hearing Examiner's final decision and not upon expiration of the reconsideration period.

(b) Shoreline Permit Appeals. An appeal of a shoreline conditional use permit or shoreline variance shall be to the State Shoreline Hearings Board and shall be filed within 21 days of the receipt of the City's decision by the Department of Ecology, as set forth in RCW [90.58.180](#).

Section 17. Ch. 14.16C LSMC is hereby amended by amending LSMC 14.16C.100 to read as follows:

14.16C.100 Shoreline Permits.

(a) This section describes the procedures and requirements for development within specified areas related to lakes, rivers, streams, wetlands, and floodplains, as required to implement the Shoreline Management Act, as amended, Chapter [90.58](#) RCW, and as consistent with Chapter [14.92](#).

(b) Permit Required. A substantial shoreline development permit is required for development that either materially interferes with the normal public use of the water or shorelines of the City or exceeds a total cost or fair market value of \$5,718(~~000~~), or \$10,000 for docks, and is located within the shorelines of the City as defined in Section [14.92.010](#) and RCW [90.58.030](#). The current shoreline areas are described below:

(1) Shoreline Areas. The shoreline areas are designated in the Shoreline Master Program and are generally described as:

(i) Lake Stevens, its underlying land, associated wetlands, and a line 200 feet landward at the line of ordinary high water (elevation 27 feet above sea level) plus the area within the one percent numerical probability floodplain (100-year floodplain) as defined by the best available data.

(ii) Catherine Creek for approximately one mile south of Hartford Drive NE, the confluence with ~~((Stevens Creek (-))~~the outflow from Lake Stevens~~((+))~~, where the mean annual flow is 20.0 cubic feet per second or more, and the territory between 200 feet on either side of the tops of the banks, plus associated wetlands and the area within the one percent probability floodplain (100-year floodplain) as defined by the best possible data.

(2) Adjacent Areas. Those parcels of land adjacent to the shoreline areas involving projects and developments that overlap into the shoreline areas.

(c) Exemptions. The following types of developments are exempt from the requirements of a shoreline substantial development permit but shall obtain a shoreline exemption under subsection (d)(1) of this section and comply with all other policies, plans, codes and regulations of the City and shall be consistent with the policy and intent of the Shoreline Management Act of 1971 and of this chapter and with the City's Shoreline Master Program:

(1) Normal maintenance or repair of existing structures or developments, including damage by accident, fire, or elements.

(2) Construction of the normal protective bulkhead common to single-family residences.

(3) Emergency construction necessary to protect property from damage from the elements.

(4) Construction or modification of navigational aids such as markers and anchor buoys.

(5) Construction by an owner, lessee or contract purchaser of a single-family residence for his own use or for the use of his family, which residence does not exceed a height of 35 feet above average grade level and which meets all requirements of the state agency or City government having jurisdiction, other than requirements imposed pursuant to Chapter 90.58 RCW and this title.

(6) Construction of a dock, including a community dock, designed for pleasure craft only, for the private noncommercial use of the owner, lessee, or contract purchaser of single- and multiple-family residences, when the fair market value of the dock does not exceed \$10,000, but if subsequent construction having a fair market value exceeding \$2,500 occurs within five years of completion of the prior construction, the subsequent construction shall be considered a substantial development for the purpose of this section.

(7) Operation, maintenance, or construction of canals, waterways, drains, reservoirs, or other facilities that now exist or are hereafter created or developed as a part of an irrigation system for the primary purpose of making use of system waters, including return flow and artificially stored ground water for the irrigation of lands.

(8) The marking of property lines or corners on State-owned lands, when such marking does not significantly interfere with normal public use of the surface of the water.

(9) Operation and maintenance of any system of dikes, ditches, drains, or other facilities existing on September 8, 1975, which were created, developed, or utilized primarily as a part of an agricultural drainage or diking system.

(10) Site exploration and investigation activities that are prerequisite to preparation of an application for development authorization under this chapter, if:

(i) The activity does not interfere with the normal public use of the surface waters;

(ii) The activity will have no significant adverse impact on the environment including, but not limited to, fish, wildlife, fish or wildlife habitat, water quality, and aesthetic values;

(iii) The activity does not involve the installation of a structure, and upon completion of the activity the vegetation and land configuration of the site are restored to conditions existing before the activity;

(iv) A private entity seeking development authorization under this section first posts a performance bond or provides other evidence of financial responsibility to the local jurisdiction to ensure that the site is restored to preexisting conditions; and

(v) The activity is not subject to the permit requirements of RCW [90.58.550](#).

(11) The process of removing or controlling an aquatic noxious weed, as defined in RCW [17.26.020](#), through the use of an herbicide or other treatment methods applicable to weed control that are recommended by a final environmental impact statement published by the Department of Agriculture or the Department jointly with other State agencies under Chapter [43.21C](#) RCW.

(d) Procedures.

(1) Applications for a shoreline exemption shall follow the procedures for a Type I review pursuant to Chapter [14.16B](#).

(2) Applications for a shoreline substantial development permit shall follow the procedures for a Type II review pursuant to Chapter [14.16B](#).

(3) Applications for a shoreline conditional use permit shall follow the procedures for a Type III review pursuant to Chapter [14.16B](#).

(4) Applications for a shoreline variance shall follow the procedures for a Type III review pursuant to Chapter [14.16B](#).

(5) Special Requirements. No final action or construction shall be taken until 21 days after notice of the final action taken by the City is filed with the Department of Ecology.

(e) Decision Criteria. All applications, including exemptions, shall comply with WAC [173-27-140](#).

(1) Shoreline Exemption. Types of developments outlined in subsection (c) of this section are exempt from the requirements of a shoreline substantial development permit but shall comply with all other policies, plans, codes and regulations of the City.

(2) Shoreline Substantial Development Permit. Shoreline substantial development permit applications shall be reviewed pursuant to WAC [173-27-150](#) and the following shoreline policies:

(i) A permit shall be granted only when the proposed development is consistent with the Lake Stevens Shoreline Master Program.

(ii) A permit shall be granted only when the proposed development is consistent with the policy of RCW [90.58.020](#).

(iii) Surface drilling for oil and gas is prohibited in the waters of Lake Stevens from on all lands within 1,000 feet landward from the ordinary high water mark.

(iv) A permit shall be denied if the proposed development is not consistent with the above enumerated policies.

(v) The granting of any shoreline development permit by the City shall be subject to the conditions imposed by the Shoreline Hearings Board.

(3) Shoreline Conditional Use Permit. Uses which are not classified or set forth in the Shoreline Master Program or use regulations may be allowed, provided the applicant can demonstrate that they meet the criteria outlined in WAC (~~(173-14-160)~~)173-27-160.

(4) Shoreline Variance. Relief may be granted from specific provisions of the Shoreline Master Program or shoreline use regulations, provided the applicant can demonstrate that the variance will meet the criteria outlined in WAC (~~(173-14-170)~~)173-27-170.

Section 18. Ch. 14.18 LSMC is hereby amended by amending LSMC 14.18.120 to read as follows:

14.18.120 Decision Criteria.

In order to approve a binding site plan, the Department must find that the newly created lots function and operate as one site and that the binding site plan and record of survey comply and are consistent with the following provisions as well as any other applicable regulations as determined by the Department:

- (a) Requirements of this part;
- (b) Requirements for noise control, Chapter [9.56](#);
- (c) Requirements for public or private roads, right-of-way establishment and permits, access, and other applicable road and traffic requirements;
- (d) Compliance with fire lane, emergency access, fire-rated construction, hydrants and fire flow, and other requirements of Chapter [14.84](#);
- (e) Compliance with applicable construction code requirements, Chapter [14.80](#);
- (f) Compliance with applicable use and development standard requirements of this title;
- (g) Compliance with applicable shoreline management code requirements of Chapter (~~(14.64)~~)[14.92](#) and/or flood hazard area requirements of Chapter (~~(14.92)~~)[14.64](#);
- (h) Compliance with environmental policies and procedures and critical areas regulations of Title [16](#) and Chapter [14.88](#);
- (i) Compliance with applicable drainage requirements of Chapter [14.64](#);
- (j) Compliance with applicable impact fee requirements;
- (k) Provisions for adequate sewer service, water supply and refuse disposal; and
- (l) Any other applicable provision of this title.

Section 19. Ch. 14.36 LSMC is hereby amended by amending LSMC 14.36.060 to read as follows:

14.36.060 Shoreline (~~(Management District)~~)Environment Designation.

The shoreline (~~(management district)~~)environment designation is hereby established as an “overlay” district, meaning that these districts are overlaid upon other districts and the land so encumbered may be used in a manner permitted in the underlying district only if and to the extent such use is also permitted in the applicable overlay district and a shoreline development permit has been granted, if necessary, pursuant to Chapter [14.92](#), where this district is further described.

Section 20. Ch. 14.36 LSMC is hereby amended by amending LSMC 14.36.200 to read as follows:

14.36.200 Compatibility of Zoning Districts with Land Use Plan Defined.

Table 14.36-I defines which zoning districts are compatible with which land use designations of the Land Use Plan of the Comprehensive Plan. Only those zones defined as compatible with a given land use designation may be applied to that land use designation when a rezone is considered.

Table 14.36-I: Land Use Designation/Zone Compatibility Matrix

Zone	Comprehensive Plan Land Use Designation*										
	LDR	MDR	HDR	WR	D/LC	SRC	MU	PBD	LI	GI	P/SP
Suburban Residential		X									
Waterfront Residential		X		X							
Urban Residential		X									
High Urban Residential		X									
Multi-Family Residential			X								
Neighborhood Commercial	X	X	X								
Local Business					X						
Central Business District					X						
Mixed Use							X				
Planned Business District								X			
Sub-Regional Commercial						X					
Light Industrial									X	X	
General Industrial										X	
Public/Semi-Public	X	X	X	X	X	X	X	X	X	X	X

Floodplain and Floodway District	X	X	X	X	X	X	X	X	X	X	X
Shoreline ((Management District))Environment Designation	X	X	X	X	X	X	X	X	X	X	X

- LDR = Low Density Residential
- MDR = Medium Density Residential
- HDR = High Density Residential
- WR = Waterfront Residential
- D/LC = Downtown/Local Commercial
- SRC = Sub-Regional Commercial
- MU = Mixed Use
- PBD = Planned Business District
- LI = Light Industrial
- GI = General Industrial
- P/SP = Public/Semi-Public

Section 21. Ch. 14.88 LSMC is hereby amended by amending LSMC 14.88.100 by deleting all definitions and amending the first paragraph to read follows:

14.88.100 Definitions.

~~((For the purposes of this chapter, the))~~ ~~((following))~~ definitions related to critical areas are included in Chapter 14.08 LSMC. ~~((shall apply))~~

Section 22. Ch. 14.92 LSMC is hereby amended by amending LSMC 14.92.010 by deleting all definitions and amending the first paragraph to read follows:

14.88.800 Classification.

Wetlands shall be classified as Category I, II, III, or IV using the Washington State Department of Ecology’s Wetland Rating System for Western Washington, Publication No. 04-06-025, or as amended hereafter. Wetland delineations shall be determined ~~((by using the Washington State Wetlands Identification and Delineation Manual, March 1997, or as amended hereafter))~~ in accordance with WAC 173-22-035.

- (a) Sources used to identify designated wetlands include, but are not limited to:
 - (1) United States Department of the Interior, Fish and Wildlife Service, National Wetlands Inventory.
 - (2) Areas identified as hydric soils, soils with significant soil inclusions and wet spots with the United States Department of Agriculture/Soil Conservation Service Soil Survey for Snohomish County.
 - (3) Washington State Department of Natural Resources, Geographic Information System, Hydrography and Soils Survey Layers.
 - (4) City of Lake Stevens Critical Areas Inventory Maps.
- (b) Category I Criteria.
 - (1) Wetlands that represent a unique or rare wetland type; or
 - (2) Are more sensitive to disturbance than most wetlands; or
 - (3) Are relatively undisturbed and contain ecological attributes that are impossible to replace within a human lifetime; or

- (4) Provide a high level of functions.
- (5) Category I wetlands include:
 - (i) Estuarine wetlands which are larger than one acre in size.
 - (ii) Natural heritage wetlands as identified by the Natural Heritage Program of the Natural Resources.
 - (iii) Bogs.
 - (iv) Mature and old-growth forested wetlands over one acre in area.
 - (v) Wetlands that score 70 or more points out of 100 using the Western Washington Rating System.
- (c) Category II Criteria.
 - (1) Category II wetlands are difficult though not impossible to replace and provide high levels of some functions.
 - (2) Category II wetlands include:
 - (i) Estuarine wetlands under one acre in area.
 - (ii) Wetlands that score between 51 and 69 points out of 100 on the Western Washington Rating System.
 - (d) Category III Criteria. Wetlands with a moderate level of functions and with rating system scores between 30 and 50 points out of 100.
 - (e) Category 4 Criteria. Wetlands with a low level of functions and with rating system scores less than 30 points out of 100.

Section 23. Ch. 14.92 LSMC is hereby amended by amending LSMC 14.92.010 by deleting all definitions and amending the first paragraph to read follows:

14.88.810 Determination of Boundary.

(a) The Planning and Community Development Director, relying on a field investigation supplied by an applicant and applying the wetland definition provided in this chapter, shall determine the location of the wetland boundary. Qualified professional and technical scientists shall perform wetland delineations as part of a wetland identification report (~~(using the Washington State Wetlands Identification and Delineation Manual, March 1997, or as amended hereafter)~~)in accordance with WAC 173-22-035. Criteria to be included in a required wetland identification report may be found in Section [14.88.275](#), Mitigation/Enhancement Plan Requirements. The applicant is required to show the location of the wetland boundary on a scaled drawing as a part of the permit application.

(b) When the applicant has provided a delineation of the wetland boundary, the Planning and Community Development Director shall verify the accuracy of, and may render adjustments to, the boundary delineation. In the event the adjusted boundary delineation is contested by the applicant, the Planning and Community Development Director shall, at the applicant's expense, obtain expert services to render a final delineation.

(c) The Planning and Community Development Director, when requested by the applicant, may waive the delineation of boundary requirement for the applicant and, in lieu of delineation by the applicant, perform the delineation. The Planning and Community Development Director shall consult with qualified professional scientists and technical experts or other experts as needed to perform the delineation. The applicant will be charged for the costs incurred. Where the Planning and Community Development Director performs a wetland delineation at the request of the applicant, such delineation shall be considered a final determination.

Section 24. Ch. 14.92 LSMC is hereby amended by amending LSMC 14.92.010 by deleting all definitions and amending the first paragraph to read follows:

14.92.010 Definitions.

Definitions contained in the Washington State Shoreline Management Act of 1971 shall apply to all terms and concepts used in this title; provided, that shoreline-related definitions contained in ~~((this))~~ Chapter 14.08 LSMC shall be applicable where not in conflict with the Washington State Shoreline Management Act of 1971.

Section 25. Ch. 14.92 LSMC is hereby amended by amending LSMC 14.92.020 to read as follows:

14.92.020 Administration.

(a) Map. Shorelines of the State located within Lake Stevens shall be designated on an official map to be kept in City Hall.

(b) Administration. The Planning Director as the Shoreline Administrator, is vested with the duty of administering the rules and regulations relating to shoreline management and may prepare and require the use of such forms as are essential to such administration.

(c) Compliance with Other Laws. Nothing in this title shall be construed as excusing a developer from compliance with any other local, State, or Federal statute, ordinance or regulation applicable to a proposed development.

(d) Enforcement and Penalty. The Lake Stevens City Attorney shall bring such criminal injunctive, declaratory, or other actions as are necessary to ensure that no uses are made of the shorelines of the City located within the City in conflict with provisions, policy, or intent of this chapter or the Shoreline Management Act of 1971. Procedures for enforcement action and penalties shall be as specified in WAC 173-27-240 through 173-27-310.

~~((e) Penalty. In addition to whatever civil liabilities may be incurred, any person found to have willfully engaged in activities on the shorelines of the State in violation of the provisions of this chapter or of the master program, rules or regulations adopted, shall be guilty of a misdemeanor, and shall be punished by a fine of not less than \$1,000 or by imprisonment for not more than 90 days, or by both such fine and imprisonment; provided, that the third and all subsequent violations in any five year period shall be a gross misdemeanor punishable by a fine of up to \$5,000 or imprisonment of up to one year, or by both such a fine and imprisonment.))~~

Section 26. Ch. 14.92 LSMC is hereby amended by amending LSMC 14.92.050 to read as follows:

14.92.050 Supplemental Application Requirements for a Shoreline Development Permit.

In addition to the application requirements of the specified submittal checklist, any person applying for a shoreline substantial development permit, shoreline conditional use permit, or shoreline variance shall submit with their ~~((master permit))~~ land use development application the following information:

(a) The name, ~~((and--))~~ address and phone number of the applicant, applicant's representative and property owner;

(b) The location and legal description of the proposed shoreline substantial development;

(c) Name of the shoreline (water body) associated with proposal;~~((The present use of the property.))~~

(d) A general description of the vicinity of the project (at least 400 feet) including adjacent uses, structures and improvements, intensity of development and physical characteristics~~((The general description of the property and the improvements));~~

(e) The present and intended use of the property and a~~((A))~~ description of the proposed shoreline substantial development project, including proposed use(s) and activities necessary to accomplish the project~~((and the intended use of the property)).~~

(f) A site development plan consisting of maps and elevation drawings, drawn to an appropriate scale to depict clearly all required information, and including photos or text, as required. The following information will be provided on a site plan map:

(1) Land contours, using five foot contour intervals; if project includes grading, filling or other alteration of contours, then either:

(i) Show both existing and proposed contours on a single map, clearly indicating which is which, and include subsections ~~((e))~~f(2) through ~~(13))~~(13)) of this section; or

(ii) Provide two or more maps, one showing existing contours, including subsection ~~((e))~~f(2) through ~~((5))~~6 of this section, and the others showing proposed contours, including subsections ~~((e))~~f~~((6))~~7 through ~~(13))~~(13)) of this section;

(2) Dimensions, including height, ~~((S))~~size and location of ~~((existing))~~existing and proposed structures and improvements, including but not limited to buildings, paved or gravel areas, roads, utilities, septic tanks and drainfields, material stockpiles or surcharge, and stormwater management facilities~~((which will be retained));~~

(3) Ordinary high water mark~~((Existing utilities));~~

(4) Beach type: sand, mud, gravel, etc.~~((Ordinary highwater mark));~~

(5) ~~((Beach type: sand, mud, gravel, etc.;~~

~~(6) Size and location of proposed structures;~~

~~(7) Maximum height of proposed structures;~~

~~(8) Width of setback, side yards;~~

(6) Delineate all critical areas including lakes, streams and wetland areas and their buffers and identify those to be altered or used as part of development;

(7) General indication of character of vegetation found on the site;

~~(8))~~(9)) Proposed temporary and permanent fill areas (state quantity, source and composition~~((; state type, amount and treatment))~~ of fill);

(9) Proposed excavated or dredged areas (state quantity, composition and destination of material);

(10) A landscaping plan for the project, if applicable~~((Proposed utilities));~~

(11) Plans for mitigation on or off the site for impacts associated with project, if applicable;

(12) A depiction of impacts to views from existing residential uses and public areas, where applicable; and

(13) For variances, clearly show on plans where development could occur without approval of variance, the physical features and circumstances on the property that provide a basis for request and location of adjacent structures and uses.

~~((f) Vicinity plan, indicating relation of site to adjacent lands. Show adjacent lands for at least 400 feet in all directions from the project site, and owner of record within 300 feet of project site;))~~

(g) Total value of all construction and finishing work for which the permit will be issued, including all permanent equipment to be installed on the premises;

(h) Approximate dates of construction initiation and completion;

(i) Short statement explaining why this project needs a shoreline location and how the proposed development is consistent with the policies of the Shoreline Management Act of 1971;

(j) Listing of any other permits for this project from State, Federal or local government agencies for which the applicant has applied or will apply;

(k) Any additional material or comments concerning the application which the applicant wishes to submit may be attached to the application on additional sheets; and

(l) Property owners of record within 300 feet of project site in electronic table format.

Section 27. Ch. 14.92 LSMC is hereby amended by amending LSMC 14.92.060 to read as follows:

14.92.060 Fees.

The fees for each proposed shoreline exemption, shoreline substantial development, shoreline conditional use, or shoreline variance permit shall be set by resolution.

Section 28. Ch. 14.92 LSMC is hereby amended by amending LSMC 14.92.070 to read as follows:

14.92.070 Processing Requirements.

(a) Shoreline substantial development permits shall be processed as a Type II review, and shoreline conditional use permits and shoreline variances shall be processed as a Type III review, pursuant to Chapters 14.16A and 14.16B, conforming to the requirements of RCW 90.58.140(4).

(b) Each permit issued shall include a provision that construction pursuant to the permit shall not begin and is not authorized until 21 days from date of filing as defined in RCW 90.58.140(6) and WAC 173-27-130, or until all review proceedings initiated within 21 days from date of filing have been terminated, except as provided in RCW 90.58.140(5)(a) and (b).

(c) The Washington Department of Ecology shall review the permit submitted by the City and approve, approve with conditions or disapprove permit within 30 days of the date of submittal by City. (WAC 173-27-200(1))

Section 29. Ch. 14.92 LSMC is hereby amended by amending LSMC 14.92.100 to read as follows:

14.92.100 Duties of Hearing Examiner.

The Hearing Examiner shall consider the proposed substantial development based on information from: the application; written comments from interested persons; the advice of the various City departments; independent study of the Hearing Examiner; and views expressed by the public. The Hearing Examiner may request an applicant furnish information concerning a proposed substantial development in addition to information required in an application. The Hearing Examiner shall formulate findings of fact and a decision, based on the ~~((policies))~~decision criteria enumerated in Section 14.16C.100(e). The Hearing Examiner shall transmit its recommendations in writing, together with a statement setting forth the factors considered, and an analysis of the findings considered by him to be controlling, to the Shoreline Hearings Board within 14 days following the Hearing Examiner meeting.

Section 30. Ch. 14.92 LSMC is hereby amended by amending LSMC 14.92.120 to read as follows:

14.92.120 Effective Date of Permit.

No person shall begin substantial development of any part of the shorelines of the state located within the City of Lake Stevens for at least 21 days pursuant to Section 14.92.070(b). ~~((until 30 days after being granted a shoreline development permit pursuant to the provisions of this chapter or until all review proceedings initiated within such 30-day period are terminated.))~~

Section 31. Ch. 14.92 LSMC is hereby amended by amending LSMC 14.92.130 to read as follows:

14.92.130 Variances and Conditional Uses.

The City's shoreline master program shall contain provisions to allow for the varying of the application of use regulations of the program, including provisions for permits for conditional uses and variances to insure that strict implementation of the shoreline master program will not create unnecessary hardships or thwart the policy enumerated in this chapter or in Section 2 of the Shoreline Management Act of 1971 (RCW 90.58.020). Any such varying shall be allowed only if extraordinary circumstances are shown and the public interest suffers no substantial detrimental effect.

Section 32. Ch. 14.92 LSMC is hereby amended by amending LSMC 14.92.140 to read as follows:

14.92.140 Appeals.

Any person aggrieved by the granting, denying or rescinding of a ~~s((S))horeline((Development))~~ permit may seek review by filing a request for review with the Shoreline Hearings Board, the Department of Ecology, and the Attorney General within ~~((30))~~21 days of receipt of the decision pursuant to WAC 461-08-340~~((final order))~~. The City may appeal to the Shorelines Hearing Board any rules, regulations, guidelines, designations, or master programs for shorelines of the state adopted or approved by the Department of Ecology within 30 days of the date of adoption or approval.

Section 33. Ch. 14.92 LSMC is hereby amended by amending LSMC 14.92.150 to read as follows:

14.92.150 Modification or Rescission of Permit.

The Hearing Examiner shall retain continuing jurisdiction over permits which it issues. It may modify or rescind any shoreline development permit if it finds that a permittee has not complied with the conditions of a permit. The Hearing Examiner shall hold a public hearing and make findings of fact relating to a permit in question before it may take action to modify or rescind the permit.

Section 34. Ch. 14.92 LSMC is hereby amended by amending LSMC 14.92.160 to read as follows:

14.92.160 Permit Expiration and Extension.

Shoreline permits are valid for five years. A shoreline ((development))permit shall become void two years from the date of its issuance ((by Hearing Examiner))when substantial work on the authorized shoreline development has not been initiated within that time period. However, and consistent with RCW 90.58.143(2), the City may authorize a single extension for a period not to exceed one year based on reasonable factors, if a request for extension has been filed before the expiration or void date and notice of the proposed extension is given to parties of record on the shoreline permit and to the Department of Ecology.

Section 35. 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 36. 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 five days after the date of publication.

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

Vern Little, Mayor

ATTEST/AUTHENTICATION:

Norma J. Scott, City Clerk/Admin Asst

APPROVED AS TO FORM:

Grant K. Weed, City Attorney

First Reading:
Second Reading:
Final Reading:
Published:
Effective Date:

From: [Burcar, Joe \(ECY\)](#)
To: [Karen E. Watkins](#); Jamie.Bails@dfw.wa.gov
Cc: [Anderson, Paul \(ECY NWRO SEA\)](#)
Subject: Pier-Dock comment - City of Lake Stevens draft SMP
Date: Wednesday, April 20, 2011 4:33:23 PM

Hi Karen,

I have finally made it through the revisions to the SMP and just need to touch base with Paul on the wetland amendments. I have responded/confirmed to all the City's responses under the previous "Non-Compliant" sections of the SMP-Checklist. I will get you a copy of this checklist after checking in with Paul. In the mean time, I wanted to forward to you and Jamie Bails (WDFW) my comments related to the Pier/Dock width exceptions in the current draft. I am anticipating that this will be the only unresolved (i.e. "non-compliant) issue in the updated SMP. As I mentioned to you, I have been in contact with WDFW (Jamie Bails) and have requested that they provide the City with comments related to the pier/dock provision. I have attempted to describe a SMA policy basis for removal of the Pier/Dock width exceptions, but will defer to WDFW for (technical) fisheries specific comment on the SMP provisions. I have also noted (below), a recommendation from the City's Inventory/Characterization to coordinate with WDFW on Pier/Dock standards to ensure consistency with WDFW restoration/protection priorities.

Here is our (Ecology's) comment related to Pier/Dock standards within the current draft SMP. This comment is the same language that you will see in the SMP-Checklist:

(Ecology 4/2011) "Exceptions" (4.C.3.c.21.b. [width] i.a.1) and 2) appear to allow the width of private overwater structure to be increased to 6-feet or 8-feet in width within the "nearshore" (first 30-feet seaward of the OHWM) for linear or entirely grated docks, or if an applicant agrees to plant two "significant trees" along their shoreline as mitigation for the increased dock width. It is not clear how the City would justify this exception as the need for the additional pier/dock width is not described. Piers/Docks are described within the City's SMP as necessary to provide "moorage" and access to water-dependent uses. 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, of that is not possible, to minimize and mitigate the impacts to ecological functions"* (Ecology, 2011). Ecology has allowed other jurisdictions to incorporate limited (defined) administrative flexibility to Pier/Dock dimensional standards to accommodate disability (ADA) needs. However, based on a 2003 U.S Access Board publication titled "Accessible Boating Facilities", pier/dock with should be 5-feet to accommodated ADA access. Therefore, the City's undefined need for additional pier/dock width is not justified. Further, additional pier/dock width within "nearshore" areas is not consistent with **Protection of Ecological Functions** (WAC 173-26-201-2-c) or **Environmental Mitigation** (Mitigation Sequencing) requirements from the SMP Guidelines under WAC 173-26-201 (2) (e). Mitigation Sequencing requires that Master programs first avoid impacts, then for those impacts that cannot be avoided, jurisdictions are to minimize impacts, finally remaining impacts which could not be avoided, or minimized, can be mitigate as the third step in the sequence (Ecology, 2011). As noted within the City's Shoreline Inventory/Characterization Report (Watershed & Makers, 2010a), the City's Cumulative Impact Assessment (Watershed & Makers, 2010b) and the Snohomish Basin Salmon

Conservation Plan (SBSRF, 2005) existing habitat should be protected or restored through reduction of overwater cover and in-water structure. The Shoreline Inventory/Characterization Report (Watershed & Makers, 2010a; 47) recommends that SMP Pier/Dock standards provide clear **“replacement”** and **“repair”** definitions and standards consistent with the SMP-Guideline section WAC 173-26-231-3b(below) 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. The City’s Cumulative Impact Assessment (Watershed & Makers, 2010b) cites adverse affects to shoreline ecological functions associated with Pier/Dock construction and concludes that the SMP will satisfy No Net Loss of Ecological Functions based on the assumption that ecological improvements (grating, reduction of overwater and in-water structure) from replacement docks, will in the long-term offset increased overwater coverage resulting from new docks. Finally, Ecology is not aware of any formal coordination between the City and WDFW related to pier/dock standards or mitigation priorities. Based on the information provided within the City’s supporting analysis (Inventory/Characterization, Cumulative Impact Assessment), it appears that the nearshore area (30-feet waterward of OHWM) is characterized as providing important habitat, for which impacts associated with additional overwater structure should be avoided as a top priority. Unless other minimization or mitigation provisions (such as vegetation enhancement) are clearly preferred by WDFW or justified through additional supporting analysis, pier/dock width should minimized to only exceed 4-feet (and no greater than 6-feet) when justified to accommodate ADA access needs.

Relevant provisions from WAC 173-26-231(3.(b): “Pier and dock construction shall be restricted to the minimum size necessary to meet the needs of the proposed water-dependent use.”...”Piers and docks, including those accessory to single-family residences, shall be designed and constructed to avoid or, if that is not possible, to minimize and mitigate the impacts to ecological functions, critical areas resources such as eelgrass beds and fish habitats and processes such as currents and littoral drift. See WAC [173-26-221](#) (2)(c)(iii) and (iv). Master programs should require that structures be made of materials that have been approved by applicable state agencies.”

REFERENCES:

- Watershed & Makers 2010a, 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 2010b, The Watershed Company and Makers. December 2010. 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.
- Ecology, 2011. Department of Ecology 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

Comparison of Single-Family Docks in Freshwater Allowed in SMPs

City/County	Length	Width	Area	Decking	Miscellaneous
Lake Stevens	200 ft	6 ft 4 ft first 30 ft Ells/floats 6 ft Fingers 2 ft	N/A	Grating in first 30 ft	
Bellevue	120 ft	4 ft first 30 ft	480 sq.ft.	100% grating	Replacement requires 25% reduction in walkway width to min of 4 ft
Bothell	30 ft				
Chelan	55 ft	4 ft SFR 8 ft Community	320 sq.ft.	½ between planks – lake; 100% grating on river docks	
Everett	25 ft	6 ft			
King County	80 ft Ells 26 ft Fingers 20 ft	4 ft Ells 6 ft Fingers 2 ft No Ells/Fingers last 26ft section 6 ft Max 4 ft in first 30 ft & 6 ft walkways	600 sq.ft. including canopies	Fully grated or other material allowing min of 50% light transmittance	
Kirkland	150 ft Ells 26 ft Fingers 20 ft	4 ft Ells 6 ft Fingers 2 ft No Ells/Fingers last 26ft section 6 ft Max 4 ft in first 30 ft & 6 ft walkways	480 sq.ft.	Fully grated or materials allow min 40% light penetration	
Lake Forest Park	120 ft Ells 26 ft	4 ft Ells 6 ft Fingers 2 ft	480 sq.ft.		Mitigation of native riparian vegetation for all new docks; replacement meet new docks OR change design with 4ft width first 30 ft or 6 ft; Ells 8 ft; no ell/fingers last 26 ft can be 8 ft width
Mercer Island			1,000 sq.ft.		
Redmond	80 ft	6 ft	480 sq.ft.	50% light passage	
Sammamish	80 ft	Up to 50% lot width	600 sq.ft.		
Snohomish County	80 ft	6 ft Joint Use 8 ft			45% light passage
U.S. Army Corps	120 ft Ells 20 ft	4 ft Ells 6 ft	480 sq.ft.	60% grating 2 ft down middle	
Whatcom County	40 ft	4 ft		Materials to allow light penetration	

**Critical Areas Regulations for Shoreline Jurisdiction
Revisions to Chapter 14.88 LSMC**

1. In general, the Critical Areas Regulations in Chapter 14.88 of the Lake Stevens Municipal Code are used for critical areas in shoreline jurisdiction (Appendix B of the Shoreline Master Program. There are a few sections that cannot be used in shorelines and some changes requested by Ecology. These are described below.
2. The following sections of Chapter 14.88 LSMC are not allowed under the Shoreline Management Act and were not included in Appendix B of the Shoreline Master Program:
 - a. 14.88.230 Compliance
 - b. 14.88.235 Best Available Science
 - c. 14.88.250 Procedures
 - d. 14.88.310 Demonstration of Denial of All Reasonable Economic Use
 - e. 14.88.320 Allowance of Regulated Use in a Critical Area Where Denial of All Economic Use is Demonstrated
 - f. 14.88.330 Nonconforming Activities
 - g. 14.88.415 Species/Habitats of Local Importance
3. The following are general changes to Chapter 14.88 LSMC for the SMP critical areas appendix:
 - a. Referencing the critical areas regulations are for areas within shoreline jurisdiction
 - b. Referencing state shoreline codes
 - c. Decisions are by Shoreline Administrator rather than Planning and Community Development Director, although they are currently one and the same.
4. The following are specific changes to Chapter 14.88 LSMC for the SMP critical areas appendix (citations are for Appendix B of the SMP):
 - a. Section 1.A(a) includes two additional steps in avoiding and minimizing impacts: (3) in rectifying impact with repair, rehabilitation or restoration and (6) Monitoring impact and projects and take corrective actions if necessary.
 - b. Section 2.B ensuring no net loss of critical area and functions and adding to regulated activities consistent with state regulations (discharges of stormwater and domestic, commercial or industrial

- wastewater; duration of inundation during flooding; other uses or development resulting in a significant ecological impact to wetlands, lakes or streams; activities reducing the functions of buffers.
- c. Section 2.C referencing no net loss and that a Hydraulic Project Approval may be required before activity in the critical area. Also, emergency activities are for immediate risk of damage to a primary structure, not just private property. Section 2.D defines critical areas for shorelines as fish and wildlife conservation areas, frequently flooded areas, geologically hazardous areas and associated wetlands.
 - d. Section 2.E submittal requirements are per Chapter 7 of the SMP and no submittal requirements may be waived.
 - e. Section 2.G added avoiding the impact altogether as first option.
 - f. Section 2.H added the five years for monitoring is for emergent communities and ten years for scrub-shrub and forested communities.
 - g. Section 2.N added mitigation sites to streams and wetlands.
 - h. Section 2.P innovative development design may be requested under a shoreline variance process.
 - i. Section 3.D(e) buffering averaging is not allowed in shoreline areas.
 - j. Section 5.C added two new allowed activities: (c) no new development or lots that would cause risk from geological conditions or (d) no new development requiring structural shoreline stabilization unless no alternative location and still results in no net loss of ecological functions.
 - k. Section 5.F allows alterations requested through a shoreline variance process.
 - l. Section 6.A wetland classifications do not include estuarine wetlands (which there are none in Lake Stevens) and change reference for wetland delineations to be in accordance with the WAC.
 - m. Section 6.B was modified to reference the federal wetland delineation manual rather than the Washington State manual for consistency with the change in State regulations.
 - n. Section 6.D added note that the larger buffer is required to meet no net loss of habitat function and requires the shoreline variance process be used for wetland buffer width averaging, and that averaging ensures no net loss of habitat function.
 - o. Section 6.E requires mitigation as close to existing wetland as possible and a watershed plan be submitted if off-site mitigation is proposed. Also, changes in wetland replacement rations requires a shoreline variance.

5. The most significant change to Chapter 14.88 LSMC is the increase in wetland buffers in Section 6.D, which only regulates those wetlands within shoreline jurisdiction and will not affect other wetlands throughout the City. City Staff and Consultants negotiated with Ecology, but Ecology stood firm to meet the requirements of their Small Cities Study.

Table 6-1

Category	Sub-Category	HS 30-36	HS 21-29	HS <21
I	(High)Based on Total Score	(190)225	(95)165	(65)105
	(Low)Bogs Forested	(125)225 225	(65)N/A 165	(45)N/A 105
II	(High) (Low)	(190)225 (125)	(95)165 (65)	(65)105 (45)
III	(High) (Low)	N/A	(95)165 (65)	(50)105 (35)
IV	(High) (Low)	N/A	N/A	(35)40 (20)

CONFIDENTIAL FAX

To: Attn: Jenny

From: Angela Larsh
Company: Urban Concepts, LLC
Fax Number: 12062016311

MESSAGE

Jenny, Please distribute this letter to the Council members. Thank you.

Date: 2011-04-14
00 01 00



April 8, 2011

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

RE: Shoreline Management Master Program Update

Dear Councilmembers:

Please accept this letter as formal comment on the amendments being considered for the city of Lake Stevens's Shoreline Management Master Program. We have reviewed the draft language being considered, as well as, updated Shoreline Plans from other jurisdictions that have been recently accepted by the State Department of Ecology. Based upon these reviews we have the following comments and concerns:

First and foremost, this Shoreline Management Master Program update is intended to be a local process; a local vision of how the city of Lake Stevens wishes to plan for its shoreline use and protection. The state's role in this process is merely to ensure that the end result is consistent with state adopted guidelines. As you will see in the paragraphs below, each jurisdiction has some latitude within which to define it's goals and objectives for shoreline use, growth and preservation. One of the overarching guidelines prescribed by the state is that each jurisdiction needs to define, for itself, "no net loss of ecological function". This language should be carefully considered with reflection on the way the city wants to utilize and preserve its shoreline areas. We also ask that the city consider whether or not it has been adequately shown that the existing land and shoreline use pattern is negatively affecting the fisheries, aquatic life and wildlife around Lake Stevens.

Ultimately, the language adopted in this program update will determine how the future of Lake Stevens's shoreline environments will be experienced. How this language is administered is critical to achieving the vision prescribed by the Planning Commission and City Council.

We have focused our comments on a few key items as they relate to shoreline use. Specifically, we are concerned about provisions affecting docks and piers, bulkheads, setbacks, non-conforming uses and public access.

Before moving on to the specific land use topics, it is important to point out a substantial change in traditional definitions of basic code language. In the case of the SMP updates, the word "should" has been defined to mean "required". Traditionally, words such as "should" and "may" were discretionary in nature. "Shall", "will", "required" were reserved for obligatory items. When the Council is reading through these proposed amendments, it is important to note that things you might have previously considered to be "optional" are now hard and fast requirements. We would recommend revisiting the language on many of the requirements to evaluate whether or not it is the intention of the City to require such a high standard in every case.

Docks/Piers:

3.c.21.: Neither of the cities of Renton or Redmond's plans include the requirement for a "grated" surface on decking materials for docks and piers. They allow for alternative materials that will provide a minimum of 50% light passage. Consider allowing other options rather than a narrowly defined construction standard. The use of the term "grated surface" leads most people to believe that the materials that must be used is some form of metal grating. This is not the intention of the state guidelines. The intention is to allow light penetration to the waters below, without limiting construction material choice in such a narrowly defined way. Broad allowance of material types, as long as they can be shown that they do not adversely affect water quality, aquatic plants and animals over the long term, meets the intentions of the state guidelines.

3.c.21.: The city of Redmond does not require dock widths to be reduced for the first 30' as is proposed in Lake Stevens. Redmond's plan has been accepted and approved by the DOE. Instead, Redmond identifies a maximum "water surface coverage" ranging from 20-25% of the water area as defined by specified "water lot boundaries". Consider an alternative such as this. Redmond allows piers and docks up to 6 feet in width. Floats can be up to 10' in width. There are no "grating" or "planting" provisions required by Redmond (or the DOE) in order to obtain the 6 foot width.

3.c.21: The requirement to plant trees a minimum of 15 feet in height is onerous, at best. This is an extremely expensive tree to obtain. It is unduly difficult to move and place a tree of that size, and it can be argued that the impact to the shoreline caused in the digging of an adequately sized hole, using large equipment to locate the tree is disproportionate to the benefits of such a large specimen. Consider requiring evergreens approximately 5-6 feet in height at the time of planting.

3.c.3.: We would like to suggest that language be added to this section relating to repair, maintenance or replacement of existing features that might not comply with the dimensional standards of this updated master program. In a case where a property owner proposed to replace a section of a seven foot wide dock, it could be found that this section would apply and that a formal variance process might be required. The city's intention is not clearly stated with the proposed language.

3.c.7.: It appears that the intention of this language is to require that fingers and ells be located a minimum of 30 feet waterward of the OHWM. The second sentence in this section clearly states that. The first sentence does not add any value to that requirement and only serves to raise questions and inserts ambiguity into the regulation. Are handrails on piers allowed within 30 feet of the OHWM? Does the first sentence restrict construction to only piers and ramps landward or waterward of the OHWM? We respectfully recommend eliminating this first sentence.

3.c.12.: Is it the intention of the city to require that applicants be required to provide a lighting report or study to show how the proposed lighting meets the maximum

requirement of "no more than 1 foot candle measured 10 feet from the source"? Other jurisdictions have received approval from the DOE without including such a specific standard.

3.c.18.: In order for a property owner to construct a new private dock, the language proposed requires them to "demonstrate a need for moorage". What evidence must a property owner provide to meet this standard?

3.c.22.: Consider adding language that allows existing private pier or dock to be "replaced up to 100% of the size (square footage and dimension) of the existing pier or dock".

3.c.23.: Consider allowing the expansion of a non-conforming pier or dock subject to a Shoreline Conditional Use Permit. There might be cases where an applicant can modify a non-conforming dock in a manner that reduces its impact and might warrant allowing an expansion. These situations can be reviewed on a case-by-case basis and will receive a thorough environmental review.

3.c.28.: This section would require any property that currently includes two or more legal piers or docks greater than 6 feet in width to entirely remove one if ANY pier support piles need to be replaced. This seems like an extremely inflexible standard, for existing legal shoreline uses.

Helipads are specifically allowed in the Single Family Residential shoreline environments in Renton. Renton has generous provisions for "existing non water-dependent uses" including the ability to retain and expand under certain terms and criteria.

Bulkheads:

Redmond allows shoreline protective structures to be built or replaced if the fair market value of the structure to be protected is equal to or exceeds the construction costs of the shoreline protective measure. This approach provides a clearly defined standard that must be met in order to satisfy the regulations.

The language, as proposed within Lake Steven's plan, requires an applicant wishing to construct a bulkhead on their property must first prove that no other structural or non-structural method is "feasible". This is a very high bar to achieve. Other jurisdictions have approved Shoreline plans that do not require an applicant to show that no other solution is possible in order to build a bulkhead on their property, they must provide scientific evidence that "no practicable alternative exists" or that other structural and/or non-structural options are insufficient to protect the primary structures.

In the case of Lake Steven's, where over 80% of the properties fronting the lake currently have a bulkhead in place, this nearly impossible standard just doesn't seem to make sense. We suggest that the Commission consider more incentive driven language, relating to construction and replacement of bulkheads. If property owners are given reduced building setbacks for inclusion of softer shoreline stabilization techniques, it is likely that many would choose that route.

Consider allowing an applicant to provide a biological inventory to support a new bulkhead, even if the geotechnical criteria cannot be met. If an applicant can prove, through scientific evidence, that a proposed bulkhead will not adversely affect fisheries, aquatic life and wildlife, then it should be considered for approval. Fundamentally, the state guideline merely requires no net loss of function and values. If this can be shown by a property owner then the project should be allowed to go forward.

As we have stated before, one of the fundamental parameters of this shoreline amendment process, as outlined by the state, is to maintain No Net Loss to the shoreline environment. With this being the focus, it is hard to understand why the city would not elect to allow existing bulkheads to be replaced by a new bulkhead built directly adjacent to the existing one. This work, appropriately constructed, is unlikely to result in any net loss of function to the shoreline ecosystem. Consider allowing such replacements to occur on this basis.

Setbacks and Land Use:

5.c.8.b.1: The definition of "should" within this proposed ordinance means "shall"; therefore, this section prohibits all residential development within critical areas without benefit of any kind of reasonable use process. This provision could result in the city facing situations of takings of private property rights. Consider alternative language and/or the inclusion of a reasonable use allowance.

Redmond has a 35' residential setback from lakes and 60% lot coverage allowance. Consider allowing a reduced building setback in situations where an applicant is willing to make shoreline improvements that provide a net increase and/or mitigates its impact upon function and value to fisheries, aquatic life and wildlife.

5.c.8.c.2: This would prohibit a property owner from having a patio within 60 feet of the OHWM. Specifically, it would prohibit an existing homeowner from converting an existing lawn or graveled patio to concrete if it is within 60 feet of the OHWM. Consider language that allows for some kind of mitigation in exchange for work within the 60 foot.

What percentage of existing homes on Lake Stevens are currently located a minimum of 60 feet from the OHWM? How many non-conforming uses are created by this setback requirement?

The city of Renton has building setbacks ranging from 25-45 depending upon the lot depth. And a vegetated buffer of 10-20 also depending upon the depth of the lot. They also make provisions to allow a property to make improvements to the site that will reduce the setback to a minimum of 25 feet. Buffer width averaging is also allowed. Consider adding provisions such as these.

Non-conforming Uses:

It is clear from the City's Inventory Analysis and Cumulative Impacts Analysis that over 80% of the existing shoreline along Lake Stevens is currently developed. This is an important factor to consider when updating the Master Program and increasing the standards to which development must comply. Consider an analysis of the existing land and shoreline

uses to determine what percentage of existing shoreline development will become "Non-conforming" under the proposed plans. With such a significant percentage of properties that may be affected by the nonconforming standards, it is our recommendation that greater attention be given to this particular section.

Neither Renton nor Redmond include "legally permitted/conforming" language in their updates. This kind of language creates all kinds of difficulties in determining a process or clear standard to "prove" something was legally permitted. The existing language requires that if an existing nonconforming use is "moved any distance", it must meet all the current SMP provisions.

In the case of a dock/pier, for example, if in the normal maintenance and repair of that structure, you need to install a new pile directly adjacent to an existing pile in order to replace it, it could be interpreted to require that the entire dock/pier now come into full SMP compliance.

Renton specifically exempts normal maintenance and repair from the requirements of a Shoreline Substantial Development Permit. They go further, even to specifically permit the continued use of existing shoreline structures and activities. "E. Continuation of Use: The continuation of existing use and activities does not require prior review or approval."

Public Access:

Public access has not been required by either the city of Renton or the city of Redmond for projects creating fewer than 10 new residential units. This differs from the city's proposal to require some form of public access for any project creating three or more residential units (7.b.1.a)

The regulations allowing mitigation payments in lieu of public access do not define an amount or how that will be determined and by whom. It is my understanding that the only legal mechanism for governments to collect mitigation fee payments is when they have a capital facilities plan that specifically identifies a project and cost for which the mitigation fee is to be collected and assigned. Does the city have a capital facilities plan for public access to shoreline environments? (7.c.3.)

The language contained within regulation number (7.c.4.) is vague and extremely subjective. There is no standard to which this regulation can be applied. "Shoreline substantial development...shall minimize impact to public views of shoreline waterbodies from public land or substantial numbers of residences." What constitutes "minimized" impact? How many is a "substantial number" of residences? "Shall minimize" is obligatory language that can not be quantified.

Do public access sites have to be connected to public streets or rights-of-way via public easement or via public rights-of-way? (7.c.6.) Can the lands associated with these public access areas still be used in the determination of lot/unit yield within a development? The city should consider allowing the areas set aside for public access to be used in a lot size

averaging calculation. This would encourage developers to set aside the best and most useful areas for public access without "losing" lot yields in the process.

There is no definition of the "minimum width of public access easements. This needs to be clearly defined. (7.c.9.)

As you can see, we have carefully reviewed and considered the changes proposed by the city. We ask that you now consider our comments and suggestions. We believe that these modifications can provide a final regulation that includes both rewards and incentives for responsible shoreline development. Thank you for your time and consideration.

Sincerely,



Angela Larsh,
Principal Planner

Cc: Rich Mietzner



April 12, 2011

Robinett Development Company, LLC
Attn: Mr. Martin Robinett
3601 Colby Avenue
Everett, WA 98201

RE: Marysville Highlands - PFN 03-108391SD

Dear Mr. Robinett:

As you have requested, I have evaluated the above referenced project in order to establish a "punch list" of items remaining to be completed in order to record the plat.

As-builts have not yet been submitted, however, I have an appointment to submit them for first review on April 13, 2011.

First review of the final plat has been completed, a package was submitted on 2/16/10 for second review. Unfortunately, it appears that this package was mistakenly not routed for an actual review, by Snohomish County. There is no record that it actually was reviewed, at all.

Outstanding requirements include:
CCR's. Including proof of ownership if it has changed.
Updated Plat Name Reservation.
Updated Title Report.
Acceptance by Snohomish County PUD No. 1 for electric.
Fees: Signing fees, traffic mitigation, Biologist Review fees, bonding fees.

This is the complete list, as it was identified to me by the County. I hope this is helpful to you. Also, please note that if this project is accepted by Council for recordation no later than the May 25, 2011 public hearing, then taxes due prior to recording will be limited to the 2011 tax year. Recordation later than May 2011 will require payment of taxes into 2012, as required by state law.

Sincerely,

A handwritten signature in cursive script, appearing to read "Angela Larsh".

Angela Larsh,
Principal Planner



LAKE STEVENS PLANNING COMMISSION
STAFF REPORT

Agenda Date: May 18, 2011

Subject: Lake Stevens Shoreline Master Program Update – Continued Public Hearing (LS2009-11)

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

RECOMMENDATION(S)/ACTION REQUESTED OF PLANNING COMMISSION: Continue the May 4, 2011 public hearing on the Final Draft Shoreline Master Program (SMP) documents on May 18, 2011 and make a recommendation to the City Council on whether the documents should be adopted.

PLEASE BRING THE MAY 4, 2011 PC PACKET WITH YOU TO THE CONTINUED PUBLIC HEARING AS IT HAS THE LOCAL ADOPTION DOCUMENTS ATTACHED.

SUMMARY: Twenty-five people attended the first Planning Commission public hearing on May 4, 2011 most of them lakefront property owners. Fifteen of the attendees provided verbal testimony. Written testimony included a letter and handouts from Urban Concepts, a letter and handout from Futurewise/Pilchuck Audubon Society/People for Puget Sound, and information submitted by two property owners. These documents were forwarded to the Planning Commission the day after the public hearing.

This staff report attempts to explain the mandated requirements and the requirements that can be modified. It also provides responses to public testimony to date.

The draft Shoreline Master Program Update was completed in December and sent to Ecology for review. The City received comments on the December 15, 2010 draft SMP on April 20 and 25, 2011 by email with the official comments on the SMP Checklist received on May 7, 2011 (***Attachment 1***).

The documents listed below are the documents provided in the May 4, 2011 SMP Public Hearing staff report to the Planning Commission for review under Local Adoption review (dated April 19, 2011 unless shown below):

- Ordinance No. 856 adopting Final Draft Shoreline Master Program documents and direction for staff to submit to Ecology (includes code amendments for consistency with SMP) with the following Exhibits to the ordinance:
 1. Lake Stevens 2011 Shoreline Master Program – Final Draft (April 27, 2011)
 2. Lake Stevens 2011 Cumulative Impact Analysis – Final Draft
 3. Lake Stevens 2011 Shoreline Restoration Plan – Final Draft
 4. Lake Stevens 2011 No Net Loss Report – Final Draft
- Ordinance No. 855 adopting Code Amendments for consistency with Shoreline Management Act
- GMA Comprehensive Plan Amendments for consistency with SMP

Any proposed changes to these documents are summarized in the Discussion Section of this staff report.

DISCUSSION: During the first Planning Commission Public Hearing a number of topics were brought up during public testimony or questions by Planning Commissioners. Staff would like to address a number of the topics in this staff report. In addition, consultants and staff have addressed the public testimony to date.

SMP Planning Period

The Shoreline Master Program is a long-range document. It is a planning tool expected to be implemented over the next 20 year planning horizon. Therefore, the estimates of future development are anticipated to take place over the next 20 years. The City will be tracking all shoreline development throughout this period to determine how we are meeting the No Net Loss requirement. If we are not meeting No Net Loss or are more than meeting No Net Loss, we will need to make changes at the next update of the SMP.

Review of Documents that are Changing

Ecology reviewed the December 15, 2010 version of the SMP documents and provided comments to the City by email on April 20 and 25, 2011. These same comments were submitted officially to the City on the SMP Checklist on May 7, 2011 (*Attachment 1*). The concern was the review and recommendation on SMP documents that were still changing.

As staff commented at the public hearing, there were only a few minor issues still in discussion with Ecology: (1) allowance of 8 foot wide docks and (2) wetland buffer tables in Appendix B. No other portions of the SMP documents were expected to change unless recommended by the Planning Commission and adopted by City Council. In fact, the SMP documents have had only minor changes since first issued for public review last summer.

Staff, consultants and a Councilmember met with Ecology and Fish & Wildlife on May 6 to discuss the 8 foot wide docks. In an email (*Attachment 1*), Ecology clearly states 8 foot wide docks will not be permitted. New docks must meet a 4 foot wide walkway in the first 30 feet and existing docks that are replaced must meet a six foot wide walkway in the first 30 feet.

Staff is still reviewing the changes recommended by Ecology on the wetland buffers tables in Appendix B and will bring any additional proposed amendments to Planning Commission on May 18. Any changes will be very specific and will not affect all shoreline properties, only those within jurisdictional wetlands.

Implementation of the Shoreline Management Act

The SMP Introduction includes a section on how the Shoreline Management Act is to be implemented (SMP pages 4 and 5):

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

“The legislature finds that the shorelines of the state are among the most valuable and fragile of its natural resources and that there is great concern throughout the state relating to their utilization, protection, restoration, and preservation. In addition it finds that ever increasing pressures of additional uses are being placed on the shorelines necessitating increased

coordination in the management and development of the shorelines of the state. The legislature further finds that much of the shorelines of the state and the uplands adjacent thereto are in private ownership; that unrestricted construction on the privately owned or publicly owned shorelines of the state is not in the best public interest; and therefore, coordinated planning is necessary in order to protect the public interest associated with the shorelines of the state while, at the same time, recognizing and protecting private property rights consistent with the public interest...

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

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

Therefore, the City has a mandate from the State to adopt an updated SMP or Ecology has the authority to adopt one for the City. As required, the City has followed the State adopted SMP Guidelines and worked with the Washington Department of Ecology since July 1, 2009. In the past year, the City has held three public open houses with 380 attendees and the Shoreline Citizen Advisory Committee met six times. All comments and questions were addressed and changes made to the SMP documents. Staff, consultants and the Citizen Advisory Committee proposed changes based on community needs balanced with the requirements of the SMP Guidelines.

Comparison with Other SMPs

Many comments are based on a comparison of sections of our SMP with sections of other cities' approved SMPs. In order to make a real comparison, a full review all of another city's SMP documents starting with their Inventory and Analysis Report which describes existing conditions; then review their SMP regulations, cumulative impacts analysis and no net loss summary would be necessary. Comparing one section of another SMP with the Lake Stevens section does not work because the starting point is different based on the inventory and analysis and then the assumptions made for the vision and value of the resource.

Each lake and stream is unique and starts at a different baseline. Comparison of SMP documents should be done within the same resource with the knowledge that existing conditions may be different within each jurisdiction. For example, our SMP regulations should be compared with Snohomish County's regulations as the same resource, Lake Stevens, and the inventory and analysis for Lake Stevens should be the same. It is possible that Snohomish County will have different regulations as their vision could be different than the City's. However, it should be similar because our relationship to the value of the same resource.

Many of Lake Washington communities do not have similar SMP regulations and the same for the Lake Sammamish communities because the SMP depends on the existing conditions in the jurisdiction's

section of the lake, when the City was developed and what environmental regulations were in effect at the time.

Development around the Lake Stevens is required to get a Hydraulic Permit Approval through Fish & Wildlife. Fish & Wildlife uses the Army Corps of Engineers Regional Permit on guidance for requirements with knowledge of the fisheries in each lake or stream. Approvals by Fish & Wildlife for projects on Lake Stevens should be consistent whether it is in County or City jurisdiction because the decisions are based on the same resource, except for areas where our SMP regulations differ. For example, the County has allowed new boat houses on the lake, whereas the City has not.

Please note that Ecology has not yet approved Snohomish County's SMP as it is currently asking for public comments.

Lake Buffers and Setbacks

Buffers and setbacks from the lake is a topic heard in the public testimony. Some recommended it be reduced and some expanded. The City's Critical Area Regulations in Chapter 14.88 LSMC was adopted in 2007 and again in 2008 after years of research and discussion and a Best Available Science analysis. The lake is designated as a Fish and Wildlife Conservation Area, which under the Critical Areas Regulations requires a minimum 50 foot buffer and a minimum 10 foot building setback from the buffer. **The SMP does not recommend any change to the current critical area buffer from the lake or the building setback for structures.** Some properties are already nonconforming to the setback or buffer, but not as a result of the proposed SMP; they have been that way since the current critical area buffers were adopted.

It should be noted that the SMP regulates the critical area buffer and building setback as a minimum 60 feet, however, in order to maintain the aesthetic character around the lake (including views), the SMP requires the real setback as the average of the setbacks of existing houses on the two adjacent lots with a minimum setback of 60 feet (pages 87 and 88 of the SMP). This is not a requirement of Ecology, but based on early discussions at the CAC to protect the existing character of the lake. A person may request a shoreline variance if something different is desired.

Buffer widths and setbacks vary from place to place for many reasons including current critical areas regulations that vary from place to place. Ecology has a Frequently Asked Questions list on their SMP website and one of their questions deals with buffer differences.

Q: Why do buffer widths differ from place to place?

A: The buffer width needed to keep shoreline slopes and riverbanks stable, water quality protected, and fish and wildlife healthy depends on many factors. These site specific factors include:

- *Plant types*
- *Soil types*
- *Steepness and stability of the slope*
- *Groundwater flow and direction*
- *Habitat requirements for fish and wildlife*
- *Speed and amount of river or stream flow*
- *Frequency, direction, and strength of wave action*
- *Density and kind of development in adjacent areas*

Since these factors vary widely among Washington's shorelines, buffer widths are necessarily different. A buffer width that works well for a river may not work well for a lake shoreline. In

addition, a buffer that does a good job for the calmer parts of Puget Sound may be unsuitable for our stormier coastal areas. This is why it's critical that each local government complete a thorough inventory and characterization of its local shorelines to effectively update their shoreline program.

As you can see, many things go into a decision on buffers and setbacks from the lake.

A few more notes related to setbacks from the lake:

- Many of the lakefront properties were developed in Snohomish County, which does not have an impervious surface requirement for single-family homes. The City has a 40% impervious surface requirement for single-family homes, whether on the lake or not. However, the SMP does provide incentives to allow up to a 50% impervious surface if native vegetation is installed (See SMP pages 89 and 90).
- The issue of reducing setbacks and buffers from the lake is also an issue of views. Allowing houses to build closer to the shore could affect the views and aesthetic character of the lake from houses that do not choose to or want to expand. This is especially true for skinny lots.

Shall vs. Should

As stated in the Urban Concepts letter, SMPs all use the same definitions for shall and should. The SMP Guidelines and the Washington Administrative Code provide the following guidance:

WAC 173-26-020 Definitions

(32) "Shall" means a mandate; the action must be done.

(35) "Should" means that the particular action is required unless there is a demonstrated, compelling reason, based on policy of the Shoreline Management Act and this chapter, against taking the action.

WAC 173-26-191 Master program contents.

*(2) **Basic requirements.** This chapter describes the basic components and content required in a master program. A master program must be sufficient and complete to implement the Shoreline Management Act and the provisions of this chapter. A master program shall contain policies and regulations as necessary for reviewers to evaluate proposed shoreline uses and developments for conformance to the Shoreline Management Act. As indicated in WAC [173-26-020](#), for this chapter: The terms "shall," "must," and "are required" and the imperative voice, mean a mandate; the action is required; the term "should" means that the particular action is required unless there is a demonstrated, compelling reason, based on a policy of the Shoreline Management Act and this chapter, for not taking the action; and the term "may" indicates that the action is within discretion and authority, provided it satisfies all other provisions in this chapter.*

The word should is used in the Policies because a policy is a directive, not a requirement. Regulations are written with shall if required in a specific way or with should if the City Administrator has some flexibility to the specifics. So if a regulation says should, then an applicant could propose something different that still meets the intent of the policies. If the shoulds were replaced with shalls, then the flexibility of some of the regulations would be lost and the only way to potentially do something different would require a Shoreline Variance through the Hearing Examiner and Ecology.

The Planning Commission may look at specific regulations and recommend a change of a shall to should or a should to shall if there is a clear rationale for doing so. Staff will add the required definition and description of shall and should to Chapter 1 and Chapter 6 of the SMP.

As a note to the difference of shall and should in the SMP as compared to shall and should in the Land Use Code:

- Shall in both means required and
- Should in land use codes means recommended and in the SMP means required unless you can prove why you can't do it.

Helicopters

Staff talked with Kris Kern, Federal Aviation Administration (FAA) Inspector, FAA Seattle Flight Standards District Office regarding the use of helicopters on a lake and landing on a private dock. If the helicopter is approaching and departing the dock over water, there are no safety concerns. It would be considered to be flown in a safe manner and is a safe use of a helicopter. In addition, both the helicopter and the pilot are licensed by the FAA. Mr. Kern suggested I speak with the City Attorney about whether the City could ban helicopters from the lake. The City Attorney said the City could ban helicopters from the lake if there was a rational justification for prohibiting the use. However, we allow float planes on the lake, which require more area for takeoffs and landings, are on the lake for a longer period, and have a higher potential for conflict with other lake uses than a helicopter. So the City would have to make some type of legal distinction between a float plane and a helicopter use. Float planes and helicopters have a short period of noise, but do not have more noise impacts than jet skis and motor boats and are used less on the lake than boats and jet skis.

Before Dan Ansbaugh, Planning Commission Chair, left on vacation, he provided staff with the following comments on the helicopter concerns:

I should probably throw my opinion in about Helicopter Operations since I worked for the FAA most of my life.

- *I noticed 2 places in the doc's that mentioned "Federal Aviation Administration Standards", this should state "Federal Aviation Regulations (FARS)" as these are what govern aircraft operations, which includes helicopters. (ORD 856 Section 5 14.44.070 d and SMP Chapter 5, page 95, #5)*
- *Helicopters are allowed a whole bunch of flexibility as far as the FAA is concerned. If we restrict them to not landing on docks, then he could just land in his backyard or driveway, though the dock is probably safer. If we do not allow him to land on the dock because he is deemed non-water dependent, then he could just put floats on his skids.*
- *Another idea that may be worth discussing is regulating the times aircraft can operate on the lake. Say between 8am-11am and 6pm-9pm. This fits nicely with noise complaints and keeps them away from the majority of boaters that operate during the day.*
- *If you have not already, you may want to contact the FAA Flight Standards District Office(FSDO) in Renton (425-227-2813) and/or the WSDOT Aviation Division (360-651-6300). You probably have already done this but if not, somebody there should have all the answers.*

Jet Skis

The Citizen Advisory Committee discussed whether to regulate the number of jet ski lifts. It was originally set at two lifts per dock and then later was removed from the SMP. However, there are additional concerns by the public that if we limit boats lifts to one per dock, we should also limit jet ski

lifts per dock. Planning Commission may discuss this further. Currently, the SMP proposes to only allow jet ski lifts with a dock.

Ecology's Frequently Asked Questions

The Washington Department of Ecology has been working with jurisdictions to update SMPs for many years now. They have had many of the same questions asked to them. Therefore, they put together a list of Frequently Asked Questions. A few of their questions were used in this staff report. The entire document is included in *Attachment 2*.

PUBLIC TESTIMONY: Public testimony was received in both written and verbal form both before and at the Planning Commission Public Hearing. The written testimony is included in *Attachment 3*. The verbal testimony was transcribed and is included in *Attachment 4*.

The SMP Guidelines require public testimony during the Local Adoption Process be addressed in a Responsiveness Survey (*Attachment 5*). Therefore, the comments and questions were taken from the written and verbal testimony and placed in a matrix showing the name, affiliation, comment, and a response to each one. This will be continued throughout the Local Adoption Process and is part of the submittal package to Ecology.

CHANGES PROPOSED TO SMP: Based on the public testimony and recent research, the following changes are proposed to be made to the SMP (numbers relate to the comment numbers on the Responsiveness Survey):

- Add the definition of shall and should to Chapters 1 Introduction and 6 Definitions (#A3)
- Replace “grating” on decks to “decking shall allow for a minimum of 60 percent ambient light transmission” to allow for other types of decking that could meet the requirements (#A4)
- Section 4.C.3.c.7 Fingers and Ells – First sentence to be removed and second sentence to be modified to read “All floats, ells and fingers must be at least 30 feet waterward of the OHWM. (#A8)
- Section 4.C.3.c.22 added replacement up to 100% of size (square footage and dimension) of the existing pier or dock except the limit of a maximum of 6 feet width in the first 30 feet shall be required.

Planning Commission may recommend to Council other changes that may be made to the SMP documents.

ISSUES NEEDING RESOLUTION: Ecology sent comments on Appendix B of the SMP. Staff is still reviewing and making final changes to the wetland buffers and restoration requirements in the critical areas regulations within shoreline jurisdiction. We will present any changes from the attached documents at the continued public hearing.

NEXT STEPS: After the SMP documents are adopted by the City Council, the Washington State Department of Ecology's review process will begin. Their process takes approximately six months with Ecology review and Ecology public hearings. Ecology may then approve the SMP as presented, approve

with changes or request for additional work by the local jurisdiction. The ordinance adopting the SMP documents states the effective date as approval by Ecology.

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

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

PLANNING COMMISSION RECOMMENDATION TO CITY COUNCIL: This section provides guidance for Planning Commission's recommendation to Council to ensure a recommendation is made on all required documents. Staff recommends the Planning Commission make a motion on each of the items below in the order presented. The Commission could make one motion for the SMP documents, but the comprehensive plan amendments and both ordinances should have a separate motion.

A motion should be made on the following items:

- Shoreline Master Program
- Cumulative Impacts Analysis
- No Net Loss Report
- Restoration Plan
- Comprehensive Plan Amendments – Separate Motion
- Ordinance No. 856 adopting SMP Documents – Separate Motion
- Ordinance No. 855 for Code Amendments related to the Shoreline Management Act – Separate Motion

Staff will prepare guidance motions for the Planning Commission to use to assist in making motions and findings.

ATTACHMENTS:

- Attachment 1 – SMP Checklist from Ecology dated May 7, 2011
- Attachment 2 – Ecology's SMP Frequently Asked Questions
- Attachment 3 – Written Public Testimony Before or At the Planning Commission Public Hearing on May 4, 2011
- Attachment 4 – Verbal Public Testimony Before or At the Planning Commission Public Hearing on May 4, 2011
- Attachment 5 – Responsiveness Survey dated May 12, 2011 with Responses

From: Burcar, Joe (ECY) [jobu461@ECY.WA.GOV]
Sent: Monday, May 09, 2011 5:00 PM
To: Karen E. Watkins; Bails, Jamie L (DFW)
Cc: johno@makersarch.com; Becky Ableman; DNickel@watershedco.com; dara@makersarch.com; Tallent, Geoff (ECY)
Subject: RE: coho in Lake Stevens?

Thank you for the summary Karen. I just have a couple of clarifications from a SMA (policy) perspective.

(1) New pier/dock structures: I don't see how Ecology can support 6-foot width for new docks with grating or 4-feet without grating. Based on the information within the City's supporting analysis, the SMP is supposed to work to reduce overwater structure. I did not hear WDFW report that overwater structure is not relevant fish habitat in Lake Stevens, in fact I understood WDFW to report that nearshore areas (within 30-feet of beach) provide important habitat for both kokanee and Coho life history stages. Therefore, the SMP-Guidelines should require that new structures be designed to **first avoid impacts** to shoreline ecological functions, for which I did not hear a justification for increasing the width of new docks at our meeting last Friday.

(2) Replacement pier/dock structures: I did hear WDFW suggest that they would have a hard time justifying a 4-foot (wide) graded walkway for replacement of a much larger existing pier/dock structure. Recognizing the fact that many existing pier/dock structures are wider than 6-feet, I believe Ecology could justify WDFW suggestion to allow replacement structures to be 6-feet wide if they are fully grated within the first 30-feet (waterward of the OHWM). Ecology's justification would be based again on Mitigation Sequencing principles related to **minimizing impacts** for replacement of existing pier/dock structures. Please remember that on Lake Washington, pier/dock replacement structures are not allowed to exceed 4-feet in width within this same nearshore area, even if the existing structure is much wider. I did mention that Ecology and the Army Corps of Engineers have been more flexible with pier/dock replacement standards. This flexibility is intended to allow property owners replacing existing structures the ability to preserve the same overall square footage of their existing dock, but is dependent on their agreement to a 4-foot wide walkway (within 30' of OHWM), while allowing for larger structures than would normally be allowed in the deeper water outside of the nearshore areas. Otherwise only 30-50% of the total area of an existing pier/dock structure can be repaired in-kind (within existing footprint), before having to consider the proposal a "replacement". In order to satisfy the no net loss standard, cumulative repair activities need to be also stay below the "replacement" standard.

(3) Incentives can only be considered after Avoidance, Minimization: Finally, I want to be clear that the SMP-Guidelines require that Shoreline Modification (bulkheads, Piers, Dredging) standards need to provide for *Mitigation Sequencing* (i.e. *Avoidance*, then *Minimization*, and then *Mitigation*) for which Ecology could not support an incentive that could not be clearly shown to be consistent with this sequence. As previously referenced, it is not clear why a new Pier/Dock would need to be wider than 4-feet to support moorage of a residential boat on an inland lake? Further, there does not appear to be clear evidence that additional overwater structure (within nearshore areas) will not impact fish habitat. In fact, the City's supporting analysis suggests that overwater coverage is partially responsible for degradation of existing ecological functions and recommends that the SMP work to reduce overwater coverage. Therefore, I don't see how Ecology could support any incentive that might result in increased impacts, especially if the impact could potentially be avoided or minimized and still allow the intended use.

Again, I really appreciate the opportunity to met with everyone last Friday and hope that the discussion was helpful. Please do not hesitate to contact me if I can be of any further assistance with this issue. I would also refer you to my previous email for additional reference to applicable SMP-Guideline requirements related to Pier/Dock standards. Please feel free to share either of these emails or the Guidance document (Ecology Pier/Dock Guidebook chapter) with your Planning Commission, City Council or interested parties.

Best regards,

-Joe

SHORELINE MASTER PROGRAM SUBMITTAL CHECKLIST

This checklist is for use by local governments to satisfy the requirements of WAC 173-26-201(3)(a), relating to submittal of Shoreline Master Programs (SMPs) for review by the Department of Ecology (Ecology) under Chapter 173-26 WAC. The checklist does not create new or additional requirements beyond the provisions of that chapter.

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This checklist is intended to help in preparation and review of local shoreline master programs (SMPs). Local governments should include a checklist with all SMPs submitted for review by Ecology.

Information provided at the top of the checklist identifies what local jurisdiction and specific amendment (e.g. comprehensive update, environment re-designation or other topic) the checklist is submitted for, and who prepared it. Indicate in the location column where in the SMP (or other documents) the requirement is satisfied. If adopting other regulations by reference, identify what specific adopted version of a local ordinance is being used, and attach a copy of the relevant ordinance.

Draft submittals: For draft submittals, local governments may use the Comments column to note any questions or concerns about proposed language. Ecology may then use the Comment field to respond.

Final submittals: When submitting locally-approved SMPs for Ecology review, leave the comment field blank. Ecology will use the comment field to develop final comments on the SMP.

Ecology has attempted to make this checklist an accurate and concise summary of rule requirements, however the agency must rely solely on adopted state rules and law in approving or denying a master program. This document does not create new or additional requirements beyond the provisions of state laws and rules [WAC 173-26-201(3)(a)].

<p>Acronyms and abbreviations</p> <p>comp plan: Comprehensive Plan CUP: Conditional Use Permit SMA: Shoreline Management Act, RCW 90.58 SMP: Shoreline Master Program SSWS: Shorelines of Statewide Significance WAC: Washington Administrative Code</p>	<p>For more information</p> <p>www.ecy.wa.gov/programs/sea/SMA/index.html Ecology SMA Policy Lead: Peter Skowlund: (360) 407-6522</p>
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SHORELINE MASTER PROGRAM SUBMITTAL CHECKLIST

<p>Prepared for: City of Lake Stevens (Jurisdiction Name)</p> <p>Name of Amendment: Comprehensive SMP-Update</p> <p>Prepared by: Dara O'Byrne, MAKERS architecture (Name)</p> <p>Date: 3/10/2011</p> <p><i><u>Reviewed by Ecology 4-12-2011 and 4/25/2011) Based on the final draft SMP listed on the City's website as of April 2011 and the City's "Appendix B Critical Areas Regulations within Shoreline Jurisdiction dated 3-9-2011 and received by Ecology for review on 3/11/2011.</u></i></p>		
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STATE RULE (WAC) REQUIREMENTS	LOCATION	COMMENTS
DOCUMENTATION OF SMP DEVELOPMENT PROCESS		
Public involvement, communication, and coordination		
Documentation of public involvement throughout SMP development process. WAC 173-26-201(3)(b)(i) and WAC 173-26-090 and 100. For SSWS, see WAC 173-26-251(3)(a)		The City has prepared a submitted a public participation plan to WDOE, but has not yet begun the public participation process.
Documentation of communication with state agencies and affected Indian tribes throughout SMP development. WAC 173-26-201(3)(b)(ii) and (iii), WAC 173-26-100(3). For saltwater shorelines, see WAC 173-26-221(2)(c)(iii)(B). For SSWS, see WAC 173-26-251(3)(a).		The City has sent a letter to all relevant agencies and organizations to solicit information and feedback.
Demonstration that critical areas regulations for shorelines are based on the SMA and the guidelines, and are at least equal to the current level of protection provided by the currently adopted critical areas ordinance. WAC 173-26-221(2)(b)(ii),(iii) and (c).	3.A.3	Added Appendix B with critical areas regulations related to shorelines on March 10, 2011.
Documentation of process to assure that proposed regulatory or administrative actions do not unconstitutionally infringe upon private property rights . See <i>"State of Washington, Attorney General's Recommended Process for Evaluation of Proposed Regulatory or Administrative Actions to Avoid Unconstitutional Takings of Private Property."</i> WAC 173-26-186(5).		Uses are allowed in all environments.
<p>Final submittal includes:</p> <ul style="list-style-type: none"> evidence of local government approval (or a locally approved "statement of intent to adopt"); new and/or amendatory text, environment designation maps (with boundary descriptions and justification for changes based on existing development patterns, biophysical capabilities and limitations, and the goals and aspirations of the local citizenry); a summary of the proposal together with staff reports and supporting materials; evidence of SEPA compliance; copies of all comments received with names and addresses. WAC 173-26-110 <p>Submittal must include clear identification and transmittal of all provisions that make up the SMP. <i>This checklist, if</i></p>		

STATE RULE (WAC) REQUIREMENTS	LOCATION	COMMENTS
<p><i>complete, meets this requirement. WAC 173-26-210(3)(a) and (h).</i></p>		
<p>Shoreline Inventory</p>		
<p>Inventory of existing data and materials. WAC 173-26-201(3)(c)(i) through (x). For jurisdictions with critical saltwater habitats, see WAC 173-26-221(2)(c)(iii)(A)&(B).</p>		<p>See Characterization Report.</p>
<p>Shoreline Analysis</p>		
<p>Characterization of shoreline ecosystems and their associated ecological functions that:</p> <ul style="list-style-type: none"> identifies ecosystem-wide processes and ecological functions; assesses ecosystem-wide processes to determine their relationship to ecological functions; identifies specific measures necessary to protect and/or restore the ecological functions and ecosystem-wide processes. WAC 173-26-201(3)(d)(i)(A). <p>Demonstration of how characterization was used to prepare master program policies and regulations that achieve no net loss of ecological functions necessary to support shoreline resources and to plan for restoration of impaired functions. WAC 173-26-201(3)(d)(i)(E).</p> <p>For vegetation, see WAC 173-26-221(5). For jurisdictions with critical saltwater habitats, see WAC 173-26-221(2)(c)(iii)(B).</p> <p>Description of data gaps, assumptions made and risks to ecological functions associated with SMP provisions. WAC 173-26-201(2)(a)</p> <p>Characterization includes maps of inventory information at appropriate scale. WAC 173-26-201(3)(c)</p>	<p>DRAFT Shoreline Analysis Report for City of Lake Stevens Shorelines: Lake Stevens, Catherine Creek, and Little Pilchuck Creek.</p> <p>Section 4: Analysis of Ecological Functions and Ecosystem Wide Processes</p> <p>Section 7: Shoreline Management Recommendations</p> <p>Section 3.4: Data Gaps</p> <p>Appendix D: Map Folio</p>	<p>The consultant team has assembled a characterization and analysis report that accomplishes the objectives described to the left.</p>
<p>Use analysis estimating future demand for shoreline space and potential use conflicts based on characterization of current shoreline use patterns and projected trends. Evidence that SMP ensures adequate shoreline space for projected shoreline preferred uses. Public access needs and opportunities within the jurisdiction are identified. Projections of regional economic need guide the designation of "high-intensity" shoreline. WAC 173-26-201(3)(d)(ii) & (v);</p>	<p>Shoreline Analysis Report for City of Lake Stevens Shorelines: Lake Stevens, Catherine Creek, and Little Pilchuck</p>	<p>The consultant team has assembled a characterization and analysis report that accomplishes the objectives described to the left.</p> <p>Lake Stevens does not have any economic resources of statewide significance.</p> <p>Lake Stevens has adequate public access and recreation to serve the local community, but is generally not considered a regional or state draw for recreation.</p> <p>The SMP recreational provisions are consistent with the City's comp plan, identifying</p>

STATE RULE (WAC) REQUIREMENTS	LOCATION	COMMENTS
<p>WAC 173-26-211(5)(d)(ii)(B)</p> <p>For SMPs that allow mining, demonstration that siting of mines is consistent with requirements of WAC 173-26-241(3)(h)(i).</p> <p>For SSWS:</p> <p>evidence that SMP preserves adequate shorelands and submerged lands to accommodate current and projected demand for economic resources of statewide importance (e.g., commercial shellfish beds and navigable harbors) based on statewide or regional analyses, requirements for essential public facilities, and comment from related industry associations, affected Indian tribes, and state agencies.</p> <p>Evidence that public access and recreation requirements are based on demand projections that take into account activities of state agencies and interests of the citizens to visit public shorelines with special scenic qualities or cultural or recreational opportunities. WAC 173-26-251(3)(c)(ii) & (iii)</p> <p>Optimum implementation directives incorporated into comp plan and development regulations. WAC 173-26-251(2) & (3)(e)</p> <p>For GMA jurisdictions, SMP recreational provisions are consistent with growth projections and level-of-service standards contained in comp plan. WAC 173-26-241(3)(i)</p>	<p>Creek.</p> <p>3.B</p> <p>Section 5 Land Use Analysis and Implications</p> <p>3.B</p> <p>Section 6 Public Access Analysis and Implications</p> <p>Policy 3.B.6.b.11 calls for acquisition of property for a new park on the recently annexed shoreline.</p>	<p>the recently annexed area of the City as needing additional public access and recreation facilities. Lake Stevens is not generally considered a regional or state attraction for recreation</p>
<p>Restoration plan that:</p> <ul style="list-style-type: none"> identifies degraded areas, impaired ecological functions, and potential restoration sites; Establishes restoration goals and priorities, including SMP goals and policies that provide for restoration of impaired ecological functions; Identifies existing restoration projects and programs; Identifies additional projects and programs needed to achieve local restoration goals, and implementation strategies including identifying prospective funding sources sets timelines and benchmarks for implementing restoration projects and programs; provides mechanisms or strategies to ensure that restoration projects and programs will be implemented according to plans and to appropriately review the effectiveness of the projects and programs in meeting the overall restoration goals. 	<p><i>(Ecology 11-2-2010) Note: Comments for this section are in reference to a Draft Restoration Plan dated September 2010.</i></p>	<p><i>Compliant:</i></p> <p><i>The draft report appears to contain the necessary elements as required by the SMP-Guidelines.</i></p>

STATE RULE (WAC) REQUIREMENTS	LOCATION	COMMENTS
<p>WAC 173-26-186(8)(c); 201(2)(c)&(f)</p> <p>For critical freshwater habitats: incentives to restore water connections impeded by previous development. WAC 173-26-221(2)(c)(iv)(C)(III).</p> <p>For SSWS, identification of where natural resources of statewide importance are being diminished over time, and master programs provisions that contribute to the restoration of those resources. WAC 173-26-251(3)(b)</p>		
<p>Evidence that each environment designation is consistent with guidelines criteria [WAC 173-26-211(5)], as well as existing use pattern, the biological and physical character of the shoreline and the goals and aspirations of the community. WAC 173-26-211(2)(a). WAC 173-26-110(3)</p> <p>Lands designated as “forest lands of long-term significance” under RCW 36.70A.170 are designated either natural or rural conservancy shoreline environment designations. WAC 173-26-241(3)(e).</p> <p>For SSWS, demonstration that environment designation policies, boundaries, and use provisions implement SMA preferred use policies of RCW 90.58.020(1) through (7). WAC 173-26-251(3)(c)</p>	<p>See Chapter 2</p>	<p>The environment designations suggested in the WAC were used in a consistent manner.</p>
<p>Assessment of how proposed policies and regulations cause, avoid, minimize and mitigate cumulative impacts to achieve no net loss policy. Include policies and regulations that address platting or subdividing of property, laying of utilities, and mapping of streets that establish a pattern for future development. Evaluation addresses:</p> <p>(i) <i>current circumstances</i> affecting the shorelines and relevant natural processes;</p> <p>(ii) reasonably <i>foreseeable future development</i> and use of the shoreline (including impacts from unregulated activities, exempt development, and other incremental impacts); and</p> <p>(iii) <i>beneficial effects</i> of any established regulatory programs under other local, state, and federal laws. WAC 173-26-201(3)(d)(iii) and WAC 173-26-186(8)(d)</p> <p>For jurisdictions with critical saltwater habitats, identification of methods for monitoring conditions and adapting management practices to new information. WAC 173-26-221(2)(c)(iii)(B).</p> <p>For SSWS, evidence that standards ensuring protection of ecological resources of statewide importance consider cumulative impacts of permitted development. WAC 173-26-</p>	<p>The draft Cumulative Impact Analysis 26 August 2010 accompanies this checklist.</p>	<p>The Cumulative Impact Analysis discusses impacts to all environments and focuses on impacts do to potential new (mostly residential) site development, overwater structures (the potential for new residential docks) and shoreline armoring. Potential new developement and structures are limited by SMP provisions and repari of existing shoreline modifications will improve ecological functions.</p> <p>The analysis finds that the proposed SMP is projected to achieve no net loss of ecological functions on Lake Stevens shorelines.</p> <p>(Generally) Compliant (Questions):</p> <p>The draft CIA appears to be generally compliant with the SMP-Guideline requirements. Related to Residential setbacks and determination of No Net Loss (NNL) of Ecological functions, the chart on page 24 summerizing average setbacks ranging from 64-103 feet does not seem consistent with the NNL determination based on a 60-foot shoreline (SMP) setback (i.e. less than the existing avg. setback)?</p> <p>Please further explain how potential reduction of the existing setback to the propsed 60-foot setback is consistent with mitigation sequencing (avoid, min, mitigate) and NNL of shoreline ecological functions</p> <p>RESPONSE: The minimum setback we are requiring is 60', but in many cases the requirement will be more because we are requiring the averaging of the two adjacent neighbors with a minimum of 60'. Dan will clarify this in the CIA. In addition, the</p>

STATE RULE (WAC) REQUIREMENTS	LOCATION	COMMENTS
251(3)(d)(i)		current CAO requirement is 60'. <i><u>(Ecology 4-2011): Thank you for the clarification. The report appears (generally) consistent with the applicable SMP-Guideline requirement. Ecology will review and can provide further comment (upon request) related to further amendments to the CIA.</u></i>
SMP CONTENTS		
Any goals adopted as part of the SMP are consistent with the SMA. <i>(Note: Goal statements are not required.)</i>		The policy statements serve as goal statements.
Policies (A) are consistent with guidelines and policies of the SMA; (B) address elements of RCW 90.58.100; and (C) include policies for environment designations, accompanied by a map or physical description of designation boundaries in sufficient detail to compare with comprehensive plan land use designations. (D) are consistent with constitutional and other legal limitations on regulation of private property. WAC 173-26-191(2)(a)(i) SMP implements preferred use policies of the SMA. WAC 173-26-201(2)(d)	Chapter 2 and Appendices. Preferred use policies are in 5.C.1.b.1	(Generally) Compliant: The Master Program appears consistent with this SMP-Guideline requirement.
Regulations: (A) are sufficient in scope and detail to ensure the implementation of SMA, SMP guidelines, and SMP policies; (B) include environment designation regulations; (C) include general regulations, use regulations that address issues of concern in regard to specific uses, and shoreline modification regulations; and, (D) are consistent with constitutional and other legal limitations on the regulation of private property. WAC 173-26-191(2)(a)(ii)	Chapters 2, 3, 4, and 5	(Generally) Compliant: See detailed response below.
ENVIRONMENT DESIGNATIONS		
Each environment designation includes: Purpose statements, classification criteria, management policies, and regulations (types of shoreline uses permitted, conditionally permitted, and prohibited; building or structure height and bulk limits, setbacks, maximum density or minimum frontage requirements, and site development standards). WAC 173-26-211(2)(4).	Chapter 2	Common legal descriptions will be added in tabular form. Compliant: The Master Program appears consistent with this SMP-Guideline requirement.
An up-to-date map accurately depicting environment designation boundaries on a map. If necessary, include common boundary descriptions. WAC 173-26-211(2)(b); WAC 173-26-110(3);	Appendices	TBD.

STATE RULE (WAC) REQUIREMENTS	LOCATION	COMMENTS
Statement that undesignated shorelines are automatically assigned a conservancy environment designation. WAC 173-26-211(2)(e).	2.A (last paragraph)	Compliant: The Master Program appears consistent with this SMP-Guideline requirement.
Natural environment. WAC 173-26-211(5)(a)		
Designation criteria: Shorelines that are ecologically intact and performing functions that could be damaged by human activity, of particular scientific or educational interest, or unable to support human development without posing a safety threat. WAC 173-26-211(5)(a)(iii)	2.C.1.b	"Natural" designation is used for wetland complexes. There are no other ecologically intact shorelines. Compliant: The Master Program appears consistent with this SMP-Guideline requirement.
Prohibition on new: uses that would substantially degrade ecological functions or natural character of shoreline. WAC 173-26-211(5)(a)(ii)(A) Commercial uses; industrial uses; nonwater oriented recreation; roads, utility corridors, and parking areas. WAC 173-26-211(5)(a)(ii)(B) development or significant vegetation removal that would reduce the capability of vegetation to perform normal ecological functions. WAC 173-26-211(5)(a)(ii)(G) subdivision of property in a configuration that will require significant vegetation removal or shoreline modification that adversely impacts ecological functions. WAC 173-26-211(5)(a)(ii)(G)	2.C.1.c	Compliant: The Master Program appears consistent with this SMP-Guideline requirement.
For single family residential development: limits on density and intensity to protect ecological functions, and requirement for CUP. WAC 173-26-211(5)(a)(ii)(C)	5.B shoreline use table	Single-family residences are not allowed in a "natural environment." Compliant: The Master Program appears consistent with this SMP-Guideline requirement.
For commercial forestry: requirement for CUP, requirement to follow conditions of the State Forest Practices Act. WAC 173-26-211(5)(a)(ii)(D)	5.B shoreline use table	Commercial forestry is prohibited in a "natural environment." Compliant: The Master Program appears consistent with this SMP-Guideline requirement.
For agriculture: low intensity use allowed if subject to appropriate limits or conditions to assure that the use does not expand or practices don't conflict with purpose of the designation. WAC 173-26-211(5)(a)(ii)(E)	5.B shoreline use table	Only existing agricultural uses are allowed as a conditional use. Compliant: The Master Program appears consistent with this SMP-Guideline requirement.
Low intensity public uses such as scientific, historical, cultural, educational research uses, and water-oriented recreational access allowed if ecological impacts are avoided.	5.B shoreline use table, note 3	Compliant: The Master Program appears consistent with this SMP-Guideline requirement.

STATE RULE (WAC) REQUIREMENTS	LOCATION	COMMENTS
WAC 173-26-211(5)(a)(ii)(F)		
Rural conservancy. WAC 173-26-211(5)(b)		
<p>Designation criteria: areas outside municipalities or UGAs with: (A) low-intensity, resource-based uses, (B) low-intensity residential uses, (C) environmental limitations such as steep banks or floodplains, (D) high recreational or cultural value, or (E) low-intensity water-dependent uses. WAC 173-26-211(5)(b)(iii)</p>	N/A	
<p>Restrictions on use and development that would degrade or permanently deplete resources. Water-dependent and water-enjoyment recreation facilities are preferred uses. Low intensity, water-oriented commercial and industrial uses limited to areas where those uses have located in the past or at sites that possess conditions and services to support the development. WAC 173-26-211(5)(b)(ii)(A) and (B)</p> <p>For SMPs that allow mining, see WAC 173-26-241(3)(h).</p>	N/A	
<p>Prohibition on new structural shoreline stabilization and flood control works except where there is documented need to protect an existing primary structure (provided mitigation is applied) or to protect ecological functions. WAC 173-26-211(5)(b)(ii)(C).</p>	N/A	
<p>Development standards for residential use that preserve existing character of the shoreline. Density, lot coverage, vegetation conservation and other provisions that ensure no net loss of shoreline ecological functions.</p> <p>Density or lot coverage limited to a maximum of ten percent total impervious surface area within the lot or parcel, or alternative standard that maintains the existing hydrologic character of the shoreline. (May include provisions allowing greater lot coverage for lots legally created prior to the adoption of a master program prepared under these guidelines, if lot coverage is minimized and vegetation is conserved.) WAC 173-26-211(5)(b)(ii)(D).</p>	N/A	
Aquatic. WAC 173-26-211(5)(c)		
<p>Designation criteria: Areas waterward of the ordinary high-water mark (OHWM). WAC 173-26-211(5)(c)(iii)</p>	2.C.5.b	<p>Compliant:</p> <p>The Master Program appears consistent with this SMP-Guideline requirement.</p>
<p>New over-water structures:</p>	2.C.5.c.1	<p>Compliant:</p>

STATE RULE (WAC) REQUIREMENTS	LOCATION	COMMENTS
allowed only for water-dependent uses, public access, or ecological restoration. WAC 173-26-211(5)(c)(ii)(A) limited to the minimum necessary to support the structure's intended use. WAC 173-26-211(5)(c)(ii)(B)		The Master Program appears consistent with this SMP-Guideline requirement.
Multiple use of over-water facilities encouraged. WAC 173-26-211(5)(c)(ii)(C)	2.C.5.c.3	Compliant: The Master Program appears consistent with this SMP-Guideline requirement.
Location and design of all developments and uses required to: minimize interference with surface navigation, to consider impacts to public views, and to allow for the safe, unobstructed passage of fish and wildlife, particularly those species dependent on migration. WAC 173-26-211(5)(c)(ii)(D) prevent water quality degradation and alteration of natural hydrographic conditions. WAC 173-26-211(5)(c)(ii)(F)	2.C.5.c.5	Compliant: The Master Program appears consistent with this SMP-Guideline requirement.
Uses that adversely impact ecological functions of critical saltwater and freshwater habitats limited (except where necessary for other SMA objectives, and then only when their impacts are mitigated). WAC 173-26-211(5)(c)(ii)(E)	2.C.5.c.5	Compliant: The Master Program appears consistent with this SMP-Guideline requirement.
High-intensity. WAC 173-26-211(5)(d)		
Designation criteria: Areas within incorporated municipalities, "UGAs," and "rural areas of more intense development" (see <i>RCW 36.70A.070</i>) that currently support or are planned for high-intensity water-dependent uses. WAC 173-26-211(5)(d)(iii)	2.C.2.b	(Generally) Compliant: The Master Program appears consistent with this SMP-Guideline requirement. Note: does not specifically say WD commercial/industrial RESPONSE: Added a policy that points out that the Creeks are non-navigable and nonwater-oriented development will be allowed provided ecological restoration is provided. Much of the HI Environment is on creeks with a 160' setback so the potential for water-dependent uses is insignificant. Also, there is the statement that uses "include, or do not detract from the potential for water-oriented uses" <i><u>(Ecology 4-2011): Thank you for the clarification. The provision appears consistent with the applicable SMP-Guideline requirement.</u></i>
Priority given first to water-dependent uses, then to water-related and water-enjoyment uses. New non-water oriented uses prohibited except as part of mixed use developments, or where they do not conflict with or limit opportunities for water oriented uses or where there is no direct access to the shoreline. WAC 173-26-211(5)(d)(ii)(A)	2.C.2.c.1	Compliant: The Master Program appears consistent with this SMP-Guideline requirement.

STATE RULE (WAC) REQUIREMENTS	LOCATION	COMMENTS
<p>Full use of existing urban areas required before expansion of intensive development allowed. WAC 173-26-211(5)(d)(ii)(B)</p>		<p>This was done by setting HI designation boundaries.</p> <p>TBD — <i>Not clear if this SMP-Guideline requirement has been adequately satisfied?</i></p> <p>RESPONSE: All shorelines are nearly completely developed so this requirement is met implicitly.</p> <p><i>(Ecology 4-2011): Thank you for the clarification. The provision appears consistent with the applicable SMP-Guideline requirement.</i></p>
<p>New development does not cause net loss of shoreline ecological functions. Environmental cleanup and restoration of the shoreline to comply with relevant state and federal laws assured. WAC 173-26-211(5)(d)(ii)(C)</p>	2.C.2.c.1-2	<p>Compliant:</p> <p>The Master Program appears consistent with this SMP-Guideline requirement.</p>
<p>Visual and physical public access required where feasible. Sign control regulations, appropriate development siting, screening and architectural standards, and maintenance of natural vegetative buffers to achieve aesthetic objectives. WAC 173-26-211(5)(d)(ii)(D) and (E)</p>	2.C.2.c.3-4	<p>Compliant:</p> <p>The Master Program appears consistent with this SMP-Guideline requirement.</p>
<p>Urban conservancy. WAC 173-26-211(5)(e)</p>		
<p>Designation criteria: Areas within incorporated municipalities, UGAs, and rural areas of more intense development that are not suitable for water-dependent uses and that are either suitable for water-related or water-enjoyment uses, are flood plains, have potential for ecological restoration, retain ecological functions, or have potential for development that incorporates ecological restoration. WAC 173-26-211(5)(e)(iii)</p>	2.C.3.b	<p>(Generally) Compliant:</p> <p>The Master Program appears consistent with this SMP-Guideline requirement.</p> <p>Suggestion:</p> <p>The last sentence of the Designation Criteria (2.C.3.b) does not read clearly. Suggest rewording the sentence to clearly state the intent of the UC designation to be applied where no other commercial or residential land use exist.</p> <p>RESPONSE: Statement updated and clarified.</p> <p><i>(Ecology 4-2011): Thank you for the clarification. The provision appears consistent with the applicable SMP-Guideline requirement.</i></p>
<p>Allowed uses are primarily those that preserve natural character of area, promote preservation of open space, floodplain or sensitive lands, or appropriate restoration. WAC 173-26-211(5)(e)(ii)(A)</p> <p>Priority given to water-oriented uses over non-water oriented uses. For shoreline areas adjacent to commercially navigable waters, water-dependent uses given highest priority. WAC 173-26-211(5)(e)(ii)(D)</p> <p>For SMPs that allow mining, see WAC 173-26-241(3)(h).</p>	2.C.3.c.1-4	<p>See also the use chart at 5.B.</p> <p>CompliantTBD:</p> <p>The Master Program appears generally consistent with this SMP-Guideline requirement.</p> <p>Question related to regulation (c.2) don't Guidelines also reference ecological restoration?</p> <p>RESPONSE: Added language to c.2 to include "enhancing ecological functions"</p> <p><i>(Ecology 4-2011): Thank you for the clarification. The provision appears consistent with the</i></p>

STATE RULE (WAC) REQUIREMENTS	LOCATION	COMMENTS
		<u>applicable SMP-Guideline requirement.</u>
Standards for shoreline stabilization measures, vegetation conservation, water quality, and shoreline modifications that ensure new development does not result in a net loss of shoreline ecological functions or degrade other shoreline values. WAC 173-26-211(5)(e)(ii)(B)	2.C.3.c.5-6	See also the use chart at 5.B and shoreline modification chart at 4.B. Compliant: The Master Program appears consistent with this SMP-Guideline requirement.
Public access and recreation required where feasible and ecological impacts are mitigated. WAC 173-26-211(5)(e)(ii)(C)	2.C.3.c.7	Compliant: The Master Program appears consistent with this SMP-Guideline requirement.
Shoreline residential. WAC 173-26-211(5)(f)		
Designation criteria: Areas within incorporated municipalities, Urban Growth Areas (UGAs), "rural areas of more intense development," and "master planned resorts" (see RCW 36.70A.360) that are predominantly residential development or planned and platted for residential development. WAC 173-26-211(5)(f)(iii)	2.C.4.b	Compliant: The Master Program appears consistent with this SMP-Guideline requirement.
Standards for density or minimum frontage width, setbacks, buffers, shoreline stabilization, critical areas protection, and water quality protection assure no net loss of ecological function. WAC 173-26-211(5)(f)(ii)(A)	2.C.4.c.5	See also the charts at 4.B and 5.B. (Generally) Compliant: The Master Program appears generally consistent with this SMP-Guideline requirement. Research CIA and residential development standards b4 finalizing. RESPONSE: The CIA indicates NNL is achieved with the draft NNL. Also, see response above regarding residential setbacks. <u>(Ecology 4-2011): The provision as amended appears consistent with the applicable SMP-Guideline requirement.</u>
Multifamily and multi-lot residential and recreational developments provide public access and joint use for community recreational facilities. WAC 173-26-211(5)(f)(ii)(B)	2.C.4.c.6	Not Compliant: The referenced standard provides "community access for residents of that development", which is not public access as required by the SMP-Guidelines. RESPONSE: Draft revised to require that new multifamily development provide public access. <u>(Ecology 4-2011): The provision as amended appears consistent with the applicable SMP-Guideline requirement.</u>
Access, utilities, and public services required to be available and adequate to serve existing needs and/or planned future development. WAC 173-26-211(5)(f)(ii)(C)	2.C.4.c.3	Compliant: The referenced standard and c.4 within the same section appear consistent with this

STATE RULE (WAC) REQUIREMENTS	LOCATION	COMMENTS
		SMP-Guideline requirement.
<p>Commercial development limited to water-oriented uses. WAC 173-26-211(5)(f)(ii)(D)</p>		<p>Commercial uses are not permitted in "shoreline residential." (Generally) Compliant: The Master Program appears consistent with this SMP-Guideline requirement.</p>
GENERAL POLICIES AND REGULATIONS		
Archaeological and Historical Resources. WAC 173-26-221(1)		
<p>Developers and property owners required to stop work and notify the local government, state office of archaeology and historic preservation and affected Indian tribes if archaeological resources are uncovered during excavation. WAC 173-26-221(1)(c)(i)</p>	3.B.2.c.1	<p>Not Compliant: The reference provision does not include notice to affected Indian tribes. Requirement: The referenced section of the SMP will need to be amended to adequately reference affected Indian tribes for notice and consultation in the event that archaeological resources are uncovered during any site excavation. RESPONSE: This section was updated per the suggestions above. <i><u>(Ecology 4-2011): The provision as amended appears consistent with the applicable SMP-Guideline requirement.</u></i></p>
<p>Permits issued in areas documented to contain archaeological resources require site inspection or evaluation by a professional archaeologist in coordination with affected Indian tribes WAC 173-26-221(1)(c)(ii)</p>	2.B.6 c.2	<p>Not Compliant: Similar to comment above, the provision does not reference a "professional" archaeologist and should be amended to ensure potentially affected Indian tribes are notified and in coordination with the City and the property owner if archaeological resources are discovered. RESPONSE: This section was updated per the suggestions above. <i><u>(Ecology 4-2011): The provision as amended appears consistent with the applicable SMP-Guideline requirement.</u></i></p>
Critical areas. WAC 173-26-221(2)		
<p>Policies and regulations for critical areas (designated under GMA) located within shorelines of the state: (i) are consistent with SMP guidelines, and (ii) provide a level of protection to critical areas within the shoreline area that is at least equal to that provided by the local government's existing critical area regulations adopted pursuant to the GMA for comparable areas other than shorelines. WAC 173-26-221(2)(a) and (c) Planning objectives are for protection and restoration of degraded ecological functions and ecosystem-wide processes. Regulatory provisions protect existing</p>	3.B.3	<p>References the City's CAO, except for provisions not consistent with the SMA. Not Compliant: The referenced the City's existing Critical Areas Ordinance needs to provide the date that the Ordinance was adopted in addition to the Ordinance number. RESPONSE: This was updated throughout the document. <i><u>(Ecology 4-2011): Ecology received the reviewed sections of the Critical Areas Ordinance on March 11, 2011 and provided comments back to the City via email on April 25, 2011. Ecology's response included specific wetland comments from Ecology (Paul Anderson) within a attached document titled "Lake Stevens SMP Wetland Comments 4-13-11"(Ecology, 2011a), these</u></i></p>

STATE RULE (WAC) REQUIREMENTS	LOCATION	COMMENTS
<p>ecological functions and ecosystem-wide processes. WAC 173-26-221(2)(b)(iv)</p> <p>Critical area provisions promote human uses and values, such as public access and aesthetic values, provided they do not significantly adversely impact ecological functions. WAC 173-26-221(2)(b)(v)</p>		<p><i>comments will be referenced within this checklist as "Ecology 4/25/2011 wetland comments"(Ecology, 2011a). Ecology has attempted to integrate these comments into this checklist, however more detail has been provided within the April 25, 2011 email and attachment.</i></p> <p>(Ecology 11-2-2010): The CAO reference only excludes sections 14.88.310 (Reasonable Use), 14.16C.115 (Procedural) and "Exemption 11" (Plating). Please see the following Questions/Concerns related to this section:</p> <p>The specific reference to section 14.88.310 (Reasonable Use) does not appear to cover all the exceptions within the CAO. The following sections also do not appear consistent with the SMP-Guidelines:</p> <p>Sections 14.88.210(a) (1-3) and 14.88.250 granting the Planning Director authority to exempt activities (.210) or adopt admin. procedures (.250) within critical areas, which is not consistent with the SMP-Guidelines.</p> <p>Section 14.88.320 appears to provide a mechanism to exempt activities within critical areas based on illustration of an economic hardship, which is not consistent with the SMP-Guidelines.</p> <p>RESPONSE: Added to 3B3b – 210(a), 250 & 320.</p> <p><i>(Ecology 4-2011): The provision as amended, appear consistent with applicable SMP-Guideline requirement.</i></p> <p>(Question) The specific reference to section "14.16.115" (SMP section 3.B.3 (2) c pages 20-21) is not found within the CAO (14.88). Is this a typo or is this a reference to a different Ordinance?</p> <p>RESPONSE: Moved to 3B1a2</p> <p><i>(Ecology 4-2011): The provision as amended, appear consistent with applicable SMP-Guideline requirement.</i></p> <p>(Question) The specific reference to "Exemption 11" (SMP section 3.B.3 (2) d. page 20) is not adequately defined. It is not clear where this exemption exists in the referenced CAO?</p> <p>RESPONSE Removed.</p> <p><i>(Ecology 4-2011): The amend appears consistent with applicable SMP-Guideline requirement.</i></p> <p>Other general CAO Questions: Are the Non-Conforming Activities in 14.88.330 consistent with the SMP's Non-Conforming standards? Ecology suggests not including this section in the SMP.</p> <p>RESPONSE: Added new 3B3c</p> <p><i>((Ecology 4-2011): The provision as amended, appear consistent with applicable SMP-Guideline requirement.</i></p> <p>Is Part IX (Transfer of Dev. Rights) intended to be included in the SMP? Ecology suggests not including this section in the SMP.</p> <p>RESPONSE: Added new 3B3d.</p> <p><i>(Ecology 4-2011): The provision as amended, appear consistent with applicable SMP-Guideline requirement.</i></p> <p><i>(Ecology 4-25-2011 wetland comments) See Non-Compliant references within Ecology's 4-13-2011 Wetland comments (Ecology, 2011a) listed below.</i></p>
<p>If SMP includes optional expansion of jurisdiction: Clear description of the inclusion of any land necessary for buffers of critical areas that occur within shorelines of the state,</p>	<p>NA3.B.2.2.a</p>	<p>Compliant:</p> <p>Standard 3.B.3.2.a. appears to state that the City does not plan to utilize the optional</p>

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accurately depicting new SMP jurisdiction consistent with RCW 90.58.030(2)(f)(ii) and WAC 173-26-221(2)(a).		expansion.
Wetlands. WAC 173-26-221(2)(c)(i)		
Wetlands definition are consistent with WAC 173-22.	3.B.3(2) Definitions Chapter 6 and Appendix B provision 1.A and 6.A.	<p>Lake Stevens Municipal Code (LSMC) §14.88.100 [Definitions], ¶(ppp) wetland definition is mostly consistent with WAC 173-22 except for two discrepancies.</p> <p>Not Compliant:</p> <p>The following quoted text should be added to the wetland definition: ...wastewater treatment facilities, farm ponds, and landscape amenities, <u>“or those wetlands created after July 1, 1990, that were unintentionally created as a result of the construction of a road, street, or highway”</u>.</p> <p>RESPONSE: Added Wetlands definition with this new language to Chap 6. Shoreline code amendments will add this wording to the wetlands definition in 14.88.100.</p> <p>Reference to the Federal Manual for Identifying and Delineating Jurisdictional Wetlands should be stricken from the wetland definition.</p> <p><i>(Ecology 4-2011): The provision as amended, appear consistent with applicable SMP-Guideline requirement.</i></p> <p>RESPONSE: Made change to wetlands definition in SMP. Shoreline code amendments will remove this wording and add reference to the Washington State Wetlands Identification and Delineation Manual.</p> <p><i>(Ecology 4-2011): The provision as amended, appear consistent with applicable SMP-Guideline requirement.</i></p>
Provisions requiring wetlands delineation method are consistent with WAC 173-22-035.	3.B.3(2) Appendix B provision 2.E, 6A and 6B. See Page 6, Appendix B.	<p>LSMC §14.88.800 and §14.88.810 requiring wetland delineations are consistent with WAC 173-22-035.</p> <p>Not Compliant:</p> <p>However, LSMC §14.88.260 allows critical areas reports to be waived by the Planning Director “if it is deemed unnecessary to make a compliance determination”. This provision may not be consistent with LSMC §14.88.800 and §14.88.810 or comply with WAC 173-22-035.</p> <p>RESPONSE: Added Appendix B with critical areas regulations related to shorelines on March 10, 2011.</p> <p><i>(Ecology 4-25-2011 wetland comments) Provision “6.A Classification” should be amended to comply with the March 14, 2011 repeal of the state delineation manual. the state delineation manual has been replaced with the federal wetland delineation manual pursuant to WAC 173-22-035). Therefore the City should update this reference as follows:</i></p> <p><i>“Wetlands shall be classified as Category I, II, III, or IV using the Washington State Department of Ecology’s Wetland Rating System for Western Washington, Publication No. 04-06-025, or as amended hereafter. Wetland delineations shall be determined by using the Washington State Wetlands Identification and Delineation Manual, March 1997, or as amended hereafter. Wetland delineations shall be determined in accordance with WAC</i></p>

STATE RULE (WAC) REQUIREMENTS	LOCATION	COMMENTS
		<p><u>173-22-035.”</u> <u>Same comment as above in reference to provision “6.B (a) Determination of Boundary”. The City should update this provision as follows:</u></p> <p><u>“(a) The Shoreline Administrator, relying on a field investigation supplied by an applicant and applying the wetland definition provided in this SMP, shall determine the location of the wetland boundary. Qualified professional and technical scientists shall perform wetland delineations as part of a wetland identification report in accordance with WAC 173-22-035 using the Washington State Wetlands Identification and Delineation Manual, March 1997, or as amended hereafter.”</u></p>
<p>Regulations address all uses and activities listed in WAC 173-26-221(2)(c)(i)(A) to achieve no net loss of wetland area and functions including lost time when the wetland does not perform the function. [WAC 173-26-221(2)(c)(i)(A) + (C)]</p>	<p>Appendix B, <u>Provisions: 2C, 6.C.</u> <u>See Page 28, Appendix B.</u></p>	<p>Not Compliant: <i>The allowed activities in LSMC §14.88.220 [Allowed Activities] §14.88.820 [Allowed Activities] are not consistent with the uses and activities listed in WAC 173-26-221(2)(c)(i)(A) and will likely not achieve no net loss of wetland area or function.</i></p> <p>RESPONSE: Added Appendix B with critical areas regulations related to shorelines on March 10, 2011.</p> <p><u>(Ecology 4-25-2011 wetland comments) The following provisions within “Part 2 General Provisions” are not consistent with SMP-Guideline requirements and should be amended as follows:</u></p> <ul style="list-style-type: none"> • <u>Ecology recommends that the City replace in its entirety provision 2.C (e) referencing Installation or construction of City road right-of-way with the following language:</u> <u>“Drilling for utilities/utility corridors under a wetland, with entrance/exit portals located completely outside of the wetland buffer, provided that the drilling does not interrupt the ground water connection to the wetland or percolation of surface water down through the soil column. Specific studies by a hydrologist are necessary to determine whether the ground water connection to the wetland or percolation of surface water down through the soil column will be disturbed.”</u> • <u>Ecology recommends that the City replace in its entirety provision 2.C (g) referencing Stormwater Management Facilities with the following language:</u> <u>“Stormwater management facilities are limited to stormwater dispersion outfalls and bioswales. They may be allowed within the outer twenty-five percent (25%) of the buffer of Category III or IV wetlands only, provided that:”</u> <ol style="list-style-type: none"> <u>a.” No other location is feasible; and”</u> <u>b. “The location of such facilities will not degrade the functions or values of the wetland; and”</u> <u>c. “Stormwater management facilities are not allowed in buffers of Category I or II wetlands.”</u> <p><u>(Ecology 4-25-2011 wetland comments) The following amendments to Section “2.G (b) Mitigation/Enhancement Plan Requirements” should be changed by adding the following provision:</u></p> <ol style="list-style-type: none"> <u>(1) “Avoiding the impact altogether.”</u> <u>(2) “Reducing or eliminating the impact over time by preservation and maintenance</u>

STATE RULE (WAC) REQUIREMENTS	LOCATION	COMMENTS
		<p><u>operations.”</u></p> <p><u><i>(Ecology 4-25-2011 wetland comments) The following amendments to Section “2.H Mitigation Monitoring” should be changed as follows:</i></u></p> <p><u>(a) “All compensatory mitigation projects shall be monitored for the period necessary to establish that performance standards have been met, but in no event for a period less than five years for emergent communities and ten years for scrub-shrub and forested communities following the acceptance of the installation/construction by the Shoreline Administrator.”</u></p> <p><u>(b) Monitoring reports... [Note: The schedule listed requires more monitoring than state and federal standards.]</u></p> <p><u>(c) “The Shoreline Administrator shall have the authority to extend the monitoring and surety period and require additional monitoring reports and maintenance activities beyond the initial five-year monitoring period for any project that involves creation or restoration of forested wetland or buffer communities, does not meet the performance standards....”</u></p> <p><u><i>(Ecology 4-25-2011 wetland comments) The following amendments to the first sentence of Section “2.N Permanent Protection for Streams, Wetlands and Buffers” should be changed as follows:</i></u></p> <p><u>“All streams, and wetlands and mitigation sites under this SMP and their required buffers shall be permanently protected...”</u></p> <p><u><i>(Ecology 4-25-2011 wetland comments) The following provisions within “Part 6 Wetlands” are not consistent with SMP-Guideline requirements and should be amended as follows:</i></u></p> <p><u><i>(Ecology 4-25-2011 wetland comments) The following amendments to Section “6.C (a) Allowed Activities” should be changed as follows:</i></u></p> <p><u>(a) Those uses listed in Section 2.C.: (a) Education, scientific research, and construction and use of nature trails; provided, that they are proposed only within the outer 25 percent of the wetland buffers, except that trails may be located within the remainder of the critical area buffer when it is demonstrated through the site/resource-specific report that: (1)...</u></p> <p><u>This paragraph is not consistent with standards listed in <i>Wetlands & CAO Updates: Guidance for Small Cities, Western Washington Version</i> (Ecology Publication No. 10-06-002) (Small Cities Guidance). Recommend that reference to trails in 2.C be revised and replaced with the following language:</u></p> <p><u>Passive recreation. Passive recreation facilities designed and in accordance with an approved critical area report, including:</u></p> <p><u>a. Walkways and trails, provided that those pathways are limited to minor crossings having no adverse impact on water quality. They should be generally parallel to the perimeter of the wetland, located only in the outer twenty-five percent (25%) of the wetland buffer area, and located to avoid removal of significant trees. They should be limited to pervious surfaces no more than five (5) feet in width for pedestrian use only. Raised boardwalks utilizing non-treated pilings may be acceptable.</u></p> <p><u>b. Wildlife-viewing structure</u></p>
Wetlands rating or categorization system is based on rarity,	3.B.3(2)	Not Compliant:

STATE RULE (WAC) REQUIREMENTS	LOCATION	COMMENTS
irreplacability, or sensitivity to disturbance of a wetland and the functions the wetland provides. Use Ecology Rating system or regionally specific, scientifically based method. WAC 173-26-221(2)(c)(i)(B)]	Appendix B provision 6.A. See Pages 26-27, Appendix B.	LSMC §14.88.800 classifies wetlands based on Ecology's Western Washington rating system. Some minor edits are recommended (e.g., eliminate discussion of estuarine wetlands) RESPONSE: Added Appendix B with critical areas regulations related to shorelines on March 10, 2011. <i>(Ecology 4-2011): The provision as amended, appear consistent with applicable SMP-Guideline requirement.</i>
Buffer requirements are adequate to ensure wetland functions are protected and maintained in the long-term, taking into account ecological functions of the wetland, characteristics of the buffer, and potential impacts associated with adjacent land uses. WAC 173-26-221(2)(c)(i)(B)	3.B.3(2) Appendix B provision 6.D.(a) through (g) including table 6-1. See Pages 29-32 Appendix B.	Not Compliant: LSMC §14.88.830 (and 14.88.300) buffer requirements are not adequate to ensure wetland functions are protected. RESPONSE: Added Appendix B with critical areas regulations related to shorelines on March 10, 2011. <i>(Ecology 4-25-2011 wetland comments) Comments related to Buffers. Table 6-1; No standard buffer widths are listed in the table, therefore, there are no buffer widths listed for Cat. IV wetlands. The text in the paragraph preceding Table 6-1 and 6.D(c) references standard buffers but they are not found in the table or text of this section ("Any wetland created, restored, or enhanced as compensation for approved wetland alterations shall also include the standard buffer required for the category of the created, restored, or enhanced wetland."). Including the standard buffers listed in Table XX.1 (p. A-6) in the Small Cities Guidance would potentially allow for smaller buffers than those listed in Table 6-1. Please revise Table 6-1 to match the buffer widths listed in Table XX.1 in the Small Cities Guidance. At a minimum, include the standard 40-ft buffer for Cat. IV wetlands in Table 6-1.</i> <i>Also, the standard buffer widths in Table XX.1 requires that the impact minimization measures listed in Table XX.2 are incorporated in project design (see p. A-5, Small Cities Guidance). If the measures in Table XX.2 are not incorporated in project design, then the buffer should be increased by 33%.</i> <i>In addition to above, the following amendments to Section "6.D Requirements (d) Buffer Conditions and (e) Permitted Uses [within buffers]" should be changed as follows:</i> (d) Buffer Conditions. Except as otherwise specified, wetland buffers shall be retained in their natural condition. Where buffer disturbance may or has occurred outside of the development footprint during construction, revegetation with native wetland vegetation may shall be required. (e) Permitted Uses in a Wetland Buffer. (2) Stormwater management facilities are limited to stormwater dispersion outfalls and bioswales. They may be allowed within the outer twenty-five percent (25%) of the buffer of Category III or IV wetlands only, provided that: a. No other location is feasible; and b. The location of such facilities will not degrade the functions or values of the wetland; and c. Stormwater management facilities are not allowed in buffers of Category I

STATE RULE (WAC) REQUIREMENTS	LOCATION	COMMENTS
		<p><u>or II wetlands.</u></p> <p>(3) For Category III and IV wetlands, development having no feasible alternative location.</p> <p><u>Provision (f) "Buffer Reductions" within "6.D Requirements (d) Buffer" should be removed from the SMP. Standard buffer widths require that the impact minimization measures listed in Table XX.2 are incorporated in project design. A further reduction in buffer poses a greater risk to the resource and potential loss of function.</u></p>
<p>Wetland mitigation requirements are consistent with WAC 173-26-201(2)(e) and which are based on the wetland rating. WAC 173-26-221(2)(c)(i)(E) and (F)</p>	<p>3.B.3(2)</p> <p><u>Appendix B provision 6.E.(c) through (f) including table 6-3.</u></p> <p><u>See Page 35 Appendix B.</u></p>	<p>Not Compliant:</p> <p><u>LSMC §14.88.840 wetland mitigation requirements are based on the wetland rating but are not entirely consistent with WAC 173-26-201(2)(e) or the replacement ratios in the Mitigation Guidance (Ecology Publ. #06-06-011a).</u></p> <p><u>The mitigation sequence listed in 173-26-201(2)(e) should be referenced in the SMP.</u></p> <p>RESPONSE: Added Appendix B with critical areas regulations related to shorelines on March 10, 2011.</p> <p><u>(Ecology 4-25-2011 wetland comments) See related comments below under "Compensatory Mitigation" in reference to Part "6.E Mitigation" provisions.</u></p> <p><u>(Ecology 4-25-2011 wetland comments): In reference to provisions under Part "6.E Mitigation", the following provisions (6.F (a) 1 and 3) should be amended as follows</u></p> <p><u>(a) Location and Timing of Mitigation.</u></p> <p><u>(1) Restoration, creation, or enhancement actions should be undertaken on or adjacent to the site. If this is shown in the critical areas report not to be feasible, restoration, creation, or enhancement may occur within the same watershed, but preferably as close to the existing wetland as possible. In-kind replacement of the impacted wetland is preferred for creation, restoration, or enhancement actions. The City may accept or recommend restoration, creation, or enhancement which is off site and/or out of kind.</u></p> <p><u>(3) Any approved mitigation proposal shall be completed before initiation of other permitted activities, unless a phased or concurrent schedule has also been approved by the Shoreline Administrator;</u></p> <p><u>[Note related changes to 6.E listed below under "Compensatory Mitigation" required Changes]</u></p> <p><u>(Ecology 4-25-2011 wetland comments): For consistency with state and federal mitigation standards, recommend adding (as provided below) a provision (6.E.(a) 6.) allowing use of approved in-lieu fee program as a mitigation option:</u></p> <p><u>(6) "Fees are paid to an approved in-lieu fee program to compensate for the impacts."</u></p>
<p>Compensatory mitigation allowed only after mitigation sequencing is applied and higher priority means of mitigation are determined to be infeasible.</p>	<p>3.B.3(2)</p> <p><u>Appendix B provision</u></p>	<p><u>Mitigation sequencing as listed in WAC 173-26-201(2)(e), except for monitoring [(WAC 173-26-201(2)(e)(F)] is included in the CAO at LSMC §14.88.010.</u></p> <p>Not Compliant:</p>

STATE RULE (WAC) REQUIREMENTS	LOCATION	COMMENTS
<p>Compensatory mitigation requirements include (I) replacement ratios; (II) Performance standards for evaluating success; (III) long-term monitoring and reporting procedures; and (IV) long-term protection and management of compensatory mitigation sites. WAC 173-26-221(2)(c)(i)(F)</p> <p>Compensatory mitigation requirements are consistent with preference for “in-kind and nearby” replacement, and include requirement for watershed plan if off-site mitigation is proposed. WAC 173-173-26-201(2)(e)(B)</p>	<p><u>6.E.(a).(1)</u> <u>See Page 33 Appendix B.</u></p>	<p><i>Compensatory mitigation requirements include replacement ratios that differ somewhat from the Mitigation Guidance.</i></p> <p><i>Compensatory mitigation requirements (LSMC §14.88.840) are not entirely consistent with a preference for “in-kind and nearby” replacement. LSMC §14.88.840 does not include a requirement for watershed plan if off-site mitigation is proposed.</i></p> <p>RESPONSE: Added Appendix B with critical areas regulations related to shorelines on March 10, 2011.</p> <p><u><i>(Ecology 4-25-2011 wetland comments): In reference to provisions under Part “6.E Mitigation”, the following section should be added after the existing statement “The mitigation sequence set forth in WAC 173-26-201(2)b(e) should be applied after impact avoidance and minimization measures have been taken”</i></u></p> <p><u><i>“Compensatory mitigation for alterations to wetlands shall be used only for impacts that cannot be avoided or minimized and shall achieve equivalent or greater biologic functions. The design for the compensatory mitigation project needs to be appropriate for its location (i.e., position in the landscape). Therefore, compensatory mitigation should not result in the creation, restoration, or enhancement of an atypical wetland. An atypical wetland refers to a compensation wetland (e.g., created or enhanced) that does not match the type of existing wetland that would be found in the geomorphic setting of the site (i.e., the water source(s) and hydroperiod proposed for the mitigation site are not typical for the geomorphic setting).</i></u></p> <p><u><i>[Note related changes to 6.E (a) 1 and 3 listed above in “Mitigation” required Changes]</i></u></p> <p><u><i>(Ecology 4-25-2011 wetland comments) In reference to “Wetland Replacement Ratios”, the first sentence in provision 6.E. (c) (3) should be revised as follows:</i></u></p> <p><u><i>(3) The following acreage replacement ratios shall be used as targets. Mitigation ratios for the replacement of impacted wetlands shall be as listed in Table 6-3.</i></u></p> <p><u><i>(Ecology 4-25-2011 wetland comments) In reference to “Wetland Replacement Ratios”, the table “6-3: Wetland Mitigation Ratios”, Ecology Recommend allowing preservation as a compensatory mitigation option and adding a “Preservation” column to Table 6-3, consistent with the replacement ratios in Table G in the Small Cities Guidance. Also, the final row of table 6-3 (Category I – Bogs) should be amended to include “Natural Heritage Site(s)” within the “Category” column and replacing the “N/A” with a “6:1” ratio within the “Rehabilitation” column, (both amendments as follows):</i></u></p> <p><u><i>[Category I – Bog, Natural Heritage Site] [Not considered possible] [N/A 6:1] [N/A] [N/A]</i></u></p>
Geologically Hazardous Areas. WAC 173-26-221(2)(c)(ii)		
<p>Prohibition on new development (or creation of new lots) that would:</p> <ul style="list-style-type: none"> cause foreseeable risk from geological conditions during the life of the development prohibited. WAC 173-26-221(2)(c)(ii)(B) require structural shoreline stabilization over the life of 		<p>See the City's CAO.</p> <p>Non-Compliant:</p> <p><i>It is not clear; where in the CAO (14.88) adequate provisions exist consistent with these SMP-Guideline requirements?</i></p> <p><i>Further – section 14.88.650 providing administrative authority to alter existing</i></p>

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<p>the development. (Exceptions allowed where stabilization needed to protect allowed uses where no alternative locations are available and no net loss of ecological functions will result.) WAC 173-26-221(2)(c)(ii)(C)</p>		<p><i>standards, does not appear consistent with SMP-Guideline requirements. As stated within the Critical Areas section above, within shoreline areas, variation from SMP-standards should be evaluated through a formal Shoreline Variance process, for which an administrative approval process cannot be allowed to circumvent the variance review process.</i></p> <p>RESPONSE: Added Appendix B with critical areas regulations related to shorelines on March 10, 2011.</p> <p><u><i>(Ecology 4-2011): The provision as amended, appear consistent with applicable SMP-Guideline requirement.</i></u></p>
<p>New stabilization structures for existing primary residential structures allowed only where no alternatives (including relocation or reconstruction of existing structures), are feasible, and less expensive than the proposed stabilization measure, and then only if no net loss of ecological functions will result. WAC 173-26-221(2)(c)(ii)(D)</p>	<p>4.C.2.c.4-11</p>	<p>Non-Compliant:</p> <p><i>Similar comment provided below within "Shoreline Stabilization" (section 4.C.2) related to the general reference within this section to "development". The SMP-Guidelines provide specific standards for Shoreline Stabilization, for which "hard" stabilization should be prohibited, unless a "demonstrated need" can be shown that the hard structure is needed to protect a "primary structure". Therefore, hard structures cannot be considered to protect other parts of a "development" such as a yard, play court, gazebo, etc.</i></p> <p>RESPONSE: Changed language to 'primary structure'.</p> <p><u><i>(Ecology 4-2011): The provision as amended appears consistent with the applicable SMP-Guideline requirement.</i></u></p>
Critical Saltwater Habitats. WAC 173-26-221(2)(c)(iii)		
<p>Prohibition on new docks, bulkheads, bridges, fill, floats, jetties, utility crossings and other human-made structures that intrude into or over critical saltwater habitats, except where:</p> <ul style="list-style-type: none"> public need is clearly demonstrated; avoidance of impacts is not feasible or would result in unreasonable cost; the project include appropriate mitigation; and the project is consistent with resource protection and species recovery. <p>Private, non-commercial docks for individual residential or community use allowed if it is infeasible to avoid impacts by alternative alignment or location and the project results in no net loss of ecological functions. WAC 173-26-221(2)(c)(iii)(C)</p>	<p>N/A</p>	
<p>Where inventory of critical saltwater habitat has not been done, all over water and near-shore developments in marine and estuarine waters require habitat assessment of site and adjacent beach sections. WAC 173-26-221(2)(c)(iii)(C)</p>	<p>N/A</p>	

STATE RULE (WAC) REQUIREMENTS	LOCATION	COMMENTS
Critical Freshwater Habitats. WAC 173-26-221(2)(c)(iv)		
Requirements that ensure new development within stream channel, channel migration zone, wetlands, floodplain, hyporheic zone, does not cause a net loss of ecological functions. WAC 173-26-221(2)(c)(iv)(C)(I) and WAC 173-26-221(2)(c)(iv)(B)(II)		Also shoreline modification and use charts at 4.B and 5.B. Non-Compliant: See comments above within the Critical Areas section including Wetland and Geologically Hazardous Areas. . RESPONSE: Added Appendix B with critical areas regulations related to shorelines on March 10, 2011. <u>(Ecology 4-2011): The provision as amended in the 12/2010 draft, appear consistent with applicable SMP-Guideline requirement.</u>
Authorization of appropriate restoration projects is facilitated. WAC 173-26-221(2)(c)(iv)(C)(III)	3.B.5.c.3	Compliant: The referenced standard appears appropriate. Also could reference other SMP sections in Chapter 3 & 4 including: Critical Areas, Environmental Impact, Vegetation Conservation, Water Quality/Quantity, General Policies/Regulations, Shoreline Restoration & Ecological Enhancement and the City's overall SMP-Restoration Plan.. RESPONSE: Updated language <u>(Ecology 4-2011): Thank you for the clarification. The provision appears consistent with the applicable SMP-Guideline requirement.</u>
Regulations protect hydrologic connections between water bodies, water courses, and associated wetlands. WAC 173-26-221(2)(c)(iv)(C)(IV)	3.B.5.c.5	Compliant: The referenced standard appears appropriate. Similar comment as above, i.e. could reference addition SMP sections RESPONSE: Updated language <u>(Ecology 4-2011): Thank you for the clarification. The provision appears consistent with the applicable SMP-Guideline requirement.</u>
Flood Hazard Reduction. WAC 173-26-221(3)		
New development within the channel migration zone or floodway limited to uses and activities listed in WAC 173-26-221(3)(b) and (3)(c)(i)	3.B.5.c.2	Compliant: The Master Program appears consistent with this SMP-Guideline requirement.
New structural flood hazard reduction measures allowed only: where demonstrated to be necessary, and when non-structural methods are infeasible and mitigation is accomplished. landward of associated wetlands and buffer areas except where no alternative exists as documented in a	3.B.5.c.2	See also 4.C.7 Compliant: The Master Program appears consistent with this SMP-Guideline requirement..

STATE RULE (WAC) REQUIREMENTS	LOCATION	COMMENTS
geotechnical analysis. WAC 173-26-221(3)(c)(ii) & (iii)		
New publicly funded dikes or levees required to dedicate and improve public access (see exceptions). WAC 173-26-221(3)(c)(iv)	4.C.7.c.5	Compliant: The Master Program appears consistent with this SMP-Guideline requirement.
Removal of gravel for flood control allowed only if biological and geomorphological study demonstrates a long-term benefit to flood hazard reduction, no net loss of ecological functions, and extraction is part of a comprehensive flood management solution. WAC 173-26-221(3)(c)(v)	3.B.5.c.11	Compliant: The Master Program appears consistent with this SMP-Guideline requirement.
Public Access. WAC 173-26-221(4)		
Policies and regulations protect and enhance both physical and visual access . WAC 173-26-221(4)(d)(i)	3.B.7.b.1-12 and 3.B.7.c.1-11	Views are maintained at public properties. Compliant: The Master Program appears consistent with this SMP-Guideline requirement.
Public entities are required to incorporate public access measures as part of each development project, unless access is incompatible with safety, security, or environmental protection. WAC 173-26-221(4)(d)(ii)	3.B.7.c.1.a	Compliant: The Master Program appears consistent with this SMP-Guideline requirement.
Non-water-dependent uses (including water-enjoyment, water-related uses) and subdivisions of land into more than four parcels include standards for dedication and improvement of public access. WAC 173-26-221(4)(d)(iii)	3.B.7.c.1-2	(Generally) Compliant: The Master Program appears consistent with this SMP-Guideline requirement. Note: Section 2.C.4.c.6 within the Shoreline Residential designation section in chapter 2 is not consistent with either the SMP-Guidelines or this (Public Access) section of the SMP. Creation of 4 or more shoreline lots requires dedicated "public" access, not "community" access as currently written in the reference standard. This standard will need to be amended to be consistent with the SMP-Guidelines RESPONSE: Language updated. <i><u>(Ecology 4-2011): Thank you for the clarification. The provision appears consistent with the applicable SMP-Guideline requirement.</u></i>
Maximum height limits, setbacks, and view corridors minimize impacts to existing views from public property or substantial numbers of residences. WAC 173-26-221(4)(d)(iv); RCW 90.58.320		Height is limited to 35 feet above grade. Compliant: The Master Program appears consistent with this SMP-Guideline requirement.

STATE RULE (WAC) REQUIREMENTS	LOCATION	COMMENTS
Vegetation Conservation (Clearing and Grading). WAC 173-26-221(5)		
Vegetation standards implement the principles in WAC 173-26-221(5)(b). Methods to do this may include setback or buffer requirements, clearing and grading standards, regulatory incentives, environment designation standards, or other master program provisions. WAC 173-26-221(5)(c)	3.B.11	See also 5.C.8.c.2(c) and 5.C.8.c.3. Not Compliant: The Master Program appears generally consistent with these SMP-Guideline requirements, with the exception of 3.B.11.c.9. This standard appears to provide an exemption to the buffer standards to accommodate small, constrained lots. Providing such a 'reasonable use' exemption is not consistent with the SMP-Guidelines and should be amended to require a Shoreline Variance to consider development of these existing lots RESPONSE: Language updated. <i><u>(Ecology 4-2011): The provision as amended appears consistent with the applicable SMP-Guideline requirement.</u></i>
Selective pruning of trees for safety and view protection is allowed and removal of noxious weeds is authorized. WAC 173-26-221(5)(c)	See definitions: "significant vegetation removal"	Compliant: The Master Program appears consistent with this SMP-Guideline requirement.
Water Quality. WAC 173-26-221(6)		
Provisions protect against adverse impacts to water quality and storm water quantity and ensure mutual consistency between SMP and other regulations addressing water quality. WAC 173-26-221(6)	3.B.12.b-c	Compliant: The Master Program appears consistent with this SMP-Guideline requirement.
SHORELINE MODIFICATIONS		
SMP: (a) allows structural shoreline modifications only where demonstrated to be necessary to support or protect an allowed primary structure or a legally existing shoreline use that is in danger of loss or substantial damage or are necessary for mitigation or enhancement; (b) limits shoreline modifications in number and extent; (c) allows only shoreline modifications that are appropriate to the specific type of shoreline and environmental conditions for which they are proposed; (d) gives preference to those types of shoreline modifications that have a lesser impact on ecological functions. Policies promote "soft" over "hard" shoreline modification measures (f) incorporates all feasible measures to protect ecological shoreline functions and ecosystem-wide processes as modifications occur; (g) requires mitigation sequencing. WAC 173-26-231(2); WAC 173-26-231(3)(a)(ii) and (iii);	4.C.1.c.1-7 Also 4.C.2.A-C (SPECIFICALLY 4.c.2.C.4-9) aLSO 3.b.4	See specific comments below:

STATE RULE (WAC) REQUIREMENTS	LOCATION	COMMENTS
Shoreline Stabilization. WAC 173-26-231(3)(a)		
<p>Definition: structural and nonstructural methods to address erosion impacts to property and dwellings, businesses, or structures caused by natural processes, such as current, flood, tides, wind, or wave action. WAC 173-26-231(3)(a)(i)</p> <p>Definition of new stabilization measures include enlargement of existing structures. WAC 173-26-231(3)(a)(iii)(C), last bullet; WAC 173-26-231(3)(a)(iii)(B)(I), 5th bullet</p>	<p>4.C.2.c.4-6</p>	<p>Not Compliant:</p> <p><i>(Ecology 11-2-2010) Section 4.C.2.a (Applicability) is not consistent with this Guideline section. Specifically, WAC 173-26-231(3)(a)(i) does not include a reference to “manmade process”, which should be removed from this section of the SMP.</i></p> <p>RESPONSE: This reference was removed.</p> <p><i><u>(Ecology 4-2011): The provision as amended appears consistent with the applicable SMP-Guideline requirement.</u></i></p>
<p>Standards setting forth circumstances under which shoreline alteration is permitted, and for the design and type of protective measures and devices. WAC 173-26-231(3)(a)(ii)</p>	<p>y sub4.C.2.c, all regulations</p>	<p>Not Compliant:</p> <p>Policy 4.C.2.b.2 including the general reference to "existing development" is not consistent with the SMP Guidelines. Structural stabilization should only be considered to prevent damage to existing 'primary structures' or 'primary uses', which may not include all "existing development" as currently drafted in the SMP.</p> <p>Requirement:</p> <p>Policy 4.C.2.b.2 and Regulation 4.C.2.c.4, should be amended by substituting the reference to "...existing development..." with "primary structure" or similar language consistent with the SMP Guidelines</p> <p><i>(Ecology 11-2-2010): This comment should really be applied to the whole Shoreline Stabilization section including all references to “development” as opposed to a more specific “primary structure” reference as required by the SMP-Guidelines. “Development” is defined within the SMP, which is not consistent with the “primary structure” reference in the Guidelines,</i></p> <p><i>Therefore, references to “development” in this section should be replaced with “primary structure”.</i></p> <p>RESPONSE: Language updated.</p> <p><i><u>(Ecology 4-2011): The provision as amended appears consistent with the applicable SMP-Guideline requirement.</u></i></p>
<p>New development (including newly created parcels) required to be designed and located to prevent the need for future shoreline stabilization, based upon geotechnical analysis.</p> <p>New development on steep slopes and bluffs required to be set back to prevent need for future shoreline stabilization during life of the project, based upon geotechnical analysis.</p> <p>New development that would require shoreline stabilization which causes significant impacts to adjacent or down-current properties and shoreline areas is prohibited. WAC 173-26-231(3)(a)(iii)(A)</p>	<p>4.C.2.c.1-3</p>	<p>Compliant:</p> <p>The Master Program appears consistent with this SMP-Guideline requirement.</p>

STATE RULE (WAC) REQUIREMENTS	LOCATION	COMMENTS
<p>New structural stabilization measures are not allowed except when necessity is demonstrated. Specific requirements for <i>how to demonstrate need</i> are established for:</p> <ul style="list-style-type: none"> (I) existing primary structures; (II) new non-water-dependent development including Single Family Residences; (III) water-dependent development; and (IV) ecological restoration/toxic clean-up remediation projects. WAC 173-26-231(3)(a)(iii)(B) 	<p>4.C.2.c.6</p>	<p>Not Compliant:</p> <p>The referenced regulation (4.C.2.c.6) should be amended by substituting the reference to "...existing development..." with "primary structure" or similar language consistent with the SMP Guidelines</p> <p>RESPONSE: Language updated.</p> <p><i><u>(Ecology 4-2011): The provision as amended appears consistent with the applicable SMP-Guideline requirement.</u></i></p>
<p>Replacement of existing stabilization structures is based on demonstrated need. Waterward encroachment of replacement structure only allowed for residences occupied prior to January 1, 1992, or for soft shoreline stabilization measures that provide restoration of ecological functions. WAC 173-26-231(3)(a)(iii)(C)</p>	<p>4.C.2.c.12-13</p>	<p>Compliant:</p> <p>See comments above related to the existing SMP's incorrect reference to "existing development" as a justification for protection. Further the SMP-Guidelines define "replacement" as "new" stabilization for which a demonstration of need for protection of a primary structure is required</p> <p>RESPONSE: Language updated.</p> <p><i><u>(Ecology 4-2011): The provision as amended appears consistent with the applicable SMP-Guideline requirement.</u></i></p>
<p>Geotechnical reports prepared to demonstrate need include estimates of rate of erosion and urgency (damage within 3 years) and evaluate alternative solutions. WAC 173-26-231(3)(a)(iii)(D)</p>	<p>4.C.2.c.6</p>	<p>Not Compliant:</p> <p>The referenced provision does not appear to provide any Geotechnical Report criteria.</p> <p>Further, in order to consider new or expanded hard armored structures, the SMP must include a standard requiring that a Geotechnical professional demonstrate that erosion rates projected over the next 3-year would result in damage to an existing primary structure</p> <p>RESPONSE: Language updated.</p> <p><i><u>(Ecology 4-2011): The provision as amended in the 12/2010 draft, appear consistent with applicable SMP-Guideline requirement.</u></i></p>
<p>Shoreline stabilization structures are limited to the minimum size necessary. WAC 173-26-231(3)(a)(iii)(E)</p>	<p>4.C.2.c.8</p>	<p>Not Compliant:</p> <p>Regulation 4.C.2.c.13 is not consistent with this SMP-Guideline requirement. Placement of a new bulkhead adjacent to (seaward or upland) to an existing bulkhead is not replacement, but rather would be considered expansion of the existing bulkhead. Replacement of an existing bulkhead should include removal of the existing bulkhead and replacement with a new shoreline measure consistent with the SMP, which may not be a hard-armored bulkhead</p> <p>RESPONSE: We've added language to clarify that this is only for clear exceptions.</p> <p><i><u>(Ecology 4-2011): The provision as amended in the 12/2010 draft, appear consistent with applicable SMP-Guideline requirement.</u></i></p>

STATE RULE (WAC) REQUIREMENTS	LOCATION	COMMENTS
<p>Public access required as part of publicly financed shoreline erosion control measures. WAC 173-26-231(3)(a)(iii)(E)</p>	<p>3.B.7.c.1</p>	<p>Compliant: The Master Program appears consistent with this SMP-Guideline requirement.</p>
<p>Impacts to sediment transport required to be avoided or minimized. WAC 173-26-231(3)(a)(iii)(E)</p>	<p>4.C.2.c.8</p>	<p>Compliant: The Master Program appears consistent with this SMP-Guideline requirement.</p>
<p>Piers and Docks. WAC 173-26-231(3)(b)</p>		
<p>New piers and docks: allowed only for water-dependent uses or public access restricted to the minimum size necessary to serve a proposed water-dependent use. permitted only when specific need is demonstrated (except for docks accessory to single-family residences). Note: Docks associated with single family residences are defined as water dependent uses provided they are designed and intended as a facility for access to watercraft. WAC 173-26-231(3)(b)</p>	<p>4.C.3.c.1, .18 <u>Specifically, 4.C.3.c.21.b.i.a (1 and 2) are inconsistent with WAC 173-26-231 (3) (b).</u></p>	<p><u>Non-Compliant:</u> <u>See issues described below under "Design and Construction". In summary, the "Exceptions" to Pier/Dock width requirements listed in provision 4.C.3.c.21.b.i.a (1 and 2) have not been justified or sufficiently analyzed within the City's supporting documentation and are therefore not consistent with applicable SMP-Guideline requirements and should be removed from the SMP.</u></p>
<p>When permitted, new residential development of more than two dwellings required to provide joint use or community docks, rather than individual docks. WAC 173-26-231(3)(b)</p>	<p>4.C.3.c.18(c) and .19</p>	<p>Compliant: The Master Program appears consistent with this SMP-Guideline requirement.</p>
<p>Design and construction of all piers and docks required to avoid, minimize and mitigate for impacts to ecological processes and functions and be constructed of approved materials. WAC 173-26-231(3)(b)</p>	<p>4.C.3.c.1, .7-13, .20</p>	<p><u>Non Compliant</u>Compliant: The Master Program appear generally consistent with this SMP-Guideline requirement. Suggestion: Replacement pier/dock standards beginning with standard 4.C.3.c.22 could be enhanced by also limiting pier width to 4-6 feet within 30-feet of OHWM similar to the SMP's new pier/dock standards. <u>(Ecology 4/2011) "Exceptions" (4.C.3.c.21.b. [width] i.a.1) and 2) appear to allow the width of private overwater structure to be increased to 6-feet or 8-feet in width within the "nearshore" (first 30-feet seaward of the OHWM) for linear or entirely grated docks, or if an applicant agrees to plant two "significant trees" along their shoreline as mitigation for the increased dock width. It is not clear how the City would justify this exception as the need for the additional pier/dock width is not described. Piers/Docks are described within the City's SMP as necessary to provide "moorage" and access to water-dependent uses. 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, of that is not possible, to minimize and mitigate the impacts to ecological functions"(Ecology, 2011). Ecology has allowed other jurisdictions to incorporate limited (defined) administrative flexibility to Pier/Dock dimensional standards to accommodate disability (ADA) needs. However, based on a 2003 U.S Access Board publication titled "Accessible Boating Facilities", pier/dock with should</u></p>

STATE RULE (WAC) REQUIREMENTS	LOCATION	COMMENTS
		<p><u>be 5-feet to accommodated ADA access. Therefore, the City's undefined need for additional pier/dock width is not justified. Further, additional pier/dock width within "nearshore" areas is not consistent with Protection of Ecological Functions (WAC 173-26-201-2-c) or Environmental Mitigation (Mitigation Sequencing) requirements from the SMP Guidelines under WAC 173-26-201 (2) (e). Mitigation Sequencing requires that Master programs first avoid impacts, then for those impacts that cannot be avoided, jurisdictions are to minimize impacts, finally remaining impacts which could not be avoided, or minimized, can be mitigate as the third step in the sequence (Ecology, 2011). As noted within the City's Shoreline Inventory/Characterization Report (Watershed & Makers, 2010a), the City's Cumulative Impact Assessment (Watershed & Makers, 2010b) and the Snohomish Basin Salmon Conservation Plan (SBSRF, 2005) existing habitat should be protected or restored through reduction of overwater cover and in-water structure. The Shoreline Inventory/Characterization Report (Watershed & Makers, 2010a; 47) recommends that SMP Pier/Dock standards provide clear "replacement" and "repair" definitions and standards consistent with the SMP-Guideline section WAC 173-26-231-3b(below) 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. The City's Cumulative Impact Assessment (Watershed & Makers, 2010b) cites adverse affects to shoreline ecological functions associated with Pier/Dock construction and concludes that the SMP will satisfy No Net Loss of Ecological Functions based on the assumption that ecological improvements (grating, reduction of overwater and in-water structure) from replacement docks, will in the long-term offset increased overwater coverage resulting from new docks.. Finally, Ecology is not aware of any formal coordination between the City and WDFW related to pier/dock standards or mitigation priorities. Based on the information provided within the City's supporting analysis (Inventory/Characterization, Cumulative Impact Assessment), it appears that the nearshore area (30-feet waterward of OHWM) is characterized as providing important habitat, for which impacts associated with additional overwater structure should be avoided as a top priority. Unless other minimization or mitigation provisions (such as vegetation enhancement) are clearly preferred by WDFW or justified through additional supporting analysis, pier/dock width should minimized to only exceed 4-feet (and no greater than 6-feet) when justified to accommodate ADA access needs.</u></p> <p><u>Relevant provisions from WAC 173-26-231(3.(b)): "Pier and dock construction shall be restricted to the minimum size necessary to meet the needs of the proposed water-dependent use."..."Piers and docks, including those accessory to single-family residences, shall be designed and constructed to avoid or, if that is not possible, to minimize and mitigate the impacts to ecological functions, critical areas resources such as eelgrass beds and fish habitats and processes such as currents and littoral drift. See WAC 173-26-221 (2)(c)(iii) and (iv). Master programs should require that structures be made of materials that have been approved by applicable state agencies."</u></p>
Fill. WAC 173-26-231(3)(c)		
Definition of "fill" consistent with WAC 173-26-020(14)	4.C.4.a	Compliant: The Master Program appears consistent with this SMP-Guideline requirement.

STATE RULE (WAC) REQUIREMENTS	LOCATION	COMMENTS
<p>Location, design, and construction of all fills protect ecological processes and functions, including channel migration. WAC 173-26-231(3)(c)</p>	<p>4.C.4.c.1-4</p>	<p>Compliant: The Master Program appears consistent with this SMP-Guideline requirement.</p>
<p>Fill waterward of the OHWM allowed only by shoreline conditional use permit, for:</p> <ul style="list-style-type: none"> water-dependent use; public access; cleanup and disposal of contaminated sediments as part of an interagency environmental clean-up plan; disposal of dredged material in accordance with DNR Dredged Material Management Program; expansion or alteration of transportation facilities of statewide significance currently located on the shoreline (if alternatives to fill are shown not feasible); mitigation action, environmental restoration, beach nourishment or enhancement project. WAC 173-26-231(3)(c) 	<p>4.C.4.c.7</p>	<p>Fill is permitted for ecological restoration only. Compliant: The Master Program appears consistent with this SMP-Guideline requirement.</p>
<p>Breakwaters, Jetties, and Weirs. WAC 173-26-231(3)(d)</p>		
<p>Structures waterward of the ordinary high-water mark allowed only for water-dependent uses, public access, shoreline stabilization, or other specific public purpose. WAC 173-26-231(3)(d)</p>	<p>New structures are not permitted.</p>	<p>There is an existing weir to control lake level. Compliant: The Master Program appears consistent with this SMP-Guideline requirement.</p>
<p>Shoreline conditional use permit required for all structures except protection/restoration projects. WAC 173-26-231(3)(d)</p>	<p>Not permitted.</p>	<p>Compliant: The Master Program appears consistent with this SMP-Guideline requirement.</p>
<p>Protection of critical areas and appropriate mitigation required. WAC 173-26-231(3)(d)</p>	<p>Not permitted.</p>	<p>Compliant: The Master Program appears consistent with this SMP-Guideline requirement.</p>
<p>Dunes Management. WAC 173-26-231(3)(e)</p>		
<p>Development setbacks from dunes prevent impacts to the natural, functional, ecological, and aesthetic qualities of the dunes. WAC 173-26-231(3)(e)</p>	<p>N/A</p>	
<p>Dune modifications allowed only when consistent with state and federal flood protection standards and result in no net loss of ecological processes and functions. WAC 173-26-231(3)(e)</p>	<p>N/A</p>	

STATE RULE (WAC) REQUIREMENTS	LOCATION	COMMENTS
Dune modification to protect views of the water shall be allowed only on properties subdivided and developed prior to the adoption of the master program and where the view is completely obstructed for residences or water-enjoyment uses and where it can be demonstrated that the dunes did not obstruct views at the time of original occupancy. WAC 173-26-231(3)(e)	N/A	
Dredging and Dredge Material Disposal. WAC 173-26-231(3)(f)		
Dredging and dredge material disposal avoids or minimizes significant ecological impacts. Impacts which cannot be avoided are mitigated. WAC 173-26-231(3)(f)	4.C.5.d.1-4	Compliant: The Master Program appears consistent with this SMP-Guideline requirement. Note: Regulation 4.C.5.d.2 references "marine habitat", which is assumed to be a mistake as the SMA jurisdiction of Lake Stevens does not involve any marine waters.
New development siting and design avoids the need for new and maintenance dredging. WAC 173-26-231(3)(f)	4.C.5.d.11	Compliant: The Master Program appears consistent with this SMP-Guideline requirement.
Dredging to establish, expand, relocate or reconfigure navigation channels allowed only where needed to accommodate existing navigational uses and then only when significant ecological impacts are minimized and when mitigation is provided. WAC 173-26-231(3)(f)	4.C.5.c.1 and 4.C.5.d.10	Compliant: The Master Program appears consistent with this SMP-Guideline requirement.
Maintenance dredging of established navigation channels and basins restricted to maintaining previously dredged and/or existing authorized location, depth, and width. WAC 173-26-231(3)(f)	4.C.5.d.12	Compliant: The Master Program appears consistent with this SMP-Guideline requirement.
Dredging for fill materials prohibited except for projects associated with MTCA or CERCLA habitat restoration, or any other significant restoration effort approved by a shoreline CUP. Placement of fill must be <i>waterward</i> of OHWM. WAC 173-26-231(3)(f)	4.C.5.d.10	Compliant: The Master Program appears consistent with this SMP-Guideline requirement.
Uses of dredge material that benefits shoreline resources are addressed. If applicable, addressed through implementation of regional interagency dredge material management plans or watershed plan. WAC 173-26-231(3)(f)	4.C.5.d.13-14	Compliant: The Master Program appears consistent with this SMP-Guideline requirement.
Disposal within river channel migration zones discouraged, and in limited instances when allowed, require CUP. (Note: not intended to address discharge of dredge material into the flowing current of the river or in deep water	4.C.5.d.17	Such disposal is highly unlikely. Compliant:

STATE RULE (WAC) REQUIREMENTS	LOCATION	COMMENTS
within the channel where it does not substantially effect the geo-hydrologic character of the channel migration zone). WAC 173-26-231(3)(f)		The Master Program appears consistent with this SMP-Guideline requirement.
Shoreline Habitat and Natural Systems Enhancement Projects. WAC 173-26-231(3)(g)		
Provisions that foster habitat and natural system enhancement projects , provided the primary purpose is restoration of the natural character and functions of the shoreline, and only when consistent with implementation of the restoration plan developed pursuant to WAC 173-26-201(2)(f)	4.C.6.c.1-4	Compliant: The Master Program appears consistent with this SMP-Guideline requirement.
SPECIFIC SHORELINE USES		
Agriculture. WAC 173-26-241(3)(a)		
Use of agriculture related terms is consistent with the specific meanings provided in WAC 173-26-020. WAC 173-26-241(3)(a)(ii) and (iv)	5.C.2.a	Compliant: The Master Program appears consistent with this SMP-Guideline requirement.
Provisions address new agricultural activities , conversion of agricultural lands to other uses, and other development not meeting the definition of agricultural activities. Provisions assure that development in support of agricultural uses is: (A) consistent with the environment designation; and (B) located and designed to assure no net loss of ecological functions and not have a significant adverse impact on other shoreline resources and values. WAC 173-26-241(3)(a)(ii) & (v)	5.C.2.c	Compliant: The Master Program appears consistent with this SMP-Guideline requirement.
Shoreline substantial development permit is required for all agricultural development not specifically exempted by the provisions of RCW 90.58.030(3)(e)(iv)	5.C.2.a	Compliant: The Master Program appears consistent with this SMP-Guideline requirement.
Conversion of agricultural land to non-agricultural uses is consistent with the environment designation, and regulations applicable to the proposed use do not result in a net loss of ecological functions. WAC 173-26-241(3)(a)(vi)	N/A	
Aquaculture. WAC 173-26-241(3)(b)		
Location and design requirements for aquaculture facilities avoid: loss of ecological functions, impacts to eelgrass and macroalgae, significant conflict with navigation and water-dependent uses, the spreading of disease, introduction of	N/A	

STATE RULE (WAC) REQUIREMENTS	LOCATION	COMMENTS
non-native species, or impacts to shoreline aesthetic qualities. Impacts to functions are mitigated. WAC 173-26-241(3)(b)		
Boating Facilities. WAC 173-26-241(3)(c)		
Definition: Boating facility standards do not apply to docks serving four or fewer SFRs. WAC 173-26-241(3)(c)	5.C.3.a	Compliant: The Master Program appears consistent with this SMP-Guideline requirement.
Boating facilities restricted to suitable locations . WAC 173-26-241(3)(c)(i)	5.C.3.c.3-4	Compliant: The Master Program appears consistent with this SMP-Guideline requirement.
Provisions ensuring health, safety, and welfare requirements are met. WAC 173-26-241(3)(c)(ii)	5.C.3.c.1	Compliant: The Master Program appears consistent with this SMP-Guideline requirement.
Provisions to avoid or mitigate aesthetic impacts . See WAC 173-26-241(3)(c)(iii)	5.C.3.c.8, .10	Compliant: The Master Program appears consistent with this SMP-Guideline requirement.
Public access required in new boating facilities. WAC 173-26-241(3)(c)(iv)	3.B.7	Public access to the small marinas on Lake Stevens would not provide a significant public benefit, and new marina opportunities are resstricted. Discuss RESPONSE: The public access regulations have been updated for clarity. <i>(Ecology 4-2011): The provision as amended in the 12/2010 draft, appear consistent with applicable SMP-Guideline requirement.</i>
Impacts of live-aboard vessels are limited. WAC 173-26-241(3)(c)(v)	5.C.3.c.4	Live-aboards are not an issue on Lake Stevens. Not Compliant: Please describe why Live-aboards are not an issue. Are live-aboards prohibited? RESPONSE: Added language to prohibit live aboards <i>(Ecology 4-2011): The provision as amended in the 12/2010 draft, appear consistent with applicable SMP-Guideline requirement.</i>
Provisions assuring no net loss of ecological functions as a result of development of boating facilities while providing public recreational opportunities. WAC 173-26-241(3)(c)(vi)	5.C.3.c.3-5	Compliant: The Master Program appears consistent with this SMP-Guideline requirement.
Navigation rights are protected. WAC 173-26-241(3)(c)(vii)	5.C.3.c.2	Compliant: The Master Program appears consistent with this SMP-Guideline requirement.

STATE RULE (WAC) REQUIREMENTS	LOCATION	COMMENTS
Extended moorage on waters of the state without a lease or permission is restricted, and mitigation of impacts to navigation and access is required. WAC 173-26-241(3)(c)(viii)	5.C.3.c.1	Compliant: The Master Program appears consistent with this SMP-Guideline requirement.
Commercial Development. WAC 173-26-241(3)(d)		
Preference given first to water-dependent uses, then to water-oriented commercial uses. WAC 173-26-241(3)(d)	5.C.4.c.2	Compliant: The Master Program appears consistent with this SMP-Guideline requirement.
Water-enjoyment and water-related commercial uses required to provide public access and ecological restoration where feasible and avoid impacts to existing navigation, recreation, and public access. WAC 173-26-241(3)(d)	5.C.4.c.4	Compliant: The Master Program appears consistent with this SMP-Guideline requirement.
New non-water-oriented commercial uses prohibited unless they are part of a mixed-use project, navigation is severely limited, and the use provides a significant public benefit with respect to SMA objectives. WAC 173-26-241(3)(d)	5.C.4.c.2	Compliant: The Master Program appears consistent with this SMP-Guideline requirement.
Non-water-dependent commercial uses over water prohibited except in existing structures, and where necessary to support water-dependent uses. WAC 173-26-241(3)(d)	5.B use chart	Compliant: The Master Program appears consistent with this SMP-Guideline requirement.
Forest Practices. WAC 173-26-241(3)(e)		
Forest practices not covered by the Forest Practices Act, especially Class IV-General forest practices involving conversions to non-forest use result in no net loss of ecological functions and avoid impacts to navigation, recreation and public access. WAC 173-26-241(3)(e)	N/A	
SMP limits removal of trees on shorelines of statewide significance (RCW 90.58.150). Exceptions to this standard require shorelines conditional use permit. WAC 173-26-241(3)(e)	N/A	
Industry. WAC 173-26-241(3)(f)		
Preference given first to water-dependent uses, then to water-oriented industrial uses. WAC 173-26-241(3)(f)	5.B use chart	There are no sites where industry has access to navigable waters suitable for that purpose. Not Compliant:

STATE RULE (WAC) REQUIREMENTS	LOCATION	COMMENTS
		<p>Please describe how this SMP-Guideline standard is achieved? If, Industrial uses are allowed by the SMP, then preference to water-dependent uses should be integrated into this section</p> <p>RESPONSE: On Little Pilchuck and Catherine Creeks, we do not want to encourage water dependent industry because the creeks are sensitive, non-navigable waterways with 160' setbacks. In this case, we feel it is better to protect the shoreline. We added a policy to address this.</p> <p><i><u>(Ecology 4-2011): The provision as amended in the 12/2010 draft, appear consistent with applicable SMP-Guideline requirement.</u></i></p>
<p>Location, design, and construction of industrial uses and redevelopment required to assure no net loss of ecological functions. WAC 173-26-241(3)(f)</p>		<p>Compliant:</p> <p>The Master Program appears consistent with this SMP-Guideline requirement.</p>
<p>Industrial uses and redevelopment encouraged to locate where environmental cleanup and restoration can be accomplished. WAC 173-26-241(3)(f)</p>	<p>N/A</p>	<p>Industrial uses must be set back 160' from the shoreline. See 5.B development standards matrix</p> <p>Compliant:</p> <p>The Master Program appears consistent with this SMP-Guideline requirement.</p>
<p>Public access required unless such a requirement would interfere with operations or create hazards to life or property. WAC 173-26-241(3)(f)</p>	<p><i><u>N/A Chapter 3, Section 7.c regulations 1-12</u></i></p>	<p>Not Compliant:</p> <p>Please describe how this SMP-Guideline standard is achieved? If, Industrial uses are allowed by the SMP, then either the SMP should require some form of public access or provide criteria that isolates justified safety concerns and includes an alternative mechanism to contribut Shoreline Oriented public benefits to the SMP</p> <p>RESPONSE: In this case, public access is not desirable to Little Pilchuck or Catherine Creek. There are no trails in these locations and we feel it is better to protect the shorelines. We did add language to require ecological restoration as the significant public benefit .</p> <p><i><u>(Ecology 4-2011): The provision as amended in the 12/2010 draft, appear consistent with applicable SMP-Guideline requirement.</u></i></p>
<p>New non-water-oriented industrial uses prohibited unless they are part of a mixed-use project, navigation is severely limited, and the use provides a significant public benefit with respect to SMA objectives. WAC 173-26-241(3)(f)</p>	<p>5.C.4.b.1</p>	<p>Compliant:</p> <p>The Master Program appears consistent with this SMP-Guideline requirement.</p>
<p>In-Stream Structures. WAC 173-26-241(3)(g)</p>		
<p>Definition: structure is waterward of the ordinary high water mark and either causes or has the potential to cause water impoundment or the diversion, obstruction, or modification of water flow. WAC 173-26-241(3)(g)</p>	<p>5.C.6.a</p>	<p>Requires a CUP.</p> <p>Compliant:</p> <p>The Master Program appears consistent with this SMP-Guideline requirement.</p>

STATE RULE (WAC) REQUIREMENTS	LOCATION	COMMENTS
In-stream structures protect and preserve ecosystem-wide processes, ecological functions, and cultural resources, including, fish and fish passage, wildlife and water resources, shoreline critical areas, hydrogeological processes, and natural scenic vistas. WAC 173-26-241(3)(g)		Compliant: The Master Program appears consistent with this SMP-Guideline requirement.
Mining. WAC 173-26-241(3)(h)		
Policies and regulations for new mining projects: require design and operation to avoid and mitigate for adverse impacts during the course of mining and reclamation achieve no net loss of ecological functions based on required final reclamation give preference to proposals that create, restore or enhance habitat for priority species are coordinated with state Surface Mining Reclamation Act requirements. assure subsequent use of reclaimed sites is consistent with environment designation and SMP standards. See WAC 173-26-241(3)(h)(ii)(A) – (C)	N/A	Not permitted.
Mining waterward of OHWM is prohibited unless: (I) Removal of specified quantities of materials in specified locations will not adversely impact natural gravel transport; (II) The mining will not significantly impact priority species and the ecological functions upon which they depend; and (III) these determinations are integrated with relevant SEPA requirements. WAC 173-26-241(3)(h)(ii)(D)	N/A	
Renewal, extension, or reauthorization of in-stream and gravel bar mining activities require review for compliance with these new guidelines requirements. WAC 173-26-241(3)(h)(ii)(D)(IV)	N/A	
Mining within the Channel Migration Zone requires a shoreline conditional use permit. WAC 173-26-241(3)(h)(ii)(E)	N/A	
Recreational Development. WAC 173-26-241(3)(i)		
Definition includes both commercial and public recreation developments. WAC 173-26-241(3)(i)	5.C.7.a	Compliant: The Master Program appears consistent with this SMP-Guideline requirement.
Priority given to recreational development for access to and		Compliant:

STATE RULE (WAC) REQUIREMENTS	LOCATION	COMMENTS
use of the water. WAC 173-26-241(3)(i)		The Master Program appears consistent with this SMP-Guideline requirement.
Location, design and operation of facilities are consistent with purpose of environment designations in which they are allowed. WAC 173-26-241(3)(i)	See 5.B. use and development standards charts	TBD.
Recreational development achieves no net loss of ecological processes and functions. WAC 173-26-241(3)(i)	5.C.7.c.1	Will be evaluated in the Cumulative Impact Assessment. TBD.
Residential Development. WAC 173-26-241(3)(j)		
Definition includes single-family residences, multifamily development, and the creation of new residential lots through land division. WAC 173-26-241(3)(j)	5.C.8.a	Compliant: The Master Program appears consistent with this SMP-Guideline requirement.
Single-family residences identified as a priority use only when developed in a manner consistent with control of pollution and prevention of damage to the natural environment. WAC 173-26-241(3)(j)	5.C.8.a	Compliant: The Master Program appears consistent with this SMP-Guideline requirement.
No net loss of ecological functions assured with specific standards for setback of structures sufficient to avoid future stabilization, buffers, density, shoreline stabilization, and on-site sewage disposal. WAC 173-26-241(3)(j)		Will be evaluated in the Cumulative Impact Assessment. TBD-See Questions related to CIA.
New over-water residences and floating homes prohibited. Appropriate accommodation for existing floating or over-water homes. WAC 173-26-241(3)(j)	5.B. use charts	Compliant: The Master Program appears consistent with this SMP-Guideline requirement.
New multiunit residential development (including subdivision of land for more than four parcels) required to provide community and/or public access in conformance to local public access plans. WAC 173-26-241(3)(j)	3.B.7.c.1-2	TBD-based on review of CIA.
New (subdivided) lots required to be designed, configured and developed to: (i) Prevent the loss of ecological functions at full build-out; (ii) Prevent the need for new shoreline stabilization or flood hazard reduction measures; and (iii) Be consistent with applicable SMP environment designations and standards. WAC 173-26-241(3)(j)	5.C.8.c.6	Compliant: The Master Program appears consistent with this SMP-Guideline requirement.
Transportation Facilities. WAC 173-26-241(3)(k)		
Proposed transportation and parking facilities required to plan, locate, and design where routes will have the least	5.C.9.c.1-6	Compliant:

STATE RULE (WAC) REQUIREMENTS	LOCATION	COMMENTS
possible adverse effect on unique or fragile shoreline features, will not result in a net loss of shoreline ecological functions or adversely impact existing or planned water dependent uses. WAC 173-26-241(3)(k)		The Master Program appears consistent with this SMP-Guideline requirement.
Circulation system plans include systems for pedestrian, bicycle, and public transportation where appropriate. WAC 173-26-241(3)(k)	5.C.9.c.8	Compliant: The Master Program appears consistent with this SMP-Guideline requirement.
Parking allowed only as necessary to support an authorized shoreline use and which minimize environmental and visual impacts of parking facilities. WAC 173-26-241(3)(k)	3.C.6.c.1-8	Compliant: The Master Program appears consistent with this SMP-Guideline requirement.
Utilities. WAC 173-26-241(3)(l)		
Design, location and maintenance of utilities required to assure no net loss of ecological functions. WAC 173-26-241(3)(l)		Will be evaluated in the Cumulative Impact Assessment. TBD-based on review of CIA.
Utilities required to be located in existing rights-of-ways whenever possible. WAC 173-26-241(3)(l)	5.C.10.c.1-4, .6	Compliant: The Master Program appears consistent with this SMP-Guideline requirement.
Utility production and processing facilities and transmission facilities required to be located outside of SMA jurisdiction , unless no other feasible option exists. WAC 173-26-241(3)(l)	5.C.10.c.2	Compliant: The Master Program appears consistent with this SMP-Guideline requirement.
SMP ADMINISTRATIVE PROVISIONS		
The statement: "All proposed uses and development occurring within shoreline jurisdiction must conform to chapter 90.58 RCW, the Shoreline Management Act and this master program" whether or not a permit is required. WAC 173-26-191(2)(a)(iii)(A)	<i>(Ecology 11-2-2010) Note: Comments for this section are in reference to a Chapter 7 draft dated 8/31/2010.</i>	Compliant: <i>(Ecology 11-2-2010) A statement consistent with this Guideline requirement is listed in Part A of Chapter 7 (page 1).</i>
Administrative provisions ensure permit procedures and enforcement are conducted in a manner consistent with relevant constitutional limitations on regulation of private property. WAC 173-26-186(5) and WAC 191(2)(a)(iii)(A)	Chapter 7.A.c	Question Compliant: <i>(Ecology 11-2-2010) A statement consistent with this requirement was not found within Chapter 7.</i> RESPONSE: Added 7Ac to include statement <i>(Ecology 4-2011): The provision as amended in the 12/2010 draft, appear consistent with applicable SMP-Guideline requirement.</i>
Identification of specific uses and development that require a	Chapter 7, Section	Compliant:

STATE RULE (WAC) REQUIREMENTS	LOCATION	COMMENTS
shoreline conditional use permit (CUP) . Standards for reviewing CUPs and variances conform to WAC 173-27. WAC 191(2)(a)(iii)(B) and WAC 173-26-241(2)(b)	4.C.2.a	<p>(Ecology 11-2-2010) Section 4.C.2.a (Applicability) is not consistent with this Guideline section.</p> <p>RESPONSE: Replaced language in quotes in third paragraph under soft structures to be exactly the language from WAC 173-26-241(2)(b)(ii)(B).</p> <p><i>(Ecology 4-2011): Thank you for the clarification. The provision appears consistent with the applicable SMP-Guideline requirement.</i></p>
Administrative, enforcement, and permit review procedures conform to the SMA and state rules (see RCW 90.58.140, 143, 210 and 220 and WAC 173-27). WAC 191(2)(a)(iii)(C), WAC 173-26-201(3)(d)(vi)	Chapter 7 Section K(3)(c)	<p>Not Compliant:</p> <p>(Ecology 11-2-2010) Chapter 7 Section K (Enforcement) references "Title 17 LSMC as amended". If the City chooses to reference this ordinance, it will then be considered part of the SMP, which will require a SMP amendment including review and approval from Ecology for any future changes. Also, the reference cannot state "as amended", similar to the reference to the Critical Areas Ordinance, if the City decides to reference "Title 17 LSMC" then the reference will need to include the adopting ordinance number and date, for which (as explained above) this ordinance would then be considered part of the SMP.</p> <p>Alternatively, the City could limit the reference to the specific "Enforcement" section of "Title 17", therefore limiting just those specific sections as part of the SMP, or the City could not reference Title 17 and just bring the relevant Enforcement text into Chapter 7 (Section K) of the SMP.</p> <p>RESPONSE: Chapter 7 Section K(3)(c) was modified to reference WAC 173-27-240 through .310</p> <p><i>(Ecology 4-2011): The provision as amended in the 12/2010 draft, appear consistent with applicable SMP-Guideline requirement.</i></p>
Mechanism for tracking, and periodically evaluating the cumulative effects of all project review actions in shoreline areas. WAC 173-26-191(2)(a)(iii)(D)	Chapter 7, Section H	<p>Not Compliant/Suggestion:</p> <p>(Ecology 11-2-2010) Chapter 7 Section H provides a very general statement that the City will keep files on shoreline permits. This standard is intended to provide a good opportunity for the City to take advantage of their existing update efforts by suggesting No Net Loss indicators that are relevant to the City and should be tracked through implementation (permitting) over the seven years prior to the next review. This is an opportunity for the City to facilitate the future seven year review by ensuring that their permit materials are collecting relevant information that can be used to more easily evaluate No Net Loss expectations. A bit of effort in this task could allow the City to integrate adaptive management into their SMP.</p> <p>RESPONSE: Added language from the restoration plan (7.2.1) for collecting and tracking information.</p> <p><i>(Ecology 4-2011): The provision as amended in the 12/2010 draft, appear consistent with applicable SMP-Guideline requirement.</i></p>
SMP definitions are consistent with all definitions in WAC 173-26-020, and other relevant WACs.	Chapter 6	<p>Compliant:</p> <p>(Ecology 11-2-2010) The definitions listed in Chapter 6 appear generally consistent with WAC 173-26-020.</p>

STATE RULE (WAC) REQUIREMENTS	LOCATION	COMMENTS
		<p>RESPONSE: Updated and added definitions to include relevant Critical Areas definitions.</p> <p><i><u>(Ecology 4-2011): Thank you for the clarification. The provision appears consistent with the applicable SMP-Guideline requirement.</u></i></p>
MISCELLANEOUS UPDATES		
	Chapter 1	<p>Added a Public Process section and a 'User's Guide' that points readers to all applicable code sections.</p>

REFERENCES:

- Watershed & Makers 2010a, 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 2010b, The Watershed Company and Makers. December 2010. 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
- Department of Ecology. 2011a. Lake Stevens SMP Wetland comments 4-13-2011. Agency comments provided by Ecology Wetland Specialist (Paul Anderson) on the City's "Appendix B – Critical Areas Regulations with Shoreline Jurisdiction, dated 3-9-11 and received for review by Ecology on March 11, 2011.

Frequently Asked Questions

Shorelands and Environmental Assistance

Revised April 2010

Shoreline Master Programs

Until about 40 years ago, development along Washington's shorelines tended to be piecemeal and uncoordinated. To improve and protect shoreline values and benefits, the state Legislature passed the state Shoreline Management Act in 1971. The public adopted the Act in a 1972 referendum vote.

To manage shoreline development and uses, the state law established a cooperative relationship between local governments and the Washington Department of Ecology (Ecology). The Shoreline Management Act applies to most streams, lakes greater than 20 acres, and marine waters as well as associated shorelands, wetlands, and floodplains. The law has three main purposes:

- Encourage reasonable and orderly development of shorelines, with an emphasis on water-dependent and related uses that control pollution and prevent damage to the natural environment.
- Protect the natural character of Washington shorelines, the land, vegetation, wildlife, and shoreline environment.
- Promote public access and provide opportunities to enjoy views and recreational activities in shoreline areas.

"Shoreline master programs" are the cornerstone for carrying out the Shoreline Management Act. Under state law, more than 260 towns, cities, and counties with shorelines covered by the Act must develop locally-tailored programs to guide shoreline use, development and public access.



Dungeness Spit in the Strait of Juan de Fuca.

Shorelands and Environmental Assistance

Revised April 2010

Q: What do shoreline master programs do?

A: Shoreline master programs help local communities plan for the future. They are a combination of policies, regulations, and permits that guide shoreline use within a town, city or county. They balance shoreline development with environmental protection, and provide for access to public shores and waters.

Shoreline programs:

- Plan for water-dependent uses based on current conditions and long-term needs.
- Identify areas appropriate for public access.
- Maintain the current state of the natural environment into the future.
- Plan for restoration and preservation of shorelines where it makes sense.
- Balance statewide interests with local interests.

Q: Why are shoreline master programs important?

A: Shorelines are where the land and water meet. If we ever hope to restore and protect state shorelines – including Puget Sound – as we accommodate necessary new uses and development, we must be sure to manage these areas wisely. Whenever we build in our shorelines, we transform a unique and precious aspect of our natural environment. We clear native vegetation, build bulkheads, and put in driveways, roads, roofs and other impervious surfaces. These actions can have negative effects on our valuable fish and shellfish industries, nearby property owners, and other interests. Shoreline master programs establish each community's goals for its shoreline areas and implement policies and regulations to:

- Protect water quality for our marine waters, lakes and streams.
- Protect private property by siting new development safely away from flood, landslide, erosion hazard, and wetland areas.
- Help avoid or lessen environmental damage as shorelines are developed.
- Protect critical habitat as well as fish and wildlife.
- Promote recreational opportunities in shoreline areas.

Local Governments: Roles and responsibilities

Q: Why do local governments have to update their shoreline master programs?

A: In 2003, the state Legislature set up a timetable for local governments to update local shoreline master programs. Most haven't updated their programs



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comprehensively since the mid 1970s. Since voters passed the Act in 1972, Washington's statewide population nearly doubled from 3.4 million to 6.5 million people. The old shoreline programs need to address current conditions, consider new science, and be aligned with current laws. An effective comprehensive update will reduce unsustainable development and provide shoreline land owners with a clearer set of standards.

Q: How does a community benefit from updating their shoreline program?

A: Each community is unique so the benefits from updating a shoreline program will be unique. Most communities benefit economically and legally because shoreline programs:

- Protect lives and property by directing development away from flood, landslide, and other hazard areas.
- Help towns, cities, and counties to realize their vision for future waterfront development and public access.
- Provide more certainty to the development community and water-dependent uses through shoreline building ordinances and permitting requirements.
- Avoid costly restoration of degraded shorelines in the future.

Q: What is the role of local governments in shoreline management?

A: Local governments are responsible for starting shoreline master program planning by deciding which areas are in shoreline jurisdiction, analyzing the present uses and long-term needs for shorelines, and locally adopting a shoreline master program. Local governments must consult with other agencies, tribal governments, and all individuals interested in developing their shoreline master programs. Once adopted, local government is the shoreline master program administrator. The local government reviews new development proposals and uses the permit system to decide what is consistent with state law and the local program.

Q: Is the public involved in developing shoreline master programs?

A: Yes. The Shoreline Management Act requires local governments to involve all interested parties in the creation or update of shoreline master programs, and provide public notice about permit decisions. Interested parties include shoreline property owners, developers, businesses, recreationists, environmental and conservation groups, Indian tribes, farmers and agricultural interests, tourists, other shoreline users, and local and state government agencies. Among the first steps a local government must take in a comprehensive update is developing a public participation plan and submitting it to Ecology for approval.

Q: Who approves local shoreline master programs?

A: Each local government approves its program after a period of public review and comment. Then the local government sends its approved program to Ecology, who reviews it for

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consistency with state law. Ecology must approve the locally approved and submitted program before it takes effect. To ensure respect for private property rights, local and state legal authorities are required to review a shoreline program before formal adoption.

Q: Who pays to have a local master program updated?

A: The Shoreline Management Act requires the state to provide “reasonable and adequate” funding for shoreline master

program updates. Ecology gives legislative appropriations to local governments in the form of grants. For the current budget cycle (from July 1, 2009, through June 30, 2011), state lawmakers authorized \$7.5 million in grants to jurisdictions in Clark, Clallam, Island, King, Kitsap, Mason Pierce, San Juan, Skagit, and Snohomish counties to update their shoreline master programs.



Homes destroyed in 1997 Perkins Lane landslide on Magnolia Bluff in Seattle

Q: How is each grant amount determined?

A: Ecology determines each jurisdiction’s grant award based on a number of factors. The department considers past levels of funding provided to local jurisdictions for shoreline master program updates. Ecology also looks at:

- Miles of shoreline in each jurisdiction
- Number and complexity of kinds of shoreline (marine, streams and rivers, and lakes)
- Population
- Area
- Growth rate

Q: What if a local government can’t meet the update deadline set by the state legislature, or chooses not to update its shoreline master program?

A: Once a local government receives a grant from the state to help them update their shoreline program, they have three years to locally adopt and submit the updated program to Ecology for approval. Ecology is required by law to prepare and adopt an updated shoreline program for any town, city, or county that misses the deadline set by law. In that case, much of the opportunity for local determination of how to regulate shorelines would be reduced.

Shorelands and Environmental Assistance**Revised April 2010****Guidelines, Funding and Review: Ecology's role****Q: What is Ecology's role in the shoreline master program process?**

A: Lawmakers made Ecology responsible for ensuring local shoreline programs, when added together, protect the statewide public interest. Ecology does this by providing guidance to local governments about the essential elements a shoreline master program must contain, and reviewing and approving local programs. The agency may also join in appeals or lawsuits regarding the Shoreline Management Act or the guidelines that implement the Act. Finally, Ecology provides financial support, technical assistance, guidance materials, and regular training to support local governments.

Q: What is the purpose of Ecology's 2003 Shoreline Management Act guidelines?

A: The guidelines set minimum procedural and substantive standards for local governments updating their programs. The 2003 guidelines now in place resulted from a negotiated settlement between business interests, ports, environmental groups, shoreline user groups, cities and counties, Ecology, and the courts. Ecology and state Growth Management Hearings Boards use the guidelines to review and approve local shoreline program updates. Also in 2003, the state legislature provided funding and established a mandatory schedule for local shoreline program updates through 2014.

Q: What types of action can Ecology take when it receives an updated shoreline program?

A: After Ecology reviews the local program to determine if it complies with state requirements, the department can approve it as submitted by the local government, approve it with changes, or reject it. Once Ecology approves a local shoreline master program, it becomes part of the statewide shoreline "master" program. At that point, local governments are responsible for applying their locally-adopted shoreline policies and regulations to individual projects.

Q: Why is it important for local governments to get Ecology's approval?

A: The Legislature made Ecology responsible for ensuring statewide policies are upheld and implemented when local shoreline master programs are adopted. Under the Shorelines Management Act, a locally approved program must meet state guidelines. Once an updated program receives approval at the local and state levels, the state becomes a full partner in defending any legal challenges to the updated program.

Shorelands and Environmental Assistance**Revised April 2010****Legal Issues****Q: Aren't requirements for shoreline vegetation buffers a "taking" of private property rights?**

A: No. The U.S. Constitution allows state and local governments to limit private property activities provided it's for a legitimate public benefit and they do not deprive the landowner of all reasonable use of the property. For example, state and local governments can adopt regulations that prevent sediment from running off private property and entering a salmon-spawning stream. These regulations protect salmon, a public resource.

Buffers do not deprive landowners of all reasonable use of their property and, in fact, all property tends to benefit from reasonable setbacks and buffers. In those limited instances where the buffer precludes or significantly interferes with a reasonable use, the property owner may obtain a variance.

Q: Hasn't Whatcom County's Shoreline Master Program been challenged and overturned in court?

A: No. A local developer and the Building Industry Association of Whatcom County took Whatcom County and Ecology to court and lost on all issues except one. All other issues addressed by the Western Washington Growth Management Hearings Board, and in a separate Skagit County Superior Court case, were found in Whatcom County and Ecology's favor. The issue the Board found in the appellant's favor was "despite critical areas being originally approved through a county critical areas ordinance public process, they need to be revisited and justified if incorporated into an updated shoreline master program."

The Western Washington Growth Management Hearings Board ruled:

- Ecology's approval of the shoreline master program was valid as originally approved on August 8, 2009.
- The public process was proper and legally correct.
- The county's inventory and analysis supported the designation of all marine near shore areas, streams, and lakes as critical areas.
- The issue challenging the required 100 to 150 foot buffers was dismissed.

The Skagit County Superior Court found:

- The shoreline master program is not subject to certain statutory limitations on the regulation of development because shoreline master programs constitute state, not merely local, regulations.

Shorelands and Environmental Assistance**Revised April 2010****Q: We keep hearing that “junk science” is being used, our property rights are being stolen, and that our land is being condemned. Is this true?**

A: Unfortunately, some people are worried and angry at times based on misinformation about how buffer zones or shoreline regulations would affect their property values. Many claims have been made about how shoreline master programs will affect what people can and can't do on their property. The Shoreline Management Act requires local and state government to include the views of all interested persons in developing shoreline master program goals, policies, and regulations.

We encourage open and honest dialogue with all stakeholders to develop strong shoreline programs supported by the best, sound science. To ensure respect for private property rights, local and state legal authorities are required to review a shoreline program before being formally adopted by Ecology.

Scientific Information**Q: What kinds of information do local governments use to help modernize their shoreline master programs?**

A: Ecology's 2003 guidelines require local governments to “make use of and, where applicable, incorporate all available scientific information.” This includes reports, documents and materials including:

- Inventory data.
- Technical assistance materials.
- Manuals and services from reliable, scientific sources.
- Aerial photography.
- Other applicable information.

Q: What is scientific information?

A: Common sources of scientific information include:

- **Monitoring data** collected periodically over time to determine a resource trend or evaluate a management program.
- **Inventory data** collected from an entire population, such as individuals in a plant or animal species, or an ecosystem area.
- **Survey data** collected from a statistical sample from a population or ecosystem.
- **Assessment**, which entails the inspection and evaluation of site-specific information by a qualified scientific expert. An assessment may or may not involve collection of new data.
- **Research data** collected and analyzed as part of a controlled experiment, or other appropriate methodology, to test a specific hypothesis.
- **Modeling** which entails the mathematical or symbolic simulation or representation of a natural system. Models generally are used to understand and explain occurrences that can't be directly observed.

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- **Synthesis**, which is a comprehensive review and explanation of pertinent literature and other relevant existing knowledge by a qualified scientific expert.

Q: How do we know if information is scientifically valid?**A:** Scientific studies are generally expected to have the following characteristics:

- **Methods.** The methods that were used to obtain the information are clearly stated and able to be replicated. The methods are standardized in the pertinent scientific discipline or, if not, the methods have been appropriately peer-reviewed to assure their reliability and validity.
- **Logical conclusions and reasonable inferences.** The conclusions presented are based on reasonable assumptions supported by other studies and consistent with the general theory underlying the assumptions. The conclusions are logically and reasonably derived from the assumptions and supported by the data presented. Any gaps in information and inconsistencies with other pertinent scientific information are adequately explained.
- **Context.** The information is placed in proper context. The assumptions, analytical techniques, data, and conclusions are appropriately framed with respect to the prevailing body of pertinent scientific knowledge.
- **References.** The assumptions, analytical techniques, and conclusions are well referenced with citations to relevant, credible literature and other existing pertinent information.
- In addition, for research and modeling, an **appropriate quantitative analysis** is essential. The data must be analyzed using appropriate statistical or quantitative methods.

Moreover, **peer review** is a vital characteristic of research, modeling and synthesis of scientific information. Publication in a peer reviewed or “refereed” scientific journal usually indicates the information has been appropriately peer-reviewed.

Q: How do I know if a paper or a report has been credibly peer-reviewed?

A: Scientific publications are evaluated through a peer-review process administered by a scientific journal, public agency, consulting research firm, or scientific non-profit entity. Before the document is published, other researchers with appropriate areas of expertise evaluate the quality of the research and provide written reviews – and the document is improved as a result of the process. The document must include a complete citation showing where, when and by whom it was published. An example of an appropriately cited article is:

Diefenderfer HL, SL Sargeant, RM Thom, AB Borde, PF Gayaldo, CA Curtis, BL Court, DM Pierce, and DS Robison. 2004. “Demonstration Dock Designed to Benefit Eelgrass Habitat Restoration (Washington).” *Ecological Restoration* 22(2):140-141.

Two examples of peer-reviewed scientific journals are: *Estuaries & Coasts*, the journal of the Coastal and Estuarine Research Federation, and *Ecological Applications*, a journal of the Ecological Society of America. An example of an Ecology report that has gone through a documented peer review process is our synthesis of information on wetlands. To see a copy go to: www.ecy.wa.gov/biblio/0506006.html.

Shorelands and Environmental Assistance**Revised April 2010****Q: If a document contains a lot of numbers and statistics, does this mean it is credible science?**

A: No. On the surface, it may be difficult to assess the quality of the methods and statistics reported in a document. Technical documents should always include a clear description of the methods used and undergo a rigorous review by other experts in the field. This ensures proper scientific methods, research procedures, and review protocols were used.

Q: Can local governments accept technical comments and information from the public that has not gone through a formal peer-review or publication process?

A: Yes. Local governments have a process for receiving all kinds of comments, including anecdotal information, from the public regarding local shoreline master program updates. Information, experience, and anecdotal evidence provided by interested parties may offer valuable information to supplement scientific information. However, non-scientific information shouldn't be used as a substitute for valid and available scientific information. Where information collected by or provided to local governments conflicts with other data or is inconsistent, the local government is obligated to base its shoreline master program provisions on a reasoned, objective evaluation of the relative merits of the conflicting data.

Q: Where can I get more background on the use of science in city and county shoreline master program updates?

A: See Ecology's shoreline master program guidelines at:
<http://apps.leg.wa.gov/wac/default.aspx?cite=173-26&full=true#173-26-201>.

The state Department of Commerce also has guidelines for "best available science" for critical areas ordinances at: <http://apps.leg.wa.gov/wac/default.aspx?cite=365-195-905>.

Property Issues**Q: Won't buffers and other shoreline regulations decrease my property values?**

A: Property values are relatively unaffected by buffers. Waterfront property has skyrocketed in value in the past 30 years despite shoreline buffers of 25 to 125 feet being in place for the same period. Protecting native vegetation along the shoreline actually enhances property values by:

- Stabilizing slopes.
- Screening adjacent development from view.
- Providing attractive landscaping and habitat.
- Blocking noise and glare from adjacent properties.

Shorelands and Environmental Assistance**Revised April 2010****Q: Is it true if my house burns down I can't rebuild it in the same location?**

A: No. While each local jurisdiction can modify their approach, single-family homes are "grandfathered" under the state Shoreline Management Act. This means if your house burns down, it can almost always be re-built in the same footprint. The only exception would be if the existing location was dangerous or unsafe for building such as in a floodway or on a failing bluff.

Q: Whatcom County updated its shoreline master program in 2008. Have property owners applying for improvements such as new additions and garages run into any problems?

A: Since Whatcom County adopted its updated shoreline program, the county has received more than 20 applications to make building improvements. These building permits received approval and were issued in a timely manner. No decisions have been appealed.

Q: Could updating the local shoreline master program require me to tear down my existing shoreline structure?

A: No. Shoreline programs are not retroactive. They only apply to development occurring after adoption.

Q: Will waterfront property owners still be able to protect their property with a bulkhead under an updated shoreline master program?

A: If property owners can clearly demonstrate a need exists, they can use an approach that has the least impact on the natural shoreline.

Q: Will homeowners face more limits on building new docks?

A: That depends on the local circumstances and the choices made locally about how a community wants its future shoreline to look. If new docks can be shown not to harm the natural shoreline they can be allowed.

Q: Could there be limits on repairing houses, barns, fences, bulkheads, docks or other structures?

A: Provisions in state law allow the repair and maintenance of existing, lawful constructed structures. State shoreline guidelines allow repair and maintenance of existing structures, subject to any building requirements imposed separately by local jurisdictions.

Shorelands and Environmental Assistance**Revised April 2010****Bulkheads, Sea Walls and Armoring****Q: What is hard armoring? What are its impacts on the shoreline?**

A: The natural character of shorelines and many organisms living there depend on a continuous and uninterrupted relationship between upland areas and the water. Beaches depend on erosion to supply sand and gravel. Hard armoring interrupts this natural relationship. Property owners use hard armoring to protect an owner's preference for how the waterfront edge should look or limit property loss by erosion. Armoring prevents the supply of new material for beach formation and disturbs other ecological functions.

Q: What is soft armoring? What are its impacts on the shoreline?

A: There are many ways to slow the rate of erosion that are less disruptive than hard armoring. Soft armoring approaches often use a combination of less rigid structural materials and native vegetation to stabilize the shoreline. Placing large logs or native vegetation along the shoreline, for example, can serve as a natural break for waves while simultaneously providing some habitat value.

No Net Loss and Restoration**Q: What is "no net loss" of ecological or environmental functions?**

A: The new environmental protection standard for updated shoreline master programs is "no-net-loss of shoreline ecological functions." While restoration of degraded areas is encouraged, this does not mean all shoreline areas are required to be made "pristine" or returned to pre-settlement conditions. Local governments are required to inventory current shoreline conditions - including identifying existing ecological processes and functions that influence physical and biological conditions. When a shoreline program is adopted, existing ecological conditions on the ground must be protected while development of shoreline areas is continued in accordance with adopted regulations. This is accomplished by avoiding or minimizing the introduction of impacts to ecological functions that result from new shoreline development.

Q: Do the new guidelines require restoration?

A: Local governments must plan for restoration in their shoreline master programs. Restoration is not a direct requirement for private development. Local government must consider its restoration needs, identify resources available to conduct restoration, prioritize restoration actions, and make sure development activities don't interfere with planned restoration efforts in the community and vice versa. A shoreline master program may include incentives for developers to invest in shoreline restoration.

Shorelands and Environmental Assistance**Revised April 2010****Q: Why are some “conservancy” or “urban” shoreline areas being designated “natural?”**

A: State guidelines establish criteria specifying that if an area meets those criteria, they should be designated as such. This is an important part of achieving the broad policy objective of “no net loss.”

Agricultural Issues**Q: How do Shoreline Master Programs apply to farms / agriculture?**

A: A 2002 state law requires when local shoreline programs are updated, the new standards, setbacks and buffers do not apply retroactively to existing agricultural development. Updated shoreline program requirements will however apply to new agricultural activities located in shoreline areas and where agricultural activities are converted to other uses. Local governments will need to be aware of this requirement when updating their master programs. Agricultural interests represented in the negotiations agreed with this approach.

Other Shoreline-Related Issues**Q: Why are critical areas ordinances often incorporated into local shoreline program updates?**

A: A recent state Supreme Court decision (*Futurewise v. Anacortes*) decided that the shoreline master program solely regulates the shorelines and critical areas covered by the program, once Ecology approves it. Many existing master programs contain buffer requirements but are based on outdated conditions and science. Rather than repeat the work local governments have already done developing their critical areas ordinances under the state Growth Management Act (GMA), relevant portions of existing critical areas ordinances may be placed in updated shoreline master programs under the Shoreline Management Act.

Q: What are differences between critical areas ordinances and shoreline master programs?

A: Local governments and Ecology implement the Shoreline Management Act using locally-tailored Shoreline Master Programs. Local governments implement critical areas ordinances under the authority of the state Growth Management Act. The two laws have many similar requirements for environmental protection but they are administered with different kinds of regulatory procedures. The two laws also have many similar and some different objectives for dealing with future land use and development. Integrating Growth Management and Shoreline Management Act goals, policies, and regulations is required but often difficult to accomplish.

Shorelands and Environmental Assistance**Revised April 2010****Q: Do the rules surrounding “best available science” apply to shoreline master programs?**

A: No. Current science is the basis for shoreline master programs while “best available science” is a term from the state Growth Management Act, and does not apply to shoreline master programs. Shoreline management requires use of the “most current, accurate and complete scientific and technical information” as the basis for decision making.

Q: What is Ecology’s role in developing and providing wetlands guidance to local governments?

A: Local governments implement the GMA. Ecology, however, has expertise in managing and protecting wetlands. We knew most local governments didn’t have the resources to develop a science-based standard for protecting wetlands. To help local governments meet GMA requirements without reinventing the wheel, Ecology got a federal grant in 2002 and spent three years crafting wetlands guidance. We scanned over 15,000 scientific articles and summarized another 1,000 related to protecting and managing wetlands. Ecology continues to provide this guidance and technical assistance, as applicable wetland regulations are updated all across the state.

Q: Where can I get more information?

A: There is an array of valuable information available at Ecology’s Shoreline Master Program Web site at <http://www.ecy.wa.gov/programs/sea/shorelines/smp/index.html>. The site includes:

- A citizen’s guide for shoreline master programs.
- Shoreline planners’ toolbox.
- Laws, rules, and legal cases related to shoreline management.
- Shoreline master program publications.

Shorelands and Environmental Assistance**Revised April 2010****Contact information:**

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Curt Hart

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To ask about the availability of this document in a version for the visually impaired call the Shorelands and Environmental Assistance program at 360-407-7291. Persons with hearing loss, call 711 for Washington Relay Service. Persons with a speech disability, call 877-833-6341.



EXHIBIT B



May 4, 2011

City of Lake Stevens Planning Commission
c/o Karen Watkins, Principle Planner
Lake Stevens Planning & Community Development
P.O. Box 257/1812 Main Street
Lake Stevens, WA 9828

Sent by email to: kwatkins@lakestevenswa.gov

Subject: Comments on Lake Stevens Shoreline Master Program – April 2011 Draft

Dear Lake Stevens Planning Commissioners:

Our organizations appreciate the opportunity to comment on the draft City of Lake Stevens Shoreline Master Program (SMP), and appreciate the hard work of the city staff, consultant team, the Planning Commission, and local residents and property owners. SMP updates throughout Washington State are critical for future environmental health of our watersheds and major water bodies. *Futurewise* is a statewide citizens group that promotes healthy communities and cities while protecting working farms, working forests, and shorelines for this and future generations. *People For Puget Sound* is a nonprofit, citizens' organization whose mission is to protect and restore Puget Sound and the Northwest Straits.

Given the short time frame, we have limited our comments to our primary concern for this SMP, which is to ensure the setback and buffer provisions adequately protect ecological functions. The large majority of Lake Stevens shorelines use a small buffer system – either with the residential setback standards and the 50 foot critical areas buffer (though stream and wetland buffers are larger). While such a system can be made to work for existing developed areas, it comes with built-in impacts that will cause degradation to the remaining ecological functions for almost any new development. Thus such systems also need built-in compensatory mitigation requirements.

We have reviewed many small buffer systems, and have developed a guidance document describing buffer options that use buffer science. It addresses a wide range of issues related to buffers, including:

- the scientific literature,

- functions of buffer vegetation,
- impacts of new development on intact and degraded buffers, and
- many incorrect assumptions that jurisdictions often have that new development will not have impacts if a small degraded buffer is met, and
- our recommendations for developing a buffer system that can cover all situations in a jurisdiction.

If only the proposed residential setback and incentive system were proposed, with no more specific protections, the SMP would not adequately protect shoreline functions. But with the critical areas buffer system, the SMP has the potential to address all impacts adequately. Some minor changes are needed to plug some of the gaps that we see. Below are our recommendations to do this.

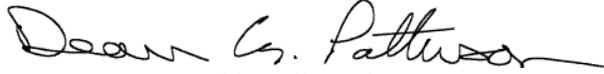
- Lakes and ponds are designated as a fish and wildlife habitat area under “waters of the state,” and classified using the WAC 222 water typing system (which is not limited to only streams). Please note that “waters of the state” are not defined in WAC 222, so the reference and how it is used needs to be described differently. Also the listing for waters planted with game fish references a WAC that does not exist.
- Streams are classified according to WAC 222 in one standard, but then there are details for each stream type that do not match WAC 222. Presumably the details in the SMP are to replace those of the WAC, but this is not stated. We recommend this be clarified.
- A clear statement that existing native vegetation within the buffer must be protected needs to be included, and is described more in our guidance document. While indirect statements might be construed to accomplish this, it needs to be stated in an explicitly clear manner. This can be done for individual critical area buffer requirements, or as a general statement for all buffers.
- Almost all activities are allowed in fish and wildlife conservation areas, since they include “activities listed in this SMP.” As our guidance document describes, development in a buffer should be limited to uses and activities that are water-dependent and water-related - but not water-enjoyment and non-water-oriented. Specifically, this means those needing a location in or near the water; including some, but not all recreation; and including physical public access to water, but not just walking paths or viewpoints (which don’t need to be immediately on the water).
- There are no buffers for Type 4 wetlands, thus all activities can take place immediately adjacent to them. In addition, the wetland standards allow substantial impacts and elimination of these wetlands. This plans for a loss of ecological functions provided by wetlands. We recommend a 50 foot buffer for Type 4 wetlands.
- Buffers can be reduced based on intervening development. We have observed many cases around the Puget Sound where there is water-front development, but substantial habitat vegetation exists landward of it. These areas still need protection. The standard needs clarification that wildlife habitat functions provided by remaining vegetation shall not be eliminated. Rather, such reductions need to be contingent on absence of intact vegetation.

- Appendix section 3E regarding mitigation only discusses dedication of land or easement as avoidance, but it also seems to be used for compensation. Dedication of land does not compensate for impacts – it only potentially prevents future undefined impacts on certain areas, which should have been required anyway. Compensation for the impacts of the development still needs to be required to ensure no-net-loss of functions. In addition, there is no requirement that intact vegetation be present in the dedicated area – thus the dedication is treated as mitigation when no mitigation for impacts is actually happening.
- The absence of intact vegetation needs to be addressed more broadly in the buffer system. As our guidance document describes, meeting a buffer that is degraded does not prevent impacts. New development that is adjacent to a degraded buffer needs to enhance that buffer so it is capable of actually performing buffering functions.
- As described in our guidance document, almost all development has impacts – especially development using small buffers. Thus there needs to be explicit compensatory mitigation requirements in the regulations. Mitigation 2G seems to be a good start, but it needs a more explicit statement at the beginning that “compensatory mitigation shall be provided for all projects, except for restoration projects, and similar projects that the administrator determines will have no impacts to ecological functions.”
- To provide specifics for compensatory mitigation in the context of buffers, we recommend that a minimum revegetation standard be added. This can take different forms. The City of Kirkland required all new development (including expansions) to plant a 10-foot buffer width on 75% of the shoreline frontage. The City of Issaquah draft SMP provides a detailed method of enhancement triggered by different stages/intensities of new development. Another method that could supplement the incentives (meaning in addition to them) would be a 1 sq. ft. enhancement requirement each sq. ft. of new development, capping the enhancement at the size of the buffer. This kind of provision ensures that impacts will be compensated for so new development can be accounted for correctly in the cumulative impacts analysis.
- While we may have missed it, we could find no description of the scientific basis for the use of the proposed buffer system. The SMA requires the use of current, up-to-date science, similar to the best available science requirement in the Growth Management Act. We recommend justifying the buffer system in the context of buffer science, and recommend using the scientific citations provided in our guidance document. We also recommend providing a policy basis for not using a science-based buffer system, as described in our guidance document.
- In reviewing the Cumulative Impacts Analysis, it appears that it does a good job of describing the protection measures, but it is vague in describing the impacts allowed by the gaps in the SMP, and by the special allowances in the SMP. The effective result is a “Cumulative Protection Analysis,” but not a “Cumulative Impact Analysis.” We recommend supplementing the CIA with a more careful assessment of the impacts that the SMP will allow.

- Some of the requirements in the Shoreline Master Program Guides require certain actions. For example, WAC 173-26-186(8)(b) provides that the “shoreline master program shall include policies and regulations designed to achieve no net loss of those ecological functions” within shoreline areas. So the policies implementing this requirement must be shall policies. However, the policies all use should. We recommend that policies implementing mandatory requirements use shall to meet these requirements.

Thank you for considering our comments. If you require additional information please contact me at dean@futurewise.org or 509-823-5481.

Sincerely,



Dean Patterson, Shoreline Planner
Futurewise



Heather Trim, Urban Bays & Toxics Program Manager
People For Puget Sound

Kristin Kelly
Snohomish/Skagit Program Director, Futurewise
Smart Growth Director, Pilchuck Audubon Society



Recommendations on
Shoreline Buffer Options That Work
with Buffer Science

April 2010

Contact: Dean Patterson - dean@futurewise.org. Phone: 206-343-0681. Web: www.futurewise.org.

Note: *this document may have an updated version, please check our website.*

Introduction

Futurewise staff has spent over two and a half years actively reviewing and participating in many Shoreline Master Programs. We have seen many different examples of how to do a Shoreline Master Program (SMP) and the documents needed to support it. While we have seen good examples, we have also seen many problems. More importantly we have seen patterns in how these problems come into being, and want to share them with those interested in developing good SMPs. We have boiled down and consolidated our observations into a series of guidance documents that discuss the requirements for developing Shoreline Master Programs (SMPs), the important consequences of those requirements, pitfalls we have observed that should be avoided, and our recommendations for implementing the many different requirements at the same time.

As one of the primary sources of ecological functions, buffers are needed to achieve the Shoreline Management Act's policy "protecting against adverse effects to the public health, the land and its vegetation and wildlife, and the waters of the state and their aquatic life."¹ Futurewise strongly recommends using the buffers required by the *Endangered Species Act Section 7 Consultation Final Biological Opinion for Implementation of the National Flood Insurance Program in the State of Washington, Phase One Document – Puget Sound Region*. These buffers are based on a careful analysis of the impacts of development on shorelines and the available science. Using these buffers will both comply with the Shorelines Management Act requirements for no-net-loss of shoreline functions and maintain eligibility for the Federal Flood Insurance Program. Furthermore, science-based buffers can be logically used for both developed and intact areas, as described in our recommendations at the end of this document.

In the course of reviewing Shoreline Master Programs (SMPs), Futurewise has seen many buffer systems that use small buffers in areas of existing development. While some are logically sound and work well, many of these systems seem to be based on assumptions that avoid accurately identifying impacts of development. For example, one assumption is that if a small buffer is established based on existing development patterns, then unlimited new development (including redevelopment, expansion, and more intensified uses) outside that small buffer will have no additional impacts to shoreline ecological functions, and thus no mitigation is necessary. These assumptions are also discussed in detail in our guidance document dealing with no-net-loss of ecological functions. This guidance document shows that there is no logical scientific basis for buffer systems that use such assumptions. While we also identify some ways to use small buffers in existing intensely developed areas, those systems may not achieve compliance with the requirements for the National Flood Insurance Program and will not protect fish and wildlife as well as the buffers in the biological opinion.

Mitigation Sequencing Must Be Built Into the Structure of the SMP

Before describing the buffer requirements, it is critical to understand the basic SMA policy and SMP guidelines requirements, which are summarized below.

¹ RCW 98.58.020.

The Shoreline Management Act (SMA) policy statement in RCW 90.58.020 lists a primary policy objective of the act [with emphasis]: “This policy contemplates protecting against adverse effects to the public health, *the land and its vegetation and wildlife, and the waters of the state and their aquatic life*, while protecting generally public rights of navigation and corollary rights incidental thereto.” Thus, while new development is allowed, it must protect natural features and ecological features, and the public’s interest in health and navigation. *Note that* not even water-dependent uses are listed as being equal to these items. Water dependent uses are discussed in detail in our guidance document dealing with use limits and preferences. This policy is echoed by the policy paragraph that provides particular protection for Shorelines of Statewide Significance, which establishes a list of preferences for both the long term protection of the public interest, and protecting the natural character and functions of these shorelines.

In addition, the SMA policy provides that “[p]ermitted uses in the shorelines of the state shall be designed and conducted in a manner to *minimize*, insofar as practical, any resultant damage to the ecology and environment of the shoreline area and any interference with the public’s use of the water.”

These two principles are implemented in the SMP Guidelines through requirements for no-net-loss of ecological function and mitigation sequencing. Regarding *no-net-loss of ecological functions*, the Guidelines require that: “Local master programs shall include policies and regulations designed to achieve no net loss of those ecological functions.”² Note that the requirement to “design” the SMP to accomplish no-net-loss is restated in four other locations as well, for uses, modifications, and cumulative impacts.³ The no-net-loss requirement is accomplished using the concept of *mitigation sequencing*,⁴ whereby the first task of mitigation is avoidance of impacts, the second task is minimization of impacts, and the third is compensation for remaining impacts. Stated another way, allowing development to impact the shoreline is supposed to be the last option, not the first option. WAC 173-26-221(5)(b) makes that clear, providing, with emphasis: ‘Where uses or development that impact ecological functions are necessary to achieve other objectives of RCW 90.58.020, master program provisions shall, to the greatest extent feasible, protect existing ecological functions and avoid new impacts to habitat and ecological functions before implementing other measures designed to achieve no net loss of ecological functions.’”

Of critical importance in understanding mitigation sequencing is that the word “mitigation” does not mean replacement of lost functions - that is “compensation” which is the last option. Many people confuse the terms, which then implies that performing mitigation means jumping straight to compensation and replacement before using avoidance and minimization. But compensatory mitigation for damage done is not the same as “prevention of damage to the natural environment,” which is an important distinction to qualify as a preferred use, as discussed in detail in our guidance document dealing with use limits and preferences.

“Designing” an SMP to accomplish the no-net-loss principle means “designing” the different components of the SMP using mitigation sequencing. The SMP Guidelines include requirements for

² WAC 173-26-186(8)(b) under Governing Principles of the Guidelines relating to ecological functions; and implemented in WAC 173-26-201(2)(c) under Basic Concepts.

³ (1) Governing Principles for protecting ecological functions in WAC 173-26-186(8)(b)(i),
(2) General principles for all modifications in WAC 173-26-231(2)(d),
(3) General principles for all uses in WAC 173-26-241(2)(a)(iv),
(4) Cumulative Impacts Analysis requirement in WAC 173-26-201(3)(d)(iii).

⁴ WAC 173-26-201(2)(c) under Basic Concepts and Protection of Ecological Functions; and implemented in WAC 173-26-201(2)(e) under Basic Concepts, Environmental Impact Mitigation.

several components that, if implemented correctly, accomplish mitigation sequencing at different levels within the SMP. These components include: designating environments, placing limits on uses and modifications, establishing buffers (or setbacks with vegetation management) based on science,⁵ and developing regulations specific to different types of development. Each of these components is a subject of one of our Guidance Documents, each of which describes how to design mitigation sequencing into the element. Designing each element to avoid and minimize impacts, and then including specific standards for compensation of remaining impacts will result in an SMP that is structured to prevent the loss of ecological functions as much as possible.

There are two important points to keep in mind when preparing an SMP: (1) the rule of liberal construction, and (2) the requirement to thoughtfully and carefully plan. When implementing and interpreting typical laws we use strict construction, but for shoreline law we use liberal construction (as required by RCW 90.58.900) “to give full effect to the objectives and purposes for which it was enacted.” This means that when shoreline laws are interpreted, the correct outcome is the one providing more protection to shorelines rather than the one providing less protection. The legislative findings in the SMA policy statement (RCW 90.58.020) identifies the “clear and urgent demand for a planned, rational, and concerted effort ... to prevent the inherent harm in an uncoordinated and piecemeal development of the state’s shorelines.” This statement has clear repercussions, in developing an SMP because strategies that provide little detail and vague standards, or that do not address certain types of development are not undertaking a “planned, rational, and concerted effort”. Rather, such an approach is planning by default, without careful consideration, and accomplishes the opposite of the SMA policy intent.

Pitfalls to Avoid: Don’t rely on vague statements of protection, but rather design specific regulations for all types of development. Some jurisdictions have attempted to meet the no-net-loss of ecological function requirement by simply repeating the no-net-loss principle in the regulations for the different types of development. In turn, they typically include few other regulations, establish few use limits, and make few distinctions in mapped environments. Aside from not meeting many other requirements, such an approach makes it uncertain that impacts will even be identified, let alone mitigated at the project stage. Such uncertainty cannot be accounted for in the Cumulative Impact Analysis (CIA). This is not the intent of the SMP Guidelines, nor the SMA’s legislative intent to plan carefully. The SMP and its array of policies and regulations *are themselves to be designed* to accomplish no-net-loss of ecological functions, not simply to restate the principle over and over.

Mitigation Sequencing Using Buffers

Since the entire SMP must be designed to accomplish no-net-loss of ecological functions, this includes the shoreline buffers. As our guidance document dealing with shoreline environments describes, a critical step in mitigation sequencing is to identify and protect the segments of shoreline that have high levels of ecological functions using Natural and Conservancy environments. A similarly important step is identifying shorelines with intact vegetative buffers, and establishing a buffer system to protect both them and the remaining ecological functions of developed areas. Thus, it is critical that the inventory include characterization of the setback and vegetation conditions of the developed shorelines.

Establishing an appropriate buffer system that protects the ecological functions of shoreline vegetation is a fundamental step in building mitigation sequencing into the SMP, because protective buffers are

⁵ WAC 173-26-221(5)(b).

one of the first steps to avoid and minimize damage from development. The system must also account for degradation caused by exceptions to meeting buffers, and methods of buffer reduction.

Use the SMA water-dependency preference in the buffer system. The SMA requires⁶ that in the course of implementing the SMA policy, two very important preferences must be used:

- (1) A preference for uses that control pollution and prevent damage to the environment. The SMA and SMP Guideline requirements for protecting ecological functions are summarized above and discussed in more detail in our guidance document on the subject (including cumulative impacts). Of course protecting ecological functions is the primary purpose of buffers.
- (2) A preference of water-dependency for uses that need to be in or near the water. Water-dependency is discussed in detail in our guidance document dealing with use limits and preferences, and is also a critical part of implementing a buffer system. Water-oriented uses consist of water-dependent, water-related, and water-enjoyment uses. All other uses are considered non-water-oriented.

These two preferences incorporate the understanding that uses needing to be in or near the water are preferred but inherently can damage the environment. Of course, like all development, the SMA and SMP Guidelines require that they must minimize the damage and compensate for their impacts. Conversely, uses that don't need to be in or near the water must avoid damage to the environment to be considered preferred uses. Otherwise they are non-preferred, because the damage they cause to shoreline resources is the opposite of the SMA Policy. Such uses must be prohibited or carefully controlled with special requirements. They cannot be treated the same as preferred uses are treated, otherwise there is no effect to the preference.

Since the majority of ecological functions come from native intact vegetation, degrading that vegetation (including further degrading already degraded buffers) causes damage to the environment. Uses and development that meet the buffer go far in preventing damage. If the buffer is not applied, the development will harm the environment - so there must be a good reason to allow it. This is why the SMA establishes the preference for water-dependency, and establishes the Shoreline Variance and Conditional Use Permit processes - they ensure there is a hardship or other good reason for not meeting a buffer (or other regulation). And of course, like all development, the SMA and SMP Guidelines require that the impacts be compensated for.

This makes water-dependency criteria a critical factor in making buffers apply in a manner that accomplishes mitigation sequencing. If a development has no need to be near the water, it should be outside the buffer. A jurisdiction cannot just allow whatever uses and modifications it wishes in the buffer, because they typically cause harm to the environment. Such development must be treated differently by the review system. In using water-dependency in the buffer system, water-dependent and water-related uses need to be in the buffer and are preferred. In addition, uses that provide access to or across the water, and some (but not all) types of public recreation would be considered water-dependent or water-related. But water-enjoyment and non-water-oriented uses can meet the buffer and maintain their function, such as visual enjoyment of the water. They must prevent harm to the environment, and the primary means of doing this is to meet the buffer.

The SMP Guidelines' requirement for vegetation management standard in WAC 173-26-221(5)(c)(i) is provided below. The requirement is general and broad, and references WAC 173-26-221(5)(b), which is also discussed below. It requires SMPs to protect the functions provided by shoreline vegetation (described in the reference), and provides some examples.

⁶ RCW 90.58.020 - paragraph four.

“Establish vegetation conservation standards that implement the principles in WAC 173-26-221(5)(b). Methods to do this may include setback or buffer requirements, clearing and grading standards, regulatory incentives, environment designation standards, or other master program provisions. Selective pruning of trees for safety and view protection may be allowed and the removal of noxious weeds should be authorized.”

WAC 173-26-221(5)(b) provides extensive discussion of the functions of buffers, multiple statements reinforcing the requirement to ensure no-net-loss of ecological function, and describes possible tools for protecting vegetation. It also indicates that “Such vegetation conservation areas are not necessarily intended to be closed to use and development but should provide for management of vegetation in a manner adequate to assure no net loss of shoreline ecological functions.” Thus, when development is allowed, compensatory mitigation needs to be provided to offset the impacts on ecological functions.

Using Science of Buffers. Designing an SMP, and especially the buffer system, to achieve no-net-loss of ecological functions is largely a scientific exercise, and the SMA is specific in its requirements to use science in developing the SMP. It requires using “a systematic interdisciplinary approach which will insure the integrated use of the natural and social sciences and the environmental design arts.”⁷ This science requirement is similar to the Growth Management Act’s “Best Available Science” requirement. While each has its own terminology, these two science requirements are functionally the same in that they require the use of current up-to-date science. While not all Critical Areas Ordinances (CAOs) are adequately based on science, using the CAO buffers is a possibility for those jurisdictions that do have adequate science-based buffers in the CAO.

The science literature on the impacts of development near water bodies logically leads to the use of buffers to accomplish mitigation sequencing for shoreline waters (streams, lakes, wetlands, marine waters, etc.) and adjacent shorelands. Buffer science is discussed in detail later in this document.

Buffers Perform Mitigation Sequencing. A regulatory buffer of a width supported by science is one essential strategy for protecting the functions and values provided by intact riparian vegetation. We have observed some jurisdictions that choose to use different terminology than “buffers.” These systems use “setbacks” with “vegetation management” requirements. Either choice can accomplish the protection of ecological functions provided by vegetation; however for simplicity this discussion primarily uses the term “buffers.”

While an adequate buffer can accomplish much, it cannot mitigate everything, especially impacts from degraded upland areas and the broader watershed – for example stormwater, erosion, habitat loss, etc. Other regulations are needed to deal with such impacts, including those areas outside shoreline jurisdiction.⁸ However, an adequate regulatory buffer can go far in providing mitigation sequencing:

- (1) It helps accomplish the first task of mitigation sequencing – avoidance. *But this is only the case if the buffer is wide enough and intact*. An adequate buffer will help protect a large percentage of the functions that riparian vegetation provides, and will encompass the most important riparian habitat areas.

⁷ RCW 90.58.100, with emphasis added.

⁸ For example, to maintain the health of streams and salmon habitats, rivers basins should limit effective impervious surfaces to no more than ten percent and forest cover to no less than 65 percent. Derek B. Booth, *Forest Cover, Impervious-surface Area, and the Mitigation of Urbanization Impacts in King County, Washington* p. 16 (University of Washington, Seattle Washington: September 2000). Accessed on April 30, 2011 at: <http://depts.washington.edu/cuwr/research/forest.pdf>

- (2) An intact buffer can be a first step in minimizing the adverse impacts of development to functions that extend outside the buffer. It also reduces or helps minimize those repeating or ongoing impacts from adjacent development, such as water quality, glare, and noise impacts, by filtering pollutants, screening glare, and reducing noise transmission.
- (3) For both degraded and intact areas, a science-based regulatory buffer also identifies an area within which new development will cause impacts that need compensation. In addition, when buffers are degraded, they provide a location where any impacts of the development can be compensated for by enhancing the degraded functions.

CAO Buffers Can be Used in the SMP. The SMP Guidelines allow jurisdictions to incorporate other policy and regulation documents into SMP. This means the CAO and its buffers can be incorporated into the SMP. WAC 173-26-221(2)(c) addresses incorporating a CAO into the SMP [with emphasis]:

“In conducting the review for equivalency with local regulations, the department shall not further evaluate the adequacy of the local critical area regulations. Incorporation of the adopted and valid critical area regulations in effect at the time of submittal by reference as provided in section 173-26-191(2)(b) shall be deemed to meet the requirement for equivalency. However, a finding of equivalency does not constitute a finding of compliance with the requirements of this section and section (3) flood hazard reduction, nor with the guidelines overall.”

The highlighted section (as well as other statements in the Guidelines) ensures that any policies and regulations that are incorporated also must meet the SMA and SMP Guidelines requirements.

Pitfalls to Avoid: Don't attempt to avoid using vegetative buffers. While we have not encountered such an example, we have encountered some jurisdictions that have considered not establishing buffers. Their reasoning seems to be that individual reports for every project will be able to establish ad-hoc buffers at the time of project review. Using vague standards instead of “designing” policies and regulations to accomplish no-net-loss fails to meet many SMP Guideline requirements, causes great problems with the CIA, and is discussed in detail in our guidance document dealing with these issues.

Pitfalls to Avoid: Don't assume the CAO buffers and regulations are adequate. Some jurisdictions assume that their COA is adequate to provide shoreline buffers. This is likely based on the assumption that, if it was not appealed it must meet the current science. In fact, our observations are otherwise. Most city CAO buffers are inadequate – and some don't even cover lakes, which are a basic CAO feature. County CAO buffers are more likely to be adequate (if updated recently), since they are more often held to the science requirements by appeals. In addition, we have encountered some jurisdictions that claim that the above quoted WAC requires the state to automatically accept the CAO and its buffers without objection. These jurisdictions seem to be reading only the first part of the paragraph without considering the highlighted portion. The result is an understanding that is the opposite of what the requirement means, implying that that Ecology can't review the CAO for its adequacy in protecting shoreline ecological functions. The SMP Guidelines only allow jurisdictions the option to use their CAO, but the CAO must first be adequate to meet SMP Guideline requirements. There is no obligation to use the CAO, nor a guarantee that it will be adequate. If it is inadequate, it cannot be used without updating the CAO or establishing special supplements to it for shoreline jurisdiction.

Pitfalls to Avoid: Don't try to avoid updating CAO buffers and regulations. Some jurisdictions expressly try to avoid updating their CAO, for fear of additional workload and/or

creating controversy. Yet they intend to incorporate the CAO into the SMP. As described above, many CAOs are inadequate. So from the beginning of the update effort, jurisdictions should plan on fixing at least some parts of the CAO rather than rigidly insisting that the CAO cannot be touched.

Pitfalls to Avoid: Don't avoid incorporating the water-dependency preference in buffers. We have observed many jurisdictions that allow a wide range of development in their buffers, or provide many ways to avoid meeting the buffer. These examples typically allow development that is water-enjoyment or non-water-oriented. One jurisdiction provided three pages of exceptions to meeting a buffer. Very few developments should be allowed in a buffer – and these should primarily be based on their need to be in or near the water. All others should be required to meet explicit review criteria, similar to those found for Shoreline Variances and Conditional Use Permits. This approach accomplishes the first task of mitigation sequencing – avoidance. Of course, all developments inside the buffer should include compensatory mitigation for their impacts.

Pitfalls to Avoid: Don't "balance" away shoreline policy to accommodate development. WAC 173-26-186(9) reads [with added emphasis]: "To the extent consistent with the policy and use preference of 90.58.020, this chapter (WAC 173-26), and these principles, local governments have reasonable discretion to balance the various policy goals of this chapter..." This is similar to the implementation statement in the SMA policy, in which preferences and priorities are established, but only in the implementation of the policy itself. (See our guidance document regarding use limits and preferences for a detailed discussion.) However, some jurisdictions have used the "balancing" phrase by itself as an excuse to allow development that has no need to be in the buffer without any regulations to accomplish mitigation sequencing. They then do not acknowledge the inherent impacts, nor require specific compensation for the losses, nor account for the losses in their Cumulative Impacts Analysis. Such a use of the "balancing" clause selectively ignores the requirement to be consistent with the policy to protect ecological functions. The facilities desired may be allowable, but they must still protect shoreline ecology to the extent feasible, and provide compensation for impacts to functions.

Vegetative Buffer Areas Perform Many Functions

The peer-reviewed scientific evidence has been reviewed and synthesized in several documents that show that intact buffers of adequate width are needed to mitigate the impacts of adjacent development on lakes, rivers, streams, marine waters, and wetlands. They in turn show that: (1) small buffers, even with intact vegetation, are incapable of fully mitigating development impacts; and (2) degraded buffers are unable to fully perform their buffering function.⁹ An item of particular note is that some studies¹⁰ found that riparian vegetation performed similar functions for all types of water environments.

Below is a bibliographic list of some of these scientific synthesis documents. They are generally oriented toward a particular water type, and they are grouped similarly here. They also include internet links for the reader's ease of access. ***PLEASE NOTE: If some links do not operate, removing the last***

⁹ In particular, from the subsequent bibliographic list, see: Spence et al., *An Ecosystem Approach to Salmonid Conservation*. (ManTech Report for NOAA) Chapter 6: Effects of Human Activities.

¹⁰ From the subsequent bibliographic list, see:
Sheldon, et al., *Wetlands in Washington State - Volume 1*, p. 5-25 to 5-26,
Brennan and Culverwell, *Marine Riparian*, pp. 2 & 16. and
EnviroVision, et al., *Protecting Nearshore Habitat*, p. III-38.

segment on the link may provide an alternate access path. Otherwise perform a search on that website or the internet in general.

Lakes: Karen Cappiella and Tom Schueler, *Crafting a Lake Protection Ordinance*, Urban Lake Management, Watershed Protection Techniques 3(4) (2001). Accessed on April 30, 2011 at: http://www.cwp.org/documents/cat_view/74-articles-from-watershed-protection-techniques-special-issue-on-urban-lake-management.html.
Widths - p. 756; Functions - pp. 752-754.

Lakes: S. Engel and J. L. Pederson Jr., *The construction, aesthetics, and effects of lakeshore development: a literature review* (Research report 177, Wisconsin. Dept. of Natural Resources, 1998). Accessed on April 30, 2011 at: <http://digital.library.wisc.edu/1711.dl/EcoNatRes.DNRRep177>.
Functions - pp. 9-24; widths not addressed.

Streams, Lakes, and Marine: National Marine Fisheries Service - Northwest Region, *Endangered Species Act Section 7 Consultation Final Biological Opinion for Implementation of the National Flood Insurance Program in the State of Washington, Phase One Document - Puget Sound Region* (Sept. 22, 2008), *also Second Notice of Error and Correction in Endangered Species Act Section 7 Formal Consultation and Magnuson-Stevens Fishery Conservation and Management Act Essential Fish Habitat Consultation for the on-going National Flood Insurance Program carried out in the Puget Sound area in Washington State* HUC 17110020 Puget Sound (May 14, 2009). Both documents accessed on April 30, 2011 at: https://pcts.nmfs.noaa.gov/pls/pcts-pub/pcts_upload.summary_list_biop?p_id=29082.
Widths - p. 5 of the Second Notice and; Functions and development impacts: pp. 24 - 150 of the Final Biological Opinion.

Streams and Lakes: Spence, B. C., G. A. Lomnický, R. M. Hughes, and R. P. Novitzki, *An Ecosystem Approach to Salmonid Conservation*. (ManTech Environmental Research Services Corp., Corvallis, OR, Doc.#: TR-4501-96-6057, available from the National Marine Fisheries Service, Portland, Oregon. 1996). Accessed on April 30, 2011 at: <http://www.nwr.noaa.gov/Publications/Reference-Documents/ManTech-Report.cfm>.
Widths - pp. 215-230 (esp. p. 229); Functions - pp. 51-55.

Streams: K. L. Knutson & V. L. Naef, *Management Recommendations for Washington's Priority Habitats: Riparian* (Wash. Dept. Fish and Wildlife, Olympia WA, 1997). Accessed on April 30, 2011 at: <http://wdfw.wa.gov/publications/pub.php?id=00029>.
Widths - p. 87; Functions - pp. 19-38.

Wetlands: D. Sheldon, T. Hruby, P. Johnson, K. Harper, A. McMillan, T. Granger, S. Stanley, and E. Stockdale, *Wetlands in Washington State - Volume 1: A Synthesis of the Science* (Washington State Department of Ecology Publication #05-06-006, 2005). Accessed on April 30, 2011 at: <http://www.ecy.wa.gov/biblio/0506006.html>.
Widths - all of Chapter 5 & p. 5-55; Functions - All of Chapter 2 & parts of Chapter 3 and 4.

Marine: EnviroVision, Herrera Environmental, and the Aquatic Habitat Guidelines Working Group, *Protecting Nearshore Habitat and Functions in Puget Sound: An Interim Guide* (October 2007). Accessed on April 30, 2011 at: <http://wdfw.wa.gov/publications/pub.php?id=00693>.
Widths - pp III-38 to III-41; Functions - pp. II-38 to II-46.

Marine: J. S. Brennan, and H. Culverwell, *Marine Riparian: An Assessment of Riparian Functions in Marine Ecosystems* (Washington Sea Grant Program, University of Washington, Seattle, 2004). Accessed on April 30, 2011 at: <http://www.wsg.washington.edu/research/pdfs/brennan.pdf>. Widths - p. 16; Functions pp. ii-iii & 3-14.

The following table summarizes the buffer widths recommended in these synthesis studies that are needed to protect the wide variety of ecological functions that buffers perform. Specific functions are described in more detail below the table.

Summary of Buffer Recommendations from Selected Studies

Science Review Source	Recommended Vegetated Buffer Width			
	Stream	Wetland	Lake	Marine
Cappiella and Schueler, <i>Crafting a Lake Protection Ordinance</i> (Review of Lake Ordinances)			Range from 50-150'; Septic 100'+	
Engel and Pederson, <i>The construction, aesthetics, and effects of lakeshore development</i>			Only functions listed	
National Marine Fisheries Service, <i>ESA Consultation Biological Opinion for NFIP in Wa. State</i>	<u>For Shorelines:</u> the greater of 250'; or CMZ +50'; or floodway,		150'	200'
Spence et al., <i>An Ecosystem Approach to Salmonid Conservation</i> . (ManTech Report for NOAA)	1 site pot. tree height (up to 150')		1 site pot. tree height (up to 150')	
Knutson & Naef, <i>Management Recommendations for Washington's Priority Habitats: Riparian</i> (WDFW)	150-250' per str. type + floodplain			
Sheldon et al., <i>Wetlands in Washington State - Volume 1: A Synthesis of the Science</i> (Ecology)		150'-300' for most human uses		
EnviroVision et al., <i>Protecting Nearshore Habitat and Functions in Puget Sound: An Interim Guide</i> (Aquatic Habitat Guideline Working Group)				150-200'
Brennan and Culverwell, <i>Marine Riparian: An assessment of riparian functions</i> (SeaGrant)				>30m (>100')

The science of intact buffer areas of adequate width shows that they perform many functions - some of which are provided below and grouped by similarity. The SMP Guidelines also describes vegetation functions in WAC 173-26-221(5)(b).

Water Quality and Infiltration Functions of Vegetation

- Inhibiting surface erosion from surface runoff and flood flows.
- Filtering sediment from surface runoff and flood flows.
- Removing and transforming nutrients and harmful substances from surface runoff and flood flows.
- Infiltrating and storing surface runoff and flood flows into groundwater for later release to water bodies.

- Removing and transforming nutrients and harmful substances from groundwater passing through root zones.

Stabilization Functions of Vegetation

- Providing stabilization to streambanks, lake shores, and marine waters against erosive water forces through root mats and root-strength.
- Contributing in-water woody debris which reduces and slows erosive water forces against streambanks and lake shores through barriers and increased roughness.
- Protects uplands from surface erosion caused by storms and rising sea levels.

In-Water Habitat Contributions Functions of Vegetation

- Providing fish with over-water hanging cover from predators.
- Providing shade to help cool the water, especially for shallow margins.
- Contributing in-water woody debris needed for creation of fish habitat.
- Contributing in-water organic matter to support fish food species (insects and invertebrates), and other aquatic life.
- Screening or dampening noise, glare, and human activity from the water.

Land Habitat Functions of Vegetation

- Providing refuge for fish from fast flows during floods, as well as access to new food sources.
- Providing wildlife habitat areas (for feeding, reproducing, resting, etc.) for riparian species, and for upland species that use riparian areas. This includes the small species (such as amphibians, small mammals, birds, and insects) that serve as food for larger species.
- Contributing large woody debris needed for small animal habitat, as well as larger animals.
- Providing a wildlife dispersal and migration corridor along the water to other areas.
- Generating organic matter needed for foundation of food web.
- Providing natural processes and food web functions to support wildlife.
- Altering the microclimate near the water to be more suitable for aquatic and riparian species by sheltering from wind, holding humidity, etc.
- Screening or dampening noise, glare, and human activity.
- Providing separation from human activity for sensitive aquatic and upland species.

Pitfalls to Avoid: Don't avoid identifying the science used to develop the SMP. We have observed some jurisdictions that do not include a science review in their update, contrary to the SMA's science requirement (discussed previously). Consequently, their regulations had little or no basis in science, particularly the buffers. These jurisdictions also typically assume their CAO is adequate to protect shoreline ecological functions, when it actually is not based on current science.

Pitfalls to Avoid: Don't exclude certain functions from description in the SMP. While almost all SMPs discuss the functions that buffers perform, some fail to describe all the different functions. Certainly the water quality and stabilization functions need to be included, and most jurisdictions do so. But the habitat functions also need to be included. We have observed some cities that exclude the habitat functions, apparently because of an assumption that only large animals that don't occur in the city constitute wildlife. This problem tends to manifest in different ways. Sometimes the focus is entirely on fish habitat, and upland habitat is excluded. Sometimes both fish and wildlife functions are excluded. As indicated in the function descriptions, small animals are part of the food web and also need habitat. The SMP needs to fully describe all the functions that buffers perform to

ensure that future readers (both developers and staff) are cognizant of the functions that must be protected.

Developments Impact Both Intact and Degraded Shoreline Functions

The currently available science on the characteristics needed for buffers to work has several policy implications that bear on the development of a buffer system that can work in different situations:

1. If the science-based buffers have intact vegetation, they can provide functions and protect the resource from most impacts of adjacent development, but some impacts will still exist.
2. If science-based buffer widths are met but they do not have intact vegetation, they cannot provide all of the functions nor protect the resource from adjacent development and there will be impacts.
3. If development takes place within the buffer area, whether intact or not, there will be impacts.
4. In the case of existing development within the science-based buffer width, the vegetation is both degraded and there is not enough width. Additional development in the science-based buffer area will increase the impacts.
5. Establishing a buffer system that incorporates assumptions that fail to identify impacts systematically establishes built-in impacts in the SMP protection system.

Thus, almost all development has negative impacts. Expansion of existing development on degraded sites, new development on vacant land, and redevelopment for different uses all adversely affect shoreline resources and functions. In fact, even existing development can continue to cause impacts to ecological functions.

Functions on a particular site range on a continuum. Even when science-based buffers are degraded, they still perform functions at a dampened level, depending on the amount of degradation. Even heavily degraded shorelines will perform functions at a very low level. This is specifically stated in the SMP Guidelines,¹¹ and documented in the science literature that compares developed and undeveloped sites. For example, even lawns can provide better animal feeding, runoff treatment, and other functions than paved surfaces and structures. New impervious surfaces and more intensive use will degrade these even further. Thus the remaining functions can still be impacted by new development. Below are descriptions of how development adversely impacts shoreline resources.

- **Water Quality and Infiltration Impacts.** New structures and impervious surfaces increase runoff volumes, remove vegetation, remove native soils that absorb water, and reduce the area available to infiltrate those volumes. These impacts may be partially mitigated through stormwater ordinances. However, stormwater regulations generally only address increased peak runoff volumes, not the other impacts.¹² In addition, small developments are only required to comply with some of the storm water requirements, thus reducing the ability of those regulations to address the full range of impacts.¹³
 - a. The increased runoff is focused into smaller receiving areas, thus increasing the erosive power and sediment carrying ability of the surface runoff in those areas.

¹¹ WAC 173-26-201(2)(c) under Basic Concepts and Protection of Ecological Functions.

¹² Washington State Department of Ecology, *Stormwater Management Manual for Western Washington Volume 1 – Minimum Technical Requirements* pp. 1-20 – 1-26 (February 2005). Accessed on April 30, 2011 at: <http://www.ecy.wa.gov/biblio/0510029.html>

¹³ *Id.* at p. 2-9.

- b. Where infiltration can still occur, the focused runoff drives infiltrated water to the groundwater table more rapidly with less opportunity for soil treatment.
 - c. Less vegetation area is available to filter sediment and nutrients from flood waters and the larger volumes of surface runoff passing over the site.
 - d. Less native soil and vegetation root structure is available to treat groundwater.
 - e. The trend of decreased infiltration in a drainage basin changes the hydrology of the basin by increasing winter flows and decreasing summer and fall flows, adversely affecting water quality and aquatic habitats.
- **Vegetation and Habitat Simplification Impacts.** Adding new structures, additions, or impervious surfaces, and removing or simplifying vegetation (cutting trees, replacing shrubs with lawn, paving, etc.) also adversely affect habitat:
 - a. Higher value habitat areas and migration pathways are eliminated or replaced with lower value areas, until the most simplified areas (open impervious surfaces) have only limited value for migration pathways and separation areas. More complex areas for nesting and refuge are most susceptible to loss.
 - b. Substituting native vegetation with non-native species, or their total removal, results in a loss of food sources for the entire food web. For example, many native insect species cannot effectively use non-native vegetation for food. The reductions in insect populations then affect the fish that feed on them.
 - c. Natural processes, insect food sources, and food web functions are reduced or eliminated with the progressive removal of complex vegetation elements.
 - d. Species (large and small) capable of using degraded areas are greatly reduced with greater degradation.
 - e. Microclimate is altered for species currently using the site.
 - f. Reduces the organic matter input to the water from drifting and blowing wind that supports the aquatic food web and aquatic life.
 - g. Reduces the large woody debris input from trees and branches falling into the water that is needed to form and diversify fish and aquatic life habitat.
- **Stabilization and Shading Impacts.** Removing or simplifying vegetation near water also:
 - a. Reduces the root strength and root mats that provide bank stabilization.
 - b. Increases sun exposure on shallow water areas and heats them.
- **Human Use Impacts:** Residential uses have additional impacts, not directly related to construction, that increase with enlargement or expansion of the use. Aside from lighting, very little can be done to mitigate these impacts – they are a function of the existence of the development. Such impacts would have to be compensated for using out-of-kind mitigation, and possibly off-site mitigation. Non-residential uses can have impacts similar to residential uses that vary depending on the activities and the level of use.
 - a. Human presence and activity that impacts or drives off fish and wildlife. Bigger residences typically mean more people on the property, whether family members or guests.
 - b. Pets that prey on or drive off fish and wildlife. More family members increase the likelihood of having more pets.
 - c. Machinery and vehicular noise that impacts or drives off fish and wildlife. More people on the property increase the likelihood of having more machines and vehicles – including automobiles, watercraft, yard machinery, and recreational vehicles.
 - d. Use of chemicals and fertilizers for house and yard. Larger structures and grounds increase the use of chemicals.

- e. Use of night lighting that impacts or drives off fish and wildlife. Larger structures and grounds typically increase the use of exterior night lighting and escaping interior light.
- **Ongoing Impacts.** Existing development that has inadequate buffers can also have ongoing impacts or impacts that increase over time. While shoreline master programs do not apply to most existing uses, allowing an expanded, redeveloped, or new use that continues to use an existing degraded or non-existent buffer will result in increased impacts and an increased loss of shoreline functions, contrary to the requirements of the SMA. Further, shoreline master programs do apply to ongoing activities that require five year permit renewals. The SMP should require measures to protect shoreline functions when those permits are renewed.
 - a. Inadequate buffers allow larger pollutant loads to pass than intact buffers. Thus the receiving waters become more and more contaminated as pollutants build up in aquatic sediments and the water body year after year. Some pollutants are removed or transformed by flushing and biological processes, but others build up over time.
 - b. Inadequate buffers allow larger sediment loads to pass than intact buffers. Thus aquatic life and habitat areas continue to be smothered by sediment, and water turbidity continues to impact organisms.
 - c. Buffers next to a development tend to degrade over time through continual small encroachments, so existing uses increase their pollution loads as the buffers degrade. The degraded buffers also provide fewer functions and mitigate fewer impacts.

Pitfalls to Avoid: Don't use assumptions that avoid accurately accounting for impacts.

The above descriptions of functions and impacts to them show that with few exceptions, all development has impacts that need to be subject to mitigation sequencing. Unfortunately, *one of the biggest problems we have observed is the systematic failure to acknowledge impacts* by using a wide variety of assumptions. These assumptions are addressed in detail below.

Our guidance document addressing no-net-loss, cumulative impacts, and restoration also discusses this major problem of accurately accounting for impacts in the broader context of accounting for ecological functions and impacts of development. The reader should see that document to supplement the descriptions of impacts to buffers provided here.

Assuming that conversion of intact areas has no impacts. The most substantial loss of ecological function comes when new development in largely intact and undeveloped areas (those that should have protective environments) displaces vegetation that provides ecological functions and wildlife habitat - both inside and outside the buffer. A more common situation is when SMPs allow development inside a largely intact buffer (for access, docks, driveways, bridges, utility crossings, water-dependent recreation, etc.). Few SMPs require the replacement of this habitat by requiring a trail or road crossing to replace the displaced buffer vegetation. The main problem is that, while a project on a degraded site can provide compensatory mitigation on-site, how do you provide compensatory mitigation on an entirely intact site or for an intact buffer? There are little or no enhancement opportunities - certainly not at the same scale of the development impacts. This is why it is critical to both limit uses in protective environments, and limit development within buffers to uses that need to be in or near the water (water-dependent or water-related uses) - other development needlessly causes loss of functions.

The above examples allow the conversion of functioning shorelines to higher intensity uses (whether by planned intent, or by the omission of protective regulations), and thus "plan for" these ecologically intact areas to be converted to human use areas. Without explicit compensatory mitigation requirements, there is no chance for these functions to be replaced. But even with compensatory

mitigation, there will be a loss of ecological functions that site-specific project mitigation almost certainly cannot mitigate due to elimination of wildlife habitat (both inside and outside the buffer), and increased human presence that drives off wildlife, as described in the next assumption.

Not considering the impacts on fish and wildlife of human presence. A more indirect impact is that injecting human users into largely intact areas or intact buffers – even with relatively minor development like trails – drives off fish and wildlife. Most people have experienced driving on a road and seeing wildlife. The animals may tolerate the presence of the vehicle, but when people get out of the car, the animals flee. Similarly, people who are avid fishers know that fish flee from human disturbances in and near the water, and on a dock. We have observed no SMPs that address this impact in their regulations, yet it is sometimes the largest impact. Mitigating for human intrusion will likely require out-of-kind compensatory mitigation, and possibly require off-site mitigation.

Assuming that degraded buffers have no functions to impact. While the above examples use relatively intact areas to demonstrate the point, even degraded areas have ecological functions that can be further degraded. Planners often equate degraded sites to having no functions to impact. This then is thought to allow unlimited additional development near the water. However, this point of view has no logical basis in the buffer science, and is inconsistent with the concept of mitigation sequencing. Degraded buffers still perform low levels of functions, and additional development continues to impact them. The existence of lower levels of ecological function does not lessen the impacts of the development; it only reduces the maximum possible loss of functions caused by those impacts. Even converting lawn or degraded vegetation to sidewalks and roads further degrades those areas for ecological functions and habitat use.

Assuming that avoiding more damage to degraded buffer vegetation equates to having no impacts. Another version of the above assumption mistakenly equates development impacts to whether damage is directly caused to the vegetation, resulting in the approach that a project leaving degraded ecological functions in place is the same as having no impacts. This is incorrect. New development will have impacts whether vegetation is intact or degraded. But degraded vegetation will have a lower maximum possible loss of function.

Assuming that degraded buffers can prevent impacts. Some planners assume that meeting a degraded buffer width (whether small or science-based) automatically means there will be no impacts. The science shows that intact vegetation is needed to provide functions and buffer impacts. Degraded buffers cannot function fully and will automatically allow impacts. Such a system does not have a logical basis in science. If the buffer vegetation is not required to be made functional, the only way to reduce development impacts is to require additional separation with a larger setback. We recommend that the regulations require double the buffer width as a setback to avoid enhancement requirements.

Assuming that meeting small buffers can prevent impacts. A slightly different version of assuming that degraded buffers can prevent impacts is when planners assume that a small buffer works the same as an intact science-based buffer, and will adequately provide functions and prevent impacts as long as development is outside the buffer line. This then is thought to allow unlimited additional development outside the small buffer line. Like other pitfalls described above, there is no logical basis for such an assumption. Simply making the regulatory buffer width smaller to match the existing development does not change the presence of impacts. **Small buffers are already degraded,** even if the small width is well vegetated (which is often not the case). The science shows that inadequate width buffers cannot perform functions or mitigate impacts. In the worst cases, we have observed small buffers applied to totally intact shorelines, and to vegetated areas that are larger than the small width. This approach also causes major losses from converting intact areas to human uses, as described above.

Assuming that waiving buffers for some development has no impacts. We have observed a practice of systematically waiving buffer requirements for broad lists of facilities – many of which can be placed outside the buffer without eliminating their function. We have seen this pattern regardless of whether buffers are intact or not, and use science-based widths or not. We have seen it applied to a greater or lesser range of facilities for almost all jurisdictions, but it typically is not accompanied by any specifics about providing compensatory mitigation along with the development. A widespread example is that trails are often allowed in the buffer with few limits, and thus allowed at the water’s edge, when they could be placed outside the buffer or in the margins with no loss of their function as a trail. Access to water-dependent uses and facilities could be provided with spur trails, and are appropriate. Another common example is allowing stormwater facilities to displace buffer vegetation. Only water-dependent and water-related uses (including road and utility crossings, water-based recreation, physical public water access, etc.) should be allowed inside the buffer. Any other exceptions need to include criteria for avoidance and minimization, similar to Shoreline Variances and Conditional Use Permits. All instances (water-dependent or not) should also include specifics about how to do compensatory mitigation for that kind of development.

Assuming that minimization standards prevent impacts. A common assumption is that minimization will prevent impacts. Minimization is a part of mitigation sequencing, and by definition the term only reduces impacts – it doesn’t avoid them. Thus development that meets minimization standards must still compensate for the remaining impacts. Minimization is commonly used for in-water development (such as docks, boating facilities, stabilization, etc.). Unfortunately, while the minimization standards may be included, there are usually no standards describing how to do compensatory mitigation for such development.

Mitigation for impacts to buffers. As previous described, the SMP regulations need to be “designed” to accomplish no-net-loss and mitigation sequencing. Accomplishing this means using a science-based buffer width wherever possible, and only allowing development within the buffer when there are no other alternatives (water-dependency, existing development that meets hardship or need criteria, etc.). Any water-enjoyment and non-water-oriented uses need to include criteria for avoidance and minimization, such as those found for Shoreline Variances and Conditional Use Permits. This accomplishes much of the avoidance and minimization components of mitigation sequencing.

Contrary to the above assumptions, development in or adjacent to the buffer will almost inevitably have built-in impacts, and built-in mitigation needs to be required to eliminate as many as possible. Even for existing developed areas, increasing the development size or intensity just makes the impacts worse. And even providing an intact, science-based buffer will have small impacts. Thus compensatory mitigation is needed for almost all new development situations. Eliminating impacts requires that the SMP (a) have a default position that, except for rare instances, development will have impacts, (b) require compensatory mitigation plans with each project, (c) include a policy to focus the compensatory mitigation on enhancing degraded conditions, and (d) include specific compensatory mitigation standards for different types of development (docks, armoring, residential development, recreation uses, etc.).

While buffer systems that do not compensate for impacts are not allowed by the Guidelines, using them also means that the jurisdiction must replace these lost functions at its own expense. This greatly complicates the Restoration Planning and Cumulative Impacts Analysis for the jurisdiction, making it extremely difficult to demonstrate that lost ecological functions will be replaced in some manner, and making it practically impossible to achieve no net loss of shoreline functions.

While all development in or next to the science-based buffer should include specifics about compensatory mitigation, doing so in areas of existing development may have to be done differently than for development of a vacant or generally undeveloped lot. For example, the lesser impacts of expanding existing development should be focused on enhancement of the degraded conditions between the development and the water. But the greater impacts of new development on vacant land or for redevelopment should be mitigated by enhancement of the full buffer's width. Where the buffer is already intact, other options need to be used, such as removing armoring or other alterations.

Options for Buffer Systems in Different Situations

Based on the discussion above, it is possible to develop a buffer system that is logically consistent with the science for the wide variety of conditions that exist. A science-based regulatory buffer can provide a means of avoidance and minimization. But systems that avoid identifying impacts are ineffective, fail to comply with the SMA, and result in a system with built-in adverse impacts to, and loss of ecological functions. The most prominent example is the use of small buffers *alone*. The only acceptable strategy for using small buffers is if:

- (A) They are limited to situations where there are no alternatives (existing development areas) and thus inherently have some level of hardship and mitigation sequencing.
- (B) The built-in impacts are offset by built-in mitigation measures, including mitigation for habitat impacts. This is best accomplished by an improvement of the existing degraded buffer or habitat conditions.

While small buffers can be used with validity, it must be only one part of a system that addresses the range of different shoreline conditions in a logical and systematic manner. Below is our recommended strategy for a buffer system (or setbacks with vegetation management standards) that can deal with a variety of situations. **PLEASE NOTE** that we understand that the details of this strategy can take many forms, but they should cover all these situations when they are present within the jurisdiction.

1. **For all SMPS**, the buffer systems need to be supported in the SMP policies. A specific policy is needed for any small buffers that are used to indicate how they are supported by scientific information. The policy should also support the specific manner in which they are used. We recommend a policy similar to the following:

SMALL BUFFER POLICY: While buffers widths based on science are necessary to protect ecological functions, using them is not possible in existing heavily developed areas, such as along some parts of [FILL IN THE BLANK]. In such areas, an alternative strategy is established using smaller buffers [OR setbacks] that are based on the existing development pattern, in combination with mitigation requirements for new development that provide enhancement of degraded features as compensatory mitigation for impacts of the new development both inside and outside the small buffer widths.

2. **All shoreline areas** should be carefully mapped using existing air photo data analysis, and the setbacks and vegetation condition in areas of existing development should be characterized. This should be part of the inventory and characterization step of the SMP update. When broad variations exist in setback and vegetation, the areas should be categorized based on the character, so the buffer system can consider such variations. Our guidance document dealing with shoreline environments provides a detailed discussion of requirements related to mapping, the use of existing data, and analysis of the existing data. If buffers are to be tied to the

environments, it is critical that the environments be assigned based on the condition of the shoreline buffer vegetation.

3. In all shoreline areas, especially unusual situations, standards requiring existing vegetation to be protected whenever possible are needed. This is especially necessary for in-buffer vegetation. But vegetation outside the buffer should also be protected by locating development so it has the least impact, and limiting the disturbed area to the minimum needed for the use. This prevents the loss of all vegetation outside the buffer line within intact areas for no important reason. Some shorelines are heavily developed and altered in a narrow band immediately adjacent to the water, but may be entirely intact behind the developed band. These extensive intact areas still have functions, especially for habitat, and need protection. Some shorelines are developed at rural or suburban densities close to the water, but the residences are sprinkled amongst intact vegetation. These intact areas both inside and outside the buffer need protection. In both of these cases, using only setbacks or buffers based on existing development patterns (as described in 6 & 7 below) would allow these areas to be cleared, and allow the ecological functions to be lost.
4. In intact areas, and developed areas with largely intact shoreline vegetation, science-based regulatory buffer widths need to be adopted to protect them from further degradation.
5. Undeveloped areas with degraded buffers also need science-based regulatory buffer widths applied to them. However degraded or unvegetated buffers will be ineffective at buffering the impacts of new development. So the buffer system also needs clear statements that using the minimum buffer width for other than very low intensity uses is contingent on it being made functional through enhancement mitigation that plants native understories, shrubs, and trees across the shoreline (with allowances for water access and water-dependent uses). Since the only alternative way to mitigate the new impacts is reducing them through additional separation, projects that do not provide enhancement mitigation should use a setback that is twice the buffer width.
6. For new development in developed areas already inside or adjacent to the buffer, establish setbacks for the developed areas. This can use one of two approaches:
 - a. Continue to use the science-based buffer width used for intact areas in order to identify the area where development must be accompanied by compensatory mitigation, and limit development any further waterward.
 - b. Tailor the setback width to the predominant setback for different locations and limit development any further waterward. Different widths for different locations will almost certainly be needed, and a single width set to the minimum width present in the jurisdiction does not accomplish adequate protection.
7. For new development in developed areas already inside or adjacent to the buffer, establish built-in compensatory mitigation using specific enhancement standards. Establish minimum enhancement requirements for all expansions, including those outside the small setback width. Establish tiered enhancement mitigation requirements for the more extensive types of development, including changes of use. For example: small improvements might re-establish a narrow width of vegetation, while a tear-down-rebuild or change of use might re-establish the entire buffer or remove armoring. The draft Issaquah SMP provides the best example of how to do this.

The minimum enhancement mitigation width needs to be wide enough to function, and function over time. For example, the narrowest high quality buffer that can filter nutrients is 13 feet, and for filtering pollutants you need 33 to 52 feet.¹⁴ Also consider that buffers degrade over time as they filter out nutrients and pollutants. The area needs to be at least 20 feet wide (enough for a fully grown tree) to provide minimum functions. Wider buffers are needed to protect other important shoreline functions.

8. For other development inside the buffer, such as buffer reductions, buffer waivers, water-dependent uses, built-in compensatory mitigation requirements need to be specifically described that will mitigate development impacts. This should include various means of enhancing the degraded shoreline areas where doing so is possible – such as planting native shoreline vegetation, removal or reduction of unnecessary shore armoring or other near-water structures, etc. If vegetation is intact, it may require off-site mitigation. Where native vegetation is planted, it needs to include native groundcover, shrub, and tree planting; and needs to extend across the shoreline with allowances for water access.
9. We have observed some SMPs that include incentive approaches for their buffer system to encourage buffer enhancement. While we encourage incentives, they can't be substituted for thorough protections. When improperly used, the typically result is a small buffer in which any project enhancement is optional – based on choosing to use an incentive. The incentives also encourage additional development extremely close to the water. Simply meeting the small buffer and not choosing the incentives allows unlimited development outside the buffer, while ignoring the built-in impacts of such a system.

In addition to built-in mitigation in the form of enhancement, the use of small buffers means other impacts need to be much more carefully controlled, which means the use of additional standards.

- Only very limited uses and facilities should be allowed in the setback, and none can be allowed within the replanted areas if they are to function. Encroachments into a buffer or setback vegetation should be limited to those that are water-dependent and water-related. Water-enjoyment and non-water-oriented uses and facilities can function without being in the buffer area.
- Low impact development (LID) techniques should be required to minimize storm water runoff and help maintain a more natural hydrologic system. This is needed to help reduce the polluted storm water that would otherwise overwhelm the narrow planting strip.
- Major redevelopments and changes in use, which usually result in great intensification, must established scientific based buffers to ensure no net loss of shoreline functions.
- For permits of activities that require renewal every five years, buffers or setbacks and vegetation plantings should be required.

¹⁴ K. L. Knutson & V. L. Naef, *Management Recommendations for Washington's Priority Habitats: Riparian* p. XI, p. 164 (Wash. Dept. Fish and Wildlife, Olympia WA: 1997).

section, 20D.150.60-010 and other applicable portions of the Shoreline Master Program.

- (5) In any High Intensity/Multi-Use location within a buffer where the land is actively being used as part of a legitimate business operation, such land including either structures or active operational areas, established prior to January 1, 2008, may continue to operate. New structures, pavement, and other improvements are permitted within this area so long as incremental environmental benefit is provided and no net loss of shoreline ecological functions is demonstrated.

20D.150.60-020 Lake Sammamish Setback.

Lake Sammamish has no buffer (as noted in 20D.150.60-010 above) but rather has a building setback. The waterfront-building setback for new development and redevelopment (tear downs) along Lake Sammamish shall be a minimum of 35 feet. The building setback can be reduced to 20 feet if the setback area is revegetated with primarily native vegetation. Establishment of a tree canopy is encouraged. No constructed structures other than those required for waterfront access/docks are allowed within the 20-foot setback. The applicant shall record on the title documentation from the City of Redmond confirming that the structure has been built under the flexible setback option and as such, the structure is conforming and the area within the 20 foot lakefront setback is to remain planted primarily with native vegetation (as described above). The City shall assist the applicant in determining appropriate native vegetation requested, and will coordinate with the applicant on the planting success the following year. New development adhering to the 35-foot setback and/or reconstruction that involves greater than 50% the value of existing improvements shall be required to plant 50% of the area in the minimum 20 foot building setback with native vegetation.

20D.150.60-030 Buffer and Setback Measurements

Shoreline buffers and waterfront-building setbacks are measured from the ordinary high water mark.

20D.150.70 In-Water Structures

20D.150.70-010 Purpose.

The purpose of this chapter is to provide standards and guidelines for the location and design of docks, marinas, boat launches, and similar in-water structures that have the potential to adversely impact natural shoreline resources.

20D.150-70-020 Applicability.

- (1) All in-water structures shall comply with the standards of this chapter.

- (b) Water-orientated accessory structures shall not exceed 10 feet in height.
- (c) The maximum height of docks is specified in RCDG 20D.150.70, In-Water Structures.
- (d) The maximum height of structures, including bridges, that support a regional light rail transit system may be higher than 30 feet but shall be no higher than is reasonably necessary to address the engineering, operational, environmental, and regulatory issues at the location of the structure.

20C.30.25-140 Site Requirements Chart and Flexibility.

**Residential Zones Permitted Land Uses Chart
 Subject to Neighborhood Requirements**

Zoning District												
	RA5	R1	R2	R3	R4	R5	R6	R8	R12	R18	R20	R30
Lake Sammamish Setback ¹⁰ (SMP)	35'	35'	35'	35'	35'	35'	35'	35'	35'	35'	35'	35'
Maximum Height	35'	35'	35'	35'	35'	35'	35'	35'	45'	45'	60'	60'
Maximum Height within Shorelines ¹⁵ (SMP)	30'	30'	30'	30'	30'	30'	30'	30'	30'	30'	30'	30'

Notes:

- 10 See 20D.150.60-020, Lake Sammamish Setback, for setback requirements and restrictions. (SMP)
- 15 Building height in the shoreline jurisdiction is measured from average existing grade (SMP). See also 20C.30.25-130(3) for Maximum Height of Structures within Shorelines.

20C.30.105 Planned Residential Development.

20C.30.105-050 Modification of Development Regulations.

- (1) General Applicability. The requirements of RCDG 20C.30.20, Permitted Uses in Residential Zones and RCDG 20C.30.25, Site Requirements, and RCDG 20C.70.50-050(4)(b)(i), Willows/Rose Hill – Building Character, proportionality and Massing may be modified by this section. The absence of any use or site requirement in this section prohibits a PRD or MPRD application from varying or modifying that requirement. Uses allowed under 20D.150.40, Shoreline Environments, may not be modified by application of this section.

*Redmond
 Adopted.*

- (7) In-water structures shall not interfere with the public's right of navigation. Where in-water structures are located adjacent to public piers, public beaches, or other public open space, such structures shall provide or enhance public access commensurate with the scale of the project's impacts to public access.
- (8) In-water structures shall be designed to minimize aesthetic impacts to the shoreline. In-water structures, excluding mechanical equipment associated with watercraft, shall consist of nonreflective or low-reflective material.
- (9) Bulk storage of gasoline, oil and other petroleum products over the water or in the water is prohibited.

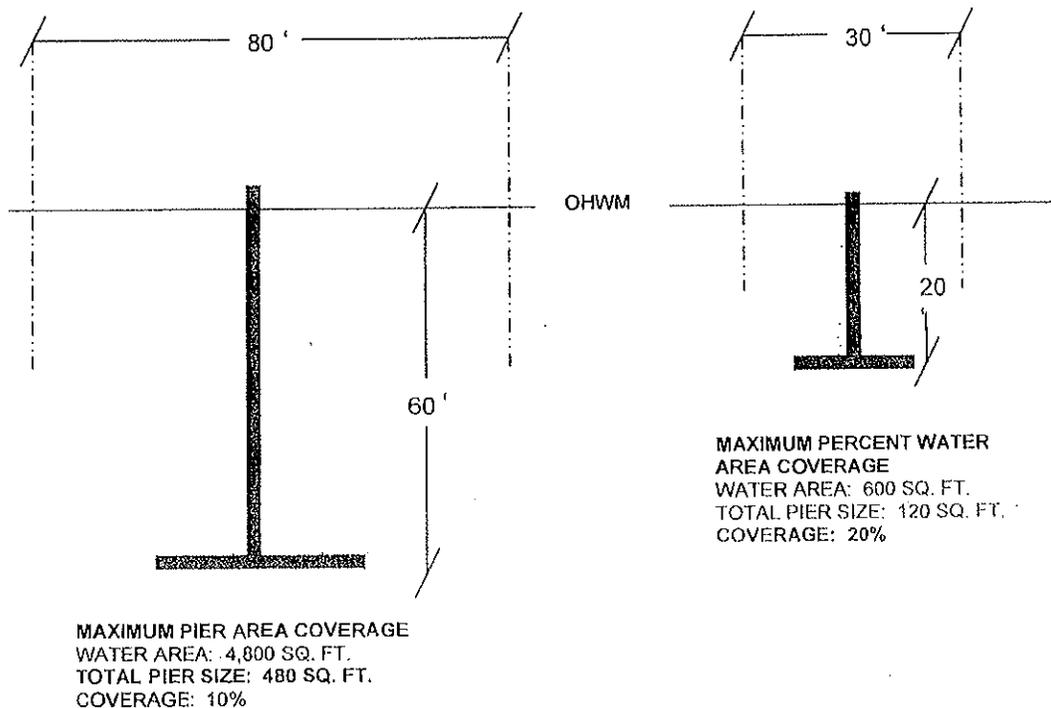
20D.150.70-050 Piers, Docks and Floats.

Piers and docks are prohibited in the Sammamish River, Bear Creek, and Evans Creek. Where new or replacement piers, docks, floats or boardwalks are allowed, they shall meet the following additional conditions:

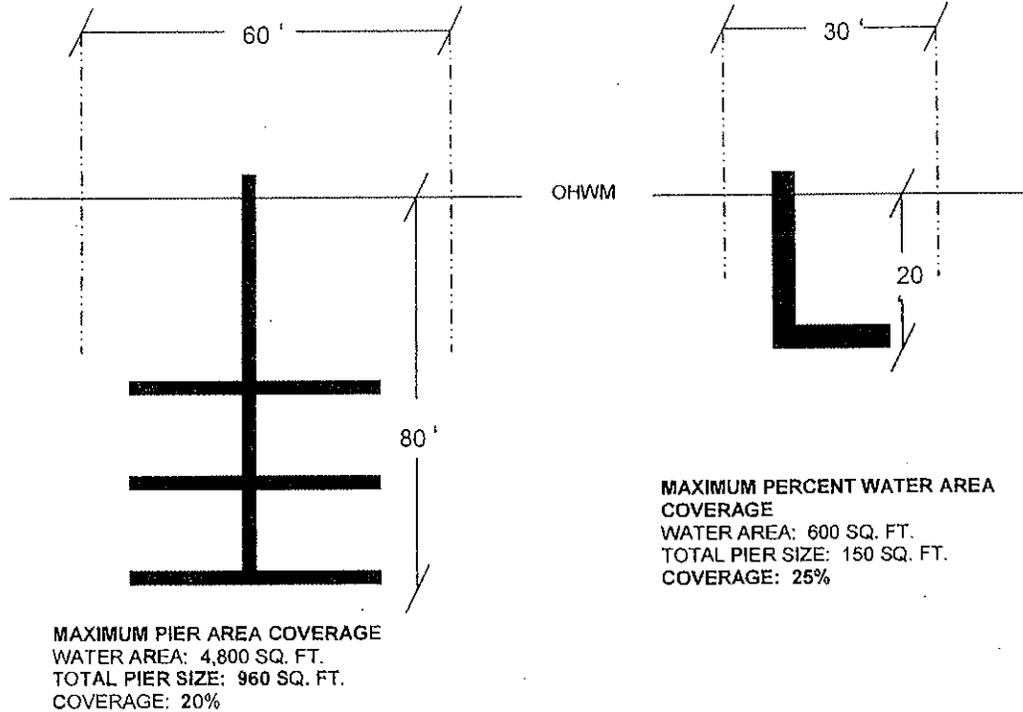
- (1) Demonstrated Need.
 - (a) Where a proposed pier or dock is located within 100 feet of an existing pier or dock, the proposal shall demonstrate that a combined or shared facility is not available or feasible, or would not serve to reduce environmental impacts to shoreline resources. This shall not apply to piers and docks accessory to single family residences. Easements or covenants assuring joint use and specifying maintenance responsibility shall be provided with a joint application.
 - (b) The proposal shall demonstrate that other means, such as floating moorage buoys or boat lifts, cannot accommodate the use or are not available or are infeasible.
- (2) Number of Piers.
 - (a) No lot shall have more than one pier, dock or float structure, except as provided below:
 - (i) An additional pier, dock or float structure is allowed where such structure is open to, and accessible to the public.
 - (ii) A residential lot may include one float in addition to one pier or one dock.
 - (b) Finger piers supported by pilings are prohibited. Finger floats or docks are allowed.
- (3) Each pier and float structure shall meet the length, width, height and area restrictions specified in this section.

- (4) Floats. Where allowed, residential floats or over-water platforms may not exceed 60 square feet in area, except that where a lot does not have a pier or dock, floats may not exceed 80 square feet. Floats and over-water platforms must be located no closer than five feet from a property line, and no further waterward than the waterward extent of the primary pier or dock, or than the point where the water depth reaches 13 feet, whichever is less.
- (5) Maximum Coverage. The maximum total water coverage by piers, docks and floats per lot shall be as follows (see Figures 1 and 2):
 - (a) In single-family residential zones: The lesser of 20 percent of the area bounded by the line of ordinary high water, the waterward projection of the side property lines, and the waterward extremity of the pier projected parallel to the line of ordinary high water or 480 square feet. Small finger docks attached to the main pier and floats shall be included in this maximum area.
 - (b) In multiple-family residential zones: The lesser of 25 percent of the area bounded by the line of ordinary high water, the waterward projection of the side property lines, and the waterward extremity of the pier projected parallel to the line of ordinary high water or 960 square feet. Small finger docks attached to the main pier and floats shall be included in this maximum area.

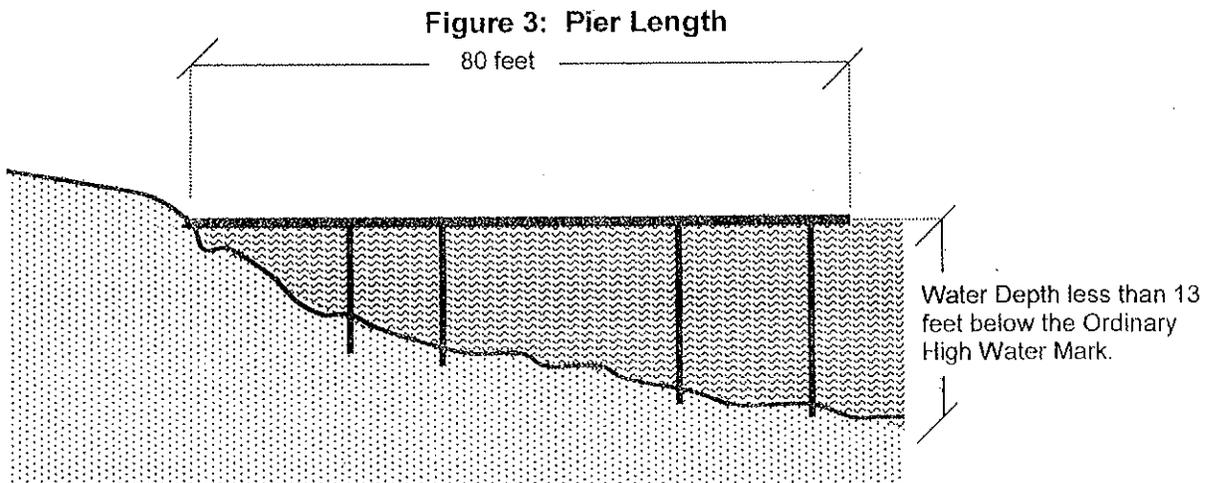
**Figure 1: Example Maximum Pier Coverage
 Single Family Residential Zones**

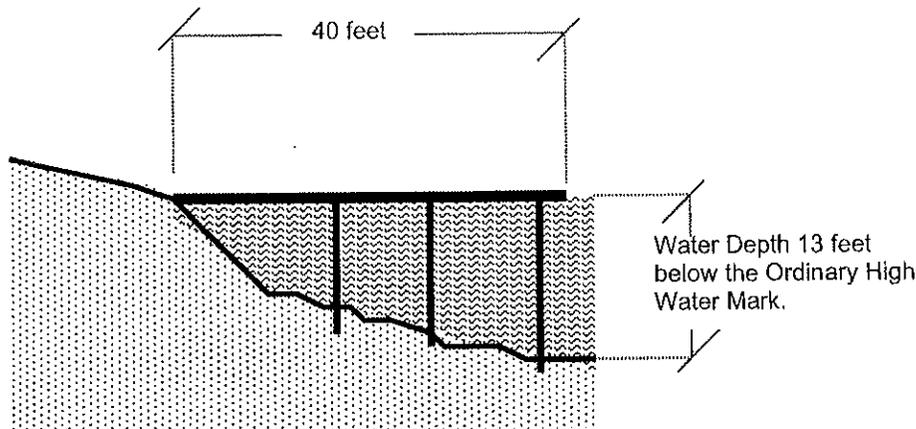


**Figure 2: Example Maximum Pier Coverage
Multi-Family Residential Zones**



- (6) Pier Length. The maximum pier or dock length from the shoreline shall be the lesser of 80 feet, or a length necessary to reach a water depth at the end of the pier of 13 feet below ordinary high water (see Figure 3).





- (7) Pier Width. No pier or dock may exceed six feet in width. Floats may not exceed ten feet in width.
- (8) Pier Height.
- (a) No pier or dock shall exceed four feet in height above ordinary high water.
 - (b) Railings, storage bins, signs, boat lifts and other features and structures accessory to piers, docks and floats shall have a height limit of four feet above the deck surface.
 - (c) Public access features accessory to a public pier or dock, such as seating areas or interpretive signs, shall not project more than four feet above the deck surface of a pier or dock, except that covered public shelters shall not exceed 12 feet in height above the deck surface.
 - (d) Skirting, decking lower than one vertical foot above ordinary high water, or similar structures around docks and floats are not allowed.
- (9) Pier Setbacks. The minimum setback from any side property line is ten feet, except that shared facilities may be located adjacent to or on both sides of a property line upon agreement of the affected property owners.
- (10) Any utility lines serving a pier or dock shall be located below the pier deck or underground.
- (11) Lighting for piers and docks shall be the minimum necessary to locate the dock at night, shall be designed to minimize glare, and shall incorporate cut-off shields or otherwise shall be directed downward toward the dock. Piers, docks and floats that are not lighted shall incorporate reflectors for nighttime visibility.

- (12) Pilings and Decking. Piers, docks and pilings shall minimize shading of the water and habitat for salmonid predators by minimizing piling and decking area, as follows:
- (a) Piers shall use steel pin pilings where wave action and substrate allow. Piers using traditional pilings shall use the minimum number of pilings necessary to support the pier and maximize the distance between pilings.
 - (b) The decking of all piers and docks shall be designed to allow 50% light passage. This may be accomplished through grated decks, light prisms, or other means.
 - (c) Piers shall be designed to span, without pilings, aquatic areas where summer water depths range between 3.3 to 6.6 feet deep.
 - (d) Pier platforms shall be designed and located to avoid or reduce shallow water (less than nine feet deep) shading.
 - (e) Preferred construction techniques include vibratory pile drivers rather than conventional hammer pile drivers.
- (13) Wooden components that will be in contact with standing water or floodwaters shall not contain creosote, pentachlorophenol, or similar toxic substances. Use durable, non-toxic materials for wooden components protection. Structures shall be made out of materials that have been approved by applicable state agencies.
- (14) New residential development of two or more dwellings shall provide joint use or community dock facilities rather than individual docks for each residence, when feasible.

20D.150.70-060 Marinas and Boat Launches.

- (1) Marinas in Publicly Owned Facilities. Marinas, boat ramps and boat launch sites located in publicly owned facilities such as parks must be available to the general public with no preference for private clubs or groups.
- (2) All proposals for marinas and boat launching facilities that may require periodic removal of aquatic vegetation shall provide a comprehensive aquatic vegetation management and monitoring plan.
- (3) Marinas and boat launching facilities shall be located no closer than 50 feet from another marina, boat launch, or dock.
- (4) Marinas, boat ramps and launching sites shall be designed and located according to the following criteria:
 - (a) They shall not interfere with existing in-water recreational activities;
 - (b) They shall not significantly damage fish and wildlife habitats;

- (e) Loss of shoreline ecological functions.
- (4) An existing shoreline stabilization structure may be replaced with a similar structure if there is a demonstrated need to protect principal uses or structures from erosion caused by currents or waves, provided the following is met:
- (a) The replacement structure shall be designed, located, sized, and constructed to assure no net loss of ecological functions;
 - (b) 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.
 - (c) Soft shoreline stabilization measures that provide restoration of shoreline ecological functions may be permitted waterward of the OHWM.
 - (d) For the purposes of this section standards on shoreline stabilization measures, "replacement" means the construction of a new structure to perform a shoreline stabilization function of an existing structure which can no longer adequately serve the purpose. Additions to or increases in size of existing shoreline stabilization measures shall be considered new structures.
- (5) Breakwaters and jetties are prohibited.

20D.150.80-030 Design Requirements for Shoreline Protective Structures.

- (1) All proposals for new and replacement shoreline protective structures, except those necessary to remedy an emergency situation, shall include all of the following:
- (a) An evaluation by a licensed professional engineer or qualified geologist who has professional expertise about the region and local shoreline geology and processes of the hazard to be addressed, the need for the shoreline protective structure by estimating time frames and rates of erosion, and the feasibility of non-structural alternatives, such as the relocation of structures or biotechnical solutions, to address the particular hazard.
 - (b) A hydraulic analysis prepared by a licensed professional engineer that sufficiently describes the proposal's effects on stream or lake hydraulics, including potential increases in base flood elevation, changes in stream or wave velocity, changes in groundwater movement, the potential for redirection of the normal flow or currents of the stream or lake, and potential for resultant erosion at other properties adjacent to the stream or lake.

- (c) A biological inventory and analysis prepared by a professional biologist that sufficiently describes the proposal's effects on fisheries, aquatic life and wildlife. This shall include an evaluation of shoreline ecological functions that describe how the project will achieve no net loss of shoreline ecological functions.
 - (d) Where mitigation is required, a monitoring program pursuant to RCDG 20D.140.10-150, Monitoring Program and Contingency Plan.
- (2) Structural solutions to stabilize or reinforce shorelines shall not be allowed, unless it is demonstrated that planting of vegetation, biotechnical measures, relocation or re-design of affected structures, or other non-structural solutions are infeasible or ineffective in preventing or correcting significant erosion. This shall apply to new, replacement, repair and emergency protective structures. Replacement or repair of bulkheads shall not be allowed except where it can be demonstrated that replacement with a non-structural solution is ineffective or infeasible. In general, hard armoring solutions are not permitted unless a geotechnical report pursuant to this section confirms that there is a significant possibility that such a structure will be damaged within three years as a result of shoreline erosion in the absence of such hard armoring measures, or where waiting until the need is that immediate, would foreclose the opportunity to use measures that avoid impacts of ecological functions.
- (3) Structures shall have no long-term detrimental effects on stream or lake hydraulics, including increased wave energy or erosion at other properties, or on fisheries, aquatic life and wildlife.
- (4) Shoreline protective structures shall be designed to the minimum size, height, bulk and extent necessary to remedy the identified hazard. Flood control dikes and levees shall be limited to the minimum height required to protect existing development in the floodplain from the design flood, as identified in the King County Flood Hazard Reduction Plan.
- (5) Methods selected for shoreline protection shall be appropriate for the length and configuration of the existing shoreline, erosional conditions at the site, the natural condition and habitat functions of the shoreline, and adjacent land uses, particularly single-family residences and public access.
- (6) Where structural solutions to shoreline protection are allowed, structures shall meet the following standards:
- (a) Structures shall be located landward of the ordinary high water mark, except as provided below:

- (i) Where a bulkhead exists, the toe of a replacement bulkhead shall not be located waterward of the toe of the existing bulkhead.
 - (ii) To the extent necessary to protect the toe of a slope with a gradient of 40% or greater, a bulkhead may extend waterward of the ordinary high water mark up to a maximum of six feet beyond the ordinary high water mark.
 - (iii) Flood control structures may extend waterward of the ordinary high water mark, but shall be located landward of the floodway and any wetlands associated with Class I streams or Lake Sammamish.
- (b) Filling behind bulkheads shall be the minimum amount and extent necessary to install the protective structure. Fill material must be nondissolving and nondecomposing, and shall be free of materials that would be detrimental to water quality. The elevation of the existing shoreline in the vicinity of the protective structure shall not be raised more than four feet, except where necessary for an approved flood control structure such as a levee or dike.
 - (c) The existing contour of the natural shoreline shall be generally followed. Levees and dikes shall, where adjacent lands are within the same ownership or undeveloped, be set back from the ordinary high water mark to maintain natural bank gradients.
 - (d) Vertical wall or solid slab bulkheads shall not be allowed, unless it is demonstrated that riprap bulkheading or an open structure is infeasible and ineffective. This shall apply to new, replacement, repaired and emergency protective structures. Structures shall be designed with a tiered or sloping face, or similar design measure to minimize the impact of wave action.
 - (e) Riprap faces shall be constructed to a stable slope and shall be of a material of sufficient size to be stable. All riprap areas shall be interplanted with native shrubs and groundcover of native species or erosion-control grasses.
 - (f) Rock used for shoreline protective structures shall be composed of clean, angular material of a sufficient size to prevent its being washed away. Rock used for toe protection shall be smooth, well-rounded gravel material suitable for use by spawning salmon and steelhead. Alternatively, spawning gravel could be added on top of toe rock if toe protection needs to be more sufficient to structurally support the weight of the larger rock required on the face of the structure.
 - (g) Structures shall incorporate the installation of native aquatic plants, such as hardstem bullrush (*Scirpus acutus*), below the ordinary high water mark to mitigate the effects of introduced structures on wave action and erosion.

- (7) Shoreline protective structures within shorelines and other water bodies used by or that have the potential to be used by salmonids shall provide for adequate upstream and downstream salmonid migration.
- (8) Shoreline protective structures shall not interfere with the public's right of navigation. Where shoreline protective structures located on the Sammamish River or Lake Sammamish are wholly or partially publicly funded, such structures shall provide public access if none exists, or enhance existing public access, commensurate with the scale of the project's impacts to public access.
- (9) Shoreline protective structures shall be designed to minimize aesthetic impacts to the shoreline.
- (10) Protection of Vegetation. Removal of shoreline, riparian and aquatic vegetation shall be limited to the minimum extent necessary to construct the project. Significant trees and other shoreline or riparian vegetation shall be protected and replaced adjacent to the water body, pursuant to RCDG 20D.150.110, Tree Protection, Landscaping and Screening Within Shorelines. All upland and aquatic areas disturbed by construction shall be replanted and restored pursuant to RCDG 20D.140.30-040 Wetlands Performance/Design Standards and 20D.140.20-060, Riparian Stream Corridor Performance Standards.
- (11) Proposals for bioengineered or other non-structural methods involving erosion-control plantings shall include a five-year maintenance plan to ensure the long-term survival of vegetation.
- (12) All proposals for shoreline protective structures shall mitigate adverse impacts to fisheries, aquatic and wildlife resources, shoreline vegetation, and impacts to other natural shoreline systems. Mitigation may include, but is not limited to, relocation of threatened structures, use of natural vegetation for bank stabilization, replacement of native vegetation, installation of in-water habitat features, replacement of gravel substrate, or restoration of shallow water habitat. At a minimum, mitigation shall meet the requirements of RCDG 20D.140.30-040, Wetlands Performance/Design Standards and 20D.140.20-060, Riparian Stream Corridor Performance Standards.
- (13) All proposals for shoreline protective structures shall include provisions for adequate erosion control, emergency erosion control, and protection of water quality, fisheries and aquatic life during construction.
- (14) All material resulting from excavation or dredging during construction shall be disposed of in a manner that prevents the material entering into a water body through erosion or floodwaters.

- (15) Maintenance corridors and service roads accessory to a shoreline protective structure shall be the minimum size necessary to safely accomplish maintenance and repair; and shall be located, where possible, in areas already disturbed or away from significant trees, and where siltation and erosion impacts will be minimal.

20D.150.90 Clearing, Grading, Landfilling and Excavation Within Shorelines.

Clearing, grading, landfilling and excavation within the shoreline jurisdiction shall also meet all clearing and grading regulations specified in RMC Chapter 15.24, Clearing, Grading, and Stormwater.

20D.150.90-010 Prohibited Clearing and Grading.

The following clearing and grading activities are prohibited within the shoreline jurisdiction:

- (1) Clearing or grading within shoreline buffers, except as part of a buffer restoration or mitigation plan and except as otherwise permitted under 20D.150.60-010(2) through (5).
- (2) Clearing or grading within Lake Sammamish waterfront building setbacks, except for the purpose of habitat restoration and enhancement or natural beach enhancement or protection, or the installation of residential docks, shoreline protective structures, or public access, where allowed.

20D.150.90-020 Prohibited Landfilling.

The following landfilling activities are prohibited within the shoreline jurisdiction:

- (1) Landfilling that will cause a significant change in the shoreline, or cause a significant reduction of the normal surface area of a body of water at ordinary high water; and
- (2) Landfilling within salmon and steelhead spawning areas, or where the drift of fill materials is likely to adversely affect spawning areas.

20D.150.90-030 Permitted Landfilling and Excavation.

Landfilling and excavation under the following circumstances may be permitted:

- (1) In the High Intensity/Multi-Use and Shoreline Residential shoreline environments.
- (2) In the Aquatic, Natural, and Urban Conservancy shoreline environments, for the following uses only:
 - (a) Enhancement or restoration of fish or wildlife habitat;
 - (b) Shoreline protective structures;

LAKE STEVENS PLANNING COMMISSION HEARING RE: DRAFT SMP AND DRAFT
ORD. No. 856--MAY 4, 2011

My name is Douglas Bell. My family has resided at 10830 Vernon Rd. since 1953. This has been my immediate family's primary residence since 1973.

I also make this presentation on behalf of lakefront residents Burgoyne, Powell, Kosche, Martin, Molenkamp and Barnet.

We are strongly opposed to the Draft SMP Ch. 4, secs. C 3.a. & c.1. and Draft Ordinance No. 856, sec. 14.44.070 and all other provisions in either that authorize helicopter landings, takeoffs and storage on docks, piers or other over-water structures.

If honored, this objection will not affect any current helicopter usage of over-water structures that qualify for nonconforming use status.

Helicopters in any residential neighborhood are both very noisy and extremely dangerous. Further, helicopters are a non-water dependent use. Draft Ordinance No. 856, sec. 14.44.070(a).

We want the prohibition of helicopters utilizing over-water structures similar to that in the November, 2010 Draft SMP reinstated, and accordingly restated in Ordinance No. 856.

Many, if not most, existing over-water structures abut or are very near adjacent upland, shoreland and submerged property lines and in some instances other docks. The placement of helicopter landing pads on docks or other over-water structures may vary, but in no case will the helicopter landing area be a reasonably safe distance from adjacent homes, front lawns, beaches and fishing and swimming areas. One would not intentionally build a home, stand, fish or swim this close to an operating helicopter.

Just because the helicopter pad on the structure is over a body of water and not in a farther upland or downtown neighborhood affords no justification for this unwarranted exposure to harm and injury. This is not only poor shoreline management and land use planning, but more importantly inherently dangerous to public health and safety. Pilot errors and equipment malfunctions do happen.

We brought up the initial failure of the SMP to address helicopters. The November, 2010 Draft SMP rightly corrected this by then stating: "Over-water structures used for landing helicopters are not considered water-dependent and are therefore prohibited."

However, tonight the Draft SMP merely provides that all over-water structures "...conform to...federal requirements..." and also "Non-water-dependent uses may use a dock for a water-dependent use as long as they do not impede the water-dependent use". Worse yet, Draft Ordinance No. 856, sec. 14.44.070(a) expressly permits helicopter use of an existing dock or pier.

Why this radical reversal from the November, 2010 Draft SMP?

City staff advises us this is justified because:

1. The FAA may permit private landing areas and has pilot licensing, operational and airworthiness regulations;
2. We may contact the FAA if we have a concern with an unsafe manner of operation;
3. The non-water dependent helicopter use is an accessory use to to a dock whose primary purpose is for boat moorage; and,
4. People are allowed to land helicopters on private property.

These rationalizations have no merit and we rebut them in the same order as presented above:

1. FAA role-The FAA has some regulatory authority, but that is not totally preemptive of the city's SMP and zoning jurisdiction. To establish a private-use heliport, one has to not only comply with FAA regulations, but "must" also "comply with any local law" or "ordinance." See, FAA procedures memorandum and its referenced Form 7480-1 (1-93), attached hereto as Exhibit 1.
2. Contact the FAA-The immediate threats we wish our neighbors and families protected against are not preventable by contacting the FAA after the fact of suffering harm and injury.
3. Accessory use-An accessory use is a use that is customarily associated with and incidental to the principal use of the property. The dock is not a principal use, it is a structure with an accessory use to the lakefront lot's residential principal use. There is absolutely nothing in the nature of a dock-based helicopter pad that even remotely relates to boat moorage at a dock. Moreover, an operating, dock-based helicopter does in fact hinder and obstruct ("impede") the the water-dependent use of the dock, e.g., boat moorage, fishing and swimming.
4. Private property-If private ownership of property is the determining factor regarding the scope of the city's SMP and land use ordinances, then there is no need to process either document any further if one may do what he or she wishes merely based upon private property title. (Note by contrast, the much more complete regulation in the city's Draft SMP and Draft Ordinance No. 856 of float planes which are water-dependent and also subject to FAA regulations.)

In conclusion, we respectfully request the Planning Commission condition any approval of both the Draft SMP and Draft Ordinance No. 856 with the express prohibition of helicopter use for any purpose on all existing and future over-water structures.



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helicopter landing and takeoff from lakefro

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What procedures must I follow to build a private-use airport?

The FAA does not have procedures for building a private-use airport, but you may follow the design standards for public-use airports as a general guideline. You can find these standards in [Advisory Circular \(AC \)150/5300-13, Airport Design](#). You can also find additional ACs that may be useful on our website.

You must notify us if you establish a new private use airport. Private-use airports must comply with [14 CFR Part 157, Notice of Construction, Alteration, Activation, and Deactivation](#). Part 157 applies if you are proposing to construct, alter, activate, or deactivate a civil or joint use (civil/military) airport or alter the status or use of the airport. To notify the FAA, complete [FAA Form 7480-1, Notice of Landing Area Proposal](#), and send it to your nearest FAA Airports office.

IMPORTANT: Even if you file a notice with the FAA, you must separately notify your State aviation agency and also comply with any local law, ordinance, or state and federal regulations.

[Notify Me by Email if this Answer is Updated](#)

- [What is an FAA designee?](#)
- [Is a pilot required to report to the FAA that he or she has undergone LASIK or other laser eye surgery to correct vision?](#)
- [Do I need a pilot license \(certificate\) to fly ultralights?](#)

[Back to Search Results](#) ↗

— EXHIBIT 1 —

NOTICE OF LANDING AREA PROPOSAL

U.S. Department of Transportation
 Federal Aviation Administration

Name of Proponent, Individual, or Organization <input type="checkbox"/> Check if the property owner's name and address are different than above, and list property owner's name and address on the reverse.	Address of Proponent, Individual, or Organization (No., Street, City, State, Zip Code)
--	---

<input type="checkbox"/> Establishment or Activation <input type="checkbox"/> Alteration	<input type="checkbox"/> Deactivation or abandonment <input type="checkbox"/> Change of Status	OF <input type="checkbox"/> Airport <input type="checkbox"/> Heliport <input type="checkbox"/> Ultraflight Flightpark <input type="checkbox"/> Seaplane Base <input type="checkbox"/> Vertiport <input type="checkbox"/> Other (Specify)
---	---	--

A. Location of Landing Area	
1. Associated City/State	2. County/State (Physical Location of Airport)
3. Distance and Direction From Associated City or Town	
4. Name of Landing Area	5. Latitude
	6. Longitude
	7. Elevation
	Miles
	Direction

B. Purpose	
Type Use <input type="checkbox"/> Public <input type="checkbox"/> Private <input type="checkbox"/> Private Use of Public Land/Waters	If Change of Status or Alteration, Describe Change
	<input type="checkbox"/> Establishment or change to traffic pattern (Describe on reverse)
Construction Dates To Begin/Began Est. Completion	

C. Other Landing Areas	Ref. A5 above		D. Landing Area Data				Existing (if any)			Proposed		
	Direction From Landing Area	Distance From Landing Area	1. Airport, Seaplane Base, or Flightpark				Rwy #1	Rwy #2	Rwy #3	Rwy	Rwy	Rwy
			Magnetic Bearing of Runway (s) or Sealane									
			Length of Runway (s) or Sealane (s) in Feet									
			Width of Runway (s) or Sealane (s) in Feet									
			Type of Runway Surface (Concrete, Asphalt, Turf, Etc.)									
			2. Heliport									
			Dimensions of Final Approach and Take off Area (FATO) in Feet									
			Dimensions of Touchdown and Lift-Off Area (TLOF) in Feet									
			Magnetic Direction of Ingress/Egress Routes									
			Type of Surface (Turf, concrete, rooftop, etc.)									

E. Obstructions		Direction From Landing Area	Distance From Landing Area	3. All Landing Areas				Description of Lighting (if any)				Direction of Prevailing Wind	
Type	Height Above Landing Area												

F. Operational Data											
1. Estimated or Actual Number Based Aircraft											
Airport, Flightpark, Seaplane base	Present (If est. indicate by letter "E")	Anticipated 5 Years Hence	Heliport	Present (If est. indicate by letter "E")	Anticipated 5 Years Hence						
Multi-engine			Under 3500 lbs. MGW								
Single-engine			Over 3500 lbs. MGW								
Glider											

G. Other Considerations		Direction From Landing Area	Distance From Landing Area	2. Average Number Monthly Landings							
Identification				Present (If est. indicate by letter "E")	Anticipated 5 Years Hence	Helicopter	Present (If est. indicate by letter "E")	Anticipated 5 Years Hence			
						Jet					
						Turboprop					
						Prop					

3. Are IFR Procedures For The Airport Anticipated	
<input type="checkbox"/> No	<input type="checkbox"/> Yes Within _____ Years
Type Navaid:	

H. Application for Airport Licensing		
<input type="checkbox"/> Has Been Made	<input type="checkbox"/> Not Required	<input type="checkbox"/> County
<input type="checkbox"/> Will Be Made	<input type="checkbox"/> State	<input type="checkbox"/> Municipal Authority

I. CERTIFICATION: I hereby certify that all of the above statements made by me are true and complete to the best of my knowledge.

Name, title (and address if different than above) of person filing this notice – type or print	Signature (in ink)
	Date of Signature
	Telephone No. (Precede with area code)

Paperwork Reduction Act Statement: The information collected on this form is necessary because it is the description of the physical and operational characteristics of the airport that will be on file with the FAA. The information on all airports will be maintained in FAA computers for record keeping purposes and used in airspace studies. Some of the information on public use airports is safety-critical and will be published in flight information handbooks and charts for pilot use. The burden associated with completing this form is estimated to be 30 minutes. Providing this information is mandatory if the proponent wishes to have the airport on file with the FAA and entered into the National Airspace System. No assurances of confidentiality are given. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. The OMB control number associated with this collection is 2120-0036. Comments concerning the accuracy of this burden and suggestions for reducing the burden should be directed to the FAA at: 800 Independence Ave SW, Washington, DC 20591, Attn: Information Collection Clearance Officer, ABA-20.

**INSTRUCTIONS
NOTICE OF LANDING AREA
PROPOSAL**

**As Used Herein, The Term "Airport" Means
Any Landing or Takeoff Area such as Airport, Heliport, Helistop, Vertiport, Gliderport, Seaplane Base,
Ultralight Flightpark, or Balloonport**

Federal Aviation Regulations Part 157 requires all persons to notify the FAA at least 90 days before any construction, alteration, activation, deactivation, or change to the status or use of a civil or joint-use (civil/military) airport. Notice is not required for the establishment of a temporary airport at which operations will be conducted under visual flight rules (VFR) and will be used for less than 30 days with no more than 10 operations per day. Notice also is not required for the intermittent use of a site that is not an established airport, which is used for less than one year and at which flight operations will be conducted only under VFR. Intermittent use means the use of the site for no more than 3 days in any one week and for no more than 10 operations per day.

Required notice shall be submitted on this form from each person who intends to do any of the following:

1. Construct or otherwise establish a new airport or activate an airport.
2. Construct, realign, alter, or activate any runway, or other aircraft landing or takeoff area of an airport.
3. Construct, realign, alter, or activate a taxiway associated with a landing or takeoff area on a public-use airport.
4. Deactivate, discontinue using, or abandon an airport or any landing or takeoff area of an airport for a period of one year or more.
5. Deactivate, abandon, or discontinue using a taxiway associated with a landing or takeoff area on a public-use airport.
6. Change the status of an airport from private use (use by the owner or use by the owner and other persons authorized by the owner) to an airport open to the public or from public-use to another status.
7. Change status from IFR to VFR or VFR to IFR.
8. Establish or change any traffic pattern or traffic pattern altitude or direction.

The notice required shall be made by submitting this form to the nearest Federal Aviation Administration Regional Office or Airports District Office. However, in an emergency involving essential public service or when the delay arising from the 90-day advance notice requirement would result in an unreasonable hardship, you may provide notice to the appropriate FAA Airports District/Field Office by telephone in lieu of submitting this form. The FAA may require the subsequent submission of this form when necessary for safety or other reasons.

Section 901 of the Federal Aviation Act of 1958, as amended, provides that any person who violates a rule, regulation or order issued under Title III of this Act shall be subject to a civil penalty not to exceed \$ 1,000 for each violation.

1. For any project falling in categories 1, or 2 above, complete all appropriate sections.
2. For any project falling in categories 3, 4, or 5 above, complete sections A, B, D (if appropriate), and I.
3. For status change (categories 6 or 7 above), from private use to public use or from VFR to IFR, complete sections A, B, E, G, and I. For all other changes, complete sections A, B, and I.
4. For traffic pattern establishment or change (category 8) complete all appropriate sections. Traffic pattern description should be entered on the reverse side of FAA Form 7480-1.
5. Express all bearings as magnetic and mileages as nautical.
6. Please Print or Type All Items.

Section A - Identify Reference Datum of Coordinates (NAD 83 or NAD 27)

Section B - If the airport is to be used by the owner only, or by the owner and persons authorized by the owner, check "private". If the landing and takeoff area of the airport is publicly owned and the operator is a non-government entity, then check "private use of public lands". If the airport is to be available for use by the general public without a requirement for prior approval of the owner or operator, then check "public". If necessary, use the reverse side of the form or a separate sheet of paper to describe changes or alterations.

Section C - Airport or seaplane base: List VFR airports and heliports within 5NM, and IFR airports within 20NM. Heliports: List VFR airports and heliports within 3NM and IFR airports within 10NM.

Section D - Attach U.S. Geological Survey quadrangle map or equivalent. Plot locations of facility to the nearest second, runway alignments, associated taxiways or sealane alignments. When appropriate, use city map for heliports.

Section E - List and plot on quadrangle map or equivalent any obstructions within: 3NM of a VFR airport or a seaplane base; 5NM of an IFR airport; or 5,000 feet of a heliport.

Section F - Self-explanatory.

Section G - List schools, churches and residential communities within a 2NM radius for airports and within a 1NM radius for heliports. List all waste disposal sites within a 5NM radius.

Section H - Self-explanatory.

Notification to the FAA does not waive the requirements of any other government agency.

ADDRESSES OF THE REGIONAL OFFICES

Submit your completed form by mail to:

**Western Pacific Region
AZ, CA, HI, NV, GU**

Federal Aviation Administration
Airports Division, AWP-600
15000 Aviation Boulevard
Hawthorne, CA 90261
Mail Address:
P. O. Box 92007
Worldway Postal Center
Los Angeles, CA 90009
Tel. 310-725-3608 Fax: 310-725-6847

Alaskan Region

AK
Federal Aviation Administration
Airports Division, AAL-600
222 West 7th Avenue, Box 14
Anchorage, AK 99513
Tel. 907-271-5438 Fax: 907-271-2851

Eastern Region

DC, DE, MD, NJ, NY, PA, VA, WV
Federal Aviation Administration
Airports Division, AEA-600
1 Aviation Plaza
Jamaica, NY 11434-4809
Tel. 718-553-3330 Fax: 718-995-5694

Southern Region

AL, FL, GA, KY, MS, NC, SC, NT, PR, VI
Federal Aviation Administration
Airports Division, ASO-600
1701 Columbia Avenue
College Park, GA 30337
Mail Address:
P. O. Box 20636
Atlanta, GA 30320
Tel. 404-305-6700 Fax: 404-305-6730

Northwest Mountain Region

CO, ID, MT, OR, UT, WA, WY
Federal Aviation Administration
Airports Division, ANM-600
1601 Lind Avenue, S.W., Suite 315
Renton, WA 98005-4056
Tel. 425-227-2600 Fax: 425-227-1600

Great Lakes Region

IL, IN, MI, MN, ND, OH, SD, WI
Federal Aviation Administration
Airports Division, AGL-600
2300 East Devon Avenue
Des Plaines, IL 60018
Tel. 847-294-7272 Fax: 312-294-7036

Southwest Region

AR, LA, NM, OK, TX
Federal Aviation Administration
Airports Division, ASW-600
2601 Meacham Boulevard
Fort Worth, TX 76137-4298
Tel. 817-222-5600 Fax: 817-222-5984

Central Region

IA, KS, MO, NE
Federal Aviation Administration
Airports Division, ACE-625 9
01 Locust
Kansas City, MO 64106-2325
Tel. 816-329-2600 Fax: 816-329-2610

New England Region

CT, MA, ME, NH, RI, VT
Federal Aviation Administration
Airports Division, ANE-600
12 New England Executive Park
Burlington, MA 01803
Tel. 781-238-7600 Fax: 781-238-7608

Assault On Property Rights

Written by Steven Pidgeon, attorney.

U.N.'s Agenda 21 is in your community

Posted: April 23, 2011 1:00 am Eastern © 2011

Anyone who reads Chapter 7 of Agenda 21 and then reads his local comprehensive land-use plan will immediately recognize that most of the provisions of the local land-use plan come directly from Agenda 21. More often than not, the elected officials who adopt these plans have never read Agenda 21, and many have never even heard of the U.N. document, signed by President George H.W. Bush in 1992.

The facilitators and professional planners have heard about Agenda 21, but frequently claim that the plan they are working on has nothing to do with the U.N. or Agenda 21. Don't believe it for one minute.

Gary Lawrence, former director of the Center for Sustainable Communities at the University of Washington, and chief planner for the city of Seattle, told an audience in London:

In the case of the U.S., our local authorities are engaged in planning processes consistent with LA21 [Local Agenda 21], but there is little interest in using the LA21 brand. ... So, we call our processes something else, such as comprehensive planning, growth management or smart growth.

In community after community, the same scenario is repeated. The federal government, through the EPA or the Department of Commerce or the Department of Interior, offers special grants to communities for the purpose of developing a vision for a greener future and a plan to convert the vision into reality.

Typically, the local government will find a private consultant to "facilitate" the process. The facilitator will identify a local "steering committee," carefully chosen from people who represent various segments of the community, all of whom are known in advance to be sympathetic to the goals of Agenda 21.

Typically, the advisory group will meet in private to lay out the framework for the process and the goals for the finished product. When this is achieved, public meetings are scheduled to give the appearance of public input and ownership. Rarely are these meetings ever publicized adequately to attract the private-property owners who are most directly affected. Care is taken to see that members of local environmental organizations and social-justice organizations constitute the majority of attendees.

These public meetings are said to be "the visioning process." The procedures vary

slightly from community to community, depending upon the facilitator. Remarkably, however, the "vision" in every community contains essentially the same elements: restricted auto traffic; bike trails; walkable neighborhoods; integrated housing; high-density urban boundary zones; conservation areas; green belts; and much more – directly from Agenda 21.

Once the vision document is complete, the next step is to convert it into a comprehensive land-use plan, adopted by local elected officials in the form of an ordinance that is enforceable with fines and other penalties. The plans are necessarily so long and complex that few people ever read them, other than the professional planners and enforcement officials. Many, if not most, of these comprehensive plans incorporate many, if not most, of the codes developed by the International Codes Council. Here are some of the codes:

International Building Code International Residential Code International Fire Code
International Energy Conservation Code International Private Sewage Disposal Code
International Mechanical Code International Fuel Gas Code International Wildland-
Urban Interface Code ICC Performance Code International Existing Building Code
International Property Maintenance Code International Zoning Code International Green
Construction Code.

Here's a sample of what to expect. From Chapter 2 of the International Green Construction Code:

CONSERVATION AREA. Land designated by the jurisdiction or by state or federal government, as a result of a community planning process, as appropriate for conservation from development because of the land possessing natural values important to the community including, but not limited to wildlife habitat, forest or other significant vegetation, steep slopes, ground water recharge area, riparian corridor or wetland.

DAYLIGHT SATURATION. The percentage of daytime hours throughout the year when not less than 28 foot-candles (300 lux) of natural light is provided at a height of 30 inches (762 mm) above the floor.

DEMAND RESPONSE, AUTOMATED (AUTO-DR). Fully Automated Demand Response initiated by a signal from a utility or other appropriate entity, providing fully-automated connectivity to customer energy end-use control strategies.

This is a tiny sample of the rules and regulations buried deep within the innocent-sounding comprehensive land-use plans adopted by unaware local officials to achieve the politically correct label of "sustainable community."

These plans should be rejected, not simply because they arise from the United Nations, but because they infringe personal freedom and private property rights. The implementation of these comprehensive land-use plans effectively transfers to

government the right to dictate to individuals what kind of materials must be used in constructing their privately owned homes. The Auto-DR provision defined above actually gives government the right to dictate the temperature in your home, and the ability to enforce it.

This is madness! This is sustainable development! This is Agenda 21!

Local tea parties, 9/12 groups and property-rights organizations must learn about Agenda21 and exactly what their local visioning statements and local comprehensive land-use plans contain. Many groups are forming study committees to analyze their local plans by section and then report back to the entire group. This way, not every individual has to read the entire plan.

If this rush to oblivion is going to be stopped, it is up to private citizens to get informed, get involved and help get into office only those people who truly respect the Constitution and the individual freedom it is supposed to guarantee.

**Planning Commission Meeting
May 4, 2011
SMP Public Testimony**

Meeting begins at 7:04pm

Public Hearing

Karen Watkins, Principal Planner gives brief overview of what the Shoreline Master Plan (SMP) is, supported with slide presentation (paper copies distributed to PC).

Public Testimony From Audience

Kristin Kelly

Futurewise, People for Puget Sound and Pilchuck Audubon Society

1429 Ave D, Snohomish

814 Second Ave, Suite 500, Seattle, WA 98104

Letter Submitted to PC on 5-4-11

Futurewise is statewide group that promotes healthy communities and cities while protecting working farms, working forests, and shorelines for this and future generations.

Policy uses 'should' not 'shall' throughout the document and that needs to be changed to 'shall'. Small Buffers options should be based on Buffer Science, and Futurewise has developed a guidance document describing buffer options that use buffer science. Further testimony was read verbatim from the letter submitted by Futurewise to the Planning Commission on May 4, 2011. Comments in letter are being addressed.

Brad Nysether

525 E. Davis Loop Road

Lived in Lake Stevens since 1986, shallow water, deep water, long docks, short docks, did try to read through the multiple documents and have been to other hearings. Did not see anything addressing existing structures. If a new homeowner buys a property with existing non-conforming structure are they responsible for restoration and is there a process for property owners to know that. I know this is supposed to improve the shoreline but found it contradictory that the goals and policies are to improve economic activity in shoreline, public access; private use by clustering. Somewhat one sided, like planting trees within 20ft to get more dock space but what about the people whose properties already have numerous large trees on it or natural vegetation on it. Haven't seen anything about real public education, like what boat wakes do, how people walking on the shorelines effect it, it's all about the property owner. Read about short docks and long docks, now docks can be a maximum of 200ft, I had a dock of 110ft long and I thought that was long. I could see that being a potential boating danger, driving around at night and hitting the dock. Doesn't a dock that long have to have lighting. I want to know how the new rules for floating docks and inflatable will be enforced

are there going to be police driving around issuing tickets. It sounds like listening to this tonight based on the information here, this document is still not complete so how can you rule on something that is not completed. In respect to bulkheads having an effect on waterfowl and not having anywhere to go. I can assure you that they find away to get to your yard and dock, it's not like they don't have anywhere to go just because you have a bulkhead.

Angela Larsh – Urban Concepts, LLC

4501 Interlake N, #142, Seattle

Representing Property Owner:

Mr. Rich Mietzner

Letter submitted to PC 4-14-11 & additional handouts distributed at PC Meeting

I have a large amount of handouts and you have the comments that I submitted and I appreciate your considerations of those. I also have sections of the City of Redmond's SMP, sections of that have been approved by DOE for you to look at. I am providing you with some alternative language, examples of how other jurisdictions have handled the same kind of issues, ways that they have introduced some flexibility and creativity to their regulations. I have been a land use planner for 20 years, I know that flexibility helps everyone rigid language does not. Having flexible language that still meets the goals and objectives of the State regulations will help everyone in the long run. One of my major concerns is that this is the first regulatory process that I have seen in my career with such a fundamental shift in language. 'Shall' is required but in this document 'should' means 'shall', its defined this way in the definitions - this is not something that the folks here in Lake Stevens created this was handed down to us by the State. So when you see the word 'should' it means 'shall', my recommendation is that 'should' be changed to say 'shall', if its required just say that.

No net loss is the biggest newest thing that the State has come out with, the State wants us to look at the existing shoreline environments, assess what the current condition is, and ensure that for the future coming years there is no net less in the function value. When I look at LS this is a well developed environment, long established with few undeveloped properties in the shoreline environment. Our net condition is developed, that's the base line you're starting with, the question is how is this incremental small amount of new development potentially available going to really effect the existing shoreline environment. Is it necessary to take these huge steps in dock widths and materials and setbacks and all these things in order to maintain the existing conditions? That's the question I keep going to when looking at this code and sections, is this really necessary to ensure no net loss.

There is also some semantic issues that happen when putting these documents together, for example when I read that grating is required. When I hear the word grating I picture a metal grate. I asked Mr. Burkhard is that what you really mean, the only thing you can really use is a metal grate? He said no what we want is light penetration. I told him then that's what you need to say, if you mean light penetration then say that, because people get a picture of what that is, language carriers over and has meaning. City of Redmond says 50% light passage required in decking material, they have all kinds of things that can meet that like prisms, and

different materials. There are lots of things that can meet that requirement, we ask you to not narrow technology, don't restrain people to one kind of material. There are lots of things that can be thought of, as long as the function can be met, the goal is for light to meet the water.

Bulkheads - the replacement of bulkheads - If someone already has a bulkhead and they want to simply replace that by putting a new one behind it, I have a really hard time seeing that there is a real net loss impact by doing that. I think there maybe some short term construction mitigation that needs to be done but in the long run there is not a lot of impact overall by replacing that feature.

Setback Issues – I did a very un scientific study today, I got on Google Earth and looked at 183 parcels on the lake. I went parcel by parcel around the lake (I didn't get all the way around the lake) starting on the north and going around to the west and south. Of those parcels I counted that 62% are nonconforming under the new regulations for setbacks, so 114 of those 183 parcels counted did not conform. In my world to create a new regulation that has the majority of properties that already don't comply with it is problematic, that is asking for trouble. All those properties owners are now nonconforming and their properties are being restricted in a very meaningful way. Non conforming uses are difficult to manage, it's difficult to maintain properties that are nonconforming. It's difficult to add on, the normal things of life that people want to do with their home, when you fall into nonconforming status, your life has become much more complicated. I would urge the City to take a closer look at this, when I look at your analysis you only looked at 150 properties when they came up with the average. I looked at far more, someone needs to take another look at that, look at all the parcels on the lake, there is not that many of them, and find out what that really means for people.

Rich Meitzner

10404 Sandy Beach Drive

Lived here for 20 years, never felt so grown up as today, someone should catch me because I am not used to this.

My house is a 400ft lot, house is 100ft back, a lot of what I am talking about doesn't apply to me. However a lot of what Angela has talked about is problematic, to say that setbacks need to be 60ft, I look at that as a meat and potato deal, there are so many places along the way around the lake that are not even 100ft deep, some less than that. 60 ft from the water and 20ft from the road leaves you with 20ft, the language is flawed and it effects to much real estate, we must correct it before it moves on. If we are going to create legislative then it needs to work for the majority of the people, we need to put the time in to make it work. I just look and think if there is 400 homes on the water at an average of \$750K, that's \$300 million in real estate, we must take another look at this, spend the extra hours or 10 days or 10 months. A lot of these homes in the area are nice, but a lot of them need to be looked at to be demo'd and replaced with new homes. By replacing new houses, tax values increase, new jobs are created its good for our economy so it really needs to be looked at, there is a lot of shoreline that needs to be looked at.

Small item that keep resurfacing is the first 30ft, it's just nineteen houses. It seems simple to me, we looked at other municipalities and they didn't drop the first 30ft down to 4ft, I heard one of the Council members laid a piece of the grating down during an Advisory Group Meeting, and told the Makers guy this is too narrow. If you have kids running up and down a dock then this is too narrow. Other municipalities recently got it approved by DOE then we can't allow the Makers guy tell us it that DOE won't let it happen. It must be changed it's a safety issue, all the people in the Advisory Board meeting raised their hands and said this needs to be changed and the document has not been updated. Sounds like there was a lot of frustration on the Advisory Boards part that they weren't getting things input into this document that they wanted.

Bulkheads – If 80% is already bulkheads, then if the goal of DOE is no net less then we need something more than what's in here. No one changes 50% of their bulkhead over 5 years, if it needs to be repaired then it needs to be done. If the bulkhead is already there and its damaged then they should be able to replace it. I asked the consultant Makers guy on that fancy board that showed all the soft edges, that looks great. I asked how much does it cost. He told me 8, 10, 12 as high as 15k, just for the engineering, plus review fees and approvals, you could be 20k into before you even put a spade to it. I asked him how much is the soft edge and he said 40-70k, if you add those two together and look at our lake – when it's time to replace the bulkheads around our lake it 18 million dollars. We can't be afraid of DOE is, they are people, they should be reasonable. It's got to be more than like the Wizard of Oz, when the guy kept saying go back and get me this and do that, and don't look behind the curtain, and all it was - was this little guy pulling all these cables. I think we have a little bit of that going on now, I know that everyone has put a lot of time and effort into this but I am asking that this not be approved and forwarded to Council because it needs repair and it needs fixing.

Douglas Bell

10830 Vernon Road

*Representing Property Owners Burgoyne, Powell, Kosche, Martin, Molenkamp and Barnet
Letter submitted to PC 4-11-11*

Testimony presented was in opposition to the draft SMP and draft Ordinance No. 856, and all other provisions that authorize helicopter take offs and landings, and storage on docks, piers or other over the water structures. Testimony followed verbatim what was outlined in the letter submitted to the Planning Commission.

Bill Barnet

801 Stitch Road

Does anything in the plans address older and newer cabanas and boathouse that are being converted into living space/residences and apartments, with bedrooms and kitchens.

Rose Granda*12011 Lake Shore Drive*

Resident for over 30 years watched this area grow a lot. I think it is interesting that the City can manipulate its idea of proper use of the lake and the shoreline sometimes to its own benefit. Whether its restrictions on the property owner on how they want to rebuild or maintain structures. Now there is going to be more regulations, money in permits and fees for people trying to improve their homes. If the City had more of a conscience and the best interest of the wetlands and wildlife then they would be spending more time taking care, improving and maintaining their own lake front property. City beach is an eye sore, it's a hazard, many neighbors have complained about it and are unhappy been brought up many times, speeding no speed bumps. The other City beach on the other side is not ecological or wildlife friendly and the City thinks it's okay for other groups to come in and have regattas. These are all ways to get more money and economic development but it's not ecologically friendly. It's very hypocritical and I think the City needs to be accountable to the people who invest and pay taxes. I don't want to pay more, I want to see money spent on pavements and speed bumps, I want to see you improve and take care of your shoreline. Now you want all these young people to take tests to drive boats and jet skis, but there is nothing about staying away from the shoreline. You want more money and more certification but it is hypocritical.

Fred Schmidt*10420 Sandy Beach Road*

I am not an attorney, just a long time resident. I lived here all my life, I remember when we had 3 mills on the lake, got along just fine with them, no sewers on the lake, got along just fine without them. We had no water system on the lake, used have drinking water out of the lake, I am surprised I am still alive. I want to get back to the helicopters, we used to have the military come out here and practice on the lake, we did have an airplane crash once, they came here and pulled it out of the lake and everyone moved on. So if you are going to make all these rules then lets ban airplanes too, then lets ban everything and make it a lake that nothing ever happens on. I live next to a helicopter I don't care, we don't know if it's coming or going. Banning helicopters has no validity. The rest of testimony had to do with turning the aerator on, not related to SMP.

Cory Burke*920 East lakeshore Drive*

My apologies for not knowing all the details of this, but who is supposed to pay for all these new materials and restoration? If it's for the public's benefits then why do I have to pay for all of it?

Setbacks – I recently rebuilt our home, because of the setbacks we couldn't build the single large storey home that we wanted so we had to build a tall narrow two storey home. Individual

lots should be looked at and topography should be looked at, each lot should be looked at not just given the 60ft set back. The nature of the intent of a 60ft set back should be looked at.

Rosanne Cowley

11728 N. Lakeshore Drive

Letter submitted to PC 5-4-11

Lived here since 1950. Does anyone here know what Agenda 21 is? I got this email from an attorney, document was signed into law by George W. Bush in 1992. Rest of testimony follows letter submitted to Planning Commission – several sections quoted verbatim from the document submitted.

Tom Matlack

2504 112th Drive NE

The 200ft length for a dock is not how long the dock is going to be, it's going to be an average of two docks one to the left and one to the right. So we still need to take out that 200ft language, I was part of the SMP Committee and I remember when John Spencer said let's take a look at that, and when the document came back it was still in there. But Lake Chelan 50ft and Lake Stevens is 200ft? When you see a number that big you are going to have arguments from people that want longer docks. I drove around the lake today and looked at jet ski lifts, and there around three kinds of jet ski lifts and I think one of those is going to be a problem. Those are the self standing on a lever or a wheel by its self, those are going to become a non-conforming use will they not Miss Watkins? If you can wade out to a jet ski lift that is not attached to a dock, it's just in the middle of your clomp of water. Because there is something in the SMP's that states you cannot drive anything into the lake bed except for a pier, boat or a dock. Then an unlimited number of the pull up ramp jet ski lifts, if you have a long dock and a lot of friends do we really want 15-20? On a process that even though I was on the Committee I didn't really understand this, we went from no pull up ramps to unlimited. So I think we need to take a look at that again before some people get rich parking jet skis at their dock. The helicopter thing just came out of the air so to speak so maybe we should take another look at that.

Gigi Burke

920 E. Lake Shore Drive

I appreciate the opportunity to speak today and there were a lot of good things said today, I am very concerned like so many of these people. We love this lake and love this community, and we want to preserve the health and vitality and are very concerned about the environmental issues in the lake. I don't think a single person that lives on the lake would argue that point. I think some of the most valuable and best research and points have been made tonight by Angela Larsh with Urban Concepts. I believe you have received her document and I strongly hope you take those points into consideration and that we take a closer look at this before we make those decisions. My family has been on the lake for over 80 years, we currently maintain

over 4 residences, I tell you this because we love this community and the lake and want to live here forever. Some of these things that we are hearing tonight if adopted will hurt home values, what we can do with our homes and properties in the future. I want to point out that houses on the lake are at an all time low value, when we bought a few years ago our home was the only one on the lake for sale. Now there are dozens or more homes for sale now, our home now is worth half of what it was 5 years ago. If you want homes to increase, keep and maintain their value then you need to closely examine and consider what it is that you are adopting.

Darrell Moore

528 E. LK Stevens Rd

Lived on lake for 3 generations, 48 year resident. I guess my concerns are that all these rules that you are proposing, or that is being proposed. I think about people want to fix their bulkhead and it's falling down and failing, and need to get fixed. Am I going to spend \$10K on engineering or \$40K to put rocks on my beach when all I really want to do is put up a \$2,500 bulkhead out there. It's all out of perspective, we are getting to many rules, like putting rocks on the beach. The reason I live on the lake is so my kids can play out there and swim, play on the beach and run jet skis up on the beach, they use the beach, they don't want to climb on rocks. You should be presenting stuff to the DOE that the participants here want, that allows them to use their properties. They want to protect it and take care of it but when you put all these cookie cutter rules on it and we have high bank, low bank, short docks long docks, but now we are going to have all the same rules for everything. This needs to be looked at a lot more, things like the language 'shall' and 'should' are we trying to be deceptive? What about the poor guys that wants to come in and just honestly fix his dumb bulkhead, is it going to be well now you have to do this and that and we didn't mention this and now it's got to be recorded on the property, etc. It's just too much stuff and too many rules.

Rich Meitzner

10404 Sandy Beach Drive

I just wanted to address one more thing regarding the helicopter and heliport thing. I am landing a helicopter on the dock, if you to operate a helipad or heliport that is for multiple aircraft and that is not my intention. I am in and out within 2 minutes, I haven't heard any complaints, flight safety is very important to me and I have over 20 years of experience and I take safety very seriously.

Dan Ansbaugh, PC Chair – It appears we have no further comments from the public, so I am looking for a motion to close the public comment of the Public Hearing tonight, PC Vice Chair Linda Hoult makes a motion, to re-open Public Comment, seconded by PC Member Janice Huxford, passed unanimously.

Discussion between PC members and staff followed

Dan – I think we have a comment from the audience and so I think we need to open back up the public comment portion of the Public Hearing. So I need a motion, PC Vice Chair Linda Hoult makes a motion, to re-open Public Comment, seconded by PC Member Janice Huxford, passed unanimously.

Delmar Molenkamp

10818 Vernon Road

On the issue of helicopters someone made a comment on being a good helicopter pilot. A few years ago my neighbor bought a helicopter and was anticipating putting in a helipad. He and his instructor both lost their lives in an accident in Arlington, so he never got to do that. That could have happened in my front yard. It had nothing to do with how good the pilot was it was a mechanical failure. This is not an airport that we live on here. There is a public danger with operating helicopters they are a nuisance and are certainly not water dependent. They are a danger to the public.

Dan Ansbaugh, PC Chair – If there is no further comments I will closing the Public Hearing. PC Vice Chair Linda Hoult makes a motion to close the public hearing, seconded PC Member Gary Petershagen, passed unanimously.

Lake Stevens 2011 Shoreline Master Program Update - Responsiveness Summary

(Questions have been taken from written and verbal testimony. Entire documents are listed at the bottom and attached to Summary)

#	Person/Group	Where	Issue	City Response
A1	Urban Concepts LLC	Letter for Planning Commission Public Hearing 5/4/11	One of the overarching guidelines prescribed by the state is that each jurisdiction needs to define, for itself, “no net loss of ecological function”. This language should be carefully considered with reflection on the way the city wants to utilize and preserve its shoreline areas.	Shoreline Citizen Advisory Committee (CAC) was established to set the parameters for the Lake Stevens SMP under the SMP guidelines and State law. The CAC met six times to guide staff and consultants through the draft stage of the SMP as well as three public open houses were held.
A2	Urban Concepts LLC	Letter for PC PH 5/4/11	We also ask that the city consider whether or not it has been adequately shown that the existing land and shoreline use pattern is negatively affecting the fisheries, aquatic life and wildlife around Lake Stevens.	Studies of similar shorelines have shown certain shoreline modifications (e.g. piers and bulkheads) and uses (e.g. parking), to be detrimental to shoreline ecological functions, including aquatic and terrestrial species. Lake Stevens is an urbanized lake with little existing native vegetation and natural shorelines. The long-term vision is for a healthy lake into the future, so minimizing additional degradation is important.
A3	Urban Concepts LLC	Letter for PC PH 5/4/11	In the case of the SMP updates, the word “should” has been defined to mean “required”. Traditionally, words such as “should” and “may” were discretionary in nature. “Shall”, “will”, “required” were reserved for obligatory items. When the Council is reading through these proposed amendments, it is important to note that things you might have previously considered to be “optional” are now hard and fast requirements. We would recommend revisiting the language on many of the requirements to evaluate whether or not it is the intention of the City to require such a high standard in every case.	The WAC clearly defines ‘should’ and ‘shall’ and the policies and regulations in this SMP have been written based on those definitions.
A4	Urban Concepts LLC	Letter for PC PH 5/4/11	4.C3.c.21.: Neither of the cities of Renton or Redmond’s plans include the requirement for a “grated” surface on decking materials for docks and piers. They allow for alternative materials that will provide a minimum of 50% light passage. Consider allowing other options rather than a narrowly defined construction standard. The use of the term “grated surface” leads most people to believe that the materials that must be used is some form of metal grating. This is not the intention of the state guidelines. The intention is to allow light penetration to the waters below, without limiting construction material choice in such a narrowly defined way. Broad allowance of material types, as long as they can be shown that they do not adversely affect water quality, aquatic plants and animals over the long term, meets the intentions of the state guidelines.	The Lake Stevens SMP documents use a requirement of 60 percent light penetration. Staff has proposed new language to allow for other options that meet the same light penetration requirement rather than limiting it to grating by replacing the “grating” requirement and simply using “Decking shall allow for a minimum of 60 percent ambient light transmission.” The use of “ambient” would be important in this context, as many materials, including etched glass or Plexiglas, may not transmit the full amount of light available.

Lake Stevens 2011 Shoreline Master Program Update - Responsiveness Summary

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#	Person/Group	Where	Issue	City Response
A5	Urban Concepts LLC	Letter for PC PH 5/4/11	4C. 3.c.21.: The city of Redmond does not require dock widths to be reduced for the first 30' as is proposed in Lake Stevens. Redmond's plan has been accepted and approved by the DOE. Instead, Redmond identifies a maximum "water surface coverage" ranging from 20-25% of the water area as defined by specified "water lot boundaries". Consider an alternative such as this. Redmond allows piers and docks up to 6 feet in width. Floats can be up to 10' in width. There are no "grating" or "planting" provisions required by Redmond (or the DOE) in order to obtain the 6 foot width.	Every jurisdiction must determine the best way to reach No Net Loss for their shorelines. Based on discussions with CAC and public open houses, the 4-ft wide docks with grating in the first 30 feet was selected as one part of the analysis.
A6	Urban Concepts LLC	Letter for PC PH 5/4/11	4C. 3.c.21: The requirement to plant trees a minimum of 15 feet in height is onerous, at best. This is an extremely expensive tree to obtain. It is unduly difficult to move and place a tree of that size, and it can be argued that the impact to the shoreline caused in the digging of an adequately sized hole, using large equipment to locate the tree is disproportionate to the benefits of such a large specimen. Consider requiring evergreens approximately 5-6 feet in height at the time of planting.	This incentive was removed from the SMP in the Final Draft Document posted for review during the Local Adoption Process.
A7	Urban Concepts LLC	Letter for PC PH 5/4/11	4C.3.c.3.: We would like to suggest that language be added to this section relating to repair, maintenance or replacement of existing features that might not comply with the dimensional standards of this updated master program. In a case where a property owner proposed to replace a section of a seven foot wide dock, it could be found that this section would apply and that a formal variance process might be required. The city's intention is not clearly stated with the proposed language.	This section is only for new private docks, so the word "new" is proposed to be added before "private dock."
A8	Urban Concepts LLC	Letter for PC PH 5/4/11	4C. 3.c.7.: It appears that the intention of this language is to require that fingers and ells be located a minimum of 30 feet waterward of the OHWM. The second sentence in this section clearly states that. The first sentence does not add any value to that requirement and only serves to raise questions and inserts ambiguity into the regulation. Are handrails on piers allowed within 30 feet of the OHWM? Does the first sentence restrict construction to only piers and ramps landward or waterward of the OHWM? We respectfully recommend eliminating this first sentence.	The first sentence will be removed and 'floats' is proposed to be added to the second sentence, so it reads: "All floats, ells, and fingers must be at least 30 feet waterward of the OHWM."
A9	Urban Concepts LLC	Letter for PC PH 5/4/11	4C.3.c.12.: Is it the intention of the city to require that applicants be required to provide a lighting report or study to show how the proposed lighting meets the maximum requirement of "no more than 1 footcandle measured 10 feet from the source"? Other jurisdictions have received approval from the DOE without including such a specific standard.	Applicants do not have to provide a lighting report. The applicant is required to show that the type of light to be used will meet the requirements. Footcandle specifications are included in the material provided when purchasing a new light.
A10	Urban Concepts LLC	Letter for PC PH 5/4/11	4C. 3.c.18.: In order for a property owner to construct a new private dock, the language proposed requires them to "demonstrate a need for moorage". What	Because the WAC clearly states that "a dock associated with a single family residence is a water-dependent use provided that it is designed

Lake Stevens 2011 Shoreline Master Program Update - Responsiveness Summary

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#	Person/Group	Where	Issue	City Response
			evidence must a property owner provide to meet this standard?	and intended as a facility for access to watercraft” (WAC 173-26-231(3)(b)), the property owner must show that the dock is needed to moor a watercraft. The applicant should be able to show that they currently own a watercraft or are intending to purchase a watercraft.
A11	Urban Concepts LLC	Letter for PC PH 5/4/11	4C. 3.c.22.: Consider adding language that allows existing private pier or dock to be “replaced up to 100% of the size (square footage and dimension) of the existing pier or dock”.	Recommended change is proposed to the SMP document with specific requirement added of a maximum of 6 foot width within the first 30 feet.
A12	Urban Concepts LLC	Letter for PC PH 5/4/11	4C. 3.c.23.: Consider allowing the expansion of a non-conforming pier or dock subject to a Shoreline Conditional Use Permit. There might be cases where an applicant can modify a non-conforming dock in a manner that reduces its impact and might warrant allowing an expansion. These situations can be reviewed on a case-by-case basis and will receive a thorough environmental review.	Because this is expanding a nonconforming use, the applicant has to go through a shoreline variance process. Through the shoreline variance process, the applicant would have the opportunity to show how the expansion reduces its impact.
A13	Urban Concepts LLC	Letter for PC PH 5/4/11	4C. 3.c.28.: This section would require any property that currently includes two or more legal piers or docks greater than 6 feet in width to entirely remove one if ANY pier support piles need to be replaced. This seems like an extremely inflexible standard, for existing legal shoreline uses.	This is correct, one dock would need to be removed if one of the docks needed to be repaired, because it would be considered a nonconforming use and is consistent with the vision, goals and policies for the lake.
A14	Urban Concepts LLC	Letter for PC PH 5/4/11	Helipads are specifically allowed in the Single Family Residential shoreline environments in Renton. Renton has generous provisions for “existing non water-dependent uses” including the ability to retain and expand under certain terms and criteria.	Helipads have been discussed by the CAC and at public open houses. Each jurisdiction determines the uses allowed in each environment designation and zone.
A15	Urban Concepts LLC	Letter for PC PH 5/4/11	4C2 Bulkheads Consider allowing an applicant to provide a biological inventory to support a new bulkhead, even if the geotechnical criteria cannot be met. If an applicant can prove, through scientific evidence, that a proposed bulkhead will not adversely affect fisheries, aquatic life and wildlife, then it should be considered for approval. Fundamentally, the state guideline merely requires no net loss of function and values. If this can be shown by a property owner then the project should be allowed to go forward.	The WAC clearly states that “Structural shoreline modifications are only allowed to protect a primary structure or legally existing shoreline use.” (WAC 173-26-231). If the geotechnical criteria cannot be met, then there should be no need for a new bulkhead.
A16	Urban Concepts LLC	Letter for PC PH 5/4/11	4C2 Bulkheads As we have stated before, one of the fundamental parameters of this shoreline amendment process, as outlined by the state, is to maintain No Net Loss to the shoreline environment. With this being the focus, it is hard to understand why the city would not elect to allow existing bulkheads to be replaced by a new bulkhead built directly adjacent to the existing one. This work, appropriately constructed, is unlikely to result in any net loss of function to the shoreline ecosystem. Consider allowing such replacements to occur on this basis.	The WAC clearly states: “Replacement walls or bulkheads shall not encroach waterward of the ordinary high-water mark 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))

Lake Stevens 2011 Shoreline Master Program Update - Responsiveness Summary

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#	Person/Group	Where	Issue	City Response
A17	Urban Concepts LLC	Letter for PC PH 5/4/11	5.c.8.b.1: The definition of “should” within this proposed ordinance means “shall”; therefore, this section prohibits all residential development within critical areas without benefit of any kind of reasonable use process. This provision could result in the city facing situations of takings of private property rights. Consider alternative language and/or the inclusion of a reasonable use allowance.	This is a policy and not a regulation. Ecology’s comments on the SMP reasonable use exception was that it was not consistent with the SMP Guidelines and should require a Shoreline Variance.
A18	Urban Concepts LLC	Letter for PC PH 5/4/11	Redmond has a 35’ residential setback from lakes and 60% lot coverage allowance. Consider allowing a reduced building setback in situations where an applicant is willing to make shoreline improvements that provide a net increase and/or mitigates its impact upon function and value to fisheries, aquatic life and wildlife.	No changes are proposed to existing setbacks from the lake or lot coverage of 40 percent per residential lot is consistent with citywide regulations and therefore supports the unique “landscape” of the community and the comprehensive protection approach.
A19	Urban Concepts LLC	Letter for PC PH 5/4/11	5.c.8.c.2: This would prohibit a property owner from having a patio within 60 feet of the OHWM. Specifically, it would prohibit an existing homeowner from converting an existing lawn or graveled patio to concrete if it is within 60 feet of the OHWM. Consider language that allows for some kind of mitigation in exchange for work within the 60 foot.	See incentive in 5.c.8.c.2.c & d and 3 to add native vegetation for increased impervious surface or to add a deck on the lake.
A20	Urban Concepts LLC	Letter for PC PH 5/4/11	What percentage of existing homes on Lake Stevens are currently located a minimum of 60 feet from the OHWM? How many non-conforming uses are created by this setback requirement?	No changes are proposed to the existing critical area buffer or building setback from the lake. They are remaining consistent with current critical areas regulations. Table 6 in the Cumulative Impacts Analysis shows average setbacks for the north shoreline at 98 feet, east shoreline at 103 feet and west shoreline at 64 feet. Watershed Company Response: For our analysis, we looked at three 50-lot sample areas. Within these samples, 54 out of 150 parcels have structures less than 60 feet from OHWM, i.e. 36%.
A21	Urban Concepts LLC	Letter for PC PH 5/4/11	The city of Renton has building setbacks ranging from 25-45 depending upon the lot depth. And a vegetated buffer of 10-20 also depending upon the depth of the lot. They also make provisions to allow a property to make improvements to the site that will reduce the setback to a minimum of 25 feet. Buffer width averaging is also allowed. Consider adding provisions such as these.	See Response A19 above.

Lake Stevens 2011 Shoreline Master Program Update - Responsiveness Summary

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#	Person/Group	Where	Issue	City Response
A22	Urban Concepts LLC	Letter for PC PH 5/4/11	<p>Nonconforming Uses (Chap 7G) It is clear from the City's Inventory Analysis and Cumulative Impacts Analysis that over 80% of the existing shoreline along Lake Stevens is currently developed. This is an important factor to consider when updating the Master Program and increasing the standards to which development must comply. Consider an analysis of the existing land and shoreline uses to determine what percentage of existing shoreline development will become "Non-conforming" under the proposed plans. With such a significant percentage of properties that may be affected by the nonconforming standards, it is our recommendation that greater attention be given to this particular section.</p> <p>Neither Renton nor Redmond include "legally permitted/conforming" language in their updates. This kind of language creates all kinds of difficulties in determining a process or clear standard to "prove" something was legally permitted. The existing language requires that if an existing nonconforming is use is "moved any distance", it must meet all the current SMP provisions.</p>	The SMP is using State nonconforming regulations from Washington Administrative Code 173-27-080 to be consistent with the Shoreline Management Act.
A23	Urban Concepts LLC	Letter for PC PH 5/4/11	<p>Nonconforming Uses (Chap 7G) In the case of a dock/pier, for example, if in the normal maintenance and repair of that structure, you need to install a new pile directly adjacent to an existing pile in order to replace it, it could be interpreted to require that the entire dock/pier now come into full SMP compliance.</p>	See 4.C.3.c.25-29 which allows for repair of existing docks.
A24	Urban Concepts LLC	Letter for PC PH 5/4/11	<p>Public Access 3B Public access has not been required by either the city of Renton or the city of Redmond for projects creating fewer than 10 new residential units. This differs from the city's proposal to require some form of public access for any project creating three or more residential units (7.b.1.a)</p>	This subsection is policy for these types of units. Regulations are located in 7.c.1 and is for greater than 4 lots, which is consistent with WAC 173-26-221(4)(d) in the Shoreline Management Act.
A25	Urban Concepts LLC	Letter for PC PH 5/4/11	<p>Public Access 3B The regulations allowing mitigation payments in lieu of public access do not define an amount or how that will be determined and by whom. It is my understanding that the only legal mechanism for governments to collect mitigation fee payments is when they have a capital facilities plan that specifically identifies a project and cost for which the mitigation fee is to be collected and assigned. Does the city have a capital facilities plan for public access to shoreline environments? (7.c.3.)</p>	While the City does not currently have a capital facilities plan for public access to shoreline environments, the City would like to keep the flexibility of the fee-in-lieu option. That way, if a capital facilities plan is adopted in the future, applicants would be able to take advantage of this option.

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A26	Urban Concepts LLC	Letter for PC PH 5/4/11	Public Access 3B The language contained within regulation number (7.c.4.) is vague and extremely subjective. There is no standard to which this regulation can be applied. "Shoreline substantial development...shall minimize impact to public views of shoreline waterbodies from public land or substantial numbers of residences." What constitutes "minimized" impact? How many is a "substantial number" of residences? "Shall minimize" is obligatory language that cannot be quantified.	We will remove this as a regulation and add it as a policy.
A27	Urban Concepts LLC	Letter for PC PH 5/4/11	Public Access 3B Do public access sites have to be connected to public streets or rights-of-way via public easement or via public rights-of-way? (7.c.6.) Can the lands associated with these public access areas still be used in the determination of lot/unit yield within a development? The city should consider allowing the areas set aside for public access to be used in a lot size averaging calculation. This would encourage developers to set aside the best and most useful areas for public access without "losing" lot yields in the process.	Yes, an easement or right-of-way would have to be recorded. The connection would need to meet the requirements of the Engineering Design and Development Standards and the Subdivision code (Chapter 14.18 LSMC). The Lake Stevens Municipal Code allows these easements to be included in determination of lot/unit yield or lot size averaging.
A28	Urban Concepts LLC	Letter for PC PH 5/4/11	Public Access 3B There is no definition of the "minimum width of public access easements. This needs to be clearly defined. (7.c.9.)	Access requirements are covered in the Engineering Design and Development Standards. For public access it requires at a minimum to meet Americans With Disability (ADA) Act requirements of 5 feet width. No change was made to SMP.
B1	Futurewise, People for Puget Sound & Pilchuck Audubon Society	Letter for Planning Commission Public Hearing 5/4/11	Lakes and ponds are designated as a fish and wildlife habitat area under "waters of the state," and classified using the WAC 222 water typing system (which is not limited to only streams). Please note that "waters of the state" are not defined in WAC 222, so the reference and how it is used needs to be described differently. Also the listing for waters planted with game fish references a WAC that does not exist.	Yes, you are correct and the City will propose updates to the references in state regulations.
B2	Futurewise, People for Puget Sound & Pilchuck Audubon Society	Letter for PC PH 5/4/11	Streams are classified according to WAC 222 in one standard, but then there are details for each stream type that do not match WAC 222. Presumably the details in the SMP are to replace those of the WAC, but this is not stated. We recommend this be clarified.	Yes, the City will propose clarification.
B3	Futurewise, People for Puget Sound &	Letter for PC PH 5/4/11	A clear statement that existing native vegetation within the buffer must be protected needs to be included, and is described more in our guidance document. While indirect statements might be construed to accomplish this, it needs to be stated in an	See Response to B9

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	Pilchuck Audubon Society		explicitly clear manner. This can be done for individual critical area buffer requirements, or as a general statement for all buffers.	
B4	Futurewise, People for Puget Sound & Pilchuck Audubon Society	Letter for PC PH 5/4/11	Almost all activities are allowed in fish and wildlife conservation areas, since they include “activities listed in this SMP.” As our guidance document describes, development in a buffer should be limited to uses and activities that are water-dependent and water-related - but not water-enjoyment and non-water-oriented. Specifically, this means those needing a location in or near the water; including some, but not all recreation; and including physical public access to water, but not just walking paths or viewpoints (which don’t need to be immediately on the water).	See Response to B9.
B5	Futurewise, People for Puget Sound & Pilchuck Audubon Society	Letter for PC PH 5/4/11	There are no buffers for Type 4 wetlands, thus all activities can take place immediately adjacent to them. In addition, the wetland standards allow substantial impacts and elimination of these wetlands. This plans for a loss of ecological functions provided by wetlands. We recommend a 50 foot buffer for Type 4 wetlands.	Buffers are being added in response to Ecology’s comments.
B6	Futurewise, People for Puget Sound & Pilchuck Audubon Society	Letter for PC PH 5/4/11	Buffers can be reduced based on intervening development. We have observed many cases around the Puget Sound where there is water-front development, but substantial habitat vegetation exists landward of it. These areas still need protection. The standard needs clarification that wildlife habitat functions provided by remaining vegetation shall not be eliminated. Rather, such reductions need to be contingent on absence of intact vegetation.	The proposed standard set forth meet the Washington Department of Ecology’s expectations for regulatory protection as shown by their comments on review of the SMP in the SMP Checklist dated May 7, 2011.
B7	Futurewise, People for Puget Sound & Pilchuck Audubon Society	Letter for PC PH 5/4/11	Appendix section 3E regarding mitigation only discusses dedication of land or easement as avoidance, but it also seems to be used for compensation. Dedication of land does not compensate for impacts – it only potentially prevents future undefined impacts on certain areas, which should have been required anyway. Compensation for the impacts of the development still needs to be required to ensure no-net-loss of functions. In addition, there is no requirement that intact vegetation be present in the dedicated area – thus the dedication is treated as mitigation when no mitigation for impacts is actually happening.	See Response to B6.
B8	Futurewise, People for Puget Sound & Pilchuck	Letter for PC PH 5/4/11	The absence of intact vegetation needs to be addressed more broadly in the buffer system. As our guidance document describes, meeting a buffer that is degraded does not prevent impacts. New development that is adjacent to a degraded buffer needs to enhance that buffer so it is capable of actually performing buffering functions.	See Response to B6.

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	Audubon Society			
B9	Futurewise, People for Puget Sound & Pilchuck Audubon Society	Letter for PC PH 5/4/11	As described in our guidance document, almost all development has impacts – especially development using small buffers. Thus there needs to be explicit compensatory mitigation requirements in the regulations. Mitigation 2G seems to be a good start, but it needs a more explicit statement at the beginning that “compensatory mitigation shall be provided for all projects, except for restoration projects, and similar projects that the administrator determines will have no impacts to ecological functions.”	Amendments will be proposed based on and to meet the expectations of Ecology’s review comments in the SMP Checklist dated May 7, 2011.
B10	Futurewise, People for Puget Sound & Pilchuck Audubon Society	Letter for PC PH 5/4/11	To provide specifics for compensatory mitigation in the context of buffers, we recommend that a minimum revegetation standard be added. This can take different forms. The City of Kirkland required all new development (including expansions) to plant a 10-foot buffer width on 75% of the shoreline frontage. The City of Issaquah draft SMP provides a detailed method of enhancement triggered by different stages/intensities of new development. Another method that could supplement the incentives (meaning in addition to them) would be a 1 sq. ft. enhancement requirement each sq. ft. of new development, capping the enhancement at the size of the buffer. This kind of provision ensures that impacts will be compensated for so new development can be accounted for correctly in the cumulative impacts analysis.	See Response B9.
B11	Futurewise, People for Puget Sound & Pilchuck Audubon Society	Letter for PC PH 5/4/11	While we may have missed it, we could find no description of the scientific basis for the use of the proposed buffer system. The SMA requires the use of current, up-to-date science, similar to the best available science requirement in the Growth Management Act. We recommend justifying the buffer system in the context of buffer science, and recommend using the scientific citations provided in our guidance document. We also recommend providing a policy basis for not using a science-based buffer system, as described in our guidance document.	As guided by Ecology, we are proposing requirements consistent with Ecology’s “Wetlands & CAO Updates: Guidance for Small Cities, Western Washington Version” dated January 2010.
B12	Futurewise, People for Puget Sound & Pilchuck Audubon Society	Letter for PC PH 5/4/11	In reviewing the Cumulative Impacts Analysis, it appears that it does a good job of describing the protection measures, but it is vague in describing the impacts allowed by the gaps in the SMP, and by the special allowances in the SMP. The effective result is a “Cumulative Protection Analysis,” but not a “Cumulative Impact Analysis.” We recommend supplementing the CIA with a more careful assessment of the <u>impacts</u> that the SMP will allow.	Changes in Land Use per environment designation are detailed in Tables 1 and 2 of the Cumulative Impacts Analysis (CIA), likely development and the corresponding affect on functions is qualitatively discussed in Table 5, and a quantitative assessment impacts from specific shoreline modifications and uses is provided in Section 6.

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B13	Futurewise, People for Puget Sound & Pilchuck Audubon Society	Letter for PC PH 5/4/11	Some of the requirements in the Shoreline Master Program Guides require certain actions. For example, WAC 173-26-186(8)(b) provides that the “shoreline master program shall include policies and regulations designed to achieve no net loss of those ecological functions” within shoreline areas. So the policies implementing this requirement must be shall policies. However, the policies all use should. We recommend that policies implementing mandatory requirements use shall to meet these requirements.	The word should is used in the Policies because a policy is a directive, not a requirement.
C1	Kristin Kelly, Futurewise, People for Puget Sound & Pilchuck Audubon Society	Planning Commission Public Hearing 5/4/11	Policy uses ‘should’ not ‘shall’ throughout the document and that needs to be changed to ‘shall’.	See Response A3.
C2	K. Kelly	PC 5/4/11	Small Buffers options should be based on Buffer Science. (Submitted “Recommendations on Shoreline Buffer Options that Work with Buffer Science”)	As guided by Ecology, we are proposing requirements consistent with Ecology’s “Wetlands & CAO Updates: Guidance for Small Cities, Western Washington Version” dated January 2010.
D1	Brad Nysether	Planning Commission Public Hearing 5/4/11	Did not see anything addressing existing structures. If a new homeowner buys a property with existing non-conforming structure are they responsible for restoration and is there a process, a way for new property owners to know that.	Restoration or native vegetation plantings would only be required if the property owner was going to redevelop, expand, or repair beyond a certain threshold. If a homeowner buys a property with existing nonconforming structures, but does not intend to redevelop, expand, or significantly repair the structure, then the restoration requirements of this SMP would not apply.
D2	B. Nysether	PC 5/4/11	I know this is supposed to improve the shoreline but found it contradictory that the goals and policies are to improve economic activity in shoreline, public access; private use by clustering. Somewhat one sided, like planting trees within 20ft to get more dock space but what about the people whose properties already have numerous large trees on it or natural vegetation on it.	The Shoreline Management Act emphasizes accommodation of appropriate uses that require a shoreline location, protection of shoreline environmental resources, and protection of the public's right to access and use the shorelines. The regulation that allows wider docks by planting trees has been removed from the SMP.
D3	B. Nysether	PC 5/4/11	Haven’t seen anything about real public education, like what boat wakes do, how people walking on shoreline effect it, it’s all about the property owner.	Chapter 3 Section B.12.b.7 does address public education in terms of water quality. Public education is very important, however, because

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				this SMP primarily deals with regulating land uses on shorelands, public education is not really in the scope of the SMP. This type of public education and outreach will be provided by the City as implementation of the SMP approved by Ecology.
D4	B. Nysether	PC 5/4/11	Read about short docks and long docks, now docks can be a maximum of 200ft, I had a dock of 110ft long and I thought that was long. I could see that being a potential boating danger, driving around at night and hitting the dock. Doesn't a dock that long have to be lighted?	The first limit to dock length is to extend to attain 5.5 feet water depth. The second limit is 200 feet in length. Currently, some docks are up to 150 feet or a little longer. However, the SMP is in place for many years, so in the future, if deposits of sand continue in some areas of the lake, some people may need to increase the length of their dock to reach the 5.5. feet in depth. A regulation could be added to City land use code in the future requiring docks to be lighted if they reach a certain length if this becomes a safety concern, but it may not need to be in the SMP.
D5	B. Nysether	PC 5/4/11	Want to know how the new rules for floating docks and inflatable will be enforced are there going to be police driving around issuing tickets.	We will be educating the public on the final regulations approved by Ecology and adopted by the City Council. The City works with residents on any issues not meeting code before starting a code enforcement process. If something does not meet new rules, the property owner is contacted and asked to meet the requirements. Often, a property owner isn't knowledgeable about the regulations.
D6	B. Nysether	PC 5/4/11	It sounds like listening to this tonight based on the information here this document is still not complete so how can you rule on something that is not completed.	The document is complete except for a final decision on whether 8 foot wide docks will be allowed by Ecology and Fish & Wildlife and a few subsections of Appendix B. So the documents in front of the Planning Commission could have a few minor changes based on final discussions with Ecology.
E1	Angela Larsh, Urban Concepts LLC for Rich Mietzner	Planning Commission Public Hearing 5/4/11	Is it necessary to take these huge steps in dock widths and materials and setbacks and all these things in order to maintain the existing conditions? (Submitted four sections of code from other SMPs: 2 sections from Lake Sammamish on Setbacks; and 2 sections from Redmond on Docks and Shoreline Modifications)	Ecology requires dimensional criteria to be clearly described in the SMP. Specifically, Ecology looks for dock dimensions (especially in the nearshore area) and building setbacks. This applies to new development, but also those lots which are already developed with structures and/or shoreline modifications.
E2	Angela Larsh	PC 5/4/11	There is also some semantic issues that happen when putting these documents together, for example when I read grating is required. When I hear the word grating I picture a metal grate. There are lots of things that can meet that, we ask that don't	See response to A4.

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			narrow technology don't restrain people to one kind of material. There are lots of things that can be thought of, as long as the function can be met, the goal is for light to meet the water.	
E3	Angela Larsh	PC 5/4/11	Bulkheads, the replacement of bulkheads - If someone already has a bulkhead and they want to simply replace that by putting a new one behind it, I have a really hard time seeing that there is a real net loss impact by doing that. I think there maybe some short term construction mitigation that needs to be done but in the long run there is not a lot of impact overall by replacing that feature.	Existing bulkheads can be replaced if they are needed to protect primary structures from erosion caused by currents or waves and a nonstructural measure is not feasible. Following the mitigation sequencing laid out in Chapter 3 Section B.4, the property owner must first avoid (so if it isn't necessary, then not allowed), then minimize (if it is necessary, make it the minimum size necessary).
E4	Angela Larsh	PC 5/4/11	...new regulations for setbacks, so 114 of those 183 parcels counted did not conform. In my world to create a new regulation that has the majority of properties that already don't comply with it is problematic, that is asking for trouble. All those properties owners are now nonconforming and their properties are being restricted in a very meaningful way.	No change to regulations for current critical area buffers or building setbacks to the lake are proposed, so there will be no new properties becoming nonconforming in regards to setbacks.
F1	Rich Meitzner, Resident	Planning Commission Public Hearing 5/4/11	60 ft from the water and 20ft from the road leaves you with 20ft, the language is flawed and it effects too much real estate, we must correct it before it moves on. If we are going to create legislative then it needs to work for the majority of the people, we need to put the time in to make it work.	No change to regulations for current critical area buffers or building setbacks to the lake or setbacks from road rights-of-way is proposed, so there will be no new properties becoming nonconforming in regards to setbacks or roads.
F2	R. Meitzner	PC 5/4/11	Small item that keep resurfacing is the first 30ft, it's just nineteen houses. It seems simple to me, we looked at other municipalities and they didn't drop the first 30ft down to 4ft... If you have kids running up and down a dock this is to narrow. If other municipalities recently got it approved by DOE, then we can't allow the Makers guy tell us it that DOE won't let it happen. It must be changed it's a safety issue, all the people in the Advisory Board meeting raised their hands and said this needs to be changed and the document has not been updated.	Ecology has continued to point out that as the lake is a critical area, we must first try to avoid, then minimize and then mitigate impacts to the lake. The four foot width for new docks is minimization. The allowance for existing docks to go to six feet and the requirement for grating in all docks in the first 30 feet is mitigation for the overwater structure. Please see Ecology's comments to the City(attached). The Army Corps of Engineers General Permit #3 (attached) covers new and modified overwater structures and pilings in Lk. WA, Lk Sammamish, Sammamish River and Lake Union. It clearly states 4 ft width on docks as well as grating of 60% open area. The Corps permit is required in these areas like the JARPA is required for over and in-water work in Lake Stevens.

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F3	R. Meitzner	PC 5/4/11	Bulkheads – If 80% is already bulkheads, then if the goal of DOE is no net less then we need something more than what is in here. No one changes 50% of their bulkhead over 5 years, if it needs to be repaired then it needs to be done. If the bulkhead is already there and it is damaged then they should be able to replace it.	Existing bulkheads can be replaced if they are needed to protect primary structures from erosion caused by currents or waves and a nonstructural measure is not feasible. Following the mitigation sequencing laid out in Chapter 3 Section B.4, the property owner must first avoid (so if it isn't necessary, then don't know allowed), then minimize (if it is necessary, make it the minimum size necessary).
G1	Douglas Bell, Resident	Planning Commission Public Hearing 5/4/11	Testimony follows submitted materials related to helicopters. Also providing testimony for neighbors Burgoyne, Powell, Kosche, Martin, Molenkamp, and Barnet. Opposed to sections authorizing helicopters landings, takeoffs and storage on docks, piers or other over-water structures...Want prohibition of helicopters utilizing over-water structures...inherently dangerous to public health and safety.	Staff talked with Kris Kern, Federal Aviation Administration (FAA) Inspector, FAA Seattle Flight Standards District Office regarding the use of helicopters on a lake and landing on a private dock. If the helicopter is approaching and departing the dock over water, there are no safety concerns. It would be considered to be flown in a safe manner and is a safe use of a helicopter. In addition, both the helicopter and the pilot are licensed by the FAA.
G2	D. Bell	PC 5/4/11	FAA has some regulatory authority, but that is not totally preemptive of the city's SMP and zoning jurisdiction.	City could ban helicopters from the lake if there was a rational justification for prohibiting the use. However, float planes are allowed on the lake as a water-dependent use, which require more area for takeoffs and landings, are on the lake for a longer period, and have a higher potential for conflict with other lake uses than a helicopter. So the City may need to make some type of distinction between a float plane and a helicopter use in terms of safety concerns. Float planes and helicopters have a short period of noise, but do not have more noise impacts than jet skis and motor boats and are used less on the lake than boats and jet skis.
G3	D. Bell	PC 5/4/11	The dock is not a principal use, it is a structure with an accessory use to the lakefront lot's residential principal use. There is absolutely nothing in the nature of a dock-based helicopter pad that evenly remotely relates to boat moorage at a dock. Moreover, an operating, dock-based helicopter does in fact hinder and obstruct ("impede") the water-dependent use of the dock, e.g., boat moorage, fishing and swimming.	The WAC clearly states that "a dock associated with a single family residence is a water-dependent use provided that it is designed and intended as a facility for access to watercraft" (WAC 173-26-231(3)(b)). If the dock is built in support of watercraft and meets the dimensional standards, the SMP neither prohibits nor encourages other uses of the dock.
G4	D. Bell	PC 5/4/11	If private ownership of property is the determining factor regarding the scope of the city's SMP and land use ordinances, then there is no need to process either document any further if one may do what he or she wishes merely based upon	The FAA regulates aircraft. The City of Lake Stevens does not currently have regulations related to aircraft in the municipal code. The City has regulations, including the SMP that regulate certain issues

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			private property title.	related to land use and environmental protection.
G5	D. Bell	PC 5/4/11	In conclusion, we respectfully request the Planning Commission condition any approval of both the Draft SMP and Draft Ordinance No. 856 with the express prohibition of helicopter use for any purpose on all existing and future over-water structures.	Planning Commission could consider the request.
H1	Bill Barnet, Resident	Planning Commission Public Hearing 5/4/11	Does anything in the plans address older and newer cabanas and boathouse that are being converted in living space/residences and apartments, with bedrooms and kitchens.	No new boathouses or cabanas are allowed within City jurisdiction on Lake Stevens.
I1	Rose Granda, Resident	Planning Commission Public Hearing 5/4/11	Think it interesting that the City can manipulate its idea of proper use of the lake and the shoreline sometimes to its own benefit. Whether its restrictions on the property owner on how they want to rebuild or maintain structures. Now there is going to be more regulations, money in permits and fees for people trying to improve their homes. If the City had more of a conscience and the best interest of the wetlands and wildlife then they would be spending more time taking care, improving and maintaining their own lake front property.	Lake Stevens is a water of the state including the shorelines, and as so is protected for all of Washington's residents. Therefore, the State has the jurisdiction to protect the water and shoreline as necessary. The Shoreline Master Program is mandated by the State of Washington in the Shoreline Management Act in Revised Code of Washington (RCW 90.58.020) and the Shoreline Master Program Guidelines in the Washington Administrative Code (Chapter 173-26 WAC). The City is following the SMP guidelines in preparing the SMP for Lake Stevens shorelines. The City will need to follow all the regulations in the updated SMP for city property the same as all other property owners.
I2	R. Granda	PC 5/4/11	Now you want all these young people to take tests to drive boats and jet skis, there is nothing about staying away from the shoreline. You want more money and more certification but it is hypocritical.	Washington's boater education law is a statewide law enforced by the state. The City of Lake Stevens does not require additional certification.
J1	Fred Schmidt, Resident	Planning Commission Public Hearing 5/4/11	I live next to a helicopter I don't care, we don't know if it is coming or going. Banning helicopters has no validity.	No response necessary.

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K1	Cory Burke, Resident	Planning Commission Public Hearing 5/4/11	My apologies for not knowing all the details of this, but who is supposed to pay for all these new materials and restoration? If it is for the public's benefit then why do I have to pay for all of it?	Project applicants and property owners who are developing their property are expected to pay for improvements to their property as part of the development permit process.
K2	C. Burke	PC 5/4/11	Setbacks – I recently rebuilt our home, because of the setbacks we couldn't build the single large storey home that we wanted so we had to build a tall narrow two storey home. Lots should be looked at and topography should be looked at, each lot should be looked at not just given the 60ft set back. The nature of the intent of a 60ft set back should be looked at.	The SMP states: "Where the City's Shoreline Administrator finds that an existing site does not provide sufficient area to locate the residence entirely landward of this setback, the City's 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." (Chapter 5 Section 8.c.2.a.i)
L1	Rosanne Cowles, Resident	Planning Commission Public Hearing 5/4/11	Does anyone here know what Agenda 21 is? (Submitted article titled, "Assault On Property Rights)	The Shoreline Master Program is mandated by the State of Washington in the Shoreline Management Act in Revised Code of Washington (RCW 90.58.020) and the Shoreline Master Program Guidelines in the Washington Administrative Code (Chapter 173-26 WAC).
M1	Tom Matlock, Resident	Planning Commission Public Hearing 5/4/11	The 200ft length for a dock is not how long the dock is going to be, it's going to be an average of two docks one to the left and one to the right. So we still need to take out that 200ft language...	The regulation on the length of the two docks on either side is the one in the current SMP. The new SMP restricts dock length to that to reach 5.5 foot depth, but in no way can it go over 200 feet in length. Current docks reach 150 feet and over in areas of the lake where it is shallow. In the future, as these areas continue to collect sediment, the docks may need to be extended. The SMP update will regulate use of the lake for years to come.
M2	T. Matlock	PC 5/4/11	I drove around the lake today and looked at jet ski lifts, and there around three kinds of jet ski lifts and I think one of those is going to be a problem. Those are the self standing on a lever or a wheel by its self, those are going to become a non-conforming use will they not Miss Watkins? If you can wade out to a jet ski lift that is not attached to a dock, it's just in the middle of your clomp of water. Because there is something in the SMP's that states you cannot drive anything into the lake bed except for a pier, boat or a dock.	Jet ski lifts have been discussed at both the Citizen Advisory Committee and public open houses. The Planning Commission could consider amendments to address the concerns in their recommendation to Council.

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M3	T. Matlock	PC 5/4/11	Then an unlimited number of the pull up ramp jet ski lifts, if you have a long dock and a lot of friends do we really want 15-20? On a process that even though I was on the Committee I didn't really understand this, we went from no pull up ramps to unlimited. So I think we need to take a look at that again before some people get rich parking jet skis at their dock.	Jet ski lifts have been discussed at both the Citizen Advisory Committee and public open houses. The Planning Commission could consider amendments to address the concerns in their recommendation to Council.
M4	T. Matlock	PC 5/4/11	The helicopter thing just came out of the air so to speak so maybe we should take another look at that.	Planning Commission could consider your request.
N1	Gigi Burke, Resident	Planning Commission PH 5/4/11	I think some of the most valuable and best research and points that have been made tonight by Angela Larsh with Urban Concepts. I believe you have received her document and I strongly hope you take those points into consideration and that we take a closer look at this before we make those decisions.	Thank you for your comments. The City is looking at all the comments. It is noted that all waterbodies have different requirements and therefore different regulations to meet No Net Loss.
O1	Darrell Moore	Planning Commission Public Hearing 5/4/11	I guess my concerns are that all these rules that you are proposing, or that is being proposed....They want to protect it and take care of it but when you put all these cookie cutter rules on it and we have high bank, low bank, short docks long docks, but now we are going to have all the same rules for everything.	Throughout the SMP we have incorporated flexibility by allowing the Shoreline Administrator to have some discretion, to ensure that unique characteristics around the lake are taken into account.
O2	D. Moore	PC 5/4/11	This needs to be looked at a lot more, things like the language 'shall' and 'should' are we trying to be deceptive?	The SMP Guidelines from the state provide a definition for the terms shall, should and may as used in the SMPs.
P1	Rich Meitzner, Resident	Planning Commission Public Hearing 5/4/11	I am landing a helicopter on the dock, if you to operate a heli pad heli port that is for multiple aircraft and that is not my intention.	No response needed.
Q1	D. Molenkamp, Resident	Planning Commission Public Hearing 5/4/11	On the issue of helicopters... This is not an airport that we live on here, there is a public danger with operating helicopters and they are a nuisance and are certainly not water dependent, they are a danger to the public.	See Responses to G1 and G2.

Lake Stevens 2011 Shoreline Master Program Update - Responsiveness Summary

(Questions have been taken from written and verbal testimony. Entire documents are listed at the bottom and attached to Summary)

ATTACHMENTS WILL BE INCLUDED AT A LATER DATE

- A – Letter dated April 8, 2011 to City of Lake Stevens City Council from Urban Concepts, LLC.
- B – Letter dated May 4, 2011 to City of Lake Stevens Planning Commission from Futurewise, People for Puget Sound & Pilchuck Audubon Society
- C – Public Testimony and Submittal by Kristin Kelly, Futurewise/Pilchuck Audubon Society/People for Puget Sound at the May 4, 2011 Planning Commission Public Hearing
- D – Public Testimony by Brad Nyscther, Resident at the May 4, 2011 Planning Commission Public Hearing
- E – Public Testimony and Submittal by Angela Larsh, Urban Concepts LLC for Rich Mietzner at the May 4, 2011 Planning Commission Public Hearing
- F – Public Testimony by Rich Mietzner, Resident at the May 4, 2011 Planning Commission Public Hearing; Ecology comments on docks and Army Corps of Engineers Permit #3
- G – Public Testimony and Handout by Douglas Bell, Resident at the May 4, 2011 Planning Commission Public Hearing
- H – Public Testimony by Bill Barnet, Resident at the May 4, 2011 Planning Commission Public Hearing
- I – Public Testimony by Rose Granda, Resident at the May 4, 2011 Planning Commission Public Hearing
- J – Public Testimony by Fred Schmitz, Resident at the May 4, 2011 Planning Commission Public Hearing
- K – Public Testimony by Cory Burke, Resident at the May 4, 2011 Planning Commission Public Hearing
- L – Public Testimony and Submittal by Rosanne Cowles, Resident at the May 4, 2011 Planning Commission Public Hearing
- M – Public Testimony by Tom Matlack, Resident at the May 4, 2011 Planning Commission Public Hearing
- N – Public Testimony by Gigi Burke, Resident at the May 4, 2011 Planning Commission Public Hearing
- O – Public Testimony by Darrell Moore, Resident at the May 4, 2011 Planning Commission Public Hearing
- P – Public Testimony by Rich Meitzner, Resident at the May 4, 2011 Planning Commission Public Hearing
- Q – Public Testimony by D. Molenkamp, Resident at the May 4, 2011 Planning Commission Public Hearing



LAKE STEVENS PLANNING COMMISSION
STAFF REPORT #2

Agenda Date: May 18, 2011

Subject: Lake Stevens Shoreline Master Program Update – Continued Public Hearing (LS2009-11)

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

**SUBMITTED TO PLANNING COMMISSION AT CONTINUED PUBLIC HEARING
ON MAY 18, 2011**

SUMMARY: In the May 18, 2011 Shoreline Master Program Continued Public Hearing Staff Report submitted to the Planning Commission by email on May 13, staff offered to prepare guidance motions to assist the Planning Commissioners in making findings and motions. These are included in Attachment A.

In preparing for the Continued Public Hearing, Staff realized the staff summary of the text amendments form for the Comprehensive Plan amendments was not included in the staff report. It was provided to the Planning Commissioners and described by staff during the presentation at the May 4 Public Hearing. It is included in Attachment B.

Additional revisions are proposed by staff based on questions by the Planning Commission or public testimony to ensure the SMP is specific:

- Page 63, Regulation #30 (Jet Ski Lifts, Boatlifts...) – add language to be more specific that jet ski lifts are only allowed as an accessory to a dock, not as a separate structure. Also add to 30(c) that lifts must be placed at least 30 feet waterward from shore. If the Planning Commission decided to limit the number of jet skis per dock, it would be added to this section.
- Ordinance No. 855 – Add new section to the ordinance to make the following additional code amendment:

14.16C.100 Shoreline Permits.

(a) This section describes the procedures and requirements for development within specified areas related to lakes, rivers, streams, wetlands, and floodplains, as required to implement the Shoreline Management Act, as amended, Chapter 90.58 RCW, and as consistent with Chapter 14.92. To ensure no net loss of shoreline ecological functions:

 - (i) All proposed land uses, modifications, development or new agricultural activities shall be designed and conducted to achieve no net loss of shoreline ecological functions as defined in WAC 173-26-201(3)(d)(i)(C).
 - (ii) Project proponents shall make all reasonable efforts to avoid and minimize impacts to wetlands, fish and wildlife habitat conservation areas, and their buffers as required under the Shoreline Master Program.

And finally, the previous staff report stated staff was making final changes to the wetland buffers and restoration requirements in the critical areas regulations included as Appendix B of the SMP based on final Ecology comments. The following changes to Appendix B of the SMP are proposed by staff:

- Page B-13, Appendix B – 2.C(g) – revise to allow stormwater management facilities in the outer 25 percent of the buffer for Category II wetlands.
- Page B-22, Appendix B – 3.A(c) – remove the first sentence “Waters of the State, as defined in WAC Title 222, Forest Practices Rules and Regulations.” The definition is no longer a part of Title 222 WAC; however, the classifications system referenced in the second sentence is in the subsection as referenced.
- Page 41, Appendix B – 6.D(e) – add the following:
(3) The subject property is separated from the wetland by pre-existing, intervening, and lawfully created structures, public roads, or other substantial improvements. The pre-existing improvements must be found to separate the subject upland property from the wetland by height or width that prevents or impairs the delivery of buffer functions to the wetland. In such cases, the reduced buffer width shall reflect the buffer functions that can be delivered to the wetland.

ATTACHMENTS:

Attachment A – Staff Proposed Findings and Motions

Attachment B – Text Amendment Staff Summary – Comprehensive Plan Amendments

STAFF PROPOSED FINDINGS & MOTIONS FOR SMP DOCUMENTS

Staff prepared general findings and motions to support Planning Commissioners in their recommendations to Council. These are general and will need the details added by the Planning Commissioners as they make the motion. These may be modified as determined by the Commissioner making the motion

MOTION for Shoreline Master Program document

The Shoreline Master Program generally meets the SMP guidelines prepared by the Washington Department of Ecology as shown by the latest comments from Ecology submitted to the City on the SMP Checklist. I move that the Planning Commission recommend to Council the adoption of the April 27, 2011 Shoreline Master Program as presented by staff and with the following amendments based on public testimony and further discussions:

- *The four changes proposed by staff in the May 18th PC Staff Report on page 7 relating to definitions of shall and should, changing “grating” to allow “decking with a minimum of 60 percent ambient light transmission”, removing first sentence and revising second sentence under Fingers and Ells, and revising the language on replacement of docks.*
- *The three changes to Appendix B of the SMP proposed by staff in the May 18th PC Staff Report #2 relating to stormwater management facilities in Category II wetlands, removing first sentence referencing the WAC for a definition of waters of the state, and adding subsection regarding subject properties separated from a wetland by a pre-existing structure.*
- *The addition of specific language regarding jet skis as proposed by staff in the May 18th PC Staff Report #2.*
- _____ (helicopters? Jet skis? Other?)
- _____

MOTION for Cumulative Impacts Analysis document

The Cumulative Impacts Analysis was accepted by the Washington Department of Ecology as support that the Shoreline Master Program as presented can meet no net loss of ecological functions of areas under shoreline jurisdiction. No public testimony has been given on the document. I move that the Planning Commission recommend to

Council the adoption of the April 27, 2011 Cumulative Impacts Analysis as presented by staff (and with the following amendments:

- _____
- _____)

MOTION for No Net Loss Report

The No Net Loss Report shows how the Shoreline Master Program as presented can meet no net loss of ecological functions of areas under shoreline jurisdiction. No public testimony has been given on the document. I move that the Planning Commission recommend to Council the adoption of the April 27, 2011 No Net Loss Report as presented by staff (and with the following amendments:

- _____
- _____)

MOTION for Restoration Plan

The Restoration Plan provides information on current and potential restoration projects to assist the City in meeting no net loss of ecological functions of areas under shoreline jurisdiction. No public testimony has been given on the document. I move that the Planning Commission recommend to Council the adoption of the April 27, 2011 Restoration Plan as presented by staff (and with the following amendments:

- _____
- _____)

MOTION for Code Amendments Related to the SMP

The proposed code amendments are specifically related to the proposed Shoreline Master Program. No public testimony has been given on the code amendments. I move that the Planning Commission recommend to Council the adoption of the proposed code amendments related to the Shoreline Master Program as presented by staff and with the following amendments:

- *Addition of no net loss subsections to LSMC 14.16C(a) as proposed by staff in the May 18th PC Staff Report #2.*
- _____)

MOTION for Comprehensive Plan Amendments

The proposed Comprehensive Plan amendments to Chapter 10 Critical Areas Element meet all five factors for consideration of approval of amendments and meets all six of the decision criteria to grant approval of the amendments. No public testimony has been given on the amendments. I move that the Planning Commission recommend to Council the adoption of the Comprehensive Plan Amendments as presented by staff (and with the following amendments:

- _____
- _____)

MOTION for Ordinance No. 856 Adopting SMP documents

Ordinance No. 856 adopts the SMP documents, and related code amendments and comprehensive plan amendments, which were each included in a separate motion. I move that the Planning Commission recommend to Council the adoption of Ordinance No. 856 adopting the SMP documents with the amendments recommended in the previous motions for each separate SMP document and related code amendments and comprehensive plan amendments.

MOTION for Ordinance No. 855 Adopting Code Amendments Related to SMA

The code amendments in Ordinance No. 855 are necessary whether or not the Shoreline Master Program is adopted to ensure the Municipal Code is consistent with State law. I move that the Planning Commission recommend to Council the adoption Ordinance No. 855 adopting code amendments for consistency between Lake Stevens Municipal Code and State updates of the Shoreline Management Act (with the following amendments:

- _____
- _____)



Comprehensive Plan - SMP Text Amendment Staff Summary for Grant or Denial

LOCATION IN COMPREHENSIVE PLAN: <i>Chapter 10 Critical Areas Element</i>
SUMMARY: The proposal is for text changes to the Comprehensive Plan as part of the 2011 Shoreline Master Program (SMP) Update. Amendments are necessary for consistency with the SMP.
DISCUSSION: As part of the Shoreline Master Program (SMP) Update, a jurisdiction is required to retain consistency between the SMP, development regulations and the Comprehensive Plan. The Critical Areas Element includes Goal 10.6 to implement the Shoreline Management Act. This goal needed to be updated with the new goals of the SMP Update. In addition, it was decided the introduction should include more information about the Shoreline Management Act.
PROPOSED CHANGES: Chapter 10 – The Critical Areas Element of the Comprehensive Plan is attached in a <u>strikeout/underline</u> version showing the amendments to Chapter 10. The proposed changes are in the introduction and Goal 10.6.

GRANTING OR DENIAL OF AMENDMENTS (Pg 1-24, Dec 2010 Final Comprehensive Plan)

For both City and privately-initiated amendments, the City shall take into consideration, but is not limited to, the following factors when considering approval of a proposed amendment to the Comprehensive Plan:

1. The effect upon the physical, natural, economic, and/or social environments. The proposed amendments are to retain consistency between the SMP and the Comprehensive Plan. The summary will have no effect on the physical, natural, economic, and/or social environments.
2. The compatibility with and impact on adjacent land uses and surrounding neighborhoods including whether the amendment would create pressure to change the land use designation of other properties in the vicinity. The proposed amendments are to retain consistency between the SMP and the Comprehensive Plan. The summary will have no impact on land uses and neighborhoods.
3. The adequacy of and impact on public facilities and services, including utilities, roads, public transportation, parks, recreation, and schools. The proposed amendments are to retain consistency between the SMP and the Comprehensive Plan. The summary will have no impact on public facilities and services.
4. The quantity and location of land planned for the proposed land use type and density. The proposed amendments are to retain consistency between the SMP and the Comprehensive Plan. The summary will have no effect on land use and density.
5. The effect, if any, upon other aspects of the Comprehensive Plan. The proposed amendments are to retain consistency between the SMP and the Comprehensive Plan. The summary will have no effect on other aspects of the Comprehensive Plan.

The City may amend the Comprehensive Plan only if it finds the amendment meets all of the following:

1. The amendment must be consistent with the Growth Management Act and other applicable State laws.	_X_ YES ___ NO
2. The amendment must be consistent with the applicable County-wide Planning Policies.	_X_ YES ___ NO

3. The amendment must not be in conflict with the Community Vision or other goals, policies, and provisions of the Comprehensive Plan.	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO
4. The amendment can be accommodated by all applicable public services and facilities, including transportation.	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO
5. The amendment will change the development or use potential of a site or area without creating significant adverse impacts on existing sensitive land uses, businesses or residents.	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO
6. The amendment will result in long-term benefits to the community as a whole, and is in the best interest of the community.	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO

Staff recommends this proposal be GRANTED or DENIED based on the criteria in the Comprehensive Plan.

The Planning Commission recommends this proposal be GRANTED or DENIED based on the criteria in the Comprehensive Plan.

The City Council GRANTS or DENIES this proposal based on the criteria in the Comprehensive Plan.

CHAPTER 10 CRITICAL AREAS PROTECTION



INTRODUCTION

Much has happened since 1994 with regulations intended to protect our critical natural areas including a 1995 GMA amendment requiring counties and cities to include the best available science in developing policies and development regulations to protect the functions and values of critical areas. This chapter contains a basic description of the City of Lake Stevens natural environment, its current condition, and recommendations for its protection and enhancement. It also discusses current policies and regulations in effect to protect the local environment and recommends updates. As part of the integrated SEPA/GMA approach to this update, this section also discusses how critical areas protection factors into the other elements of the Plan.

Chapter 2 presents a good overall description of the City’s natural environment. The City and its environs are characterized by plateaus and steep ravines, wetlands, significant creek corridors, three drainage basins and Lake Stevens. The lake itself is the most prominent environmental feature and is sensitive to the effects caused by urban development. ~~((A drainage district has had responsibility for water quality in the lake for several years, working jointly with the City and County.))~~

There remain significant habitat and green spaces in the City. Most recent housing developments have been required to dedicate Native Growth Protection Areas (NGPA) and other buffers around critical areas to assist in preserving their quality. The City also has tree retention regulations and innovative subdivision design regulations to protect these areas. The City also maintains a Shoreline Master Program that requires land use and environmental protections along the vast shoreline areas (Lake Stevens and portions of Catherine Creek and Little Pilchuck Creek and associated wetlands) with the City of Lake Stevens.

The City ~~((will-))~~adopted an updated Critical Areas Ordinance in 2008, which ~~will-))~~contains provisions for “Best Available Science”, a requirement of GMA, ~~((The City will update its critical areas regulations))~~ using the Best Available Science Document prepared for the City by URS Consultants reflecting the unique environmental conditions in Lake Stevens.

The City of Lake Stevens manages the shoreline environment through implementation of the Shoreline Master Program. The Washington State Shoreline Management Act (SMA), passed in 1971, provides guidance and prescribes the requirements for locally adopted Shoreline Master Programs. The SMA establishes a broad policy giving preferences to uses that:

- Protect shoreline natural resources, including water quality, vegetation, and fish and wildlife habitat;
- Depend on the proximity to the shoreline (i.e., “water-dependent uses); and

- Preserve and enhance public access or increased recreational opportunities for the public along shorelines.

The SMA establishes a balance of authority between local and state government. Under the SMA, Lake Stevens adopts a Shoreline Master Program that is based on state guidelines but tailored to the specific needs of the community. The program represents a comprehensive vision of how shoreline areas will be used and developed over time.

The City of Lake Stevens’ identity is strongly influenced and defined by its setting around the lake. The lake provides varied recreational opportunities for residents and visitors. Therefore, the utilization, protection, restoration and preservation of the shoreline must be considered for all development within shoreline areas.

The City and Snohomish County share jurisdiction of Lake Stevens with the City regulating within City boundaries and the County within the southeast portion of the lake still within the Urban Growth Area. The City adopted Snohomish County’s Shoreline Master Program in 1974. Over the almost four decades since the original adoption of a Shoreline Master Program, the lake front environment has substantially changed with additional single-family homes and subdivided lots, additional docks and bulkheads, and the loss of habitat along the shoreline. Impervious surfaces have increased both within the shoreline area and in adjacent watersheds, thus increasing surface water flows and impacting water quality and habitat for fish.

To address these changes, comply with the mandates of the Shoreline Management Act and enable the City to plan for emerging issues, the City initiated an extensive update of its Shoreline Master Program in 2009 with final adoption in 2011 or 2012. The Program will preserve the public’s opportunity to enjoy the physical and aesthetic qualities of Lake Stevens, Catherine Creek and Little Pilchuck Creek while protecting the functions of the shorelines so that at a minimum, the City achieves a “no net loss” of ecological functions as required for shorelines of the State.

GOALS AND POLICIES

GOAL 10.1: PROTECT THE NATURAL ENVIRONMENT AND CONSERVE ALL CRITICAL AREAS, INCLUDING WETLANDS, SHORELINES, CREEKS/STREAMS, GEOLOGICAL HAZARD AREAS AND WILDLIFE HABITATS.

Policies

10.1.1 Update critical areas regulations which reflect the Best Available Science (BAS) pursuant to the GMA. These regulations must protect the functions and values of these areas and not unduly reduce property rights by requiring greater protection measures which offer diminishing beneficial returns.

10.1.2 Ensure compatibility of land uses with topography, geology, soil suitability, surface water, ground water, frequently flooded areas, wetlands, climate, and vegetation and wildlife.

10.1.3 Prevent a net loss of ecological functions and values. Require mitigation for

impacts from new development within critical areas.

- 10.1.4 Encourage flexibility in design, development such as Conservation Design to utilize cluster development to conserve open space and protect critical areas.
- 10.1.5 Promote and encourage sustainable development through efficient land use, green building design, and water conservation.
- 10.1.6 Encourage and support local community programs to enhance natural resources.
- 10.1.7 The City of Lake Stevens should protect native plant communities by encouraging management and control of non-native invasive plants, including aquatic plants. Environmentally sound methods of vegetation control should be used to control noxious weeds.
- 10.1.8 Incorporate the use of innovative design provisions allowing design of new development to take advantage of such standards as Low Impact Development surface water techniques that employ inventive proposals ensuring the same or better critical area protection.

GOAL 10.2: PROTECT HABITAT AREAS FOR FISH AND WILDLIFE.

Policies

- 10.2.1 Recognize the value of maintaining corridors for fish and wildlife and consider appropriate means of protecting significant corridors.
- 10.2.2 Protect Lake Stevens' priority habitats, habitats of local importance, and listed species habitats.
- 10.2.3 Support actions that protect other non-listed threatened species from becoming listed and endangered.

GOAL 10.3: PROVIDE FOR LONG-TERM PROTECTION AND NO NET LOSS OF WETLAND ECOLOGICAL FUNCTIONS AND VALUES.

Policies

- 10.3.1 Protect existing wetlands from the impacts of new development to the greatest extent possible.
- 10.3.2 Protect functions and values of wetlands.
- 10.3.3 Protect existing wetlands with size greater than one acre that are valuable for wildlife habitat or are not artificially created from non-wetland sites (drainage ditches, grass-lined swales, detention ponds, landscape amenities, etc).
- 10.3.4 Require wetland buffers and building setbacks around regulated wetlands to

preserve vital wetland functions and values.

10.3.5 Require mitigation for any activity, which alters regulated wetlands and their buffers.

10.3.6 Support wetlands protection through non-regulatory approaches such as the adoption-a-wetland conservation program and low impact development.

10.3.7 Work with the land trust and other similar organizations to protect wetlands and other critical areas.

GOAL 10.4: ENHANCE THE QUALITY OF SURFACE WATER.

Policies

10.4.1 Protect water quality from the adverse impacts associated with erosion and sedimentation.

10.4.2 Protect water resources, including surface water, groundwater and critical aquifer recharge areas.

10.4.3 Protect the water quality of the City's creeks and its lake.

10.4.4 Require the use of drainage, erosion and sediment control practices for all construction or development activities.

10.4.5 Protect and preserve vegetation located along creek/stream corridors.

10.4.6 Provide buffers for new development along creeks and streams.

10.4.7 Consider creating a new staff position – “Watershed Steward” to inventory and educate the public on the importance of preserving the surface waters.

GOAL 10.5: DECREASE POTENTIAL FOR FLOODING FROM STORM-WATER RUNOFF.

Policies

10.5.1 Promote retention of storm-water. Encourage regional stormwater treatment solutions.

10.5.2 Preserve natural drainage courses.

10.5.3 Minimize adverse storm-water impacts generated by the removal of vegetation and alteration of landforms.

10.5.4 Adopt and encourage incentive programs for new development to use best

management practices such as reduction of impervious surfaces and provisions for filtering pollutants.

- 10.5.5 Encourage and support the retention of natural open spaces or land uses, which maintain hydrologic function and are at low risk to property damage from floodwaters within frequently flooded areas.

GOAL 10.6: IMPLEMENT THE STATE SHORELINES MANAGEMENT ACT ALONG SHORELINES OF STATEWIDE SIGNIFICANCE IN THE CURRENT ONOR OR ULTIMATE CITY LIMITS OF LAKE STEVENS.

Policies

- 10.6.1 Protect Shorelines by limiting uses and activities, which are incompatible with the shoreline environment.
- 10.6.2 New development within shoreline jurisdiction shall meet the policy requirements adopted within the City Shoreline Master Program.
- 10.6.3 Maintain native riparian vegetation encouraging the use of native species for landscaping and mitigation on the shores of Lake Stevens and along rivers, creeks/streams and wetlands and discourage the use of invasive plants that threaten native vegetative communities.
- 10.6.4 Encourage (~~shoreline~~)water-dependent economic activities along City shorelines that will enhance the economic viability near commercial centers.
- 10.6.5 Promote development of diverse, convenient recreational opportunities along public shorelines within the City that are consistent with the character and physical limitations of the land.
- 10.6.6 Extend the Waterfront Residential Zone to shoreline areas as they annex to the City.
- 10.6.7 Encourage development of public(~~pedestrian~~) access along the shoreline where practical.
- 10.6.8 Require developers to indicate how they plan to preserve shore vegetation and control erosion.
- 10.6.9 Encourage cluster development wherever feasible to maximize use of the shorelines by residents, maximizing both on-site and off-site aesthetic appeal, and minimizing disruption of the natural shorelines.
- 10.6.10 Encourage development of shared docks to reduce cover for migration of fish species along the shoreline.

- 10.6.11 Encourage removal of existing bulkheads with replacement with softer

alternatives or addition of vegetation waterward of existing bulkheads to reduce wave action and provide additional habitat for aquatic species.

10.6.12 Educate property owners within shoreline jurisdiction on the proper maintenance of docks and decks, grass and gardens, and driveways or cars to reduce the types of pollutants potentially reaching the lake or creeks.

10.6.13 Create a tracking system and periodically evaluate the cumulative effects of all project actions in shoreline jurisdiction.

GOAL 10.7: PROMOTE POLICIES AND DEVELOPMENT STANDARDS THAT MINIMIZE THE THREAT OF FLOODING.

Policies

10.7.1 Protect natural drainage systems associated with floodways, floodplains or other areas subject to flooding.

10.7.2 Emphasize flood prevention and damage reduction.

GOAL 10.8: LOCATE DEVELOPMENT WITHIN THE MOST GEOLOGICALLY SUITABLE AND NATURALLY STABLE PORTIONS OF A DEVELOPMENT.

Policies

10.8.1 Classify and designate areas on which development should be prohibited, conditioned, or otherwise controlled because of danger from geologic hazards.

10.8.2 Require geotechnical studies and special engineering or design as necessary for new developments in potential geologically hazardous areas.

10.8.3 Encourage cluster development for new residential development in areas of geologic hazards.



May 18, 2011

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

**SUBJECT: PLANNING COMMISSION RECOMMENDATION
Shoreline Master Program (LS2009-11)**

Dear Council President Quigley and Council Members:

The Lake Stevens Planning Commission held a public hearing on Wednesday, May 4, 2011 with continuation to May 18, to consider Ordinance No. 855 adopting code amendments related to the Shoreline Management Act and necessary for consistency whether or not the Shoreline Master Program is adopted; and Ordinance No. 856 adopting Shoreline Master Program documents, and code amendments and comprehensive plan amendments related to the SMP.

Commissioners in attendance were Chair Dan Ansbaugh (May 4 only), Vice Chair Linda Hault, and Commissioners Gary Petershagen, Janice Huxford, Dean Franz (May 18 only) and Sammie Thurber (May 18 only).

May 4, 2011 Public Hearing – Twenty-five people attended. Planning and Community Development staff gave a PowerPoint presentation summarizing both ordinances and associated documents. Planning Commission opened public testimony and 15 people provided verbal testimony. A few people also provided written testimony. Planning Commission closed public testimony, and reopened it for additional testimony. It was then closed. Public testimony was transcribed and is included in the Council Public Hearing Packet as Exhibit B, Attachment 4. Specific questions and responses are included on the Responsiveness Survey in the Packet as Exhibit B, Attachment 5.

May 18, 2011 Continued Public Hearing – Nine people attended. The Planning Commission deliberated. The public testimony was reopened; four people spoke and staff read into the record three written comments. The additional public testimony is summarized below:

- Some residents have concern about the safety of helicopters landing on private dock; others have no problems with helicopters.
- One person would like to decrease setbacks/buffers from the lake; others state no problem with current setbacks.
- Two letters were submitted in support of the use of helicopters on the lake and landing on a private dock.
- One email from Snohomish County Public Works stated they had no comments.

This letter includes a summary of Planning Commissioner questions and additional public testimony from the May 18th Continued Public Hearing as well as Planning Commission recommendations on Ordinance No. 855 and Ordinance No. 856.

SUMMARY PLANNING COMMISSIONER QUESTIONS (May 18, 2011)

The following topics were discussed by the Planning Commission during deliberation:

- Jet Skis and other recreational equipment should be considered personal watercraft. Concern with the different types of lifts and platforms and how that increases overwater coverage.
- Helicopters and float plane use on the lake; potential for setting hours of use
- Future changes to Shoreline Master Program and/or Critical Areas Regulations
- Concern with prohibiting creativity in the SMP

PLANNING COMMISSION RECOMMENDATIONS

Staff asked the Planning Commission to make a recommendation on each SMP document separately and then make a recommendation on each ordinance. The motions are listed below:

MOTIONS for Shoreline Master Program document

1. *Commissioner Franz made a motion, seconded by Commissioner Petershagen, to recommend to Council the adoption of the April 27, 2011 Shoreline Master Program as presented by staff and with the following amendments based on public testimony and further discussions: the four changes proposed by staff in the May 18th PC Staff Report on page 7 relating to definitions of shall and should, changing "grating" to allow "decking with a minimum of 60 percent ambient light transmission", removing first sentence and revising second sentence under Fingers and Ells, and revising the language on replacement of docks. Motion carried unanimously (6-0-0-1).*
2. *Commissioner Franz made a motion, seconded by Commissioner Huxford, to recommend to the Council the following amendments: the three changes to Appendix B of the SMP proposed by staff in the May 18th PC Staff Report #2 relating to stormwater management facilities in Category II wetlands, removing first sentence referencing the WAC for a definition of waters of the state, and adding subsection regarding subject properties separated from a wetland by a pre-existing structure. Motion carried unanimously (6-0-0-1).*
3. *Commissioner Petershagen made a motion, seconded by Commissioner Franz, to recommend staff further define Personal Watercraft lifts and sleds and use the term instead of jet skis and clarify as it relates to accessory complements to docks and placed at least 30 feet from shore. Planning Commission is not recommending a limit on the number of personal watercraft lifts per dock. Motion carried unanimously (6-0-0-1).*

MOTION for Cumulative Impacts Analysis document

4. *Commissioner Myers made a motion, seconded by Commissioner Thurber, that the Cumulative Impacts Analysis was accepted by the Washington Department of Ecology as support that the Shoreline Master Program as presented can meet no net loss of ecological functions of areas under shoreline jurisdiction. No public testimony has been*

given on the document. The Planning Commission recommends to Council the adoption of the April 27, 2011 Cumulative Impacts Analysis as presented by staff.

MOTION for No Net Loss Report

5. *Commissioner Huxford made a motion, seconded by Commissioner Franz, to recommend to Council the adoption of the April 27, 2011 No Net Loss Report as presented by staff. Motion carried unanimously (6-0-0-1).*

MOTION for Restoration Plan

6. *Commissioner Thurber made a motion, seconded by Commissioner Huxford, that the Restoration Plan provides information on current and potential restoration projects to assist the City in meeting no net loss of ecological functions of areas under shoreline jurisdiction. No public testimony has been given on the document. The Planning Commission recommends to Council the adoption of the April 27, 2011 Restoration Plan as presented by staff. Motion carried unanimously (6-0-0-1).*

MOTION for Code Amendments Related to the SMP

7. *Commissioner Franz made a motion, seconded by Commissioner Thurber, to recommend to Council the adoption of the proposed code amendments related to the Shoreline Master Program as presented by staff and with the following amendment: addition of no net loss subsections to LSMC 14.16C(a) as proposed by staff in the May 18th PC Staff Report #2. Motion carried unanimously (6-0-0-1).*

MOTION for Comprehensive Plan Amendments

8. *Commissioner Myers made a motion, seconded by Commissioner Huxford, that the proposed Comprehensive Plan amendments to Chapter 10 Critical Areas Element meet all five factors for consideration of approval of amendments and meets all six of the decision criteria to grant approval of the amendments. No public testimony has been given on the amendments. I move that the Planning Commission recommend to Council the adoption of the Comprehensive Plan Amendments as presented by staff. Motion carried unanimously (6-0-0-1).*

MOTION for Ordinance No. 856 Adopting SMP documents

9. *Commissioner Huxford made a motion, seconded by Commissioner Myers, to recommend to Council the adoption of Ordinance No. 856 adopting the SMP documents with the amendments recommended in the previous motions for each separate SMP document and related code amendments and comprehensive plan amendments.*

MOTION for Ordinance No. 855 Adopting Code Amendments Related to SMA

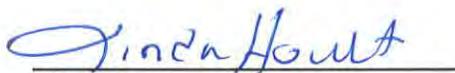
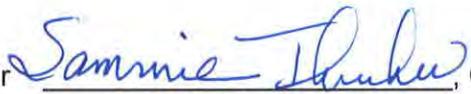
10. *Commissioner Petershagen made a motion, seconded by Commissioner Franz, to recommend to Council the adoption Ordinance No. 855 adopting code amendments for consistency between Lake Stevens Municipal Code and State updates of the Shoreline Management Act. Motion carried unanimously (6-0-0-1).*

MOTION Regarding Helicopters

11. *Commissioner Franz made a motion, seconded Commissioner Myers, to recommend to Council that SMP be silent on helicopters, but the Council look at creating regulations for helicopters now and in the future. Motion passed (5-1-0-1).*

Respectfully submitted,

Lake Stevens Planning Commission

 , Vice Chair  , Commissioner
Linda Hout Sammie Thurber

Karen E. Watkins

From: Soine, Candice [spwccs@co.snohomish.wa.us]
Sent: Friday, May 06, 2011 1:49 PM
To: Karen E. Watkins
Cc: Stenstrom, Clarissa; Rucci, Melody; Terwilleger, Debbie; Kerwin, Karen; McCormick, Douglas; Stigall, Anthony; Wood, Loydean; Carper, Joel; Soine, Candice; Strong, Leah; Means, Ashley; Santeford, Donna
Subject: Comments on City of Lake Stevens Draft Shoreline Master Program Update

Good Afternoon Karen,

Public Works has reviewed your draft document and ,at this time, offers no comments.

Thank you for the opportunity to comment.

Candice Soine, Environmental Review Coordinator for

Melody Rucci | Supervisor
Environmental Services Section (ENVS)

Snohomish County
Department of Public Works
Transportation & Environmental Services
(425) 388-3488 x4089
(425) 388-6674 Fax



Please consider the environment before printing this email



May 9, 2011

City of Lake Stevens
Lake Stevens, WA 98258

To Whom It May Concern:

We have lived in Lake Stevens for almost 10 years now. We moved here to raise our family and enjoy all of wonderful things that Lake Stevens has to offer.

It is our understanding that a concern has been raised over helicopter usage on Lake Stevens. We are neighbors of the Meitzner family, who own a helicopter, and we truly enjoy seeing the helicopter piloted by Rich Meitzner. I have flown with Rich myself, he is a very skilled and safe pilot. At no time have we ever seen him fly over our homes or operate in an unsafe manner, flying or landing late at night, or early in the morning. He is respectful and considerate.

We feel fortunate to live in a city that is between two small airports – watching sea planes land and take off, helicopters, boating, rowing, fishing, and all other sorts of lake activity. It is vitally important that the residents of Lake Stevens continue to have the freedom to operate all forms of watercraft and aircraft. We do not want to live in a community that discriminates against a chosen recreation that our residents want to enjoy.

If you have any questions, we can be reached at 425-377-8532.

Sincerely,

Handwritten signatures in cursive script. The first signature is "Ted Boysen" and the second is "Linda Boysen".

Ted & Linda Boysen
10432 Sandy Beach Drive
Lake Stevens, WA 98258

RECEIVED
MAY 11 2011
CITY OF LAKE STEVENS

May 12, 2011

City of Lake Stevens
Lake Stevens, WA 98258

To Whom It May Concern:

It is my understanding that someone has raised a concern about helicopter usage on Lake Stevens. My neighbor, Richard Meitzner, owns a helicopter and pilots to and from his home. I have been a float plane pilot and find helicopter and float planes a great part of the Lake Stevens community and a great source of enjoyment for me.

My wife and I find that Rich Meitzner is a very courteous neighbor and a very safe pilot. He has never flown over our house, or disrupted the neighborhood in any way.

We look forward to seeing helicopters, sea-planes, boating, and other activity on the lake, and that the residents of our city, and others, will be able to continue to enjoy it as well.

Sincerely,



James W. & Judith Gottschalk
10307 Sandy Beach Drive
Lake Stevens, WA 98258



Legend
 Parcels (Assessor)
 Sections

0 400 800 1,200 1,600
 Feet

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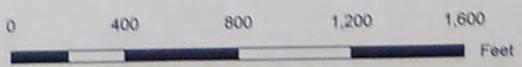
EXHIBIT E
Aerial Photo



2009 Aerial Photo

Legend

- Parcels (Assessor)
- Sections



05.19.2011 12:25
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 Planning and Development Services
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LAKE STEVENS CITY COUNCIL
STAFF REPORT

Council Agenda Date: May 23, 2011

Subject: Economic Development
Professional Services Agreement – Business/Development Recruitment Services –
William Trimm, FAICP

Contact Person/ Rebecca Ableman **Budget** \$10,000
Department: Planning and Community Development Director **Impact:** _____

RECOMMENDATION(S)/ACTION REQUESTED OF COUNCIL:

The action requested of Council is to approve the Professional Services Agreement with William (Bill) Trimm for Business/Development Recruitment Services (**Attachment 1**). *Please note that the City Attorney's Office and staff are completing legal review of the agreement and may include revisions to be presented at the Council meeting.*

SUMMARY:

The Subarea Planning scheduled for this year will position the City for economic development through land use opportunities. Additional efforts such as Business/Development Recruitment are also necessary to ensure the City entices the businesses it desires. The proposed contract with Bill Trimm will allow the City to establish key relationships with property owners/developers in conjunction with the subarea planning efforts until the City is ready to initiate a more permanent economic development staff/contract position.

BACKGROUND:

The City's focus last year and the coming years is economic vitality. Council's support of this important goal is reflected in the approval of the subarea planning projects including the accompanying Planned Action EIS work. As information about the direction of the City is learned, businesses and developers are taking interest even at this early planning stage and recruitment efforts can help secure complementary retailers and employers to the area.

Business recruitment/development services include facilitating public/private partnerships, working with private parties on land acquisition, intermediary communications, and general match up of business to community interests.

DISCUSSION:

Leland Consulting Group (LCG) has been assisting City staff over the past year with preliminary business recruitment support. Mr. Trimm's contract will essentially replace these services except for some minor tasks being wrapped up by LCG and will provide the City with the necessary business/development recruitment capability in conjunction with the subarea planning and prior to the hiring of an economic development specialist. Council may be familiar with Mr. Trimm's work in Mill Creek where he most recently has been involved and facilitated successful projects.

APPLICABLE CITY POLICIES:

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

BUDGET IMPACT:

The budget impact is \$ 10,000. This item is directly related to Economic Development and would be a qualifying budget expense.

ATTACHMENTS:

- 1- Professional Services Agreement – Business/Development Recruitment Services -
William Trimm, FAICP

**PROFESSIONAL SERVICES AGREEMENT BETWEEN THE CITY OF LAKE STEVENS
AND WILLIAM TRIMM FOR CONSULTANT SERVICES**

THIS AGREEMENT is made and entered into in Snohomish County, Washington, by and between the **CITY OF LAKE STEVENS**, hereinafter called the "City," and **William Trimm** Licensed to do business in the State of Washington, hereinafter called the "Consultant."

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

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

ARTICLE I. PURPOSE

The purpose of this Agreement is to provide the City with consulting services as described in Article II. The general terms and conditions of relationships between the City and the Consultant are specified in this Agreement.

ARTICLE II. SCOPE OF WORK

The Scope of Work for this Agreement is set forth in the attached Scope of Professional Services for the City of Lake Stevens, which is attached hereto as **Exhibit A** and is hereinafter referred to as the "Scope of Work". All services and materials necessary to accomplish the tasks outlined in **Exhibit A** shall be provided by the Consultant unless noted otherwise in the Scope of Work or this Agreement. All such services shall be provided in accordance with the standards of the Consultant's profession.

ARTICLE III. OBLIGATIONS OF THE CONSULTANT

III. I MINOR CHANGES IN SCOPE.

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

Extra Work. The City may desire to have the Consultant perform work or render services in connection with each project in addition to or other than work provided for by the expressed intent of the scope of work in the Scope of Services. Such work will be considered as extra work. All extra work shall be conducted with written authorization by the City representative authorized to approve extra work.

III.2 WORK PRODUCT AND DOCUMENTS.

The work product and all documents produced under this Agreement shall be furnished by the Consultant to the City, and upon completion of the work shall become the property of the City, except that the Consultant may retain (but is not required to do so) one copy of the work product and documents for its records. The Consultant will be responsible for the accuracy of the work, even though the work has been accepted by the City.

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

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

III.3 TIME OF PERFORMANCE.

The Consultant shall be authorized to begin work under the terms of this Agreement upon signing of both the Scope of Work and this Agreement, and services shall be as set forth in the Scope of Work.

III.4 NONASSIGNABLE.

The services to be provided by the Consultant shall not be assigned or subcontracted without the express written consent of the City. The City may not assign the consultants services to other entities without prior written authorization.

III.5 EMPLOYMENT.

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

III.6 INDEMNITY. INSURANCE

a. The Consultant shall at all times indemnify and hold harmless and defend the City, its elected officials, officers, employees, agents and representatives, from and against any and all lawsuits, damages, costs, charges, expenses, judgments and liabilities, including attorney's fees (including attorney's fees in establishing indemnification), resulting from, a rising out of, or related to one or more claims arising out of negligent acts, errors, or omissions of the Consultant in the performance of professional services under this Agreement. The term "claims" as used herein shall mean all claims, lawsuits, causes of action, and other legal actions and proceedings of whatsoever nature, involving bodily or personal injury or death of any person or

ATTACHMENT 1

damage to any property including, but not limited to, persons employed by the City, the Consultant or other person and all property owned or claimed by the City, the Consultant, or affiliate of the Consultant, or any other person.

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

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

d. Consultant shall maintain automobile coverage in the minimum amounts of \$100,000 per person, and \$300,000 per accident/occurrence, and \$50,000 property damage. Such insurance shall be on such forms as city may from time to time require. Consultant shall provide City with a certificate of insurance demonstrating the required coverage.

e. Limitation of Liability. Consultant's liability hereunder shall be limited to the fee earned by Consultant under this Contract; provided however, in the event the liability is an insured liability (one for which insurance is available and applicable), then Consultant's liability shall be limited to the amount of insurance available to fund any settlement, award or verdict. In addition, Consultant's liability for damages provided under this Agreement shall be limited to liability for direct damages and shall in no event include liability for remote, punitive, special, incidental, consequential or indirect damages for lost profits, loss of use, lost opportunity, financing, interest expense, or any similar damages, regardless of whether the liability arises from a breach of contract, breach of warranty, tort (including negligence), strict liability, or otherwise.

III. 7 DISCRIMINATION PROHIBITED AND COMPLIANCE WITH EQUAL OPPORTUNITY LEGISLATION.

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

III.8 UNFAIR EMPLOYMENT PRACTICES.

During the performance of this Agreement, the Consultant agrees to comply with RCW 49.60.180, prohibiting unfair employment practices.

III. 9 LEGAL RELATIONS.

The Consultant shall comply with all federal, state and local laws and ordinances applicable to work to be done under this Agreement. This Agreement shall be interpreted and construed in accordance with the laws of Washington. Venue for any litigation commenced relating to this Agreement shall be in Snohomish County Superior Court.

III. 10 INDEPENDENT CONTRACTOR.

The Consultant's relation to the City shall at all times be as an independent contractor. Neither the Consultant nor any employees or subcontractors/subconsultants of the Consultant shall be entitled to any benefits accorded to City employees by virtue of the services provided under this Agreement. The City shall not be responsible for withholding or otherwise deducting federal income tax or social security or for contributing to the state industrial insurance program, or otherwise assume the duties of an employer with respect to Consultant, or any employee or subcontractor/subconsultant of the Consultant.

III. 11 CONFLICTS OF INTEREST.

The Consultant shall notify the City of any potential conflicts of interest in Consultant's client base and shall obtain written permission from the City prior to providing services to third parties where a potential conflict of interest is apparent. If the City determines in its sole discretion that a conflict of interest is irreconcilable, the City reserves the right to terminate this Agreement.

III.12 CITY CONFIDENCES.

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

III .13 AMENDMENT.

This Agreement may be amended by written agreement of the parties.

ARTICLE IV. PAYMENT AND APPROVAL BY THE CITY

IV.I PAYMENT.

The Consultant shall be paid by the City for completed work for services rendered under this Agreement and as detailed in the Scope of Work and as provided in this section. Such payment shall be full compensation for work performed or services rendered and for all labor, materials, supplies, equipment and incidentals necessary to complete the work. In the event the City elects to expand the Scope of Work from that set forth in Exhibit A, the City shall pay Consultant an additional amount on a time and expense basis in accordance with the Consultant's current schedule of hourly rates of \$175.00 not to exceed \$10,000.00.

a. Invoices shall be submitted by the Consultant to the City for payment pursuant to the terms of the Scope of Work. The invoice will state the time expended, the hourly rate, a detailed

description of the work performed, and the expenses incurred during the preceding month. Invoices must be submitted by the first day of the month to be paid by the 15th day of the month.

b. The City will pay timely submitted and approved invoices within thirty (30) days of receipt.

IV.2 CITY APPROVAL.

Notwithstanding the Consultant's status as an independent contractor, results of the work performed pursuant to this Agreement must meet the approval of the City, which shall not be unreasonably withheld if work has been completed in compliance with the Scope of Work and this Agreement.

ARTICLE V. GENERAL

V.1 NOTICES.

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

CITY OF LAKE STEVENS
Rebecca Ableman
1812 Main Street
PO Box 257
Lake Stevens, WA 98258

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

William Trimm, FAICP
16811 Snohomish Ave.
Snohomish, WA 98296

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

V.2 TERMINATION.

The right is reserved by the parties to terminate this Agreement in whole or in part at any time upon thirty (30) days' written notice to the other party.

If this Agreement is terminated in its entirety by the City for its convenience, a final payment shall be made to the Consultant which, when added to any payments previously made, shall total the Consultant's invoices for the work completed at the time of termination.

V.3 DISPUTES.

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

V.4 NONWAIVER.

Waiver by the City of any provision of this Agreement or any time limitation provided for in this Agreement shall not constitute a waiver of any other provision.

V.5 AUTHORITY TO SIGN.

The undersigned are authorized to execute this Agreement and bind their respective parties.

CITY OF LAKE STEVENS

By: _____
Mayor

CONSULTANT

By: _____
William Trimm

Approved as to form:

Grant Weed, City Attorney

EXHIBIT A

Scope of Services

The consultant shall provide the City with general economic development services to support the City's Economic Development Strategy and includes the following task to be completed by the Consultant:

Contact selected property owners in two economic development districts 20th Street Corridor and Frontier Village (Lake Stevens Center) during the subarea planning process and define individual property owner development/redevelopment expectations. Prepare a phased status report, corresponding to the subarea plan and planned action ordinance schedule, identifying key properties, issues, constraints, and timing of future development opportunities. Where appropriate, facilitate property owner's contact with real estate development professionals to pursue, negotiate and entertain property transfers/development consistent with Subarea Comprehensive Plans and Planned Action Ordinances.

Deliverables: *Phased summary status report of selected property owner expectations and list of real estate professional contacts.*

Timing: *Completion of first phase report by December 31, 2011*



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LAKE STEVENS CITY COUNCIL
STAFF REPORT

Council Agenda Date: 5/23/11

Subject: City of Lake Stevens Website

Contact Person/Department: Troy Stevens / Information Services **Budget Impact:** \$11,122 for 3 Years

RECOMMENDATION(S)/ACTION REQUESTED OF COUNCIL:

After reviewing several options for building a more fluid and engaging website that is specifically designed for the unique need of local City governments I am recommending that the council authorize the contract, pending attorney approval, for CivicPlus to design the new City website.

SUMMARY/BACKGROUND:

The City has grown dramatically over the 5 years that I have served this community. I am sure that many of you remember the original website, and can recognize how far we have come with the current site. The time has come for the City to progress from the “static” to the “dynamic” world of the web. The current site is very hard for internal users to maintain and lacks the much needed tools to ensure pages are not “orphaned” or that the navigation is consistent across all pages. The City needs better tools to engage the community and businesses by allowing them to subscribe to information and events that meet their specific interests. The City needs a site that is easy to find information quickly and reduce calls on internal staff for information they seek. To engage a more connected society through the various social media outlets and mobile devices. CivicPlus is well suited to deliver on these goals.

APPLICABLE CITY POLICIES:

Expenditures authorization is by the City Council

BUDGET IMPACT:

The cost of the new website is 26,068. The City is proposing the payment plan of \$11,122 for 3 years which includes the website development and three years of support, maintenance and hosting services.

ATTACHMENTS:

- ▶ Exhibit A: Pricing Proposal
- ▶ Exhibit B: Pricing Summary
- ▶ Exhibit C: Washington Cities Using CivicPlus



Pricing Proposal for

The City of Lake Stevens, WA

March 28, 2011

Developed by

Michelle Wells, Business Development Manager
Direct Line 785-323-4749 • Wells@CivicPlus.com

Icon Enterprises, Inc., d/b/a CivicPlus
317 Houston St., Suite E • Manhattan, KS 66502

Toll Free 888-228-2233, Ext. 309 • Fax 785-587-8951 • www.CivicPlus.com

Executive Summary and Introduction

The CivicPlus Advantage – The Leader in Municipal Website Development

At CivicPlus, web development for municipal government entities is what we do. No other web-development company can come close to the service, support and product offerings of CivicPlus. With more than a decade of experience and over 750 municipal customers throughout North America, we view our relationship with you as a partnership where you will experience a level of personal service that our competitors quite simply cannot match. Several key differentiators set CivicPlus apart from the crowd:



Financial Freedom – Our customers are **never locked into one pricing model**. A one-size-fits-all model doesn't work with local government, and we recognize your uniqueness.



Design Process – We guarantee that you'll love your website design. Period. Our designs are **not template-based**, and our process combines our in-house designers' creativity with proven usability concepts, incorporating a refined revision process in order to reach the perfect end result.



Organization – We've helped hundreds of governments effectively organize their websites, so we guarantee that your site will present your residents with an intuitive, **easy-to-use site architecture**.



Support – With technology, having access to **unlimited support** is critical. With our Ultimate Service Plan, we'll never limit you to blocks of support hours or charge extra for calling us. CivicPlus' support staff is available 24-hours-a-day, seven-days-a-week, 365-days-a-year. Except during leaps years; then they're available 366 days.



Community – Connect with over 750 cities, counties and other government entities through the **CivicPlus Connection**. Share ideas and contribute to bettering the CivicPlus community.



Training – Over-the-phone or on-site training is available, and continuing training is part of **CivicPlus University**, where your staff can watch training webinars, download manuals, and become CivicPlus certified!



Future – Our development staff will stay by your side long after your website launches, rolling out new features, new applications and new suggestions on how to continue offering more and better service to your residents – **all at no additional charge!**

Why are Hundreds of Cities and Counties Upgrading to CivicPlus Each Year?

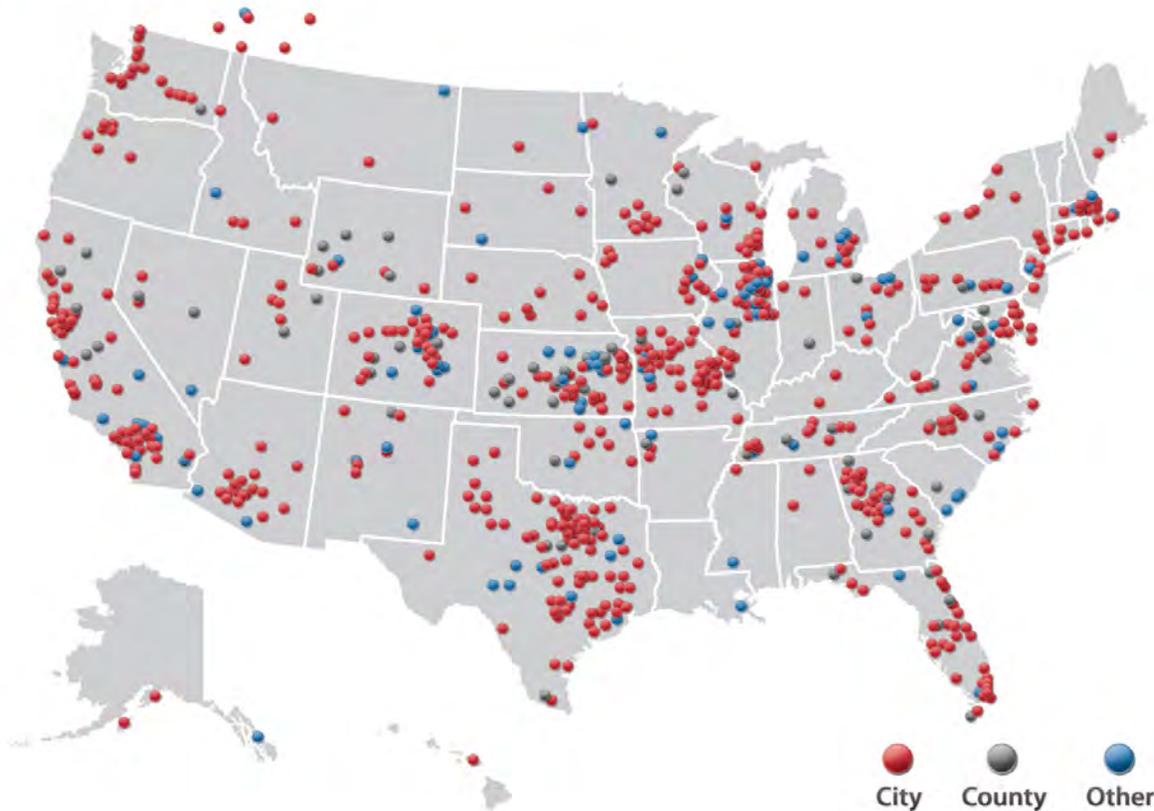
It's simple: We know municipal government.

No one can match our interactive suite of tools that allow governments to better engage and communicate with their citizens and communities. No one can match our customized development process and the depth of our implementations, as put together by experts who know local government – its people and its processes. And no one can match our track record – period.

Any way you slice it, CivicPlus is the premier source for local government communication expertise and cutting-edge online citizen engagement tools.



CivicPlus Client Map



A Proven Development Approach

CivicPlus provides our eGovernment communication solution to more than 750 municipalities – cities and counties of every size from coast to coast – serving more than 27 million citizens. For more than a decade, CivicPlus has focused on government clients, giving our customers access to the latest in next-generation applications that meet and exceed their needs. Those needs include:

- A completely unique and customized website design
- Intuitive navigation and page layout with unlimited submenus and subpages
- Interactive functionality through our Government Content Management System (GCMS)
- Always-updating and cutting-edge solutions designed by governments, for governments
- Comprehensive training and unlimited support.

The CivicPlus Effect – Award-Winning Websites and Exceptional Results

The Center for Digital Government awarded CivicPlus their “Best Fit Integrator” award for being among the best private sector information technology integrators for delivering extraordinary digital solutions to public IT projects. This distinction puts CivicPlus alongside Accenture, IBM, Motorola and Northrup Grumman as the true leaders in municipal government technology. Our customers are proof, as using the CivicPlus Solution, dozens have earned awards for website design, architecture and features. Below is just a sampling of some of the most prestigious awards in the industry earned by CivicPlus customers.

Some of our Award-Winning Clients...

Castle Rock, CO	crgov.com	Park County, CO	parkco.us
Watertown, MA	ci.watertown.ma.us	Fremont, CA	fremont.gov
Nassau County, FL	nassaucountyfl.com	Madison County, TN	co.madison.tn.us
Cumberland County, PA	ccpa.net	Maui County, HI	co.maui.hi.us
Wheat Ridge, CO	ci.wheatridge.co.us	Rowlett, TX	rowlett.com
League City, TX	leaguecity.com	Guthrie, OK	cityofguthrie.com
Richmond, CA	ci.richmond.ca.us	Montrose, CO	cityofmontrose.org
Surprise, AZ	surpriseaz.gov	Missoula, MT	ci.missoula.mt.us
Hutto, TX	huttotx.gov	Onslow Water & Sewer Authority, NC	onwasa.com
Green River, WY	cityofgreenriver.org	Carlsbad Dept. of Development, NM	developcarlsbad.org
Raymore, MO	raymore.com	Webster, TX	cityofwebster.com

Recognition

















History of CivicPlus

Since our inception, CivicPlus has been capturing the passion our customers have for their communities and their residents with high-quality, next-generation websites. We consider it a privilege to partner with municipalities to provide the individuals, families and organizations of your community a website that serves as a primary, interactive communication tool.

Icon Enterprises, Inc. does business as CivicPlus and Networks Plus and employs over 100 people. Incorporated in Kansas in 1998, they began providing technical-related services in 1994.

CivicPlus was born out of four rural cities' desire for a progressive way to maintain their websites without the burden of employing a continual webmaster. They sought a system that would allow routine updates and changes to be implemented by city staff, regardless of technical skill. After close consultation with these four initial cities, an innovative tool that automated the process of updating website content was developed.

Today, under the leadership of founder Ward Morgan, CivicPlus has 83 staff members and continues to implement new technologies and services to maintain the highest standards of excellence and efficiency. Our commitment to setting the standard in website design, management and government communication has been instrumental in making CivicPlus a leader in web design, programming, hosting and serving the communication market.

Our technical and development staff holds a variety of certifications including: Microsoft Certified System Engineer, Cisco Certified Engineer, Microsoft Certified Software Developer, Microsoft Office User Specialist and Project Management Professional from the Project Management Institute.

At **CivicPlus**, the core of our philosophy is
focusing on
the **product**, the **process** and our **people**.

Intuitive Content Management System

The CivicPlus Government Content Management System (GCMS) allows users with any level of technical skill to easily update any portion of their website instantly. The GCMS guides users through step-by-step processes to update announcements, calendars, page content, drop-down menus, images and much more. Through our integrated permissions system, you decide where users fit in the approval cycle, and because the GCMS is browser-based, any member of your staff can manage their section of the site without installing additional software or requiring the assistance of your technical team.

Supported Browsers

The CivicPlus GCMS is optimized for administrative use with Windows 2000+ and Internet Explorer 7.0+ although we support Firefox 3.5+, Safari 4+ and Chrome. The public-facing portions of our sites display correctly in all common browsers.

Mobile Detection

Mobile browsing is automatically available with a CivicPlus-developed website, meaning your residents can easily access and update your site and important information from any mobile platform, like iPhone, Android, Blackberry, etc.

CivicPlus Content Management System Administrative Features

Feature	Description	Benefit
Multiple Page Creation Options	The CivicPlus CMS makes it easy to upload new content and keep a consistent page layout through use of either: Page Wizard, Online Editor, HTML upload, Front-End Edit.	Timesaver/Ease – The multiple options for page creation ensures that everyone on your staff can update the site, regardless of key items on the homepage.
Unlimited Levels of Depth	With a properly designed website, you may easily add as many levels as you would like to promote your services.	Money Saver – As your site grows, you will not have to redevelop the underlying structure.
Instantaneous Updates	Updates are posted to the live site in real-time once the administrator publishes the page.	Timesaver – Ensures your site is communicating the most up-to-date information.
Browser Based	No installation of programs or software needed, meaning you and your staff can update the site from any Internet connection or platform (Mac or PC) at any time.	Convenience – Updates can be made anywhere at any time. Money Saver – Doesn't require \$ per seat to install software.
Level of Rights	Central administrator establishes specific editing rights.	Timesaver – Administrator can distribute work among specific departments while still maintaining control over the content and layout of the site.
Mobile Updates	Immediately update your site from any location with urgent announcements using your PDA.	Crisis Communication – Warn audiences of crisis situations from anywhere at any time.
Action Items	Direct access to a queue of items waiting to be published or reviewed by the administrator provided immediately upon login.	Convenience – Helps the administrator stay organized and timely with the site.
Content Scheduling	Pages can be set with a start and/or expiration date, meaning pages can be created in advance and be automatically released and/or removed from the site as indicated.	Convenience/Timesaver – Ensures your site is communicating only timely information.
Site Search and Site Search Log	Powerful site search automatically indexes all content making it easy for all visitors to find information. This feature also keeps a log of all words that are searched by your visitors.	Knowledge – The search log serves as a tool in making decisions about updates and upgrades as well as placement of key items on the homepage.
Subsite	Specific areas of your website, e.g., Parks & Recreation, Police or Fire, can provide their own calendar and news items.	Ease – Site visitors can find relevant information for their area of interest by following a redirect link, e.g., www.yoursite.org/police
Automatic Alt Tags	Built-in features ensure your site is Section 508 compliant.	Convenience – Editor does not need to know Section 508 requirements as the system will automatically format to accommodate for Section 508 Compliance.

Let Our Experts Be Your Trusted Advisors

Only CivicPlus offers the depth and breadth of staff for next-generation eGovernment communication projects. Dependent on the size of and duration of your project and whether you utilize our creative, branding, and advisory consulting teams, we will engage between 6 – 11 experienced staff members, representing approximately 7-13% of our full-time staff. A single project manager oversees the inter-departmental and client interactions, assuring that your project will be developed in a timely manner by professional website experts.

Utilizing their strong technology background, your dedicated Business Development Manager, Michelle Wells initially works with you to determine the best solutions for your administrative users and website visitors. Working with a team that has served the government website market for more than 13 years provides a vast level of experience that is invaluable to each and every client.

A member of our seasoned project management team, is responsible for guiding you through your project. Using their knowledge of effective online citizen engagement techniques – with specific case studies and examples – they will ensure the process transitions smoothly from phase to phase.



A Process Dedicated to Helping You Succeed

As every phase of the project is completed, the project manager ensures your goals and timelines are met. After the completion of each phase, you will be encouraged to fill out a survey rating the project process and the CivicPlus personnel. The CEO receives the surveys and is personally accountable for your satisfaction.

Upon completion of custom design, setup of the website, development of modules, content development and quality control review, your trainer works to ensure your staff masters the simple Government Content Management System and learns basic website usability concepts. Your new site is then launched and your support calls are handled by our Client Care department.

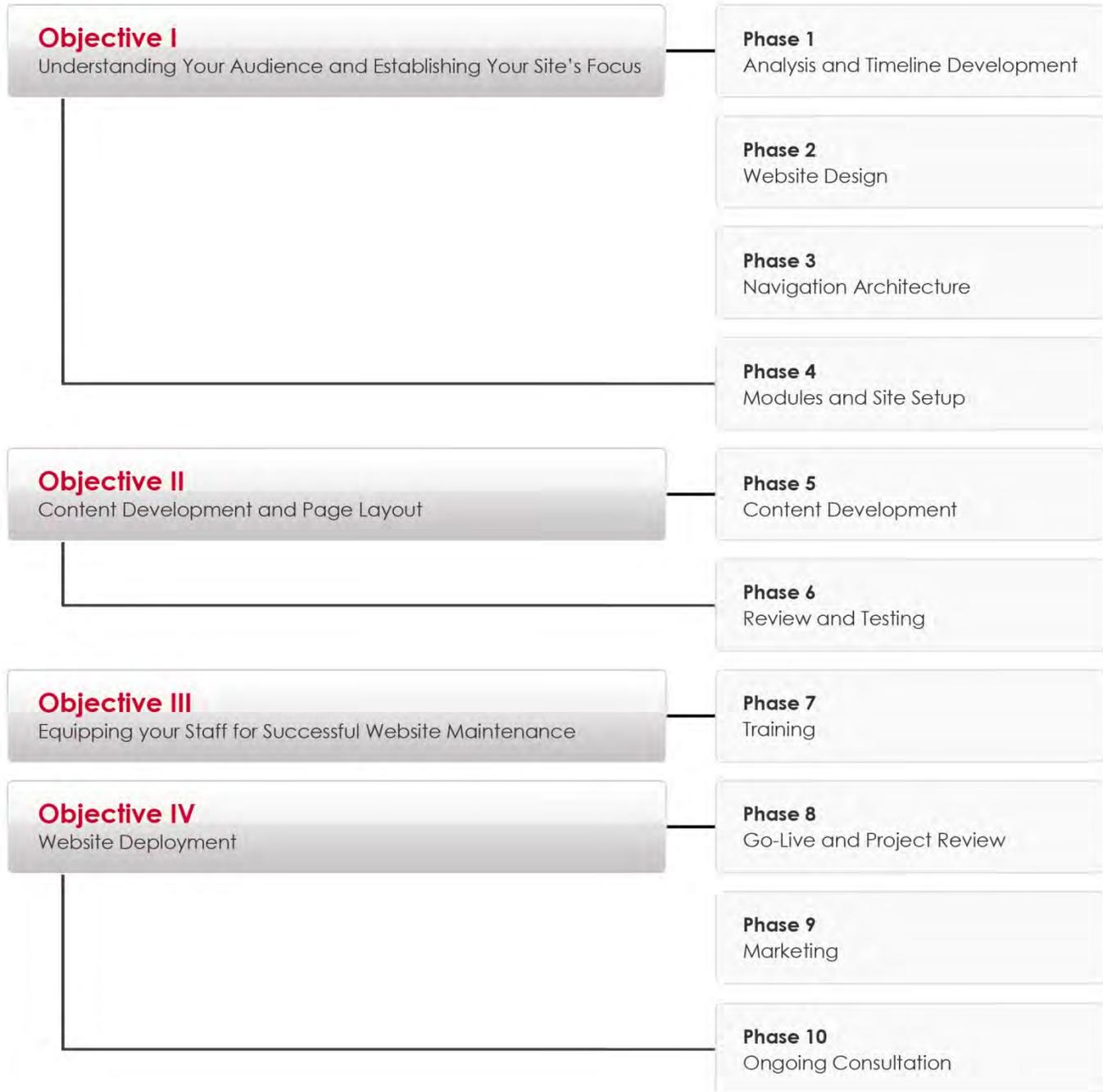
“ Compared to working with other vendors in the IT arena, CivicPlus was very well coordinated. You met your deadlines and simply did what you said you were going to do. ”

Ben Faubion *Ellensburg, WA*

Our Project Development Approach

Consulting, design, usability guidance, expert programming, secure hosting and dedicated training: CivicPlus delivers all of this expertise and more during the development of your new website. Our proven development approach and team of specialists will ensure a project that yields the most value for your dollar.

Our project-development approach focuses on collaboration. Each step in the process is consultative, with our staff working in partnership with you. Our efficient and thorough project timelines transform your website goals into reality, resulting in a valuable, next-generation communication resource for your residents, business and staff.





Phase 1: Analysis and Timeline Development

In the beginning stages of project development, our project team will help you craft the position and image that you want to portray to the site visitor.

Your Role

Your role during the first three phases of the project will be to answer questions, gain your staff's input to complete worksheets and provide necessary information so CivicPlus can develop recommendations for your design, navigation, and content. Your project manager will explain the work required to achieve your goals and help set a timeline comfortable for you and your departments to work with. Pre-project on-site strategic planning sessions can be incorporated into this phase at an additional cost.

Information Gathering and Brainstorming

Your Project Manager will suggest information-gathering techniques to prepare for the design and content development phases of the project, like:

- What image do you desire?
- What services and tasks will the site deliver?
- What are the key messages or themes for the community as a whole?
- What are the key messages and themes for individual departments and services?
- Why is this important to your community?
- What data needs to be presented on the website for self-service?
- What collaborative tools does your community need to effectively communicate concerns?

Communication Goals Development

After brainstorming and setting your site's focus, the information gathered will be organized into specific goals and solutions.

- Identify the site and establish a brand
- Set the tone and personality of the site
- Help users get a sense of what that site is about
- Let site visitors find critical information to start key tasks immediately
- Effectively guide people on the right development path, with efficiency as the core focus

Collaboration and Implementation

With information-gathering and goal-setting complete, further collaboration with design and functionality experts will begin to shape your website into an effective communication resource

“ My philosophy is that a government website should not make users think or ask that a user know how governments work. It should be simple and clear where to find things no matter what one thinks. That is definitely what we got for our citizens in our website. ”

Jon Nicks *Placentia, CA*

“ My experience dealing with CivicPlus was extraordinary. CivicPlus came in and told us what we needed to do and gave us a schedule to follow, and that was exactly what we needed. The guidance we received was invaluable. ”

Mike Wells *Gloucester, MA*



Phases 2 & 3: Website Design and Navigation Architecture

At CivicPlus, our designers will collaborate with your staff to create a website that is visually engaging, intuitive to use and reflective of the uniqueness of your community.

Collaborative Planning and Development

Your project manager will lead a kick-off meeting between your staff and our designers to identify specific design elements, navigational structures and the overall focus of your site.

- **Custom Design**

Our designers will develop a striking, custom design tailored to deliver on all your expectations. Since you are part of the CivicPlus team, your input is vital to the process. Our designers take all of your suggestions and guidance, and, by incorporating functionality and ease-of-use standards, work with you to establish colors, pictures, navigation and layout options that best suit your communication goals and objectives for a uniquely created website.

Custom designs are rarely produced in anticipation of a project; however, we showcase custom designs for over 750 clients, each done to their specifications. Copyright authorization and/or photography production are required unless you already have quality, usable photographs. Additional fees for stock photographs or other images are not included in the estimate.

- **Intuitive Usability**

Simple navigation and consistent page layout structured with your input and guidance will be used throughout the site to ensure your visitors will easily find the information they seek.

- **Accessibility Compliance**

Our designers and programmers automatically implement all the accessibility features necessary to ensure your site is compliant with accessibility standards outlined within Section 508. In our role as a consultant, we make recommendations to our clients on best practices for keeping their content accessible and available for all users, making sure that **all menu items are clickable, that submenus display throughout the site, that alt tags are used for images, that site maps are dynamically generated, and that documents and links can be set to open in the same window.**

CivicPlus recognizes accessibility standards recommendations made by a variety of groups, including the World Wide Web Consortium (W3C) and the Web Accessibility Initiative (WAI) as written in the Web Content Accessibility Guidelines (WCAG). Through adherence to Section 508, CivicPlus is able to meet almost all Priority One, Two and Three guidelines set forth in the WCAG. Those left unmet do not need to be addressed in order to allow basic access to content; some of the more stringent requirements of the WCAG may limit design and content development options.

Design/Wireframe Review

You will have the opportunity to revise your design composition as many times as you deem necessary, up to the deadline that you and your project manager agree upon during the timeline meeting (the average client requests a total of three). After that deadline you may request an additional two modifications without the need to adjust your Project's go-live date. Multiple initial design comps can be provided for an additional cost, with revisions made only to the one you select.

Following design approval and functionality development, we conduct a review to ensure your expectations are met and best website practices are upheld.

High-Impact Custom Designs Created Specifically for Your Community

Our programmers accommodate and implement our designers work – not the other way around – so options for a unique site are endless. Designs that truly represent your unique image, message and brand come through extensive access to and consultation with our design team. Our portfolio demonstrates our graphic designers' vast creative abilities, showcasing a wide variety of site styles and structures. Additional examples can be provided upon request or can be viewed at www.CivicPlus.com/designs



In Development



www.athensclarkecounty.com



cityofwebster.com



www.monroecounty-fl.gov



cityofgreenriver.org



countyofplumas.com



Phase 4: Modules and Site Set-Up

You ultimately control the functionality that your site offers by selecting which modules to use and showcase. Review and testing during project development ensures that you are taking advantage of our expertise in web communication as well as meeting your specific communication goals.

A website for today...and tomorrow

CivicPlus has developed dozens of modules to meet the diverse needs of our clients. We want each client to reap the benefits of all that we offer, and as such, all of our functionality and modules are included in our Premium Package. However, we recommend incorporating a combination of several of the CivicPlus modules into the graphic design of your site's homepage.

And with CivicPlus, you will receive upgrades and enhancements made to our system – automatically and at no additional cost – throughout your contract. This ensures your site is constantly evolving to meet the ever-changing needs of your web audience without the hassle of additional budgets or annual upgrades.

Keys to creating a robust government website

To have a successful website experience, people have to:

- Find what they need – Our intuitive designs facilitate easy recognition of which path to take
- Understand what they find – Good content development is essential
- Act appropriately on that understanding – Comprehensive functionality helps people start or complete a task quickly and easily

Some important elements and themes which will help your site visitors include the following:



1. Site identification (banner)
2. Homepage links to most requested items
3. eCommunications – Graphic buttons customized to provide instant access to citizen information and communication
4. Print or email page, RSS, social media on every page
5. News items with Notify Me and RSS capabilities
6. Permanent links on every page
7. Calendar with RSS, FAQs, or other frequently used services
8. Global navigation with hierarchical structure
9. Powerful search ability
10. Emergency alerts to notify citizens of urgent developments



Phase 5: Content Development

CivicPlus will develop a pre-defined number of pages for your site to ensure necessary content is available for your site visitors upon deployment. There is no limit to the pages you can create after you have gone through training.

Content Development and Page Layout

While other companies perform a glorified copy and paste of content from your old site to your new one, our experience with municipal governments of all sizes means you can expect the implementation of effective website architecture with the latest trends in usability and web writing applied to your site – in short, content *development*, not merely content migration.

CivicPlus' content developers apply our own time-tested best practice standards, as well as those documented by online usability experts Steve Krug, Ginny Redish and Jakob Nielsen. Website visitors are skimmers; we'll rewrite and lay out your content in a way that is easy for the visitor to quickly scan and retrieve desired information.

Vehicle Abatement

1 Report an Abandoned Car on Public Street or Highway
 If a vehicle is parked on a street or highway for more than 72 hours, then [report the vehicle](#).

Vehicles may be towed by the City if:

- The vehicle is inoperable (i.e. no wheels, engine, etc.)
- Has no current licenses
- Has no current registration

Report an Abandoned Car on Private Property
 If a vehicle appears:

- Abandoned
- Wrecked
- Dismantled

Then the city may request for the car to be repaired or removed. The vehicle could be subject to be towed at the owners expense, per [RMC section 11.76](#).

2 Report a Vehicle

Vehicle on the Roadway
 (510) 620-6644

Vehicle on Private Property
 (510) 621-1278

6 Vehicle Abatement Fees

Release fee from public street or highway	\$125.00
First vehicle found on private property abandoned, wrecked, dismantled unregistered and declared a public nuisance	\$325.00
Each additional vehicle found on same private property as above abandoned, wrecked, dismantled, unregistered and declared a public nuisance	\$200.00

- 1 Increased heading size and added subheads
- 2 Action items placed near the top
- 3 Shorter, easy-to-read blocks of text
- 4 Separate contact info area
- 5 Bullets for easy scanning
- 6 Large, clear tables

“ CivicPlus has done nothing but improve our website. Every enhancement has been great. ”

Shelia Brown Grant County, KS

“ CivicPlus is the company for municipal websites. I can't imagine working with anyone else. ”

Krystal Britton Hinesville, GA



Phase 6: Review and Testing

Each phase of your project undergoes a review and testing stage, but before you begin your work on the site with training and preparation for Go Live, our quality control team makes sure your site lives up to best-practice standards.

Quality Control

At the completion of content development and page layout, the following reviews will take place:

- **Content Development Review:** CivicPlus conducts a quality control review to ensure the content and layout meet web usability standards and contain all the necessary information; the way content is written and displayed directly affects usability.
- **Pre-Training Review:** We will identify any issues (programming, design or content) that need to be addressed prior to training.
- **Testing Period:** Approximately one month is provided between the completion of training and your site's Go Live date. This will allow you to add, create, and make adjustments to content as well as ensure overall satisfaction with your website. CivicPlus is browser based, which means content changes will display and function the same way before and after Go Live.



Phase 7: Training

Whether it's held over-the-phone or on-site, training is done before your site is launched to ensure that once the site is live, your staff will have all the knowledge, tools and comfort level to maintain the site's integrity from day one. Training concludes with practical application and consultation in order to apply the web-usability standards that are covered during training directly to your site.

Website Best-Practice and Usability Consultation

Based on your internal daily tasks and workflow, CivicPlus consultants guide your staff to a better understanding of delivering automated services to your site visitors. One-on-one or departmental-specific task analysis is included as part of the service you can expect. Each hands-on session is designed to enhance your team's communication skills and highlight their individual specialties that emphasize your public value.

Features, Module and Page Creation Training for Administrators and Content Contributors

With a goal to create a basic understanding of navigation and page layout and how this affects target audiences, trainers instruct your staff on creating area rights and back-end features for site administration, and review all the modules included with your site. Your staff will learn how to create links, format text and lay out pages for usability and scannability.

CivicPlus Training Schedule

Administration Training	Modules Training	Modules (cont.)	Pages
Introduction to website	Document Center	Facilities / Reservations	Page Creation
Dashboard	Archive Center	Forms	Advanced Page Creation
Admin Tools / Intranet	Opinion Poll	Request Tracker	Assist departments and staff in page creation
Urchin statistics	Staff Directory	Featured Info	Consult with departments and staff on further development and ways to enhance site
Set up groups & users	Business / Resource Directory	Emergency Alerts	Wrapup Session
Quick Links	Notify Me	Real Estate Locator	
FAQs	Jobs, OJA & Bids	Carbon Calc. & Healthy City	
Calendar	Photo Gallery & Postcard	Wrapup Q&A	
Newsflash	Slideshow		

Training schedules vary depending on the number users to be trained and hours available but will cover the topics shown. Training manuals are also available online.



Ongoing Training and Support Opportunities

We want your website to be an investment that pays off over time rather than a one-time expense that you have to make every few years. This way of thinking also applies to our training and support approach. After your website goes live, you should be able to keep current and new staff trained and supported, so we offer you access to ongoing training, support, and the incredible resource of over 750 other municipalities that use the CivicPlus Government Content Management System.

Stay up-to-date and always informed with unlimited access to:



Once you've completed the initial training for your website, enroll in CivicPlus University (CPU) to earn your Master of the Government Content Management System, online and on your own time. Best of all, every CivicPlus client gets a full-ride scholarship! Earn different levels of CivicPlus Certification from Contributor to Webmaster at our online CPU Testing Center. Using CivicPlus online training manuals, videos and webinars you'll learn the tips, tricks and processes that will allow you to become the expert at creating the best website for your users! It's another exciting addition to CivicPlus' client experience and available only for clients who have been through initial training.



When you join the CivicPlus community, you're connecting with our entire staff as well as a network of over 750 cities, counties and other government entities that use the CivicPlus solution. CivicPlus Connection – a social network of sorts for CivicPlus users – invites customers to share ideas and contribute to bettering our community through opinion polls, surveys and group discussions. CivicPlus staff keep you up-to-date on the latest trends in web technology, design and government processes through CivicPlus Connection, offering blogs, webinars and informational updates tailored to local government professionals. CivicPlus Connection also serves as our always-available online support center for our clients.

Client Referral Program

The CivicPlus Referral Program is designed to give back to our CivicPlus client family. A lot of our business comes from word-of-mouth, and we recognize the value of our clients. To show our appreciation, anytime a client refers another organization to CivicPlus and that referral signs a contract within a year, we offer the referring client an amazing discount off the next year's annual fees.

“ A lot of it had to do with the other companies we were talking to. The way they bundled add-ons and the way they priced them was questionable, we just didn't feel like they were giving us the whole story. With CivicPlus we knew we were getting everything we needed right off the bat. ”

Shellie Blades *Cameron, MO*

“ Please pass along my thanks to your customer help team. Anytime I have a staff member call, they always comeback to me and talk about how friendly and helpful the support guys are. Even if they can't solve the problem right then and there with you on the phone, they figure it out and call us back right away. ”

Corky Brown *City of Cedar Hills, TX*



Phase 8: Go-Live and Project Review

Upon completion of a collaborative final review of the website and a final spelling and links checkup by our Quality Control Team, the domain name is directed to the developed website, taking your new website live to the public!

Launching Your New Government Website

We will ensure that your initial communication goals developed in Phase I have been met. Though this phase marks the launch of your new site, you will continue to receive both technical and consultative support.

CivicPlus employees constantly research web standards, principles and trends in order to develop effective government websites. Our philosophy is to share that information with our clients to ensure they are capable of maintaining an effective site for years to come.

- **Ongoing References to Our Research**

Throughout all phases of your project we provide the reasoning and explanation of our actions so that you and your staff become communication experts.

- **Opportunities for Peer Communication and Idea Sharing**

Throughout the year, there are several opportunities for peers to communicate and share ideas. We hold regular webinars for clients, host regional trainings and user groups, feature client case studies and new clients on our website and provide contact information for clients willing to share unique experiences and the resulting solutions. CivicPlus Connection also helps foster the community of the CivicPlus client family, where idea-sharing and client-to-client communication is encouraged.

- **Continuous Consultation Beyond Site Deployment**

Our Support Team members are available to assist your staff with any questions once the site is deployed. They provide ongoing support and recommendations for maintaining your website in several ways.



Phases 9 & 10: Marketing and Ongoing Consultation

CivicPlus' business strategy is based upon our clients' successes. We continue to listen to our clients after the sale and strive to constantly improve our service and our products.

Continued Communication

Upon deployment of your site, you will be provided ongoing support as your site grows. Our support team will ensure that you receive the following resources:

- Monthly e-newsletter
- Automatic service updates
- CivicPlus online support
- Annual site reviews
- Regional trainings and user groups

We are so confident that you will benefit from a partnership with CivicPlus that we provide a 100% satisfaction guarantee throughout all phases of your project.

“ I think that the modules that are offered give a lot of flexibility to not only the taxpayers but our employees. We can use this site as much as a tool as the taxpayers do. ”

Michael Leiker *Ellis County, KS*

CivicPlus Product Roadmap



Internet trends and technology change at a rapid pace. At CivicPlus, we're committed to helping our customers keep up-to-date with the latest and greatest in online tools for governments. That's why, as a Software as a Service (SaaS) provider, we offer our clients nearly half-a-million dollars worth of software upgrades and maintenance each year...just for being part of the CivicPlus Community. Here's a look at where we're headed...

My City

Residents and users will be able to set up a specific profile on your community's website, which will allow them to display the information they want to see every time they login. In addition, people will be able to login to My City with their Facebook login and password via Facebook Connect.

Agenda Creator

CivicPlus already features an Agenda Creator module, but we are in the process of giving it a dramatic facelift. Modeled after some of the very best agenda creation software, CivicPlus' new and improved Agenda Creator will feature advanced workflow creation, the ability to make changes and note edited agendas, an approval process, and so much more!

Parks & Recreation Suite

Once complete, CivicPlus' Parks and Recreation Suite will serve as your community's activity hot spot, where your residents can sign up for and pay for Parks and Recreation activities and classes, all while letting you manage class sizes and activity signups from your website's administrative interface.

Newsletter Module

There are already notification tools built into the CivicPlus Government Content Management System (GCMS) like Notify Me® and automatic Facebook and Twitter integration. But for those notifications that need a little extra "pop," CivicPlus Newsletter Module will help you deliver the goods. Create eye-catching and visually appealing newsletters and send them out, all within the framework of your website.

Reliable Maintenance and Support

Other website management providers have a distorted vision of how to help governments serve their citizens, offering little or no ongoing support for their products. CivicPlus takes the opposite approach. We realize that you want to be a good steward of taxpayer dollars, and that means minimizing the total cost of ownership of your new website. In addition to secure hosting services, CivicPlus provides ongoing maintenance and upgrades to the content management system as well as continuous technical support with our Ultimate Service Plan. Our clients are reassured by our proven commitment to customer service, exhibited by the following services:

- **Automatic CivicPlus Software and Module Updates** All CivicPlus customers receive the benefits of new features and upgrades that we add to our ever-growing content management system. The core of the CivicPlus product offering grows with you and your community, ensuring that your site never grows stale and that your website is truly an investment.
- **Around-the-Clock Technical Support** The goal of a content management system is to spread the responsibility of updating the site among multiple staff members or departments. Our support personnel are ready to answer your staff members' questions and ensure their confidence in using our site. When you opt for our Ultimate Service Plan, our knowledgeable staff is available from 7:00 am to 7:00 pm CST to field your calls and e-mails, and emergency services are available after regular hours, with our staff on-call 24-hours a day.

In addition to fielding support requests, CivicPlus is proactive in identifying any potential system issues. Through regularly scheduled reviews of site logs, error messages, servers, router activity and the Internet in general, our personnel often identify and correct issues before they even affect our clients' websites. Our expertise in website management provides assurance to our clients that their site is in good hands.

Ultimate Service Plan Annual Maintenance & Support Includes:	
Support	Maintenance of CivicPlus Application & Modules
7-7 (CST) Mon-Fri (excluding holidays)	Install Service Patches for OS
24/7 Emergency Support	Upgrades
Dedicated Support Personnel	Fixes
2-hour Response During Normal Hours	Improvements
Usability Improvements	Integration
Integration New & Upgraded Services	Testing
Proactive Support for Updates & Fixes	Development
Online Training Manuals	Usage License
Monthly Newsletters	
Phone Consulting	
CivicPlus Connection & CivicPlus University	

System Ownership

Under our standard operating model, our clients own all data and software associated with the website – the design, the page content, all module content, all importable / exportable data, all archived information and the GCMS. This allows them the peace-of-mind of remaining in total control of all website content and functionality. While hosted and maintained with CivicPlus, this data is never shared, and CivicPlus retains tight controls over our hosting operations, allowing for daily site backups, redundant power and internet systems, site redundancy and emergency recovery procedures.

If the contract between your organization and CivicPlus were to be canceled due to the wishes of the client, our Support Department would work with you to transfer all associated data and software in order to make a smooth transition to the client's new hosting arrangement and, if necessary, management platform.

In the highly unlikely event that CivicPlus were to cease support for the software due to bankruptcy, acquisition, a change in business operations or other circumstances, you would also receive full and complete control of all website data and software.

Under either circumstance, provision of the core code, all associated modules and functionality would allow the client to move the entire website to an alternative hosting location without altering the management tools or modifying operation of the website in any way.

Hosting Options

As always, CivicPlus clients have the option to host the site where they deem appropriate, whether that be at CivicPlus' dedicated hosting facility or at the client's location.

CivicPlus' Network Operations Center is maintained specifically for website hosting and administration; 98 percent of CivicPlus customers utilize this hosting facility for their hosting and backup needs. Redundant power sources and Internet access ensure consistent and stable connections, and regular hardware upgrades ensure that CivicPlus-hosted sites are maintained on the most up-to-date, reliable equipment. Full backups are provided as a regular service for CivicPlus-hosted customers, with all servers backed up nightly and additional optimization processes run on a weekly basis.

Hosting with CivicPlus Includes:	Self-Hosting Requirements:
Shared Web/SQL Server DNS Consulting & Maintenance Monitor Bandwidth-Router Traffic Redundant ISP Redundant Cooling Natural Gas Powered Generator Daily Tape Backup Intrusion Detection & Prevention Antivirus Protection Hardware Upgrades	Microsoft Windows 2008 Server, R2 Standard or higher (with Hyper-V) Microsoft SQL 2008 Standard or higher Server with at least 4GB RAM and 80GB of usable storage space. For better performance, IIS and SQL should run on different servers. Additional software dependent upon modules purchased.

Hosting and Security Features

Physical Security	<ul style="list-style-type: none"> • Proximity card key system prevents unauthorized access to servers • High resolution, closed circuit video with time lapse recording covers all secured areas • All visitors require a full-time escort within hosting area • Redundant cooling systems
Power	<ul style="list-style-type: none"> • All systems are fed by Uninterruptible Power Supplies (UPSs) with natural gas-powered generator backup
Bandwidth	<ul style="list-style-type: none"> • 97Mbps of bandwidth for optimal speed • Multiple carriers (AT&T, Qwest and Cox) to provide redundancy for continuous connectivity • AT&T: 45Mbps fiber optic network • Cox: 100Mbps fiber optic network • Qwest: 6Mbps over an MLPPP connection • AT&T: 6Mbps over an ATM connection • Routers and switches automatically balance Internet load between carriers for optimal speed • Redundant Cisco routers running Hot Standby Router Protocol (HSRP)
Monitoring	<ul style="list-style-type: none"> • Round-the-clock (24/7/365) monitoring of all critical components, including: Internet connectivity, servers, routers, switches and power systems
Backup	<ul style="list-style-type: none"> • Tape backup performed daily • Off-site tape archive
Antivirus	<ul style="list-style-type: none"> • Continuously scan system • Signature files auto-updated every 4 hours from national registry
Data Security	<ul style="list-style-type: none"> • Server operating systems applied as necessary • Router level port blocking and reporting • Router level packet filtering and reporting • Server level port blocking and logging • Ongoing security analysis by Cisco Security Specialist
Data Redundancy	<ul style="list-style-type: none"> • RAID Level 5 data storage array • RAID 1 + 0
Intrusion Detection	<ul style="list-style-type: none"> • Redundant Cisco ASA multi-service firewalls that combine intrusion detection with intrusion prevention
Staff Certifications	<ul style="list-style-type: none"> • Full-time Electrical Engineers (EE) • Full-time Microsoft Certified Systems Engineers (MCSE) • Full-time Certified Novell Engineers (CNE) • Full-time Cisco Router Technicians

CivicPlus Project Development Estimate

All Quotes are in US Dollars and Valid for 30 Days from March 28th, 2011

Project Development	\$26,068
First Year's Annual Support, Maintenance & Hosting <i>Server Storage not to exceed 10 GB; Media Center Storage not to exceed 10 GB</i>	FREE
Total Fees Year 1	\$26,068

With CivicPlus, you'll enjoy all the benefits of our Ultimate Service Plan – 24/7 support, software maintenance, unlimited upgrades, recurring training and access to the CivicPlus community. Protecting your investment is important, and our Ultimate Service Plan allows you to receive maximum benefit at minimal cost. Over the course of a year, you'll receive nearly \$500,000 in software upgrades, maintenance and optimization. Additionally, your staff will be able to take advantage of our support community, ensuring that they're always up-to-date on our latest features and functionality.

With the Ultimate Service Plan, you can host on your servers, if desired, or opt to let CivicPlus handle the workload, with redundant hosting services, daily backups and extensive disaster recovery plans. And if the Ultimate Service Plan isn't right for you, the site and software are yours – our websites are as portable as they are powerful.

Optional – Year 2 Annual Support, Maintenance & Hosting <i>Subject to annual 5% increase</i>	\$3,650
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Optional Payment Plan – CivicPlus Advantage

CivicPlus Advantage offers local governments an alternative payment plan that eases the impact of a new website on your budget and spreads the one-time project development costs over a longer period of time.

Through a minimum three-year contract, CivicPlus Advantage dramatically lowers the one-time project development and start-up costs of launching a new website, **combining one-time and recurring fees and spreading them over the life of the contract**. The CivicPlus Advantage Plan provides a fixed fee for an Agreement term of 36 months from the first date of billing. At 36 months, Client has the following options:

1. Terminate the CivicPlus Advantage Plan by providing written notice and contract for Annual Support, Maintenance & Hosting services.
2. Terminate services with CivicPlus.

CivicPlus Advantage	1st Year	2nd Year	3rd Year
Annual Recurring Fees	\$11,122	\$11,122	\$11,122

CivicPlus Planning for the Road Ahead-

Both plans automatically include a redesign at the end of the fourth year at no additional cost.

Project Development

Objective 1: Establishing Your Site's Focus		
Phase 1: Analysis and Timeline Development <u>Deliverable:</u> Project Timeline and worksheets		Included
Phase 2: Website Design <u>Deliverable:</u> Website Design Composition		Included
Phase 3: Navigation Architecture Development <u>Deliverable:</u> Navigation structure optimized for your website		Included
Objective 2: Content Development and Page Layout		
Phase 4: Modules and Site Setup <u>Deliverable:</u> Set up fully functional site, software that runs the site, and site's statistical analysis.		Included
Phase 5: Content Development of 100 standard pages and up to 500 supporting elements <u>Deliverable:</u> Website content development and module content.		Included
Phase 6: Test and Review, Establish Future Expectations <u>Deliverable:</u> List of items that need to be addressed		Included
Objective 3: Equipping Your Staff for Successful Website Maintenance		
Phase 7: 3 Days of On-Site Training for up to 10 employees <i>Quote includes travel expenses</i> <u>Deliverable:</u> Train System Administrator(s) on CMS Administration, permissions, setting up groups and users, module administration. Basic User training on pages, module entries, applying modules to pages. Applied use and usability consulting to result in effective communication through your website.		Included
Objective 4: Website Deployment		
Phase 8: Go-Live and Project Review <u>Deliverable:</u> Final project review report		Included
Phase 9: Marketing <u>Deliverable:</u> Registration of site with all major search engines		Included
Phase 10: Ongoing Consultation <u>Deliverable:</u> Site review with recommendations for enhancements to improve visitor interaction; layout, design and content recommendations.		Included
Additional Functionality		
None		-
Gov 2.0 Upgrades		
Blog	Share	Included
Facebook Integration	Twitter Integration	Included
Options Included in One-Time Fee		
None		-
Total Project Development Fee		\$26,068
First Year Annual Support, Maintenance and Hosting Fee Server storage not to exceed 10 GB; Media Center storage not to exceed 10 GB		Included
Total Fees Year 1		\$26,068

Project Enhancement Options

Options	One-Time Fee
<p>Pre-Implementation Option: On-Site Kick-Off Meeting One day meeting with website committee to discuss design goals, review audience goals and meet with departments to kick-off with a project overview <i>Quote includes travel expenses.</i></p> <p><u>Deliverable:</u> A document summarizing the meetings, with analysis and recommendations. Design information gathered.</p>	Optional Add \$3,800
<p>Pre-Implementation Option: On-Site Strategic Planning with Individual Departments Two days of meetings (up to 12 departments) to interpret current processes and services, resulting in recommendation for website solutions. <i>Quote includes travel expenses.</i></p> <p><u>Deliverable:</u> A document summarizing the meetings, with analysis and recommendations. Design information gathered.</p>	Optional Add \$5,800
<p>Phase 3 Option: Onsite Meeting for Individualized Content Planning Two days (up to 12 Departments) to analyze call logs, review assignments, review individual sections' navigation, identify services/needs of departments, demonstrate best practices, review functionality and how it applies to individual sections. <i>Quote includes travel expenses.</i></p> <p><u>Deliverable:</u> Presentation on best practices, review worksheet assignments and review design composite.</p>	Optional Add \$5,800
Phase 5 Option: 50 Pages of Additional Content	\$1,450
Phase 7 Option: 16 Hours Phone Training (<i>up to 2 employees</i>)	Optional \$2,400
Phase 7 Option: One day On-Site Training/Consulting Review website with department administrators and provide additional time for basic learners. Review website procedures. Must be held concurrently with original on-site training session.	Optional Add \$2,500
Phase 7 Option: Laptop Lab Laptops for use in your CivicPlus training session.	Optional Varies
Phase 8 Option: Website Presentation One day of on-site meetings to present website to stakeholders. <i>Quote includes travel expenses.</i>	Optional Add \$2,500
Post-Training Option: Three Month Checkup Held three months after Go-Live, includes two days of additional consultation/training. <i>Quote includes travel expenses.</i>	Optional Add \$3,800
Post-Training Option: Three Day Annual Refresher One day of consultation, two days refresher/advanced training. <i>Quote includes travel expenses.</i>	Optional Add \$5,100

Functionality Options	One-Time	Monthly
Forms – custom developed to client's specification	\$375/ea	n/a
LDAP Integration	\$1,250	\$200
Language Translation (hand translation, priced per single language)	\$125/page or \$1,000/10 pgs	n/a
Logo Development	\$5,000	n/a
Logo Development with Branding & Graphics Development	\$7,000	n/a
Sub-Site - Basic	\$2,500	\$60
Sub-Site - Advanced	\$6,500	\$135

Project Development Includes the Following:

Modules	Functionality
<ul style="list-style-type: none"> • Alerts Center & Emergency Alert Notification • Archive Center • Bid Postings • Business/Resource Directory • Calendar • Carbon Calculator • Document Center • ePay • Facilities & Reservations w/50 Facilities • FAQs • Featured Info Module • Forms Development Tool • Healthy City Initiative • Intranet • Job Postings • Media Center • NewsFlash • NotifyMe Email Subscription • Online Job Application w/1 Generic Application • Opinion Poll • Permits & Licensing • Photo Gallery • Postcard Module • Quick Links • Real Estate Locator w/25 Properties • Request Tracker (5 users) • Staff Directory 	<ul style="list-style-type: none"> • Action Items Queue • Audit Trail / History Log • Automated PDF Converter • Automatic Content Archiving • Content Library • Dynamic Breadcrumbs • Dynamic Sitemap • Expiring Items Library • Graphic Link Administration • Links Redirect and Broken Links Finder • Menu Management • Mouse-over Menu Structure • Online Editor for Editing and Page Creation (WYSIWYG) • Online Web Statistics (Only with CivicPlus Hosting) • Page Wizard w/Multiple Layouts • Printer Friendly/Email Page • Rotating Content • RSS • Search Engine Registration • Site Layout Options • Site Search & Entry Log • Slideshow • User & Group Administration Rights • Web Page Upload Utility • Website Administrative Log

Annual Support, Maintenance & Hosting Service Include the Following:

Support	Maintenance of CivicPlus Application & Modules	Hosting
7-7 (CST) Mon-Fri (excluding holidays) 24/7 Emergency Support Dedicated Support Personnel 2-hour Response during Normal Hours Usability Improvements Integration New & Upgraded Services Proactive Support for Updates & Fixes Online Training Manuals Monthly Newsletters Phone Consulting CivicPlus Connection CivicPlus University	Install Service Patches for OS Upgrades Fixes Improvements Integration Testing Development Usage License	Shared Web/SQL Server DNS Consulting & Maintenance Monitor Bandwidth-Router Traffic Redundant ISP Redundant Cooling Natural Gas Powered Generator Daily Tape Backup Intrusion Detection & Prevention Antivirus Protection Upgrade Hardware

Conclusion

As your website committee narrows the search for a partner to create the website for Lake Stevens, CivicPlus would like to be your partner of choice.

Our experienced and knowledgeable professionals are committed to creating the communication infrastructure that Lake Stevens desires.

- Your City will have access to the most experienced staff in the municipal website management market, and your project team will work with you to create a unique and engaging site that reflects your community.
- CivicPlus will remain a trusted advisor and support resource after the site launches – Lake Stevens will have access to government communication experts.
- Your site will grow and change with you as industry trends and technology change. CivicPlus will ensure that your website is on the cutting edge – ALWAYS.



We Build AMAZING Government Websites.

If you don't agree we'll refund your money. GUARANTEED!

The annual support and maintenance fee includes support for your users (5am-5pm M-F), 24/7 emergency support and all ongoing upgrades and updates to the CMS. We also include hosting in this cost. Currently about 99% of our clients choose to have us host the sites as our servers and facility is optimized for the CMS. If you choose to host the site yourselves or at another facility there is a one-time fee(\$750) for the remote install and then we coordinate with that facility to push updates.

5 year total cost of ownership- I included the 5 year cost for both the Standard and Advantage payment plan below including all costs and annual increases.

- The Standard plan includes project development and the first year of annual maintenance and support. At the end of the first year you have an option to renew the annual maintenance and support or not. I have listed information on System ownership below. There is an annual increase from 3%-5% on the fees. I locked this in at the 3% rate.
- The CivicPlus Advantage plan spreads the project development and annual maintenance and support over a 3 year contract. After the end of the 3 years you have an option to continue annual maintenance and support or not.
- Both options include a free redesign of the site after the 4th year

	CivicPlus Standard Payment	CivicPlus Advantage Payment Plan	CivicPlus Extended Advantage Plan
Year 1	\$26,068.00	\$11,122.00	\$8,133.00
Year 2	\$3,650.00	\$11,122.00	\$8,133.00
Year 3	\$3,760.00	\$11,122.00	\$8,133.00
Year 4	\$3,872.00	\$3,760.00	\$8,133.00
Year 5	\$4,066.00	\$3,872.00	\$8,133.00
Total 5 year cost	\$41,416.00	\$40,998.00	\$40,665.00

Contract Term

Annual Support, Maintenance & Hosting Service Include the Following:		
Support	Maintenance of CivicPlus Application & Modules	Hosting
7-7 (CST) Mon-Fri (excluding holidays) 24/7 Emergency Support Dedicated Support Personnel 2-hour Response during Normal Hours Usability Improvements Integration New & Upgraded Services Proactive Support for Updates & Fixes Online Training Manuals Monthly Newsletters Phone Consulting CivicPlus Connection CivicPlus University	Install Service Patches for OS Upgrades Fixes Improvements Integration Testing Development Usage License	Shared Web/SQL Server DNS Consulting & Maintenance Monitor Bandwidth-Router Traffic Redundant ISP Redundant Cooling Natural Gas Powered Generator Daily Tape Backup Intrusion Detection & Prevention Antivirus Protection Upgrade Hardware

System Ownership

Under our standard operating model, our clients own all data and software associated with the website – the design, the page content, all module content, all importable / exportable data, all archived information and the GCMS. This allows them the peace-of-mind of remaining in total control of all website content and functionality. While hosted and maintained with CivicPlus, this data is never shared, and CivicPlus retains tight controls over our hosting operations, allowing for daily site backups, redundant power and internet systems, site redundancy and emergency recovery procedures.

If the contract between your organization and CivicPlus were to be canceled due to the wishes of the client, our Support Department would work with you to transfer all associated data and software in order to make a smooth transition to the client’s new hosting arrangement and, if necessary, management platform.

Under either circumstance, provision of the core code, all associated modules and functionality would allow the client to move the entire website to an alternative hosting location without altering the management tools or modifying operation of the website in any way.

Battle Ground, Washington

Under Development

Blaine, Washington

Link: <http://www.ci.blaine.wa.us>

Burien, Washington

2009 3CMA Silver Circle Award

Link: <http://www.burienwa.gov>

College Place, Washington

Under Development

Columbia County, Washington

Link: <http://www.columbiaco.com>

Ellensburg, Washington

Link: <http://www.ci.ellensburg.wa.us>

Federal Way, Washington

Under Development

Marysville, Washington

Under Development

Montesano, Washington

Link: <http://www.montesano.us>

Pasco, Washington

Link: <http://www.pasco-wa.gov>

Port of Bellingham, Washington

Link: <http://www.portofbellingham.com>

Port of Olympia, Washington

Under Development

Richland Intranet, Washington (Subsite)

Under Development

Richland Library, Washington

<http://www.richland.lib.wa.us/>

Richland Parks & Recreation, Washington

<http://richlandparksandrec.com/>

Richland, Washington

Link: <http://www.ci.richland.wa.us>

Sequim, Washington

Under Development

Sunnyside, Washington

Under Development



LAKE STEVENS CITY COUNCIL
STAFF REPORT

Council **Agenda** May 23, 2011
Date: _____

Subject: Permitrax Permit Tracking System – Bitco Software LLC

Contact Person/	Rebecca Ableman	Budget	2011-\$1,000 Install
Department:	Planning and Community Development Director	Impact:	2012-\$4,000 Install 2012 -\$5,000 maintenance & annually thereafter

RECOMMENDATION(S)/ACTION REQUESTED OF COUNCIL:

For Discussion. Staff asks for direction to prepare the necessary agreements to purchase a new permit tracking system from Bitco Software LLC.

SUMMARY:

Council authorized a budget item in 2010 of \$5,000 to upgrade the current Blackbear permit tracking system, however, the software vendor closed their business before releasing the upgrade. Since the integrity of the current system is poor and there is no technical support available, Information Technology and Planning have explored other affordable options. Bitco Software has offered its Permitrax program for a significantly reduced rate (**Attachment 1**) in an effort to build its client base.

BACKGROUND:

The City purchased an upgrade package to the current permit tracking system known as PTWIN. The cost of the upgrade, approximately \$4,700 offered at a special discount, was significantly less than any other system available (ranging from \$50,000 to \$250,000 in price with annual maintenance fees between \$10,000 and \$32,000) providing an affordable solution for replacing the antiquated and very cumbersome program that is operating. In addition, the integrity of the system has been compromised on more than one occasion causing concern with losing data and/or not having an operational program at all. Staff had been working with the Company, U RSA, to get the upgrade product but the business closed before releasing the software. The Finance Division is working to recover the funds that were expended for the upgrade.

A few other cities including Edmonds and Arlington are currently using Permitrax and have given favorable ratings. The City's Information and Technology Department has evaluated the system and also rates it favorable. Staff was given a demonstration and supports the system because of its ease of use, tracking capabilities, and report generation features (**Attachment 2** product information).

DISCUSSION:

A permit tracking system is an essential tool for the Planning Department because it tracks land use activity on a site over time, provides statistical data efficiently, tracks fee information, and provides the status of a project and where it is in the review stage at any given time. The current system provides some of that functionality but, among other issues, the reports that it can generate still require a great deal of manual work to verify and put into easily read documents. Permitrax will improve the City's ability to serve permit customers and produce more reliable data.

Bitco Software is interested in building its client base to help generate new customers and is offering a system that regularly costs over \$87,000, for the annual maintenance price. Given the economic climate and budget constraints the request is to purchase the basic system that would include tracking of permits only. Other optional modules can be added at a later time such as the citizen access and linking the permit data to the GIS (mapping) system.

APPLICABLE CITY POLICIES:

NA

BUDGET IMPACT:

The purchase price is \$5,000 for the basic system. The vendor has proposed \$1,000 be paid in 2011 to begin setting up and the balance of \$4,000 be paid in 2012 upon a completed installation. An annual maintenance fee of \$5,000 will be required starting in 2012. Building Permit revenue has already exceeded the annual projection and this would be an appropriate expenditure of these funds until/if the City is able to recover the expended funds from URSA.

ATTACHMENTS:

- 1- Permitrax Proposal
- 2- Permitrax Product Information



Thursday, April 07, 2011

Troy Stevens, IT Manager
City of Lake Stevens
Lake Stevens, WA 98258

Troy:

It was great talking to you today. I am following up with our conversation as to getting started with purchasing and implementing our permit tracking system PermitTrax.

We definitely can work with you on setting up payment arrangements. The following lays out the costs.

Software License for PermitTrax	\$15,000.00 - No Cost
Software License for Citizens Connect	\$15,000.00 - No Cost
Implementation and Training of Software	\$40,000.00 - No Cost
Data Conversions	\$32,500 - No Cost
PermitTrax License Annual Maintenance	\$5,000.00
Citizens Connect Annual Maintenance	\$1,200.00
Escrow Account	\$4,000.00 (One Time Setup Fee)
Escrow Account Annual Maintenance	\$1,100.00

I propose the following the following payment schedule:

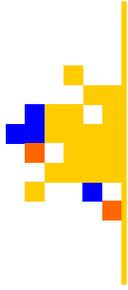
Annual Maintenance Fee for PermitTrax License	:	\$5,000.00
(Opt out of Citizens Connect and Escrow Account, may be added later at the above costs.)		
Due at signing of contract:		\$1,000.00
Due Jan 2012:		
Remaining Balance Annual Maintenance for 2011:		\$4,000.00
Annual Maintenance for 2012:		\$5,000.00

Your anniversary date for Annual Maintenance will be the date the contract is signed. For years extending past 2012, you will be invoiced 60 days prior to anniversary date. If we sign contracts in April, invoice will be presented to City on February 1st, 2013.

If you elect to go ahead with the Citizens Connect Module, an additional amount of \$1,200.00 would due Jan 2012 as well. Otherwise, that can be added on at any time as well as the Escrow Account.

If you have any questions please feel free to give me a call. When you're ready please let me know and I can forward a contract ready to go with these parameters.

Thanks again,
Cory Jorgensen
President – Bitco Software, LLC



Product Information

PermitTrax™ Land Management Suite



"Changing How Government and Software are Brought Together"



- PO Box 814
- Edmonds, WA 98020
- (425) 367-4016
- <http://www.bitcosoftware.com>



PRODUCT INFORMATION

PermitTrax™ Land Management Suite

PermitTrax™ is a full featured web based land management solution for government agencies used primarily in the tracking of Building, Planning, and Engineering permits as well as Business License and Code Enforcement. PermitTrax™ is distributed as a full product suite with a complete set of modules included in the purchase price. PermitTrax™ was designed from the ground up utilizing Microsoft .NET technology. These technologies present the user with a rich, full featured thin-client multi-document interface allowing the user to work on more than one item at a time.

PermitTrax™ Land Management Suite provides some of the following functions:

- Tracking of multiple types of Permits, Licensing, and Code Enforcement
- Automating multiple processes
- Tracking the Review process
- Detail information for Inspections, Conditions and Requirements
- Automated fee calculations
- Track and associate permits to Parcels, Addresses and Contractors
- Cashier module for tracking financial transactions
- Attach any type of electronic file such as photos, documents, correspondents
- Ability to add different levels of messaging for easy inter-office communication
- Create and publish documents such as permits, letters, certificates, licenses
- Email notifications
- Full function reporting
- Easy to use interface

ALL-INCLUSIVE ANNUAL SERVICE PLAN

We are offering an *All-Inclusive Annual Service Maintenance Plan*. This fee is offered at an additional cost of \$500.00 per month, paid annually or monthly in addition to your annual maintenance contract.

What is the All-Inclusive Annual Service Plan?

It includes all requests for changes, modifications and additions to PermitTrax™ during the service plan period. You will no longer have to budget for extra services. You will no longer ask the question “How Much will it cost to do this?” It’s all included.

Here is a list of some of the services included:

- New Permit Type Design and Implementation
- New Custom Reports
- Fee Modifications and Scripting
- Add / Modify Custom Documents
- Implement newly developed application features
- Screen Modifications
- SQL Queries to extract custom data

There is no limit to modifications or additions of any sort. You want to add a new permit type? It’s included!

Why would we do this?

We want to provide an application that our customers can use so they can better serve their current customers while making your internal processes more efficient. As the application evolves with new modifications, updates and improvements; the services you provide change, the internal design of PermitTrax™ should do so as well, without breaking the budget. We find that the ability to do your job in an efficient manner and providing great service to your clients shouldn’t be defined by the amount of money it takes to create those processes when they already exist.

It reminds us here at Bitco Software of times when we go places and want to do something out of the ordinary, but told that we can’t because “There just isn’t a button for it”.

“DOING IT DIFFERENT!”

At Bitco Software, we do things different. Here are a few examples.

Application Design

PermitTrax™ is a 100% browser based application, which means that the application is accessed completely through a web browser such as Microsoft Internet Explorer on the client machine. There are no application modules installed on the client machine, which makes the application easier to maintain for the IT department. Since the application runs through a web browser, it is easy to give access to users located outside the agencies network. Also, there is no need for a special wireless module for completing field inspections, as it can be easily setup with a laptop and air card for full access over the internet.

Technology

Utilizing Microsoft technologies, we are able to focus on the strengths of Microsoft products, services and support. The complete PermitTrax™ Suite is developed using Microsoft.NET technology. PermitTrax™ utilizes Microsoft SQL Server for data storage. Once setup, SQL Server is a low maintenance system, which creates less management for an agencies IT department. PermitTrax™ can run on SQL Server enterprise or the freely distributed SQL Express edition, which is great for the smaller agencies.

Purchase Price

PermitTrax™ is priced competitively using a per server model instead of per user. Since the application runs through a web server, it seems illogical to charge per user. While our competitors are charging for add on modules, we include those modules and features with the licensed application. Some of our competitors charge on a per user basis, which they then calculate the annual maintenance based on your users. Some even base your maintenance fees on your population. At Bitco Software, we charge the same flat rate for maintenance for each customer.

Product Packaging

PermitTrax™ is packaged as a Land Management Suite. All features, upgrades and new modules are included in the price when you purchase the licensed application. There is no need to purchase new features as they become available - they are already included.

Low Maintenance

The PermitTrax™ product suite is a very friendly IT application. The application is installed only on one server. As updates become available, maintenance is achieved with a few clicks to install the latest version. Once installed, your whole client base is now using the latest version.

EXECUTIVE SUMMARY



PEOPLE

Bitco Software's management team provides 12+ years experience developing software solutions for government and private institutions. Our project leaders, management and staff integrate with our customers creating a long lasting relationship. Bitco Software strives to create a unified team environment so we can clearly understand your business processes to apply our tactical methods of implementation to get the job done right the first time.

Bitco Software has a vision of helping bring software and government together. Your assessment team can be rest assured that our knowledgeable team will provide the best service anyone can offer.

PRODUCT

Bitco Software is a leading software developer in the e-government market. e-Government (short for electronic government, also known as e-gov, digital government, online government or transformational government) is a diffused neologism used to refer to the use of information and communication technology to provide and improve government services, transactions and interactions with citizens, businesses, and other arms of government.

The primary delivery models of e-Government can be divided into:

- Government-to-Citizen or Government-to-Customer (G2C)
- Government-to-Business (G2B)
- Government-to-Government (G2G)
- Government-to-Employees (G2E)

Within each of these interaction domains, four kinds of activities take place:

- pushing information over the Internet, e.g.: regulatory services, general holidays, public hearing schedules, issue briefs, notifications, etc.

- two-way communications between the agency and the citizen, a business, or another government agency. In this model, users can engage in dialogue with agencies and post problems, comments, or requests to the agency.
- conducting transactions, e.g.: lodging tax returns, applying for services and grants.
- governance, e.g.: online polling, voting, and campaigning.

It is convenient and cost-effective for businesses, and the public benefits by getting easy access to the most current information available without having to spend time, energy and money to get it. E-government helps simplify processes and makes access to government information more easily accessible for public sector agencies and citizens.

For example, the Indiana Bureau of Motor Vehicles simplified the process of certifying driver records to be admitted in county court proceedings. Indiana became the first state to allow government records to be digitally signed, legally certified and delivered electronically by using Electronic Postmark technology. In addition to its simplicity, e-democracy services can reduce costs. Alabama Department of Conservation & Natural Resources, Wal-Mart and NIC developed an online hunting and fishing license service utilizing an existing computer to automate the licensing process. More than 140,000 licenses were purchased at Wal-Mart stores during the first hunting season and the agency estimates it will save \$200,000 annually from service.

The anticipated benefits of e-government include efficiency, improved services, better accessibility of public services, and more transparency and accountability.

E-government allows citizens to interact with computers to achieve objectives at any time and any location, and eliminates the necessity for physical travel to government agents sitting behind desks and windows. Improved accounting and record keeping can be noted through computerization, and information and forms can be easily accessed, equaling quicker processing time. On the administrative side, access to help find or retrieve files and linked information can now be stored in databases versus hardcopies stored in various locations. Individuals with disabilities or conditions no longer have to be mobile to be active in government and can be in the comfort of their own homes.

PRIMARY CONTACT

Cory Jorgensen - President of Bitco Software, LLC

PO Box 814
Edmonds, WA 98020
Phone: (425) 367-4016
E-Mail: cjorgensen@bitcosoftware.com

COMPANY

Bitco Software LLC
Privately Owned Limited Liability Company formed in the state of Washington.

HEADQUARTERS

Edmonds, WA 98020

Bitco software is located in the City of Edmonds, Washington. All project coordination is completed through this office.

LENGTH IN BUSINESS

Bitco Software LLC was established in December 2002.

MANAGEMENT BELIEFS

Bitco Software is dedicated to providing the industries best customer service, support and product so we can insure our customers' business visions and goals. We recognize our customers as the foundation, creating a long lasting relationship to help propel our products and services into the future as technologies change and evolve.

COMPANY EXPERIENCE



City of Edmonds, Washington

Address: 121 5th. Avenue North, Edmonds, Washington 98020

Phone: (425) 771-0220

Solutions Provided:

Permit Tracking Solution:

The Bitco Software PermitTrax™ Land Management Suite was implemented in the Community Development Department tracking all land use applications. These include Planning, Building, Engineering Permits, and Code Enforcement. Currently the City of Edmonds processes approximately 400+ permits monthly.

Citizen Connect™ Public Access:

The Bitco Software Citizens Connect™ Module was added to the cities website for citizen access to view the status of a permit. Also available is the ability to apply for permits online.



San Luis Obispo County, California

Address: 1050 Monterey St., San Luis Obispo, CA 93408

Phone: (805) 781-5285

Solutions Provided:

Permit Tracking Solution:

The Bitco Software PermitTrax™ Land Management Suite was implemented in the Public Works Department. These include Encroachment, Transportation, Road Closure and Adopt-A-Road permits.



City of Arlington, Washington

Address: 238 N. Olympic Ave, Arlington, WA 98223

Phone: (360) 403-3445

Solutions Provided:

Permit Tracking Solution:

The Bitco Software PermitTrax™ Land Management Suite is implemented in the Community Development Department tracking all land use applications. These include Planning, Building, Code Enforcement, Public Works and Utilities Permits.

**City of North Bend, Washington**

Address: 211 Main Ave N, North Bend, Washington 98045

Phone: (425) 888-7631

Solutions Provided:**Permit Tracking Solution:**

The Bitco Software PermitTrax™ Land Management Suite is implemented in the Community Development Department tracking all land use applications. These include Planning, Building and Public Works Permits.

**City of Black Diamond, Washington**

Address: 24301 Roberts Drive, Black Diamond, WA 98010

Phone: (360) 886-2560

Solutions Provided:**Permit Tracking Solution:**

The Bitco Software PermitTrax™ Land Management Suite was implemented in the Community Development Department tracking all land use applications. These include Planning, Building, Engineering Permits, Business License and Code Enforcement.

Citizen Connect™ Public Access:

The Bitco Software Citizens Connect™ Module was added to the cities website for citizen access to view the status of a permit. Future implementation is in progress to enable the online features for permit issuance and payment over the web.



PermitTrax™

This is the core of our Land Management Suite used for all day-to-day tracking purposes.

Administrator

Used to customize the PermitTrax™ application and to design the permitting process.

Cashier

The cashier module can be separated from the permit fees through the cashier module for easy processing of payments.

Reports

Many canned reports exist in the system that can be filtered down to provide an endless set of reports and data. Custom reports can be added to the system that canned reports don't meet.

Inspections

Easy functionality for inspectors to enter inspection comments. Adds the ability for scheduling of inspections.

Mobile Access

Quick easy access to permit inspections with very little HTML overhead for updating inspections in the field for use with mobile devices.

DATABASE

The PermitTrax™ Land Management Suite uses Microsoft SQL Server to store the application data using a relational database schema. Microsoft SQL Server is a logical choice to storing data as it is an easy to use and maintain database application and requires little maintenance once setup and installed. Microsoft SQL Server works seamlessly within a Microsoft client/server infrastructure.

Low Cost option:

Microsoft also provides SQL Server Express, which is a no-cost option with the full functionality of the full version with only a limitation on concurrent connections.

MOBILE COMPUTING

Since PermitTrax™ is a web based application no special applications or hardware are required for real-time mobile transactions. Basically, PermitTrax™ is Mobile Ready.

PUBLIC ACCESS

Bitco Software provides a public access application called Citizens Connect™ that links the PermitTrax™ Land Management Suite to the public. This module is customizable as to what the citizen can view by an administrator. Citizens Connect™ also allows for simple permits to be applied for over the internet, paid for and issued.

IMPLEMENTATION

Bitco Software provides a proven approach to a system implementation. We take a lot of the hassle out of the data entry into the PermitTrax™ system. We do not want to take you away from your clients so we provide that process for you. We help you gather the information you need and discuss the many possibilities to customizing the system to fit your current business processes. We believe that we are experts at what we do and we should help you be the expert at what you do. Below is a systematic procedure we use to implement the PermitTrax™ Land Management Solution and is usually a 4 – 6 month process.

Step 1: Analysis

We will meet with you to analyze how you do business, create a plan and gather data to start customizing your permits and processes. At this time we will install the software and train your project leader.

Step 2: Implementation

We take what we received from you during the analysis of your business process and configure the system to meet your needs. We do this in our offices in Edmonds, Washington. We send periodic updates to be imported and reviewed in a test environment.

Step 3: Completed Implementation Testing

Once all elements of the implementation step are tested, we go through a mock-live test phase to make sure that everything converts correctly, designed to your specifications and all processes work as designed. We use this stage to train the rest of your staff on how to use the application and the processes that are implemented.

Step 4: Go Live

Once the implementation process is complete and the configuration has been validated for accuracy then we move all the information into a LIVE environment. On the GO-LIVE date our staff is available on-site to help with any questions with the new system.

Step 5: POST GO LIVE

Post-Implementation and continuing support is an important part of a strong and lasting relationship with our clients. Bitco Software understands that problems and issues can arise when a new system is implemented. Bitco Software commits to providing the support, resources and knowledge to assist your staff before, during and after the system goes live.

MAINTENANCE

Bitco Software's annual maintenance fee covers all bug fixes, enhancements to the product, telephone tech support and all upgrades. You will be notified if there is an update available, what is new in that update, and how you can retrieve it. There are currently four Releases a year at the end of each quarter.

Since Bitco Software's PermitTrax™ Land Management Suite is web-based, the maintenance is very easy. Your IT staff just downloads the new installation files and installs them on the server. The next time you run PermitTrax™, you will have all the new changes automatically. You do not have to go from computer to computer to install these changes.

One of our goals at Bitco Software is to keep things easy. We handle all the technical

problems and convert them into easy steps so a non-technical person can understand them. We listen to our customers and track the questions that are asked; we then assess those questions, and then change our product or procedures to eliminate the confusions.

DATA CONVERSIONS

Bitco Software is dedicated to making sure that we do everything to make your job easier and the implementation process goes smooth. We can develop an application that makes it easy for you to convert your old permit data into our database as well as parcel, address and contractor data. This application is our Data Conversion Utility and is custom built for your specific data conversions. With only three clicks of a button, the conversion process starts and is completely automated.

To complete a data conversion, we need to get the data from you in an easy to read format such as an ASCII text file that is delimited, or a Microsoft Access database. Our conversion team will help you from the start to the end. If a conversion is part of the service agreement, the conversion application is part of the PermitTrax™ Suite and is covered under your annual maintenance agreement. If your assessor's office changes the format of your conversion, we will gladly modify this custom application to meet those changes.

SUPPORT

Technical Support is provided at regular business hours between 8:00 AM to 5:00 PM PST. This includes Telephone and E-Mail support. We currently use WebEx to provide remote support for our customers.

PROJECT TEAM LEAD

Bitco Software believes that we must work in a team environment with all of our projects and your staff. Cory Jorgensen, Chief Executive Officer of Bitco Software, will act as the Project Team Lead.

Position:

Chief Executive Officer

Summary:

Mr. Jorgensen has 20+ years of experience developing software including development on permit tracking solutions before starting Bitco Software. Using this knowledge lead him and his team to create the PermitTrax™ Land Management Suite. To further his knowledge and provide the best

possible software Mr. Jorgensen has added Microsoft Certifications to make a long-lasting foundation in an ever changing technological world.

Project Responsibilities:

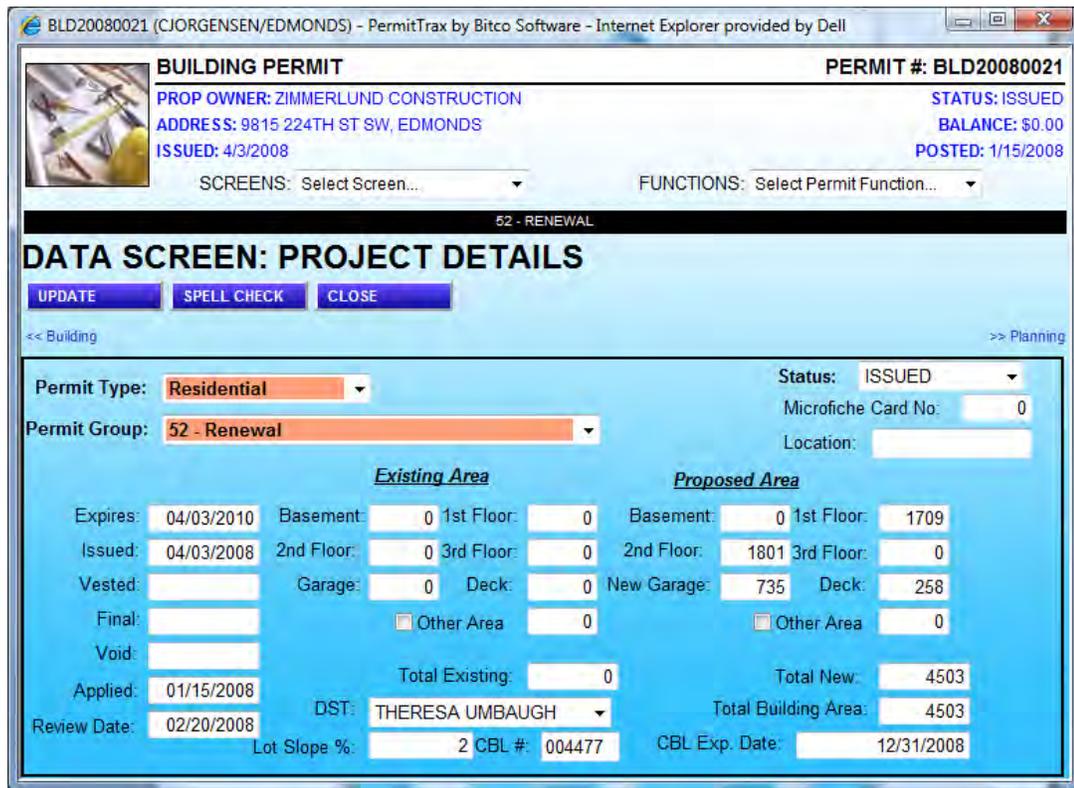
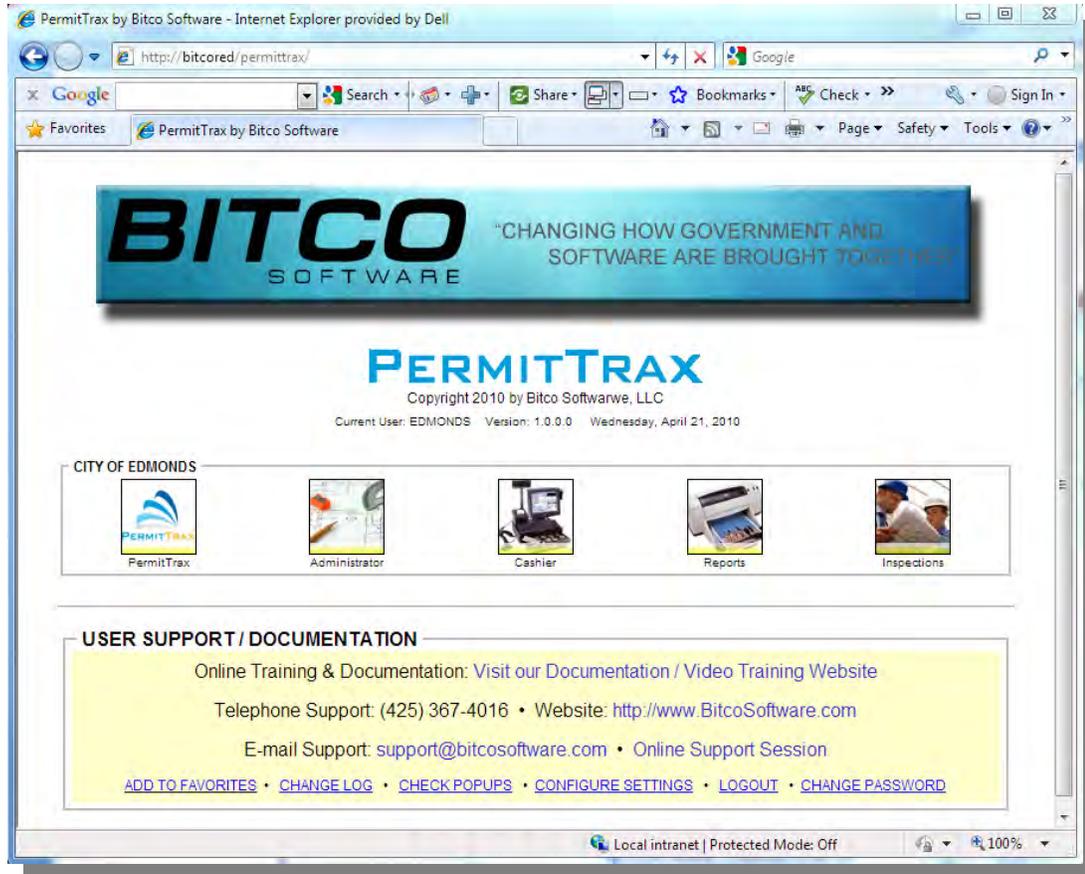
- Project Team Lead
- Oversight to Software Development
- Coordination between customer and Bitco Software technical team
- Manage all technical aspects of implementation
- Data Conversion Oversight
- Business Analyst

Technical Skills/ Qualifications

- Project Manager
- Application Developer
- Database Admin
- Microsoft Certified Application Developer

Product Screen Shots





BLD09-0011 (CJORGENSEN/DIAMOND) - PermitTrax by Bitco Software - Internet Explorer provided by Dell



BUILDING PERMIT

PERMIT #: BLD09-0011

OWNER: GARVICH, STEVEN+LISA B
ADDRESS: 29625 232ND AVE SE, BLACK DIAMOND
ISSUED: 3/23/2009

STATUS: ISSUED
BALANCE: \$0.00
POSTED: 3/23/2009

SCREENS: Select Screen...

FUNCTIONS: Select Permit Function...

MECHANICAL - SINGLE FAMILY RESIDENCE

DOCUMENTS

RETURN
CLOSE



CITY OF BLACK DIAMOND

24301 ROBERTS DRIVE P.O. BOX 599
 BLACK DIAMOND, WA 98010
 PHONE: (360) 886-2560 FAX:(360) 886-2529

PERMIT NUMBER
 BLD09-0011

Application Date: 3/23/2009
Date Issued: 3/23/2009
Expiration Date: 3/23/2011
INSPECTIONS: (360) 886-2560

BUILDING PERMIT			
<i>Job Address:</i> 29625 232ND AVE SE, BLACK DIAMOND		<i>Parcel #</i> 4067600275	
<i>Project Name</i> GARVICH GAS PIPING		<i>Project Valuation</i> \$0.00	<i>Sprinkled</i> Heat Source GAS
<i>Applicant:</i> STEVEN+LISA B GARVICH 29625 232ND AVE SE BLACK DIAMOND, WA 98010 360-886-1837	<i>Owner:</i> STEVEN+LISA B GARVICH 29625 232ND AVE SE BLACK DIAMOND, WA 98010 360-886-1837	<i>Contractor:</i> STEVEN+LISA B GARVICH 29625 232ND AVE SE BLACK DIAMOND, WA 98010 360-886-1837 Lic #:	

BLD20080082 (CJORGENSEN/EDMONDS) - PermitTrax by Bitco Software - Internet Explorer provided by Dell



BUILDING PERMIT

PERMIT #: BLD20080082

PROP OWNER: LACHER, KURT
ADDRESS: 20625 82ND AVE W, EDMONDS
ISSUED: 5/6/2008

STATUS: ISSUED
BALANCE: \$0.00
POSTED: 2/1/2008

SCREENS: Select Screen...

FUNCTIONS: Select Permit Function...

52 - RENEWAL

Reviews

ADD REVIEW
REMOVE REVIEW
PRINT
CLOSE

Review ID	Description	Assigned To	Due Date	(#)	Req?	Done?	ASSIGN
200	Building Review	BULLIS		7	Y	Y	ASSIGN
2000	DST Tracking	UMBAUGH		1	Y	Y	ASSIGN
400	Engineering Review	COLLINSJ		5	Y	Y	ASSIGN
900	Planning Review	CLUGSTON		5	Y	Y	ASSIGN

CITY OF EDMONDS

Development Services
 425-771-0220

ONLINE PERMIT INFORMATION

Welcome cjorgansen@bitcosoftware.com - [Logout](#) [My Account](#)

[Home](#)



Permit Information

Date: 2/4/2009 4:38:33 PM

Permit # : BLD20080179
Permit Type: Building Permit
Permit Sub Type: 64 - Single Family Residence New
Application Date: 3/4/2008
Status: ISSUED
Balance Due: \$0.00
Total Fees: \$5,859.22

Address: 20218 W 76TH AV, EDMONDS
Parcel: 27041900110500
Contact: KOOPAI, MAHMOOD

NOTE: PERMIT INFORMATION IS SUBJECT TO CHANGE BASED UPON REVISIONS THAT ARE MADE DUE TO A PERMIT APPLICANT REVISION OR A CODE REQUIREMENT.

Permit Information

WORK DESCRIPTION:	SFR
ISSUED:	7/11/2008
EXPIRES:	7/11/2009

Associated People

Type	Primary Contact?	Name
PROP OWNER	Y	KOOPAI, MAHMOOD
APPLICANT	N	MAHMOOD KOOPAI, RAZIEH MOHAMMADI &
CONTRACTOR	N	D L SIGLER CONSTRUCTION

Associated Addresses

Address
20218 76TH AV W EDMONDS

Associated Permits

Associated Permit	Application Date	Permit Type	Permit Status	Sub Type
CRA19930135	03/18/2008	Critical Area	WAIVER	



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