

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, September 26, 2011 - 7:00 p.m.

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

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

ROLL CALL:

GUEST BUSINESS:

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

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. Public Hearing and first reading of Ordinance No. 860, FEMA regulations. Russ

*B. Public Hearing on Resolution No. 2011-12, 2011 Comprehensive Plan Amendment Proposals (2011 Docket ratification) Becky

ACTION ITEMS:

*A. Approve minutes of September 12, 2011 regular meeting. Norma

*B. Approve first and final reading of Ordinance No. 861, revised Library Board duties. Jan

*C. Approve Chamber of Commerce request to serve wine in North Cove Park during Oktoberfest Event. Becky

Lake Stevens City Council Regular Meeting Agenda

September 26, 2011

- *D. Authorize floating dock sales tax. Mick
- *E. Approve Lake Level Management Plan. Mick

**DISCUSSION
ITEMS:**

- *A. Subarea plan alternatives preview. Becky
- B. 2012 budget presentation. Barb
- C. Congressional redistricting boundaries. Jan

**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	904754-904814	\$136,920.37
Payroll Checks	32366-32367	\$4,733.46
Claims	32368-32418	\$135,494.32
Electronic Funds Transfers	373-376	\$7,013.75
Void Checks		
Tax Deposit(s)	9/15/2011	\$50,823.40
Total Vouchers Approved:		\$334,985.30

This 26th day of September 2011:

Mayor

Councilmember

Finance Director

Councilmember

Councilmember

Councilmember



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Direct Deposit Register

15-Sep-2011

Wells Fargo - AP

Lake Stevens

Direct Deposits to Accounts

15-Sep-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	\$3,558.50	373	Wells Fargo	121000248	4159656917
9408	NATIONWIDE RETIREMENT SOL	C	\$698.25	374	Wells Fargo	121000248	4159656917
9405	Wash State Support Registry	C	\$428.50	375	Wells Fargo	121000248	4159656917
Total:			\$4,685.25		Count:	3.00	

Direct Deposit Summary

<u>Type</u>	<u>Count</u>	<u>Total</u>
C	3	\$4,685.25

Pre-Note Transactions

Direct Deposit Register

21-Sep-2011

Wells Fargo - AP

Lake Stevens

Direct Deposits to Accounts

19-Sep-2011	<u>Vendor</u>	<u>Source</u>	<u>Amount</u>	<u>Draft#</u>	<u>Bank Name</u>	<u>Transit</u>	<u>Account</u>
9362	Department of Revenue	C	\$2,328.50	376	Wells Fargo	121000248	4159656917
Total:			\$2,328.50		Count:	1.00	

Direct Deposit Summary

<i>Type</i>	<i>Count</i>	<i>Total</i>
C	1	\$2,328.50

Pre-Note Transactions

Detail Check Register

21-Sep-11

Lake Stevens

Check No	Check Date	VendorNo	Vendor	Check Amount		
32368	21-Sep-11	969	Business Card			\$2,983.53
09/11 1056			Supplies	\$21.47	\$0.00	\$21.47
001003513103100			Administration - Office Supply	\$13.01		
001003513104900			Administration - Miscellaneous	(\$1.00)		
001013519903100			General Government - Operating	\$9.46		
09/11 1324			Travel/postcards/copies	\$403.92	\$0.00	\$403.92
001007558003100			Planning - Office Supplies	\$11.33		
001007558004300			Planning - Travel & Mtgs	\$41.03		
001007558004400			Planning - Advertising	\$351.56		
09/11 1411			Travel	\$1,966.12	\$0.00	\$1,966.12
001008521004300			Law Enforce - Travel & Mtgs	\$1,966.12		
09/11 4949			Postage	\$36.60	\$0.00	\$36.60
001008521004200			Law Enforcement - Communicatio	\$36.60		
09/11 5242			ID Card	\$7.50	\$0.00	\$7.50
001003516104900			Human Resources-Miscellaneous	(\$1.00)		
101016542003102			Street Fund Operating Costs	\$4.25		
410016542403102			Storm Water - Operating Costs	\$4.25		
09/11 7750			Travel/Lundeen Roundabout	\$114.41	\$0.00	\$114.41
101016542004104			Prof Svc- Roundabout Landscap	\$108.41		
101016542004300			Street Fund - Travel & Mtgs	\$6.00		
09/11 8109			Postage/transcription/cart/recert	\$433.51	\$0.00	\$433.51
001008521003100			Law Enforcement - Office Suppl	\$184.61		
001008521003104			Law Enforcement-Operating Cost	\$90.00		
001008521004200			Law Enforcement - Communicatio	\$108.90		
001008521004901			Law Enforcement - Staff Develo	\$50.00		
				Total Of Checks:		\$2,983.53

Detail Check Register

22-Sep-11

Lake Stevens

Check No	Check Date	VendorNo	Vendor	Check Amount	
32369	26-Sep-11	13695	Aabco Barricade & Sign Co		\$2,041.68
89697		White Torch Down		\$2,041.68	\$0.00
101016542004800		Street Fund - Repair & Mainten		\$2,041.68	
32370	26-Sep-11	12540	ALLIED WASTE SERVICES #197		\$343.84
0197-001380792		Dumpster service		\$343.84	\$0.00
101016542003102		Street Fund Operating Costs		\$166.22	
101016542004500		Street Fund - Rentals/Leases		\$5.71	
410016542403102		Storm Water - Operating Costs		\$166.21	
410016542404501		Storm Water - Equipment Rental		\$5.70	
32371	26-Sep-11	12540	ALLIED WASTE SERVICES #197		\$300.88
0197-001380546		Dumpster service		\$300.88	\$0.00
001010576803103		Parks-Lundeen-Operating Costs		\$300.88	
32372	26-Sep-11	12540	ALLIED WASTE SERVICES #197		\$102.73
0197-001381204		Dumpster service		\$102.73	\$0.00
001013519903100		General Government - Operating		\$90.40	
001013519904500		General Government-Equip Renta		\$12.33	
32373	26-Sep-11	13846	AquaTechnex		\$695.04
3168		Final Lake testing		\$695.04	\$0.00
410016531503105		DOE - Milfoil Solution		\$695.04	
32374	26-Sep-11	13879	Avid Identifications Syst Inc		\$359.02
300153		PSO Brooks/Canine chip reader		\$359.02	\$0.00
001008521003104		Law Enforcement-Operating Cost		\$359.02	
32375	26-Sep-11	174	Bills Blueprint		\$31.78
444770		Public Records Req		\$15.49	\$0.00
001013518760000		Public Record Req-Print&Copy		\$15.49	
444960		Public Records Request		\$16.29	\$0.00
001013518760000		Public Record Req-Print&Copy		\$16.29	
32376	26-Sep-11	179	Blumenthal Uniforms		\$24.18
892172		hudson name badge		\$24.18	\$0.00
001008521002600		Law Enforcment Clothing		\$24.18	
32377	26-Sep-11	11952	Carquest Auto Parts Store		\$348.76
2421-164467		Filter/wipers/gloves		\$46.98	\$0.00
101016542004800		Street Fund - Repair & Mainten		\$46.98	

Detail Check Register

22-Sep-11

Lake Stevens

Check No	Check Date	VendorNo	Vendor		Check Amount
2421-164730			oil anf filters sweeper	\$286.23	\$286.23
410016542404800			Storm Water - Repairs & Maint.	\$286.23	
2421-164791			Oil filter	\$7.25	\$7.25
101016542004800			Street Fund - Repair & Mainten	\$7.25	
2421-165200			Batteries	\$8.30	\$8.30
001008521004800			Law Enforcement - Repair & Mai	\$8.30	
32378	26-Sep-11	13872	Cedar Grove Compost		\$2,876.28
59924			Shop Rain Garden	\$2,119.34	\$2,119.34
410016531503106			DOE - G1100280 LID Grant Exp	\$2,119.34	
59941			Shop Rain Garden	\$756.94	\$756.94
410016531503106			DOE - G1100280 LID Grant Exp	\$756.94	
32379	26-Sep-11	274	City of Everett		\$3,035.00
111002541			Animal shelter services	\$3,035.00	\$3,035.00
001008539004100			Code Enforcement - Professiona	\$3,035.00	
32380	26-Sep-11	12004	CITY OF MARYSVILLE		\$1,903.44
POLIN11-0096			Prisoner Housing Okanogan July 20	\$1,903.44	\$1,903.44
001008523005100			Law Enforcement - Jail	\$1,903.44	
32381	26-Sep-11	284	City Of Snohomish		\$24.95
296			Channel 21	\$24.95	\$24.95
001013519904200			General Government - Communica	\$24.95	
32382	26-Sep-11	290	Co-Op Supply		\$65.64
198935			Straw bale & seed	\$65.64	\$65.64
410016542404800			Storm Water - Repairs & Maint.	\$65.64	
32383	26-Sep-11	13030	COMCAST		\$98.95
09/11 443150			Communications Internet	\$98.95	\$98.95

Detail Check Register

22-Sep-11

Lake Stevens

Check No	Check Date	VendorNo	Vendor	Check Amount	
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	
32384	26-Sep-11	13757	Comdata Corporation		\$3,434.90
20145509	Fuel			\$3,434.90	\$0.00
001007559003101			Building Department - Operatin	\$106.42	
101016542003200			Street Fund - Fuel	\$1,664.24	
410016542403200			Storm Water - Fuel	\$1,664.24	
32385	26-Sep-11	322	Concrete NorWest		\$93.50
760778	round about landscape			\$93.50	\$0.00
101016542004104			Prof Srvc- Roundabout Landscap	\$93.50	
32386	26-Sep-11	91	Corporate Office Supply		\$615.99
120543i	Floor Fan			\$55.70	\$0.00
001008521003100			Law Enforcement - Office Suppl	\$55.70	
120610i	Legal pads/CDs/Paper			\$373.56	\$0.00
001008521003100			Law Enforcement - Office Suppl	\$373.56	
120616	Paper			(\$57.02)	\$0.00
001008521003100			Law Enforcement - Office Suppl	(\$57.02)	
120804i	paper and printer ribbon			\$243.75	\$0.00
001008521003100			Law Enforcement - Office Suppl	\$243.75	
32387	26-Sep-11	9386	Crystal and Sierra Springs		\$326.32
5249844090111	Bottled water			\$326.32	\$0.00
001007559003101			Building Department - Operatin	\$51.57	
001008521003104			Law Enforcement-Operating Cost	\$120.04	
001013519904900			General Government - Miscellan	\$51.57	
101016542003102			Street Fund Operating Costs	\$51.57	
410016542403102			Storm Water - Operating Costs	\$51.57	
32388	26-Sep-11	13856	Department of Revenue		\$180.32
3838	Q2.2011 Credit Card Fees			\$180.32	\$0.00

Detail Check Register

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Lake Stevens

Check No	Check Date	VendorNo	Vendor	Check Amount	
001003514104901			City Clerk-Misc CC Fees (DOL)	\$180.32	
32389	26-Sep-11	13226	Dept. Graphics		\$109.20
4561			Repair of PT 32 graphics/Thor	\$109.20	\$0.00
001008521003104			Law Enforcement-Operating Cost	\$109.20	
32390	26-Sep-11	473	Electronic Business Machines		\$706.85
068302			copier maint	\$84.40	\$0.00
001007558004800			Planning - Repairs & Maint.	\$42.20	
101016542004800			Street Fund - Repair & Mainten	\$42.20	
068666			copier maint	\$75.51	\$0.00
001007558004800			Planning - Repairs & Maint.	\$37.76	
101016542004800			Street Fund - Repair & Mainten	\$37.75	
068742			copier maint	\$227.66	\$0.00
001008521004800			Law Enforcement - Repair & Mai	\$227.66	
38443A			Toner	\$319.28	\$0.00
001008521003100			Law Enforcement - Office Suppl	\$319.28	
32391	26-Sep-11	13486	GeoLine Bellevue		\$444.87
311390			Repair of GPS	\$444.87	\$0.00
410016542404800			Storm Water - Repairs & Maint.	\$444.87	
32392	26-Sep-11	12393	GLENS RENTAL SALES & SERVICE		\$90.14
S3126			Spark plugs/ignition	\$90.14	\$0.00
101016542004800			Street Fund - Repair & Mainten	\$90.14	
32393	26-Sep-11	673	Home Depot		\$463.55
134006			replacement stove/ Lundeen rental	\$322.54	\$0.00
001010576804803			Parks-Lundeen-Repair & Maint	\$322.54	
2013300			plywood P.D. property/old shop	\$141.01	\$0.00
001008521004800			Law Enforcement - Repair & Mai	\$141.01	
32394	26-Sep-11	13232	Integra Telecom, Inc		\$885.38
8767104			Communications	\$885.38	\$0.00

Detail Check Register

22-Sep-11

Lake Stevens

Check No	Check Date	VendorNo	Vendor	Check Amount	
001003513104200			Administration-Communications	\$6.64	
001003514104200			City Clerks-Communications	\$7.75	
001003516104200			Human Resources-Communications	\$7.19	
001003518104200			IT Dept-Communications	\$18.81	
001004514234200			Finance - Communications	\$14.94	
001007558004200			Planning - Communication	\$55.23	
001007559004200			Building Department - Communci	\$36.87	
001008521004200			Law Enforcement - Communicatio	\$141.78	
001010575304200			Historical - Communications	\$36.87	
001013519904200			General Government - Communica	\$279.56	
001013555504200			Comminity Center-Communication	\$36.87	
101016542004200			Street Fund - Communications	\$120.26	
410016542404200			Storm Water - Communications	\$122.61	
32395	26-Sep-11	852	Lake Stevens Journal		\$170.85
75518			Advertising - legal	\$70.35	\$0.00
001007558004400			Planning - Advertising	\$70.35	
75595			Advertising - legal	\$26.80	\$0.00
001007558004400			Planning - Advertising	\$26.80	
75805			Advertising - legal	\$73.70	\$0.00
001007558004400			Planning - Advertising	\$73.70	
32396	26-Sep-11	854	Lake Stevens Mini Mart		\$229.00
Aug 11			Fuel	\$229.00	\$0.00
001008521003202			Boating - Fuel	\$229.00	
32397	26-Sep-11	12751	LAKE STEVENS POLICE GUILD		\$876.00
09/15/11			Union dues	\$876.00	\$0.00
001000281000000			Payroll Liabilities	\$876.00	
32398	26-Sep-11	860	Lake Stevens Sewer District		\$585.00
09/11			Utilities - Sewer	\$585.00	\$0.00
001008521004700			Law Enforcement - Utilities	\$65.00	
001010576804700			Parks - Utilities	\$130.00	
001012572504700			Library - Utilities	\$65.00	
001013519904700			General Government - Utilities	\$260.00	
101016542004700			Street Fund - Utilities	\$32.50	
410016542404700			Storm Water-Aerat. Utilities	\$32.50	
32399	26-Sep-11	13755	LMN Architects		\$15,892.34
51426			EDP Prof Svcs	\$15,892.34	\$0.00

Detail Check Register

22-Sep-11

Lake Stevens

Check No	Check Date	VendorNo	Vendor	Check Amount	
001007558804111			Planning-Economic Development	\$9,356.14	
101016542003105			Traffic Safety Corridor	\$6,536.20	
32400	26-Sep-11	13774	Maltby Container & Recycling		\$245.00
20888			Dump fees	\$245.00	\$0.00 \$245.00
410016531501104			DOE-G1100060 Capacity-Salaries	\$245.00	
32401	26-Sep-11	12684	NORTHWEST CASCADE INC.		\$671.61
1-346862			Equipment rental	\$218.00	\$0.00 \$218.00
001010576804500			Parks - Equipment Rental	\$218.00	
1-351057			Equipment rental	\$453.61	\$0.00 \$453.61
001010574204500			Special Events - Equipt Rental	\$453.61	
32402	26-Sep-11	1091	Office Of The State Treasurer		\$19,310.39
Aug 2011			August 2011 State Court Fees	\$19,310.39	\$0.00 \$19,310.39
633008559005100			Building Department - State Bl	\$49.50	
633008589000003			Public Safety And Ed. (1986 As	\$9,808.69	
633008589000004			Public Safety And Education	\$6,002.06	
633008589000005			Judicial Information System-Ci	\$2,084.58	
633008589000007			Crime Laboratory Analysis Fee	\$304.05	
633008589000008			Trauma Care	\$587.86	
633008589000009			school zone safety	\$277.20	
633008589000010			Public Safety Ed #3	\$170.98	
633008589000012			HWY Safety Act	\$15.62	
633008589000013			Death Inv Acct	\$9.85	
32403	26-Sep-11	1066	PERTEET ENGINEERING, INC.		\$5,265.85
20110101.000-1			20th St Design Eval	\$5,265.85	\$0.00 \$5,265.85
101016542004101			Prof Serv-Traffic Study	\$5,265.85	
32404	26-Sep-11	12450	PITNEY BOWES		\$176.00
2815967-SP11			Postage machine rental	\$176.00	\$0.00 \$176.00
001013519904500			General Government-Equip Renta	\$176.00	
32405	26-Sep-11	1151	Postmaster		\$100.00
10/11-9/12			Box 257 rent 10/1/2011-9/30/2012	\$100.00	\$0.00 \$100.00
001013519903100			General Government - Operating	\$100.00	
32406	26-Sep-11	11869	PUGET SOUND ENERGY		\$108.65
09/07/11			Utilities - Gas	\$74.55	\$0.00 \$74.55

Detail Check Register

22-Sep-11

Lake Stevens

Check No	Check Date	VendorNo	Vendor	Check Amount	
001010576804700			Parks - Utilities	\$24.85	
101016542004700			Street Fund - Utilities	\$24.85	
410016542404701			Storm Water Utilities	\$24.85	
09-07-11			Utilities - Gas	\$34.10	\$0.00
001010576804700			Parks - Utilities	\$11.37	
101016542004700			Street Fund - Utilities	\$11.37	
410016542404701			Storm Water Utilities	\$11.36	
32407	26-Sep-11	13304	Purchase Power		\$500.00
08/11 15138902877			Postage	\$500.00	\$0.00
001007558004200			Planning - Communication	\$58.80	
001013519904200			General Government - Communica	\$401.55	
101016542004200			Street Fund - Communications	\$19.83	
410016542404200			Storm Water - Communications	\$19.82	
32408	26-Sep-11	13715	Sno Co Sherrifs Office		\$10,780.33
2011-784			Prisoner Housing Aug 2011	\$10,780.33	\$0.00
001008523005100			Law Enforcement - Jail	\$10,780.33	
32409	26-Sep-11	1382	Snohomish County Public Works		\$28,810.78
I000282483			Repair & Maint	\$377.08	\$0.00
101016542004800			Street Fund - Repair & Mainten	\$377.08	
I000282708			2011 SWM Service charge	\$28,433.70	\$0.00
410016542405102			Storm Water - Customer Billing	\$28,433.70	
32410	26-Sep-11	12961	SNOHOMISH COUNTY PUD		\$8,330.68
113739551			Utilities - Electric	\$30.74	\$0.00
001010576804700			Parks - Utilities	\$30.74	
127016018			Utilities - Electric	\$1,252.01	\$0.00
001008521004700			Law Enforcement - Utilities	\$1,252.01	
130335584			Utilities - Electric	\$6,804.56	\$0.00
410016542404700			Storm Water-Aerat. Utilities	\$6,804.56	
136875180			Utilities - Electric	\$138.03	\$0.00
001008521004700			Law Enforcement - Utilities	\$138.03	
153459869			Utilities - Electric	\$105.34	\$0.00
101016542630000			Street Fund - Street Lighting	\$105.34	

Detail Check Register

22-Sep-11

Lake Stevens

Check No	Check Date	VendorNo	Vendor	Check Amount	
32411	26-Sep-11	1388	Snohomish County Treasurer		\$386.10
08/11		August 2011 Crime Victims comp		\$386.10	\$0.00
633008589000001		Crime Victims Compensation		\$386.10	
32412	26-Sep-11	1356	SNOPAC		\$16,082.57
4964		Dispatch Services		\$16,082.57	\$0.00
001008528005100		Law Enforcement - Snopac Dispa		\$16,082.57	
32413	26-Sep-11	1491	The Everett Herald		\$379.60
1738874-01		Advertising - employment		\$150.00	\$0.00
101016542004400		Street Fund - Advertising		\$75.00	
410016542404400		Storm Water - Advertising		\$75.00	
1749888		Advertising - legal		\$79.80	\$0.00
001007558004400		Planning - Advertising		\$79.80	
1749892		Advertising - legal		\$149.80	\$0.00
001007558004400		Planning - Advertising		\$149.80	
32414	26-Sep-11	13112	Tyler Enterprises		\$125.00
08/11		Prof Svcs - Bldg inspections		\$125.00	\$0.00
001007559004100		Building Department - Professi		\$125.00	
32415	26-Sep-11	13045	UPS		\$16.94
74Y42361		Evidence shipping		\$16.94	\$0.00
001008521004200		Law Enforcement - Communicatio		\$16.94	
32416	26-Sep-11	12158	VERIZON NORTHWEST		\$2,320.07
08/23/11		Communications		\$2,320.07	\$0.00
001003511104200		Executive - Communication		\$58.21	
001003513104200		Administration-Communications		\$58.99	
001003514104200		City Clerks-Communications		\$34.73	
001003516104200		Human Resources-Communications		\$57.50	
001003518104200		IT Dept-Communications		\$115.00	
001007558004200		Planning - Communication		\$123.91	
001008521004200		Law Enforcement - Communicatio		\$1,291.46	
001010576804200		Parks - Communication		\$193.42	
101016542004200		Street Fund - Communications		\$193.42	
410016542404200		Storm Water - Communications		\$193.43	
32417	26-Sep-11	12761	WASHINGTON STATE PATROL		\$173.25
112001643		Background checks		\$173.25	\$0.00

Detail Check Register

22-Sep-11

Lake Stevens

Check No	Check Date	VendorNo	Vendor	Check Amount	
633008589000006			Gun Permit - FBI Remittance	\$173.25	
32418	26-Sep-11	1699	ZUMAR		\$1,371.59
150540			working zone signs	\$1,371.59	\$0.00
101016542640000			Street Fund - Traffic Control	\$1,371.59	
Total Of Checks:					\$132,510.79



LAKE STEVENS CITY COUNCIL
STAFF REPORT

Council Agenda Date: September 26, 2011

Subject: Regulatory Floodplain Regulations (LS2011-05)

Contact Person/Department: Russ Wright, Planning &
Community Development

Budget Impact: none

RECOMMENDATION(S)/ACTION REQUESTED OF COUNCIL: Motion to adopt proposed code amendments to Chapters 14.08 Basic Definitions; 14.64 Floodways, Floodplains, Drainage, and Erosion (Part I); and 14.88 Critical Areas (Part V) of the Lake Stevens Municipal Code (LSMC) and updated incorporation language for FIRM maps into the Municipal Code.

SUMMARY:

Introduction to proposed floodplain regulation updates and map revisions.

BACKGROUND/HISTORY:

The National Flood Insurance Program (NFIP) provides disaster assistance for flood prone properties. The Federal Emergency Management Agency (FEMA) manages the program. To receive federal flood insurance, local governments regulate development in floodplains.

In 2008, the National Marine Fisheries Service (NMFS) issued a biological opinion that required changes to the implementation of the NFIP to comply with the Endangered Species Act (ESA). A biological opinion is a scientific analysis that evaluates the potential effects of a proposed action to endangered species. The NMFS opinion found that the implementation of the NFIP, in the Puget Sound, adversely affects threatened and endangered species including different salmonids and Southern Resident Killer Whales.

In response to the findings, FEMA produced a model ordinance to address regulatory shortcomings in relation to endangered species. Subsequently, FEMA has required local jurisdictions to evaluate and/or amend their floodplain regulations by September 22, 2011 to comply with the biological opinion. Local governments have three primary compliance methods:

1. Adopt the newly revised model ordinance;
2. Demonstrate that existing plans and regulations provide protection for listed species; or
3. Comply project by project (by consulting with the federal services and preparing a habitat assessment).

Additionally, FEMA has updated its Flood Insurance Rate Maps (FIRMs) maps requiring local jurisdictions to update their adopted flood maps.

Floodplain regulations apply to all properties around the lake and along a portion of Catherine Creek. City staff is pursuing Method 2 to show how existing Flood Hazard, Critical Areas, and Shoreline codes and regulations adequately protect private properties and sensitive species in flood hazard areas. Staff has held introductory workshops with the Planning Commission and City Council to discuss this code update. Both bodies support the approach Planning Staff has taken. Staff has completed the FEMA checklist (Exhibit 2) to show compliance with the model ordinance and proposed code revisions that conform to the model ordinance. FEMA has provided a letter of conditional approval pending adoption of the proposed revisions (Exhibit 3).

The proposed code amendments include mandatory and optional elements from the model ordinance. The mandatory elements will ensure consistency with ESA. The optional elements are updates to existing standards that provide additional protections for development in flood areas. The retention of optional elements is favorable to overall insurance rates in flood areas.

The second part of the FEMA update is to adopt the new FIRM maps. FIRMs indicate the location of special flood hazard areas. There were limited changes to the City's flood maps. Most changes relate to FEMA's current methodology for determining base flood elevation. The 90-day appeal period for the revised FIRMs ended May 12, 2011. After FEMA issues their final letter of determination, cities have six months to adopt the new flood maps. Staff has provided maps that show the current FIRM boundaries and proposed FIRM boundaries.

Continued participation with the NFIP, updating the City's floodplain regulations, and adopting the current FIRM maps ensures that City residents will continue to receive favorable insurance rates and that FEMA will continue to provide disaster assistance to the City.

The Planning Commission held a public hearing on September 07, 2011 over the proposed floodplain regulations. There was no citizen comment at the hearing. The Planning Commission and staff discussed written comments from M. Lawrence (Exhibit 9a). After deliberation, the Planning Commission forwarded a recommendation that City Council approve the proposed regulations and map revisions (Exhibit 10).

Subsequent to the public hearing, staff has received confirmation from FEMA that they are not ready to provide a letter of certification related to the map changes – countywide FEMA is addressing mapping changes related to levees. None of these issues affects the City of Lake Stevens. Staff proposed language to adopt current flood studies and future FIRM panels by reference in Section 14.64.005 (Exhibit 2 to the draft ordinance). Additionally, staff received a second letter from M. Lawrence (Exhibit 9b). In page 6 of Ms. Lawrence's letter, she requests that the City consider providing a project specific review option for floodplain permits. Staff has proposed language to meet this request in Section 14.64.010(c) (Exhibit 2 to the draft ordinance) for Council's consideration. Finally, staff made a few non-substantive changes to the draft text for ease of reading and added an additional reference in Section 14.64.015(c) to Section 14.88.510 related to determining undocumented or disputed flood hazard boundaries (Exhibit 2 to the draft ordinance).

FINDINGS AND CONCLUSIONS:

1. Compliance with selected elements of the Comprehensive Plan

- Land Use Goal 4.5 – Ensure the proper maintenance of the City's environmental quality through the preservation and conservation of the natural environment and resources.
- Land Use Goal 4.28 – Require development to be sensitive to site characteristics and to protect natural resources.
- Land Use Goal 4.29 – Where possible, use elements of the natural drainage system to minimize stormwater runoff impacts.
- Land Use Goal 4.36 – Protect and enhance shoreline visual and physical access consistent with shoreline management act and public trust doctrine principles.
- Land Use Goal 4.37 – Protect the quality and quantity of surface and ground water in shoreline areas and adjacent lands.
- Land Use Goal 4.38 – Evaluate shoreline hazards and the impacts of erosion and lake level rise on shoreline resources and proposed development; review local comprehensive flood hazard management plans; and state and federal policies to assure their consistent application in shoreline areas and adjacent lands.

- Land Use Goal 4.39 – Recognize and protect statewide over local interests, preserve the natural character of the shoreline, provide long-term over short-term benefit, protect the resources and ecology of the shoreline and increase public access and recreational opportunities in the shoreline.
- Critical Areas Goal 10.1: – protect the natural environment and conserve all critical areas, including wetlands, shorelines, creeks/streams, geological hazard areas and wildlife habitats.
- Critical Areas Goal 10.2: – protect habitat areas for fish and wildlife
- Critical Areas Goal 10.4: – enhance the quality of surface water
- Critical Areas Goal 10.5: – decrease potential for flooding from storm water runoff
- Critical Areas Goal 10.7: – promote policies and development standards that minimize the threat of flooding.

Conclusions – The proposed code amendments and map updates are consistent with several Land Use and Critical Areas goals as they relate to protection of the environment, habitat, water quality, and the proper locations for different land uses.

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

- Staff prepared and environmental checklist for the proposed coded revisions, dated June 25, 2011 (Exhibit 4).
- The City’s SEPA official issued a Determination of Nonsignificance on June 29, 2011(Exhibit 5).
- The City did not receive any appeals related to the SEPA determination.

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

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

- The City provided the Department of Commerce with a 60-Day Notice of proposed changes to its flood plain regulations on June 29, 2011 (Exhibit 6).
- The Department of Commerce sent a letter of acknowledgment to the City on July 6, 2011 (Exhibit 7).
- The 60-day review ended August 29, 2011; the City has not received any comments or appeals from affected agencies
- Staff will file the final ordinance and regulations with the Department of Commerce within 10 days of City Council adoption.

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

4. ***Public Notice and Comments***

- The City published a notice of SEPA determination in the Everett Herald on June 29, 2011 (Exhibit 8a)
- The City published a notice of Public Hearing in the Lake Stevens Journal on August 24, 2011 (Exhibit 8b)
- The City mailed a Notice of Public Hearing to affected property owners on August 22, 2011(Exhibit 8c).
- The City published a notice of Public Hearing in the Everett Herald on September 09, 2011 (Exhibit 8d)

- The City received a letter from Molly A. Lawrence (GordonDerr Attorneys at Law, LLP) on July 5, 2011 related to the NFIP Biological Opinion (Exhibit 9a).
- The City received a letter from Molly A. Lawrence (GordonDerr Attorneys at Law, LLP) on September 12, 2011 related to the NFIP Biological Opinion (Exhibit 9b).

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

5. Planning Commission Review

- The Planning Commission held a public hearing on September 7, 2011 on the proposed amendments and received public testimony.
- After deliberation, the Planning Commission forwarded a recommendation to the City Council to approve the proposed code and maps revisions (Exhibit 10)

Conclusions – Planning Commission review has taken place subject to Chapter 14.16B Types of Land Use Review (Part VI – Type VI Review - Legislative, City Council Decisions with Planning Commission Recommendation).

APPLICABLE CITY POLICIES: Section 14.08.010 Definitions of Basic Terms; Chapters 14.64 Floodways, Floodplains, Drainage, and Erosion (Part I); and 14.88 Critical Areas (Part V) LSMC

BUDGET IMPACT: There is not an immediate budget effect; however, the City may need to look at floodplain permitting fees in the future.

EXHIBITS:

- 1a Proposed Floodplain Maps
- 1b Existing Floodplain Maps
2. FEMA Checklist
3. FEMA Letter of Conditional Approval
4. Environmental Checklist
5. SEPA Determination
6. Notification of Commerce Review Team 60-Day Review
7. Letter of Acknowledgement
- 8a. Notice of SEPA Publication
- 8b. Notice of Public Hearing Publication
- 8c. Notice of Public Hearing Mailing
- 8d. Notice of Public Hearing Publication (City Council)
- 9a. Letter from Molly A. Lawrence, dated July 5, 2011
- 9b. Letter from Molly A. Lawrence, dated September 9, 2011
10. Planning Commission Letter of Recommendation

ATTACHMENTS:
Ord. 860 w/ exhibits

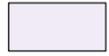
Proposed Flood Hazard Area Boundaries

Features & Boundaries

 City Boundary

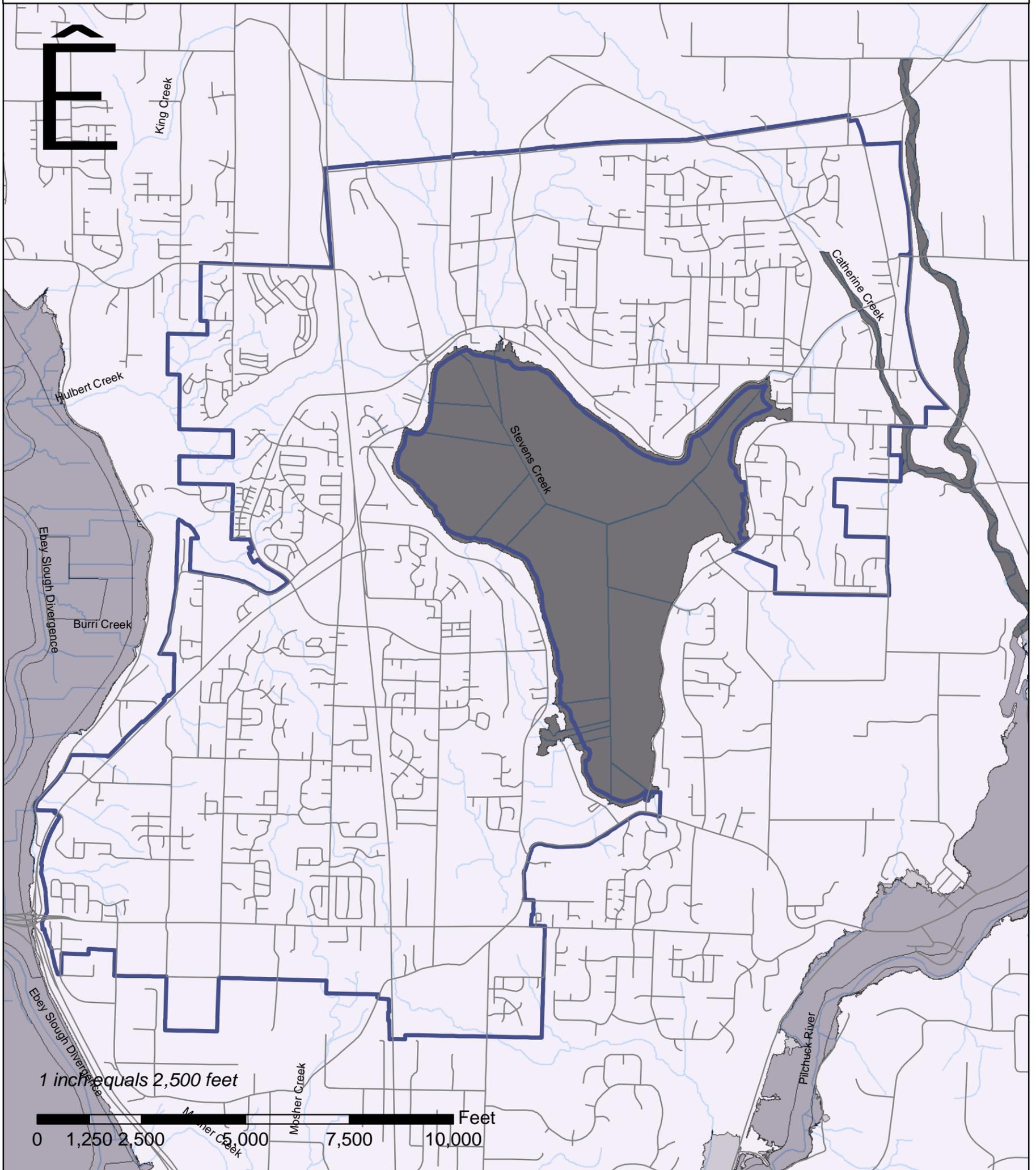
Flood Hazard Areas

 A

 X

 AE

 0.2 PCT ANNUAL CHANCE FLOOD HAZARD



Existing Flood Hazard Area Boundaries

Features & Boundaries

 City Boundary

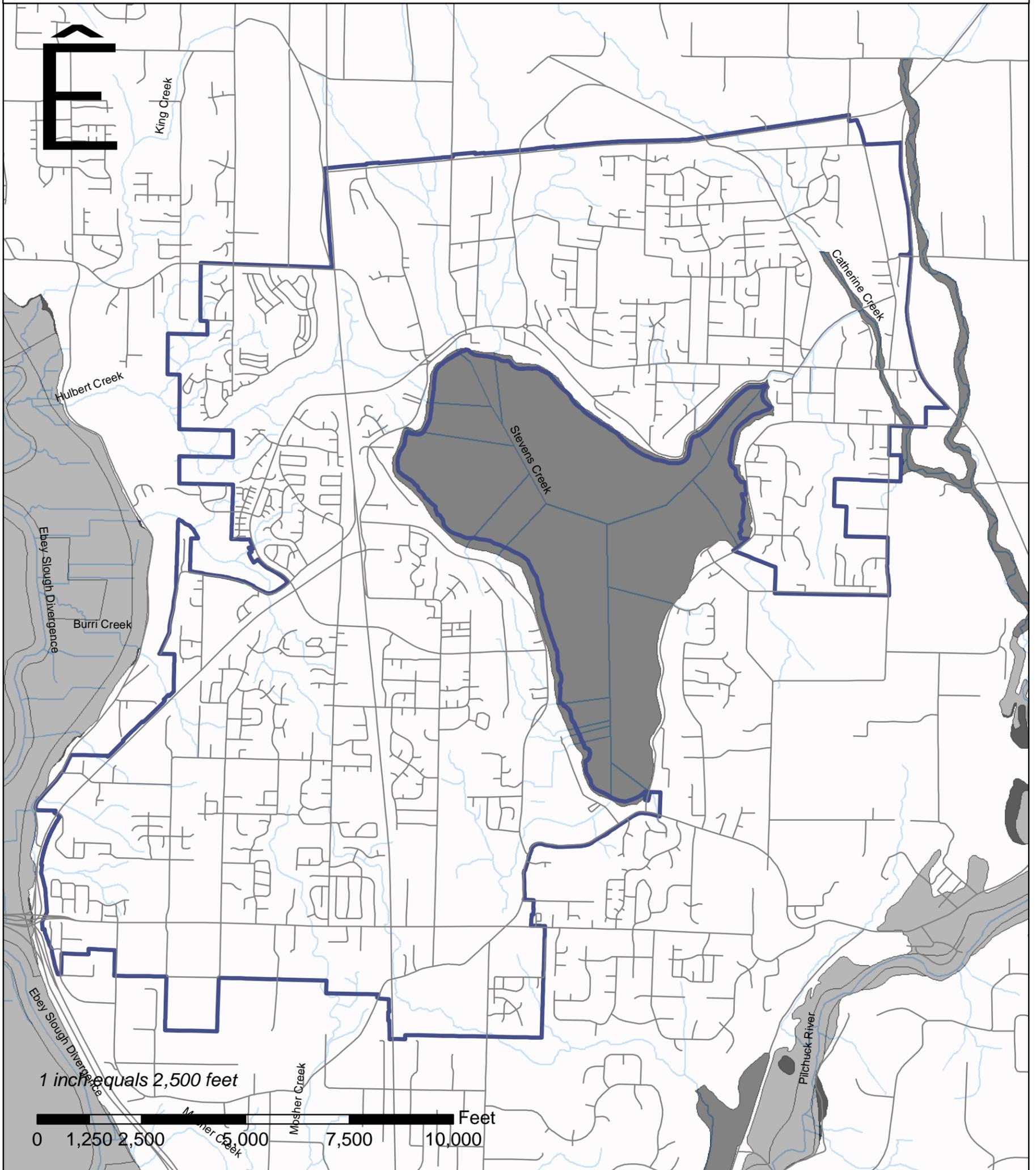
Existing Flood Hazard Areas

 A

 X

 AE

 0.2 PCT ANNUAL CHANCE FLOOD HAZARD



<p align="center">City of Lake Stevens</p> <p align="center">Floodplain Management and the Endangered Species Act Checklist for Programmatic Compliance</p>			
<p align="center">Biological Opinion Provision</p>	<p align="center">ESA Reference</p>	<p align="center">Model Ordinance Section</p>	<p align="center">Community Regulations Reference</p>
<p>1. Activities Affected</p>			
<p>All “development” in the areas affected must comply with these provisions. The BiOp added the last two phrases to the NFIP definition of “development:” any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations, storage of equipment or materials, subdivision of land, removal of substantial amounts of vegetation, or alteration of natural site characteristics.</p>	<p>App. 4, footnote 23</p>	<p>2. Definitions</p>	<p>Section 14.08.010 Definitions of Basic Terms - Model Ordinance definition for "development" is proposed to be added to the identified section (Exhibit A).</p>
<p>2. Mapping Criteria</p>			
<p>a. In addition to the Special Flood Hazard Area (SFHA) and floodway on the community’s Flood Insurance Rate Map, the following areas are delineated (communitywide or permit by permit).</p>			<p>The proposed FIRM maps for the city of Lake Stevens only include Special Flood Hazard Area Zone A. The riparian habitat zone and channel migration zone and other protected areas correspond to the defined flood hazard boundaries or associated critical areas and buffers.</p>
<p>1) Riparian habitat zone (RHZ), using dimensions from the May 14, 2009, errata letter.</p>	<p>RPA 3.A, App. 4, Section 1,5/14/09 Errata letter page 6</p>	<p>3.4.C</p>	<p>Section 14.88.430 (Exhibit B) provides buffer requirements for Fish and Wildlife Habitat Conservation Areas (FWHCA), which correspond to the ESA RHZ.</p>

<p>1) Riparian habitat zone (RHZ), using dimensions from the May 14, 2009, errata letter (continued).</p>	<p>RPA 3.A, App. 4, Section 1,5/14/09 Errata letter page 6</p>	<p>3.4.C</p>	<p>The city has adopted the following buffers for FWHCA based on stream type: Type S 150 feet; Type F 100 feet; Type Np 50 feet; and Type Ns 50 feet based on localized urban development patterns (Exhibit B).</p> <p>Within shoreline jurisdiction, the Shoreline Master Program (SMP) (Exhibit E), Appendix B sets critical area buffers for associated critical areas. Lake Stevens is a Fish and Wildlife Conservation Area with a 50-foot buffer and 10-foot development setback. Buffers on wetlands associated with the shoreline are based on habitat score and all scores have been increased from the buffers in the critical areas regulations.</p> <p>Section 14.88.430 provides authority for the city to increase buffer widths based on management recommendations by the WA Department of Fish and Wildlife (WDFW) for Priority Habitats and Species (Exhibit B).</p> <p>Section 14.88.285 (Exhibit B) and the SMP (Exhibit E) require a mandatory 10-foot building setback from the edges of all critical area buffers. The city will map the RHZ based on the adopted buffers .</p> <p>Section 14.08.010 Definitions of Basic Terms - A modified definition for "RHZ" is proposed to be added to the identified section that corresponds to the adopted FWHCA buffers, vetted by WDFW and the WA Department of Ecology (DOE) (Exhibit A).</p>
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<p>2) Channel migration zone (CMZ) plus 50 feet</p>	<p>RPA 3.A, App. 4, Section 1</p>	<p>3.4.D</p>	<p>A channel migration zone has not been identified by FEMA for Catherine Creek or Lake Stevens. The channel migration zone will correspond to the proposed Special Flood Hazard Area / regulatory floodplain boundary, which in turn corresponds to the adopted FWHCA buffers described above and will be mapped accordingly.</p> <p>Section 14.08.010 Definitions of Basic Terms - A modified definition for "CMZ" is proposed to be added to the identified section that corresponds to the adopted FWHCA buffers, vetted by WDFW and DOE (Exhibit A).</p>
<p>b. New mapping must consider future conditions and the cumulative effects from future land-use change.</p>	<p>RPA 2.C</p>	<p>3.5.E</p>	<p>See response to 2.a(2)</p> <p>The city as part of its SMP (Exhibit E) update completed an analysis of shoreline conditions and a cumulative impact analysis for Lake Stevens, Catherine Creek, and the Little Pilchuck Creek (Exhibits C and D). These reports established a baseline for determining future conditions and compliance with Section 404 of the federal Clean Water Act, Federal Endangered Species Act, Section 401 of the federal Clean Water Act, Chapter 77.55 RCW (the Hydraulic Code) among other federal and state environmental regulations.</p>

<p>b. New mapping must consider future conditions and the cumulative effects from future land-use change (continued).</p>	<p>RPA 2.C</p>	<p>3.5.E</p>	<p>The shoreline analysis and cumulative impact analysis will be the basis for the updated SMP (Exhibit E) and shoreline development regulations (Exhibit F) that ensure no net loss of ecological functions, which are similar to floodplain functions.</p>
<p>c. Communities are encouraged to consider identifying and evaluating the risk of flooding behind 100-year levees based on future conditions and cumulative effects.</p>	<p>RPA 2 D</p>		<p>NA - there are no levees in the city.</p>
<p>3. Administrative Procedures</p>			
<p>a. The application for a permit to develop in the affected area must include the elevations of the 10-, 50-, and 100-year floods, where such data are available.</p>	<p>App. 4, Section 3.4</p>	<p>4.2.A.3</p>	<p>The city is proposing to add mandatory and optional model ordinance elements in Section 14.64.020, addressing application requirements (Exhibit A).</p>
<p>b. The applicant must record a Notice on Title that the property contains land within the RHZ and/or 100-year floodplain before a permit may be issued.</p>	<p>App. 4, Section 3.9</p>	<p>5.1.G</p>	<p>Section 14.88.530 includes a provision that requires 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. The city will update this section for consistency with current FEMA terminology and proposed changes to Chapter 14.64 Lake Stevens Municipal Code (LSMC) (Exhibit A).</p> <p>The city is proposing to add mandatory and optional model ordinance elements in Sections 14.64.020(c) and 14.64.050(h) (Exhibit A).</p>

<p>c. Communities that permit development outside the protected area must track the projects for which they issue floodplain development permits, including effects to flood storage and fish habitat and mitigation provided.</p>	<p>App. 4, Section 4</p>	<p>4.5.F, 4.5.G</p>	<p>The city is proposing to add mandatory and optional model ordinance elements in Sections 14.64.015 and .020, addressing application requirements including flood hazard area permit tracking (Exhibit A). Section 14.64.015(e) deals specifically with permit tracking requirements.</p>
<p>4. General Development Standards</p>			
<p>a. If a lot has a buildable site out of the Special Flood Hazard Area, all new structures shall be located there, when feasible. If the lot is fully in the floodplain, structures must be located to have the least impact on salmon.</p>	<p>App. 4, Sections 3.1 and 3.11</p>	<p>5.2.A</p>	<p>The city is proposing to add mandatory and optional model ordinance elements addressing development standards including the siting of structures in Section 14.64.040 (Exhibit A).</p> <p>As noted above, the city has adopted critical area regulations, including frequently flooded areas in Chapter 14.88 LSMC, that require buffers and setbacks from critical areas (Exhibit B).</p> <p>The city's existing shoreline code Chapter 14.92 LSMC and critical areas code Chapter 14.88 LSMC, draft SMP(Exhibit E), and draft shoreline regulations (Exhibit F) require setbacks from existing waterways and promote the protection of sensitive species.</p>
<p>b. Stormwater and drainage features shall incorporate low impact development techniques that mimic pre-development hydrologic conditions, when technically feasible.</p>	<p>RPA 3.A.3.B and 4.A</p>	<p>5.2.B.1</p>	<p>The city has adopted the 2005 DOE Stormwater Management Manual for Western Washington and encourages applicants to use LID techniques in Chapter 11.06 LSMC Stormwater Management (Exhibit B).</p>

<p>b. Stormwater and drainage features shall incorporate low impact development techniques that mimic pre-development hydrologic conditions, when technically feasible (continued).</p>	<p>RPA 3.A.3.B and 4.A</p>	<p>5.2.B.1</p>	<p>The city is proposing to add mandatory and optional model ordinance elements addressing development standards including stormwater in Section 14.64.040(b) with a link to Chapter 11.06 LSMC (Exhibit A).</p>
<p>c. Creation of new impervious surfaces shall not exceed 10 percent of the surface area of the portion of the lot in the floodplain unless mitigation is provided.</p>	<p>App. 4, Section 3.6</p>	<p>5.2.B.2</p>	<p>The city is proposing to add mandatory and optional model ordinance elements addressing development standards including stormwater in Section 14.64.040 with a link to Chapter 11.06 LSMC Stormwater Management (Exhibit A).</p>
<p>d. Any loss of floodplain storage shall be avoided, rectified or compensated for. Any compensation off site must be in a priority floodplain restoration area identified in the associated ESU Recovery Plan for listed species.</p>	<p>RPA 3.A.3.b, App. 4, Section 2</p>	<p>7.6</p>	<p>Sections 14.88.530 and 540 include requirements related to flood storage capacity. The city will update this section for consistency with current FEMA terminology and proposed changes to Chapter 14.64 LSMC (Exhibit A). The city is proposing to add mandatory and optional model ordinance elements addressing development standards including compensatory storage in Section 14.64.055(b) (Exhibit A).</p>
<p>e. Uses that are not permitted in the Protected Area unless shown not to adversely affect water quality, habitat, etc., include septic tanks and drain fields, dumping of any materials, hazardous or sanitary waste landfills; receiving areas for toxic or hazardous waste or other contaminants.</p>	<p>App. 4, Section 1</p>	<p>5.3</p>	<p>The city is proposing to add mandatory and optional model ordinance elements addressing development standards including hazardous materials in Section 14.64.040 (Exhibit A).</p>

5. Habitat Protection Standards			
a. Any improvements or repairs to existing structures that result in a greater than 10 percent increase of the structure footprint must mitigate for any adverse effects.	RPA 3.A.4	7.2.B	The city is proposing to add mandatory and optional model ordinance elements addressing development standards including exemptions and allowed activities in Section 14.64.030 (Exhibit A).
b. Removal of native vegetation must leave 65 percent of the surface area of the portion of the property in the floodplain in an undeveloped state.	App. 4, Section 3.7	7.4	The city currently requires that buffers of critical areas be set aside either in protective easements or tracts under Chapter 14.88 LSMC - this would include buffers for wetlands and FWHCA (Exhibit B).
b. Removal of native vegetation must leave 65 percent of the surface area of the portion of the property in the floodplain in an undeveloped state (continued).	App. 4, Section 3.7	7.4	The city is proposing to add mandatory and optional model ordinance elements addressing development standards including retention of native vegetation in Section 14.64.055 (Exhibit A).
c. The community must prohibit development in the floodway, RHZ, and CMZ plus 50 feet or demonstrate that any proposed development in the area does not adversely affect water quality, water quantity, flood volumes, flood velocities, spawning substrate, and/or floodplain refugia for listed salmonids.	RPA 3.A.2, App. 4, Section 1, 4	7.7 7.8	FEMA has not designated any of these features within the city. The city currently requires that critical areas and buffers be set aside either in protective easements or tracts that prohibit development under Chapter 14.88 LSMC - this would include buffers for wetlands and FWHCA (Exhibit B). Because of local urban development patterns, described in Exhibit C, the city is proposing to treat the RHZ and CMZ as equivalent to the established buffers and setbacks for FWHCA.

<p>c. The community must prohibit development in the floodway, RHZ, and CMZ plus 50 feet or demonstrate that any proposed development in the area does not adversely affect water quality, water quantity, flood volumes, flood velocities, spawning substrate, and/or floodplain refugia for listed salmonids (continued).</p>	<p>RPA 3.A.2, App. 4, Section 1, 4</p>	<p>7.7 7.8</p>	<p>The city is proposing to add mandatory and optional model ordinance elements addressing development standards including development prohibitions, water quality and quantity, flood storage and habitat protection in Section 14.64.055 with cross references in Chapter 14.88 LSMC (Exhibit A).</p>
<p>d. Any development outside the Protected Area must mitigate for adverse indirect effects on stormwater, riparian vegetation, bank stability, channel migration, hyporheic zone, wetland and large woody debris functions such that equivalent or better salmon habitat protection is provided.</p>	<p>App. 4, Section 3</p>	<p>7.7 7.8</p>	<p>see response to 5.c</p>
<p>e. In the SFHA outside the Protected Area, require zoning to maintain a low density of floodplain development.</p>	<p>App. 4, Section 3.2</p>	<p>Credited by the CRS, (431LD.b)</p>	<p>The majority of the property around Lake Stevens, in city jurisdiction, is zoned Waterfront Residential. There are smaller areas with other residential zoning along with public and business districts. The majority of the shoreline and associated floodplain are developed (Exhibit G).</p> <p>The zoning along Catherine Creek varies from low-density residential zones to industrial zones. Most of the surrounding property is developed. The city owns the remaining large vacant parcels.</p> <p>Table 2 to Exhibit C provides a complete breakdown of the zoning, land uses, and development patterns for the shoreline areas that correspond to the regulatory floodplains in the city.</p>

<p>f. All structures must be set back at least 15 feet from the Protected Area and sited as close to the SFHA boundary as possible.</p>	<p>App. 4, Section 3.3</p>	<p>5.2.A</p>	<p>The city has adopted mandatory buffers for critical areas depending on the type and class under Chapter 14.88 LSMC. In addition under Section 14.88.285, a mandatory setback of 10 feet is required from the edges of all critical area buffers (Exhibit B).</p> <p>As noted because of local urban development patterns, the city is proposing to treat the RHZ and CMZ as equivalent to the established buffers for FWHCA and apply the setback described above. Over-water structures and shoreline stabilization do not require a setback from the lake, but must meet the regulations in the SMP (Exhibit E).</p> <p>The city's adopted critical areas regulations (Exhibit B) and SMP (Exhibit E) have been vetted by WDFW and DOE.</p>
<p>g. The proposed action must be designed and located so that new structural flood protection is not needed.</p>	<p>App. 4, Section 3.8</p>	<p>4.2.E</p>	<p>No such citation found in the model ordinance for comparison.</p> <p>The city is proposing to add optional model ordinance elements addressing flood protection standards in Section 14.64.045 (Exhibit A).</p>

<p>h. New road crossings over streams are prohibited outside the Protected Area</p>	<p>App. 4, Section 3.10</p>	<p>7.8.A.3 Note 1.</p>	<p>No such citation found in the model ordinance for comparison.</p> <p>The city is proposing to add optional model ordinance elements addressing flood protection standards in sections 14.64.045 through .055 (Exhibit A).</p>
<p>i. All bank stabilization measures requiring armoring of the streambank or shoreline shall utilize bioengineering per the Integrated Streambank Protection Guidelines 2003 (for riverine shorelines) or the State Shorelines Guidelines on bank stabilization (2003) (for estuarine and marine shorelines).</p>	<p>App. 4, Section 3</p>	<p>4.2.F Commentary</p>	<p>No such citation found in the model ordinance for comparison.</p> <p>The SMP (Exhibit E) meets the state shoreline guidelines for shoreline stabilization.</p> <p>The city is proposing to add optional model ordinance elements addressing flood protection standards in sections 14.64.045 through .055 (Exhibit A).</p>

<p>Exhibit List</p> <p>Exhibit A - Draft Floodplain Regulations Exhibit B - Existing Municipal Code Sections (Chapters 14.08, 14.64, and 14.88) Exhibit C - Shoreline Analysis Exhibit D - Cumulative Impacts Analysis Exhibit E - Draft Shoreline Master Program Exhibit F - Draft Shoreline Zoning Regulations Exhibit G - Zoning Map</p>
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RECEIVED
AUG 16 2011
CITY OF LAKE STEVENS

U.S. Department of Homeland Security
Region X
130 228th Street, SW
Bothell, WA 98021-9796



FEMA

August 12, 2011

Honorable Vern Little
Mayor, City of Lake Stevens
City Hall
1812 Main Street
P.O. Box 257
Lake Stevens, Washington 98258

Dear Mayor Little:

Thank you for your submittal to the U.S. Department of Homeland Security's Federal Emergency Management Agency (FEMA) indicating that you have chosen to demonstrate how your local ordinances, regulations, and written policies comply with the performance standards of the Biological Opinion issued by the National Marine Fisheries Service.

In accordance with the Floodplain Management and Endangered Species Act Checklist for Programmatic Compliance, FEMA has reviewed your draft submittal and has concluded your draft revisions to Title 14 of the City of Lake Stevens Code will meet or exceed the performance standards of the Biological Opinion should the city of Lake Stevens adopt and enforce the proposed ordinance. To receive full concurrence from FEMA a copy of the adopted ordinance should be sent to the FEMA Regional Office.

FEMA is committed and willing to provide technical assistance to any community that requests such assistance. If you have any questions, please contact John Graves, Senior NFIP Specialist, at (425) 487-4737 or john.graves1@dhs.gov.

Sincerely,

A handwritten signature in black ink that reads "Mark Carey".

Mark Carey, Director
Mitigation Division

cc: Mr. Russ Wright, Senior Planner, City of Lake Stevens

JH:bb



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

CITY OF LAKE STEVENS

ENVIRONMENTAL CHECKLIST

Purpose of checklist:

The State Environmental Policy Act (SEPA), Chapter 43.21C RCW, requires all governmental agencies to consider the environmental impacts of a proposal before making decisions. An environmental impact statement (EIS) must be prepared for all proposals with probable significant adverse impacts on the quality of the environment. The purpose of this checklist is to provide information to help you and the agency identify impacts from your proposal (and to reduce or avoid impacts from the proposal, if it can be done) and to help the agency decide whether an EIS is required.

Instructions for applicants:

This environmental checklist asks you to describe some basic information about your proposal. Governmental agencies use this checklist to determine whether the environmental impacts of your proposal are significant, requiring preparation of an EIS. Answer the questions briefly, with the most precise information known, or give the best description you can.

You must answer each question accurately and carefully, to the best of your knowledge. In most cases, you should be able to answer the questions from your own observations or project plans without the need to hire experts. If you really do not know the answer, or if a question does not apply to your proposal, write "do not know" or "does not apply." Complete answers to the questions now may avoid unnecessary delays later.

Some questions ask about governmental regulations, such as zoning, shoreline, and landmark designations. Answer these questions if you can. If you have problems, the governmental agencies can assist you.

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

Use of checklist for nonproject proposals:

Complete this checklist for nonproject proposals, even though questions may be answered "does not apply." IN ADDITION, complete the SUPPLEMENTAL SHEET FOR NONPROJECT ACTIONS (part D).

For nonproject actions, the references in the checklist to the words "project," "applicant," and "property or site" should be read as "proposal," "proposer," and "affected geographic area," respectively.

A. BACKGROUND

1. Name of proposed project, if applicable:

Floodplain Regulations (LS 2011-05)

2. Name of applicant:

City of Lake Stevens

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

Russ Wright, Senior Planner

City of Lake Stevens

1812 Main Street / PO Box 257

Lake Stevens, WA 98258

4. Date checklist prepared:

June 22, 2011

5. Agency requesting checklist:

City of Lake Stevens

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

- SEPA Determination June 29
- Public Workshops July 25 (City Council) and August 3 (Planning Commission)
- Public Hearings August 3 (Planning Commission), and August 22 and September 12 (City Council)
- Final City Council adoption September 21

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

Not at this time

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

- FEMA Checklist
- Draft Shoreline Master Program and supporting documents

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

The city has miscellaneous residential permits under review vested to the current shoreline /floodplain regulations on Lake Stevens. After adoption, new development will follow the updated regulations. The city is also in the process of adopting a revised Shoreline Master Program. The proposed floodplain regulations will compliment the proposed Shoreline Master Program upon adoption.

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

City Council approval and FEMA approval

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

The proposed code amendments to LSMC 14.08.010 Definitions and Chapters 14.64 Floodways, Floodplains, Drainage, and Erosion (Part I – Floodways and Floodplains) and 14.88 Critical Areas (Part V – Frequently Flooded Areas) are an update to the city’s existing floodplain regulations that incorporate mandatory and optional elements from the Federal Emergency Management Agency (FEMA) model ordinance for consistency with the Endangered Species Act (ESA). The second part of the proposed code amendment adopts the new Federal Insurance Rate Maps (FIRM) into the municipal code. The proposed amendments affect properties abutting Lake Stevens and a portion of Catherine Creek inside city limits.

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

The amendments affect properties abutting Lake Stevens and portions of Catherine Creek, inside city limits, identified on the FIRM maps as Special Flood Hazard Area, Zone A. See the attached vicinity map.

B. ENVIRONMENTAL ELEMENTS

1. Earth

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

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

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

NA – This nonproject action affects all properties located within Special Flood Hazard Areas.

- c. What general types of soils are found on the site (for example, clay, sand, gravel, peat, muck)? If you know the classification of agricultural soils, specify them and note any prime farmland.

The city contains the following soil series:

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

The soils around Lake Stevens are primarily Tokul series with small areas of disturbed fill, Terric Medisaprist and Kitsap series. The soils around Catherine Creek are primarily Tokul series with smaller areas of Everett and Norma series.

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

yes no

If so, describe.

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

- e. Describe the purpose, type, and approximate quantities of any filling or grading proposed. Indicate source of fill.

N/A - this is a nonproject action.

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

yes no

If so, generally describe.

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

N/A - this is a nonproject action.

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

N/A - this is a nonproject action.

2. Air

- a. What types of emissions to the air would result from the proposal (i.e., dust, automobile, odors, industrial wood smoke) during construction and when the project is completed? If any, generally describe and give approximate quantities if known.

N/A - this is a nonproject action.

- b. Are there any off-site sources of emissions or odor that may affect your proposal?

yes no

If so, generally describe.

N/A - this is a nonproject action.

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

N/A - this is a nonproject action.

3. Water

- a. Surface:

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

yes no

If yes, describe type and provide names. If appropriate, state what stream or river it flows into

Lake Stevens, Catherine Creek, Stevens Creek, Lundeen Creek, Stitch Lake and associated wetland complexes. Catherine Creek flows into Little Pilchuck Creek.

2) Will the project require any work over, in, or adjacent to (within 200 feet) the described waters?

yes no

If yes, please describe and attach available plans.

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

N/A - this is a nonproject action.

4) Will the proposal require surface water withdrawals or diversions?

yes no

Give general description, purpose, and approximate quantities if known.

5) Does the proposal lie within a 100-year floodplain?

yes no

If so, note location on the site plan.

The proposed regulations affect properties within Special Flood Hazard Area Zone A, depicted on the FIRMs for Lake Stevens, WA

6) Does the proposal involve any discharges of waste materials to surface waters?

yes no

If so, describe the type of waste and anticipated volume of discharge.

b. Ground:

1) Will ground water be withdrawn, or will water be discharged to ground water?

yes no

Give general description, purpose, and approximate quantities if known.

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

N/A - this is a nonproject action.

c. Water runoff (including stormwater):

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

N/A - this is a nonproject action. However, many streams exist in the city and UGA that run into Lake Stevens and Catherine Creek eventually into the Little Pilchuck Creek. The storm drains collect water and discharge into various ditches and streams and eventually reach the lake or the Pilchuck River.

2) Could waste materials enter ground or surface waters?

yes no

If so, generally describe.

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

N/A - this is a nonproject action.

4. Plants

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

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

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

N/A - this is a nonproject action.

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

N/A - this is a nonproject action.

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

N/A - this is a nonproject action.

5. Animals

- a. Circle any birds and animals, which have been observed on or near the site or are known to be on or near the site:

Birds: hawk, heron, eagle, songbirds, other:

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

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

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

- Puget Sound Coho salmon (*O. Kisutch*) – Federal Species of Concern, and State Priority Species
- Puget Sound Steelhead (*O. mykiss*) – Federal Threatened Species
- Bull Trout (*S. Confluentus*) – Federal Threatened Species

- a. Is the site part of a migration route?

yes no

If so, explain. Pacific flyway, salmonid migratory route

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

N/A - this is a nonproject action. However, the proposed regulations protect wildlife and habitat and comply with the Endangered Species Act.

6. Energy and Natural Resources

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

N/A - this is a nonproject action.

- b. Would your project affect the potential use of solar energy by adjacent properties?

yes no

If so, generally describe.

N/A - this is a nonproject action.

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

N/A - this is a nonproject action.

7. Environmental Health

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

yes no

If so, describe.

N/A - this is a nonproject action.

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

N/A - this is a nonproject action.

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

N/A - this is a nonproject action.

- b. Noise

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

N/A - this is a nonproject action.

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

N/A - this is a nonproject action.

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

N/A - this is a nonproject action.

8. Land and Shoreline Use

- a. What is the current use of the site and adjacent properties?

Residential use is the most prevalent use of the current shoreline of Lake Stevens and Catherine Creek. There are also five parks on the lake and large wetland areas and open spaces. One commercial property exists on the lake and some industrial parcels on Catherine Creek.

- b. Has the site been used for agriculture?

yes no

If so, describe.

Some parcels along Catherine Creek were likely used for agriculture in the past. Currently, some larger parcels include fruit trees and may still have farm animals.

- c. Describe any structures on the site.

There are a mix of residential, public, and commercial buildings. There are docks and other types of in-water structures on Lake Stevens.

- b. Will any structures be demolished?

yes no

If so, what?

N/A - this is a nonproject action. Demolition may occur at the time of development.

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

Zoning districts around the lake, in the city, include Waterfront Residential (WR), Public/Semi-Public (PSP), and Local Business (LB). Zoning districts around Catherine Creek, in the city, include Light Industrial (LI), Urban Residential (UR) and Public/Semi-Public.

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

Comprehensive Planning Designations around the lake, in the city, include Medium Density Residential (MDR), Public/Semi-Public (PSP) and Local Commercial (LC). Comprehensive Planning Designations along Catherine Creek, in the city, include Light Industrial (LI), Medium Density Residential (MDR) and Public/Semi-Public (PSP).

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

The final Draft SMP is proposing the following Environment Designations: Aquatic, Natural, High Intensity, Urban Conservancy, and Shoreline Residential.

- h. Has any part of the site been classified as an "environmentally sensitive" area?

yes no

If so, specify.

Yes, the affected properties include streams, wetlands, fish and wildlife habitat conservation areas, flood hazard areas and steep slopes.

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

N/A - this is a nonproject action. Residential and commercial densities will be subject to shoreline, floodplain, and zoning regulations at the time of development.

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

N/A - this is a nonproject action.

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

N/A - this is a nonproject action.

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

The proposed regulations will be consistent with the city's existing critical area and zoning regulations as well as FEMA regulations and the Endangered Species Act. The proposed floodplain regulations will also be consistent with the proposed shoreline update regulations.

9. Housing

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

N/A - this is a nonproject action. Residential densities will be determined at the project level subject to shoreline, floodplain, and zoning regulations.

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

NA – this is a nonproject action.

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

NA – this is a nonproject action.

10. Aesthetics

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

N/A - this is a nonproject action.

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

N/A - this is a nonproject action.

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

N/A - this is a nonproject action.

11. Light and Glare

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

N/A - this is a nonproject action.

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

N/A - this is a nonproject action.

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

N/A - this is a nonproject action.

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

N/A - this is a nonproject action.

12. Recreation

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

Five parks, located on the lake, which provide docks, boat launches, swimming areas, and beaches. The Centennial Trail generally parallels the Little Pilchuck Creek in the UGA. A large forested park with a disc golf course is located along Catherine Creek.

- b. Would the proposed project displace any existing recreational uses?

yes no

If so, describe.

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

N/A - this is a nonproject action.

13. Historic and Cultural Preservation

- a. Are there any places or objects listed on, or proposed for, national, state, or local preservation registers known to be on or next to the site?

yes no

If so, generally describe.

The WA Dept. of Archaeology and Historic Preservation database shows two historical properties adjacent to Lake Stevens including the Grimm House a nationally registered historic place.

- b. Generally describe any landmarks or evidence of historic, archaeological, scientific, or cultural importance known to be on or next to the site.

N/A - this is a nonproject action.

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

N/A - this is a nonproject action. However, if archaeological, historical materials, and/or human remains are observed during project activities, all work in the immediate vicinity will stop and affected agencies will be notified to assess the situation and determine how to preserve the resource(s).

14. Transportation

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

The major roads that follow Lake Stevens starting on the western shoreline clockwise include North and South Davies Roads; Vernon Road; Lundeen Pkwy; Vernon Road; North, East, and South Lakeshore Drives; and South Lake Stevens Road. The major roads near Catherine Creek include Grade Road, SR-92, 36th Street NE, Hartford Road, and 20th Street NE.

- b. Is the site currently served by public transit?

yes no

If not, what is the approximate distance to the nearest transit stop?

- c. How many parking spaces would the completed project have? How many would the project eliminate?

N/A - this is a nonproject action.

- d. Will the proposal require any new roads or streets, or improvements to existing roads or streets, not including driveways?

yes no

If so, generally describe (indicate whether public or private).

N/A - this is a nonproject action.

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

yes no

If so, generally describe.

- f. How many vehicular trips per day would be generated by the completed project? If known, indicate when peak volumes would occur.

N/A – this is a nonproject action.

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

N/A – this is a nonproject action.

15. Public Services

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

yes no

If so, generally describe.

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

N/A - this is a nonproject action.

16. Utilities

- a. Check utilities currently available at the site:

Electricity

Natural gas

Water

Refuse service

Telephone

Sanitary sewer

Septic system

Other (list)

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

N/A - this is a nonproject action.

C. SIGNATURE

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

Signature: 

Date Submitted: 6/25/11.....

D. SUPPLEMENTAL SHEET FOR NONPROJECT ACTIONS

(Do not use this sheet for project actions)

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

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

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

The proposal is not likely to greatly increase discharge to water; air emissions; production, storage, or release of toxic or hazardous substances, or production of noise. As noted, the proposed code amendments update the city's existing floodplain regulations and incorporate mandatory and optional elements from the FEMA model ordinance to ensure consistency with the ESA. The proposed regulations will provide prescriptive standards that limit development impacts.

Proposed measures to avoid or reduce such increases are:

The proposed regulations include setback requirements that align with the adopted critical area regulations and proposed shoreline update requirements, incorporate stormwater requirements, and identify allowed uses in flood hazard areas to protect ecological functions and private properties. Additionally the regulations address specific mitigation protocols for possible development impacts.

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

The proposal is not likely to affect plants, animals, fish, or marine life as the current floodplain is highly developed. The proposed regulations will ensure consistency with the FEMA Model Ordinance and the Endangered Species Act; therefore, the new regulations will provide increased protection for plants, animals, fish, or marine life.

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

The proposed regulations include setback requirements that align with the adopted critical area regulations and proposed shoreline update requirements, incorporate stormwater requirements, and identify allowed uses in flood hazard areas to protect ecological functions and private properties. Additionally the regulations address specific mitigation protocols for possible development impacts as well as retention of natural vegetation.

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

The proposal is not likely to deplete energy sources. All new development would be subject to the International Energy Code and all municipal code requirements.

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

The proposed regulations include setback requirements that align with the adopted critical area regulations and proposed shoreline update requirements, incorporate stormwater requirements, and identify allowed uses in flood hazard areas to protect ecological functions and private properties.

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

The proposal is not likely to affect environmentally sensitive areas and historical or archaeological sites.

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

Prior to development projects will be required to follow all applicable federal, state, and local regulations to protect sensitive and cultural resources. The proposed regulations include setback requirements that align with the adopted critical area regulations and proposed shoreline update requirements, incorporate stormwater requirements, and identify allowed uses in flood hazard areas to protect ecological functions and private properties.

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

As noted, the proposed code amendments update the city's existing floodplain regulations and incorporate mandatory and optional elements from the FEMA model ordinance to ensure consistency with the Endangered Species Act. The proposed regulations provide prescriptive standards that identify allowed uses and development standards that align with adopted critical area regulations and the proposed Shoreline Master Program.

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

The proposed regulations include setback requirements that align with the adopted critical area regulations and proposed shoreline update requirements, incorporate stormwater requirements, and identify allowed uses in flood hazard areas to protect ecological functions and private properties.

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

It is not likely that the proposal will increase transportation demands or public services and utilities.

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

As noted, the proposed code amendments update the city's existing floodplain regulations and incorporate mandatory and optional elements from the FEMA model ordinance to ensure consistency with the ESA. The proposed regulations provide prescriptive standards that identify allowed uses and development standards that align with adopted critical area regulations and the proposed Shoreline Master Program.

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

The proposal creates no known conflicts with local, state, or federal law. It is consistent with the *City of Lake Stevens Comprehensive Plan*, Draft Shoreline Master Program, Snohomish County Countywide Planning Policies, and the Growth Management Act. Additionally, the proposed code amendments will comply with the Endangered Species, FEMA Model Ordinance, and Washington State Shoreline Management Act.



DETERMINATION OF NONSIGNIFICANCE

Issuance Date: June 29, 2011

Project Name (No.): Floodplain Regulations (LS 2011-05)

Proponent: City of Lake Stevens

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

Description of Proposal:

The proposed code amendments to LSMC 14.08.010 Definitions and Chapters 14.64 Floodways, Floodplains, Drainage, and Erosion (Part I – Floodways and Floodplains) and 14.88 Critical Areas (Part V – Frequently Flooded Areas) are an update to the city's existing floodplain regulations that incorporate mandatory and optional elements from the Federal Emergency Management Agency model ordinance for consistency with the Endangered Species Act. The second part of the proposed code amendment adopts the new Federal Insurance Rate Maps into the municipal code. The proposed amendments affect properties abutting Lake Stevens and a portion of Catherine Creek inside city limits.

Project Location: Properties abutting Lake Stevens and a portion of Catherine Creek, inside city limits, identified on the FIRM maps as Special Flood Hazard Area, Zone A.

Contact Person: Russ Wright, Senior Planner

Phone: (425) 212-3315

SEPA Responsible Official:


Rebecca Ableman, Planning Director, City of Lake Stevens

Threshold Determination: The City of Lake Stevens, acting as lead agency for this proposal has determined that it does not have a probable significant adverse impact on the environment. An environmental impact statement is not required under RCW 43.21.030(2)(c). This decision was made after review of a completed environmental checklist and other information on file with the lead agency. This information is available to the public on request. This DNS is issued under 197-11-340(2); the lead agency will not act on this proposal for 14 days from the date below.

Comments on the Threshold Determination: If you would like to comment on this Threshold Determination, your written comments should be sent to the address below by **July 13, 2011**. The Responsible Official may incorporate any substantial comments into the DNS. If the DNS is substantially modified, it will be reissued for further public review.

Appeals: You may appeal this determination of non-significance by submitting an appeal to the address below no later than 5:00 PM, **July 20, 2011**. The appeal must be in written form, contain a concise statement of the matter being appealed and the basic rationale for the appeal. A fee is required per the City's Fee Resolution. Please note that failure to file a timely and complete appeal shall constitute a waiver of all rights to an administrative appeal under City code. All comments or appeals are to be directed to City Hall, P.O. Box 257, Lake Stevens WA, 98258, Attn: Russ Wright.



Department of Commerce

Innovation is in our nature.

Notification for 60-Day Review of Development Regulation Amendment

Pursuant to RCW 36.70A.106, the following hereby provides 60-day notice of intent to adopt the following development regulation amendments.

Jurisdiction Name:	City of Lake Stevens, WA
Address:	P.O. Box 257 Lake Stevens, WA 98258
Date:	June 29, 2011

Contact Name for Ordinance:	Russ Wright
Phone Number:	425-212-3315
Fax Number:	425-212-3327
E-Mail Address:	rwright@ci.lake-stevens.wa.us

<p>Brief Description of the Proposed Development Regulation Amendment:</p> <p><input type="checkbox"/> Check the box if this is Supplemental Material for an existing amendment already submitted to Commerce. Please also provide the date submitted and/or Commerce Material ID number.</p>	<p>The proposed code amendments to LSMC 14.08.010 Definitions and Chapters 14.64 Floodways, Floodplains, Drainage, and Erosion (Part I – Floodways and Floodplains) and 14.88 Critical Areas (Part V – Frequently Flooded Areas) are an update to the city’s existing floodplain regulations that incorporate elements from the Federal Emergency Management Agency model ordinance for consistency with the Endangered Species Act. The second part of the proposed code amendment adopts the new Federal Insurance Rate Maps into the municipal code.</p>
Planned Public Hearing Date:	Planning Commission August 3 / City Council August 22 and September 12
Planned Date of Adoption:	September 21, 2011
Please Attach a Draft of the Proposed Amendment. (Attachment Required)	See attached.



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

July 6, 2011

Russ Wright
City of Lake Stevens
Post Office Box 257
Lake Stevens, Washington 98258

Dear Mr. Wright:

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

City of Lake Stevens - Proposed code amendments to the cities floodplain development regulations. These materials were received on June 29, 2011 and processed with the Material ID # 17101.

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

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

If you have submitted this material as a draft amendment, then final adoption may occur no earlier than sixty days following the date of receipt by Commerce. Please remember to submit the final adopted amendment to Commerce within ten days of adoption.

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

Sincerely,

Linda Weyl
for

Dave Andersen
Planning Review Manager
Growth Management Services

Affidavit of Publication

STATE OF WASHINGTON,
COUNTY OF SNOHOMISH

} S.S.



DETERMINATION OF NONSIGNIFICANCE

Issuance Date: June 29, 2011
 Project Name (No.): Floodplain Regulations (LS 2011-05)
 Proponent: City of Lake Stevens
 Applicants: City of Lake Stevens, 1812 Main Street, P.O. Box 257, Lake Stevens, WA 98258
 Description of Proposal:
 The proposed code amendments to LSMC 14.08.010 Definitions and Chapters 14.64 Floodways, Floodplains, Drainage, and Erosion (Part I - Floodways and Floodplains) and 14.88 Critical Areas (Part V - Frequently Flooded Areas) are an update to the city's existing floodplain regulations that incorporate mandatory and optional elements from the Federal Emergency Management Agency model ordinance for consistency with the Endangered Species Act. The second part of the proposed code amendment adopts the new Federal Insurance Rate Maps into the municipal code. The proposed amendments affect properties abutting Lake Stevens and a portion of Catherine Creek inside city limits.
 Project Location: Properties abutting Lake Stevens and a portion of Catherine Creek, inside city limits, identified on the FIRM maps as Special Flood Hazard Area, Zone A.
 Contact Person: Russ Wright, Senior Planner
 Phone: (425) 212-3315
 SEPA Responsible Official: Rebecca Ableman (signed original on file)
 Rebecca Ableman, Planning Director, City of Lake Stevens

Threshold Determination: The City of Lake Stevens, acting as lead agency for this proposal has determined that it does not have a probable significant adverse impact on the environment. An environmental impact statement is not required under RCW 43.21.030(2)(c). This decision was made after review of a completed environmental checklist and other information on file with the lead agency. This information is available to the public or request. This DNS is issued under 197-11-340(2); the lead agency will not act on this proposal for 14 days from the date below.
Comments on the Threshold Determination: If you would like to comment on this Threshold Determination, your written comments should be sent to the address below by July 13, 2011. The Responsible Official may incorporate any substantial comments into the DNS. If the DNS is substantially modified, it will be reissued for further public review.
Appeals: You may appeal this determination of non-significance by submitting an appeal to the address below no later than 5:00 PM, July 20, 2011. The appeal must be in written form, contain a concise statement of the matter being appealed and the basic rationale for the appeal. A fee is required per the City's Fee Resolution. Please note that failure to file a timely and complete appeal shall constitute a waiver of all rights to an administrative appeal under City code. All comments or appeals are to be directed to City Hall, P.O. Box 257, Lake Stevens WA, 98258, Attn: Russ Wright.
 Published: June 29, 2011.

The undersigned, being first duly sworn on oath deposes and says that she is Principal Clerk of THE HERALD, a daily newspaper printed and published in the City of Everett, County of Snohomish, and State of Washington; that said newspaper is a newspaper of general circulation in said County and State; that said newspaper has been approved as a legal newspaper by order of the Superior Court of Snohomish County and that the notice

Determination of Nonsignificance

Floodplain Regulations (LS 2011-05)

City of Lake Stevens

a printed copy of which is hereunto attached, was published in said newspaper proper and not in supplement form, in the regular and entire edition of said paper on the following days and times, namely:

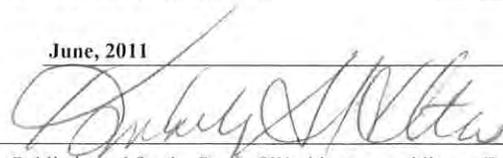
June 29, 2011

and that said newspaper was regularly distributed to its subscribers during all of said period.

Principal Clerk

Subscribed and sworn to before me this 29th

day of June, 2011



Notary Public in and for the State of Washington, residing at Everett, Snohomish County.

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Exhibit 86

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PUBLIC NOTICES

NOTICE OF PUBLIC HEARING Lake Stevens Planning Commission Public Hearing Related to proposed Floodplain Regulations (LS 2011-05) Proposed code amendments to LSMC 14.08.010 Definitions and Chapters 14.64 Floodways, Floodplains, Drainage and Erosion (Part I - Floodways and Floodplains) and 14.88 Critical Areas (Part V - Frequently Flooded Areas) to update to the city's existing floodplain regulations and incorporate mandatory and optional elements from the Federal Emergency Management Agency model ordinance for consistency with the Endangered Species Act. The proposed code amendments would also adopt the new Federal Insurance Rate Maps into the municipal code. The proposed amendments affect properties abutting Lake Stevens and a portion of Catherine Creek inside city limits. The City will accept public testimony on the proposed amendments Wednesday, September 7, 2011 at 7:00 PM, at the Lake Stevens Community Senior Center, 1808 Main St., Lake Stevens, WA 98258. Questions can be directed to the Department of Planning and Community Development at 1812 Main Street or by calling (425) 212-3315. Interested parties may submit comments regarding the moratorium orally during the hearing or in writing, prior to the hearing, by sending them to City Hall, attn: Russ Wright, PO Box 257, Lake Stevens, WA 98258.

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AFFIDAVIT OF POSTING - HEARING

Before the Lake Stevens Planning Commission
 Date of Hearing 9/7/11
 Project Name Flood Plain Regulations
 Project Number LS2011-05

Purpose of Hearing To review proposed code amendments to the city's floodplain for consistency with the Endangered Species Act and adoption of the new Federal Insurance Rate Maps into the municipal code.

Please be advised that on this day, the undersigned, representing the City of Lake Stevens, did post in a minimum of three (3) separate places as provided by City Ordinances and State Laws the following Notice of Public Hearing:

<u>Place Posted</u>	<u>Date Posted</u>	<u>Signature</u>
1. Property: # of signs -	_____	_____
2. City Hall	_____	_____
3. Permit Center	_____	_____
4. Web Page	_____	_____
5. Publication in Lake Stevens Journal	_____	_____
Emailed:	<u> 8/18/2011 </u>	<u> C. Moore </u>
OR		
Everett Herald	_____	_____
Emailed:	_____	_____
6. Mailings (300') # <u> 694 </u> , Date <u> 8/22/2011 </u> By, <u> C. Moore </u>		

Notice of Public Hearings

Project: Floodplain Regulations (LS 2011-05)

Applicant: City of Lake Stevens, Planning & Community Development

Planning Commission Hearing Date: September 7, 2011, 7:00 – 9:00 pm, Lake Stevens Community Center (1808 Main Street)

City Council Public Hearings: Sept. 26, 2011 & Oct. 10, 2011 7:00 – 9:00 pm (tentative), School District Education Center (12309 22nd Street NE)

The hearings may be continued to additional dates

Project Description: Proposed code amendments to the city's floodplain for consistency with the Endangered Species Act and adoption of the new Federal Insurance Rate Maps into the municipal code.

Environmental Review: The city issued a SEPA Determination of Non-Significance June 29, 2011.

Public Review and Comment Period: Interested parties may review the project file at the City of Lake Stevens Permit Center (1812 Main Street) Monday through Friday (8am to 5pm) and submit comments up to and at the Public Hearing.

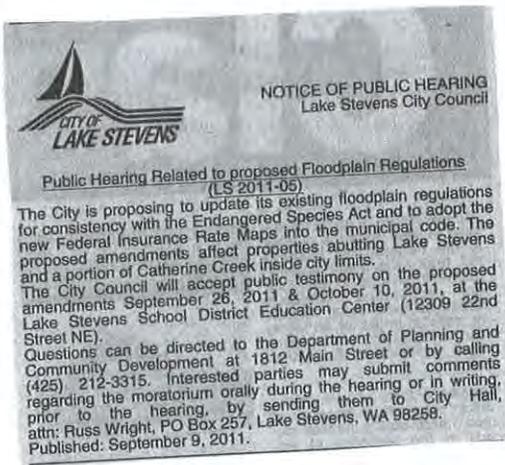
Questions/comments: Russ Wright, 425-212-3315, PO Box 257, Lake Stevens, WA 98258, rwright@lakestevenswa.gov.

Affidavit of Publication

STATE OF WASHINGTON,
COUNTY OF SNOHOMISH

}

S.S.



The undersigned, being first duly sworn on oath deposes and says that she is Principal Clerk of THE HERALD, a daily newspaper printed and published in the City of Everett, County of Snohomish, and State of Washington; that said newspaper is a newspaper of general circulation in said County and State; that said newspaper has been approved as a legal newspaper by order of the Superior Court of Snohomish County and that the notice

Notice of Public Hearing _____

Related to proposed Floodplain Regulations _____

a printed copy of which is hereunto attached, was published in said newspaper proper and not in supplement form, in the regular and entire edition of said paper on the following days and times, namely:

September 09, 2011

and that said newspaper was regularly distributed to its subscribers during all of said period.

Jody Inoh

Principal Clerk

Subscribed and sworn to before me this

9th

day of September, 2011

[Signature]

Notary Public in and for the State of Washington, residing at Everett, Snohomish County.



2025 First Avenue, Suite 500
Seattle, WA 98121-3140
Phone: 206.382.9540
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July 5, 2011

Rebecca Ableman
Director, Planning Dept.
City of Lake Stevens
P. O. Box 257
Lake Stevens, WA 98258

RECEIVED
JUL 08 2011
CITY OF LAKE STEVENS

Re: Property Owners for Sensible Floodplain Regulation
Status of Implementation of the NFIP Biological Opinion

Dear Ms. Ableman:

I am writing to you today for three reasons. First, I would like to introduce the City of Lake Stevens to Property Owners for Sensible Floodplain Regulation ("POSFR"). POSFR is a new Washington non-profit corporation formed by property owners and industry groups concerned about the potential unnecessary over-regulation of floodplain areas in the Puget Sound region. Second, I would like to provide a brief preview of POSFR's legal position regarding the City of Lake Stevens's obligations relative to the Biological Opinion issued by NOAA-National Marine Fisheries Service ("NOAA-Fisheries") in September 2008 to the Federal Emergency Management Agency ("FEMA") regarding the National Flood Insurance Program ("NFIP"). As explained more fully below, POSFR believes that FEMA and NOAA-Fisheries are reaching beyond their legal authority in suggesting to local jurisdictions that they have an obligation to implement the recommendations set forth in the NFIP Biological Opinion. Third, I am requesting that you add POSFR as an "interested party" or "party of record" regarding any efforts by the City of Lake Stevens related to the NFIP Biological Opinion.

I. Who is POSFR?

For the last several years, numerous industry groups, including the Association of Washington Business, the Washington REALTORS, the Building Owners and Managers Association of Seattle-King County, and the Master Builders Association of King and Snohomish Counties (to name a few), have been tracking two related activities affecting floodplains in the Puget Sound region. First, we have been tracking FEMA's efforts to update the Flood Insurance Rate Maps ("FIRMs") for many of the jurisdictions in the Puget Sound region, including King, Snohomish, Pierce and Skagit counties and the cities within those counties. Initially we had significant concerns regarding the preliminary FIRMs that FEMA produced for much of the Puget Sound region. At this time, however, it seems that our concerns have been allayed – or at least deferred – by FEMA's recent decision to re-evaluate its "without levees" policy. Until FEMA issues a decision regarding how it will account for non-accredited

levees in its upcoming FIRMs, it is our understanding that FEMA's mapping efforts are "on hold" in much of the region.

Second, we have been tracking FEMA's efforts to implement the NFIP Biological Opinion issued by NOAA-Fisheries related to the operation of the NFIP in the Puget Sound region. As you know doubt know, FEMA has been pressing local governments to modify their development regulations to implement Element 3 of the "Reasonable and Prudent Alternative" set forth in the Biological Opinion ("RPA Element 3").

POSFR came together earlier this year to provide a vehicle for the various industry groups, as well as myriad property owners who may be affected by the remapping, BiOp implementation, or both, to more intentionally track and weigh in on these activities. To be clear, POSFR understands and supports sensible floodplain regulation. We do not, however, believe that RPA Element 3 represents sensible floodplain regulation. RPA Element 3 proposes to severely restrict nearly all development in floodplains irrespective of existing conditions or actual habitat impacts – and goes beyond what FEMA or NOAA-Fisheries can legally require of local jurisdictions under the NFIP as currently enacted. Consequently, POSFR is reaching out to local jurisdictions to encourage you to evaluate carefully both the legal and technical bases underpinning RPA Element 3 and FEMA's efforts to implement it.

II. Local Government Duty Relative to the Biological Opinion

Right now POSFR's key concern is how local jurisdictions respond to the Biological Opinion. We want to be sure that local governments do not misunderstand their legal obligations and overreact to perceived pressure.

As you know, FEMA has offered local jurisdictions participating in the NFIP three options to implement RPA Element 3:

- (1) Adopt a Model Ordinance prepared by FEMA.
- (2) Demonstrate how their existing regulations satisfy RPA Element 3. To the extent FEMA determines there are gaps between a local jurisdiction's existing regulations and the requirements of RPA Element 3, FEMA is proposing that local jurisdictions modify their flood hazard regulation to fill those gaps.
- (3) Demonstrate ESA compliance within the floodplain on a permit-by-permit basis. FEMA has articulated that this may occur in one of two ways: (a) direct consultation pursuant to ESA Section 7(a)(2) for projects with a federal nexus (i.e., projects authorized, funded or carried out by a federal agency); or (b) review by the local jurisdiction (without NOAA-Fisheries involvement).¹

¹Because flood hazard permits are issued by the local jurisdiction, not any federal agency, they do not trigger a federal nexus. A project may, however, include a separate federal component (e.g., a Section 404 Clean Water Act permit), which would trigger a federal nexus and ESA consultation regarding that federal permit.

Since FEMA began offering local jurisdictions these three options, POSFR has been actively monitoring local jurisdictions' decisions regarding which option to pursue and their progress toward implementation. As part of this monitoring, we have seen significant confusion and ambiguity regarding FEMA's and NOAA-Fisheries' interpretation and explanation of what exactly RPA Element 3 requires. Recent meetings and conferences sponsored by FEMA and NMFS (the March 1 & 2 "Demystifying the NFIP Alignment with ESA" in Edmonds, and the several "Biological Assessment Workshops" held throughout the region in April and May) had left POSFR feeling optimistic that FEMA and NMFS were moving away from "one size fits all" prescriptive standards toward environment-specific, function-based performance standards (i.e., conserve floodplain functions as they currently exist where they currently exist) that acknowledge local circumstances and past development.

FEMA and NMFS, however, have been reluctant to memorialize this interpretation of RPA Element 3 in a meaningful way on which local jurisdictions and property owners may rely. Further, we understand that FEMA has been unwilling, in reviewing several local jurisdictions' option 2 checklists, to accept local jurisdictions' scientific rationale for something different than the "one size fits all" buffers set forth in RPA Element 3. Consequently, we are increasingly skeptical of whether FEMA and NMFS actually intend to offer the flexibility and environment-specific, function-based approach outlined during the meetings earlier this spring.²

Until FEMA and NMFS are willing to take a more sensible (and legally defensible) approach to RPA Element 3, local jurisdictions should reflect on the scope of FEMA's legal authority to attempt to demand compliance with RPA Element 3. Review of FEMA's existing NFIP regulations demonstrates that FEMA does not have the authority to require local governments to implement RPA Element 3. Instead, pursuant to FEMA's existing regulations, FEMA may only require that local governments require project applicants to obtain all other "necessary permits" from applicable federal and state agencies. In the context of the ESA, the only "permit" that could be required is an Incidental Take Permit – which is only "necessary" if required under Section 10 of the ESA.³ See 44 C.F.R. §60.3(a)(2). Pursuant to Section 10, an Incidental Take Permit *is only required for projects that "take" endangered species*. This is a very different standard than the "no adverse effects" standard set forth in RPA Element 3.

It is also notable that this is not a new requirement. Since the various ESA fish listings in the Puget Sound region (beginning in the late 1990s), local jurisdictions have borne the obligation to ensure that permits they issue for development proposals throughout their jurisdictions – not just in floodplains – do not trigger "take." 16 U.S.C. §1538. To date, we are not aware of any

² We understand that the Washington State Department of Commerce and the National Fish and Wildlife Foundation recently initiated a "Technical Assistance Project" aimed at helping local jurisdictions work through option 2 using an environment-specific, functions-based approach. We will continue to monitor this effort and suggest that local jurisdictions do the same before proceeding with option 2.

³For projects with a federal nexus (i.e., that are authorized, funded or carried out by a federal agency), the project applicant has an independent obligation to consult regarding impacts to endangered species and critical habitat pursuant to Section 7(a)(2) of the ESA. This obligation rests with the applicant, not the local jurisdiction.

jurisdiction in the Puget Sound region that has been challenged for failing to meet this requirement.

We understand that the ESA is complicated with numerous technical terms and requirements. We would suggest that if you have questions about this, you review FEMA's regulations (44 C.F.R. §60.3(a)(2)) and the ESA (16 U.S.C. §1531, *et seq.*) with your City Attorney. The bottom line is that FEMA has not taken the necessary steps to require any jurisdiction to implement RPA Element 3, but only to require an Incidental Take Permit where necessary because a project causes "take." Consequently, POSFR asks that local jurisdictions not overreact to the Biological Opinion by unnecessarily restricting either existing or future development in the floodplain.

III. Notice of Activities related to the NFIP Biological Opinion

Finally, please add me on behalf of POSFR to the list of interested parties or parties of record on any effort that your jurisdiction may undertake related to RPA Element 3 or other provisions of the NFIP Biological Opinion. To date, FEMA has not engaged in a public process in which all interested persons may participate. One of POSFR's goals is to ensure public participation in this process and ultimately the adoption of sensible floodplain development standards. Notice is a critical step.

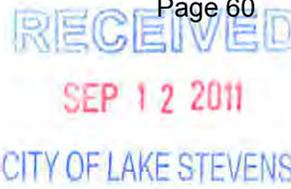
Thank you in advance for your consideration. We anticipate that this will be the first of several communications between the City of Lake Stevens and POSFR. We would also welcome the opportunity to meet with appropriate members of your staff to discuss these issues if that would be useful at this point. Otherwise, we look forward to hearing from you regarding any efforts related to the NFIP Biological Opinion or other efforts affecting floodplain development.

Very truly yours,



Molly A. Lawrence

cc: POSFR Board of Directors



2025 First Avenue, Suite 500
Seattle, WA 98121-3140
Phone: 206.382.9540
Fax: 206.626.0675
www.GordonDerr.com

September 9, 2011

Rebecca Ableman
Director, Planning Dept.
City of Lake Stevens
P. O. Box 257
Lake Stevens, WA 98258

Re: Status of Efforts Related to the NFIP Biological Opinion

Dear Ms. Ableman:

In July, I sent letters to the more than 100 local jurisdictions participating in the National Flood Insurance Program (“NFIP”) introducing Property Owners for Sensible Floodplain Regulations (“POSFR”) and explaining our position regarding each jurisdiction’s obligations related to the NFIP Biological Opinion (“BiOp”).¹ As you may recall, POSFR is a Washington non-profit corporation formed by property owners and industry groups concerned about the potential unnecessary and/or over-regulation of floodplain areas in the Puget Sound region. Since sending that initial letter, I have received numerous phone calls and correspondence from local jurisdictions both explaining how you have responded to the BiOp to date, and supporting our efforts. We thank you for taking these issues seriously and hearing and understanding our concerns.

Several jurisdictions also asked for more in-depth legal analysis regarding their obligations relative to the BiOp. This second letter responds to that request. Put simply, each jurisdiction’s obligation is to comply with NFIP regulation 44 CR §60.3(a)(2), which provides that you must require applicants for floodplain development permits to obtain all other necessary federal or state permits. This is different – and significantly less onerous – than any of the options that FEMA is currently articulating. POSFR acknowledges that FEMA would like the local jurisdictions to do more than is required by existing law to help FEMA meet its obligations to NOAA-National Marine Fisheries Service (“NMFS”) under the BiOp. It is extremely important, however, that local governments understand that their obligations under the NFIP are not the same as FEMA’s obligations resulting from the BiOp. We suggest and request that you simply comply with existing law as outlined below.

¹ Endangered Species Act Section 7 Formal Consultation and Magnuson-Stevens Fishery Conservation and Management Act Essential Fish Habitat Consultation, Implementation of the National Flood Insurance Program in the State of Washington, Phase One Document – Puget Sound Region, dated September 22, 2008, NMFS Tracking No: 2006-00472.

Rebecca Ableman,
City of Lake Stevens

- 2 -

A. General NFIP Framework & ESA Obligations

The existing NFIP regulations establish the boundaries of each jurisdiction's obligations to maintain participation in the NFIP. To participate in the NFIP, Lake Stevens was required to adopt – and now has as part of its zoning and/or building code – development regulations applicable within the special flood hazard area (generally referred to as the floodplain) that are at least as stringent as FEMA's minimum standards set forth in 44 CFR §60.3. One section of those FEMA minimum standards, 44 CFR §60.3(a)(1), requires: "The community shall review proposed development to assure that all necessary permits have been received from those governmental agencies from which approval is required by Federal or State law..." FEMA is now interpreting 44 CFR §60.3(a)(2) to include Endangered Species Act ("ESA") related permits.

As we explained in our first letter, for projects that do not have an independent federal nexus (i.e., projects authorized, funded or carried out by a federal agency) triggering a Section 7 ESA Consultation, the only "necessary" permit under the ESA is a Section 10 permit, known as an "Incidental Take Permit." As the ESA clearly explains, a Section 10 Incidental Take Permit is required only where a project causes a "take." As defined in the ESA, the term "take" means "to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, a listed species or attempt to engage in any such conduct." 16 U.S.C. §1532(19). As NMFS has explained, "The term 'harm' refers to an act that actually kills or injures a protected species." 65 FR 42422-01, 42426 (Endangered and Threatened Species; Final Rule Governing Take of 14 Threatened Salmon and Steelhead Evolutionarily Significant Units (ESUs), July 10, 2000). Further, NMFS has explained "[h]arm can arise from significant habitat modification or degradation where it *actually kills or injures* protected species by *significantly impairing essential behavioral patterns*, including breeding, spawning, rearing, migrating, feeding, or sheltering." *Id.*; 50 C.F.R. §17.3 (emphasis added).

In practice, very few development projects ever reach the "take" threshold triggering the obligation to obtain a Section 10 Incidental Take Permit. (This is something that both FEMA and NMFS acknowledge.) If "take" were a lower bar, more projects would be required to obtain such permits, and/or would face challenges by the various environmental groups in our region. As you may know, that has not been the case in the Puget Sound region (or anywhere else in the country).

Further, it is important that local jurisdictions realize that this is not a new obligation triggered by the BiOp. To the contrary, each jurisdiction in the Puget Sound region has been under the obligation, pursuant to Section 9 of the ESA, not to permit development projects that cause "take" (without a Section 10 Incidental Take Permit or other NMFS authorization) since the various ESA-listings beginning in the late-1990s. 16 USC §1538. In general, Lake Stevens has already been meeting this obligation to avoid permitting projects that will cause a "take" by applying your existing critical areas and shoreline regulations. Recall that the BiOp evaluated only FEMA's minimum floodplain regulations – and not the adequacy of each jurisdiction's critical areas ordinances and shoreline regulations. FEMA's minimum floodplain regulations are much less restrictive than any local jurisdiction's critical areas or SMP regulations. Thus, by concluding that FEMA's existing minimum regulations do not satisfy the ESA, NMFS did not conclude that any jurisdiction's local regulations do not satisfy the ESA.

Rebecca Ableman,
City of Lake Stevens

- 3 -

If you require projects that cause a “take” to obtain a Section 10 Incidental Take Permit or other approval from NMFS, you will satisfy the current requirements for participation in the NFIP. While FEMA may wish for Lake Stevens to do more to help FEMA meet its obligation under the BiOp, Lake Stevens will be compliant with the letter of the NFIP.

B. Options for Implementing the BiOp and FEMA's August Letter

On or about August 17, 2011, FEMA issued a 30-day notice letter to all NFIP-participating jurisdictions in the Puget Sound region. The purpose of FEMA's letter was to remind local jurisdictions of the upcoming September 22, 2011, BiOp implementation “deadline,” and to reiterate FEMA's position regarding the three options available to each jurisdiction to implement the BiOp. As FEMA's letter outlines, FEMA has offered local jurisdictions three options:

- (1) Adopt an ESA compliant ordinance (e.g., FEMA's “Model Ordinance”);
- (2) Use FEMA's “Biological Opinion Checklist” to document that your jurisdiction's existing regulations meet or exceed the performance standards set forth in Element 3 of the Reasonable and Prudent Alternative in the BiOp (“RPA Element 3”); or
- (3) Use a permit-by-permit approach through which you require the applicant to demonstrate that its project “will not have an adverse effect or provide concurrence from the Services that the project is compliant with the ESA.”²

Put simply, FEMA cannot require Lake Stevens to take any of these three actions under the existing NFIP regulations. This is where FEMA is attempting to transfer *its* obligation under the BiOp onto local jurisdictions *without adequate legal authority*.

As explained above, local jurisdictions' only obligation related to the ESA under the NFIP is its obligation not to approve development that will cause a “take” without a Section 10 Incidental Take Permit or other approval from NMFS. Nowhere in the statutes, regulations or case law is “take” defined to require that an action/project have “no adverse effect.” The vast majority of activities that could be found to have an “adverse effect” do not approach the “take” standard. Thus, for FEMA to assert that you must demonstrate that a project “will not have an adverse effect” is legally inaccurate.

When pressed on this during the various public meetings and conferences between March and May this year, FEMA and NMFS conceded that “no adverse affect” does not really mean no

²There has been some confusion regarding who FEMA expects to review the permit-by-permit submittals. FEMA has clarified that it expects local jurisdictions to review the applicant's habitat assessment and determine what impact, if any, a proposed project will have on endangered species or their habitat. Local jurisdictions are not required to consult with NOAA-Fisheries for projects that do not require a Section 10 Incidental Take Permit. (Applicants should consult directly with NOAA-Fisheries on projects with the federal nexus.) Local jurisdictions are free to approach FEMA and/or NMFS for “technical assistance” at any time if the local jurisdiction feels that is necessary or appropriate, but it is not required.

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adverse effect. Instead, they assert that “no adverse effect” is equivalent to a “not likely to adversely affect” determination, which is a standard applied in a Section 7 ESA Consultation to projects that have a federal nexus (i.e., projects authorized, funded or carried out by a federal agency), and that any project that would meet the “likely to have an adverse affect” standard, were it reviewed in a Section 7 ESA Consultation, will have an “adverse effect.” Again, however, the statutes, regulations and case law also do not equate “likely to adversely affect” under Section 7 with “take.” The standard applicable to local jurisdictions under the existing NFIP regulation is simply that you not authorize a project that causes “take” absent a Section 10 Incidental Take Permit or other NMFS approval.

Further, Lake Stevens’s obligation under 44 CFR §60.3(a)(2) does not require you either to adopt FEMA’s Model Ordinance, which is based on the performance standards in RPA Element 3, or demonstrate that your existing regulations meet or exceed those performance standards. First, FEMA has not amended its minimum criteria from that quoted above – 44 CFR §60.3(a)(2) – which simply requires local jurisdictions not to permit projects that will cause “take” absent a Section 10 Incidental Take Permit or other NMFS approval. Those standards do not import any of the provisions of RPA Element 3. Second, and perhaps more importantly, the performance standards set forth in RPA Element 3 are only one way that FEMA could modify its existing minimum criteria to comply with the ESA. Just as local jurisdictions use different regulations to satisfy their GMA critical areas and Shoreline Management Act requirements, FEMA is free to use any of a number of other methods and combinations of development standards to satisfy the ESA. Thus, to assert that any local government must comply with the performance standards in RPA Element 3 to maintain participation in the NFIP is legally erroneous.

Finally, FEMA’s August letter hints at, but does not fully disclose, that FEMA and NMFS are currently in the process of developing interpretative guidance and/or revisions to the BiOp to address many of the concerns that jurisdictions and private property owners have raised regarding the BiOp since its issuance in September 2008. That guidance should significantly ease some of the more difficult to manage provisions of the BiOp. Based on discussions with FEMA and NMFS, a few examples of the proposed guidance/revisions include: (1) recognition of the differences between developed and undeveloped floodplain areas; (2) revision or modification of the prescriptive “one size fits all” buffer standards; and (3) permission to use mitigation within the Riparian Buffer Zone in many instances. Until the interpretative guidance and/or revisions are issued, it is not possible for FEMA to complete its evaluation of any jurisdiction’s existing regulations (Option 2), or for any local jurisdiction to know what “target” FEMA would like it to hit with its BiOp implementation efforts. This is all the more reason simply to apply the existing provisions of 44 CFR §60.3(a)(2) (i.e., no “take” without a Section 10 Incidental Taker Permit or other approval from NMFS).

C. Concerns regarding Potential ESA Liability

POSFR understands that Lake Stevens may be concerned about potential liability if NMFS or a third party asserts in the future that you have made the wrong decision and issued a floodplain development permit for a project that does cause a “take” without requiring the applicant to obtain a Section 10 Incidental Take Permit or other NMFS approval. We would like to allay your concern to the extent possible.

Although you are not expected or obligated to send flood hazard permit applications to NMFS or FEMA for approval before issuing a development permit, your staff could send any flood hazard permit application about which you are concerned to FEMA and/or NMFS for their review prior to approval. FEMA and NMFS would then have an opportunity to review and weigh in regarding any proposal. If FEMA and/or NMFS do not respond within the comment period, you could document that in the application file for your next Community Assistance Visit. Alternatively, if either agency were to submit comments, your staff could require the applicant to address those comments as part of the permitting process. In either case, you would have taken additional steps to guard against future challenges.³

Further, if you were ever sued in the future on the grounds that you allegedly issued a permit that allowed a “take,” the plaintiff will have to carry the burden of proof – i.e., they will have to prove that your action caused a “take.” Returning to the “take” standard outlined above, that means they will have to prove that the approved project will “harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, a listed species or attempt to engage in any such conduct.” 16 U.S.C. §1532(19). To prove “take” due to habitat modification, the plaintiff will be required to demonstrate that the challenged project “actually kills or injures protected species by significantly impairing essential behavioral patterns, including breeding, spawning, rearing, migrating, feeding, or sheltering.” 50 CFR 17.3. This has proven to be very difficult standard of proof. *See, e.g., Animal Welfare Institute v. Martin*, 668 F.Supp.2d 254, 264-272 (D.Me. 2009); *Nat’l Wildlife Fed’n v. Burlington Northern R.R.*, 23 F.3d 1508, 1512-13 (9th Cir. 1994). Moreover, if the plaintiff is a citizen or environmental group, that plaintiff will be limited to injunctive relief – i.e., either stopping the permitted project or mandating prospective changes to your development regulations. The ESA does not authorize citizens or environmental groups to seek damages against a local jurisdiction for permitting take. 16 U.S.C. §1540(g).

In sum, although the risk of litigation can never be entirely eliminated, the risk of Lake Stevens facing a challenge for “take” under the ESA based on a decision to issue a flood hazard permit is very low. And the risk of the plaintiff prevailing in such a suit is even lower. This is born out by the dearth of ESA-based challenges in the Puget Sound region since NMFS originally began listing various anadromous fish species in the region in the late 1990s.

D. POSFR’s Recommendation and Request

In deciding how to address the BiOp, POSFR recommends and requests that local jurisdictions simply fulfill their existing obligations under 44 CFR §60.3(a)(2). That means reviewing project applications for “take” (not FEMA’s unsubstantiated “no adverse effect” standard), and requiring the applicant to demonstrate NMFS approval if their project will cause a “take.”

³ Also, if Lake Stevens is really concerned about potential ESA liability, you may submit your existing development regulations to NMFS and request an exception from the Section 9 “take” prohibition through the 4(d) Rule (municipal, residential, commercial, and industrial development activities). 50 CFR §223.203(b)(12). It is notable, however, that while this regulation was adopted in 2000, to POSFR’s knowledge, Washington jurisdictions have gone through this process.

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As part of this evaluation, local jurisdictions should understand that the ESA regulations routinely permit projects to use mitigation to avoid triggering a "take." This is true both within the Riparian Buffer Zone ("RBZ") and the portion of the floodplain outside of the RBZ. The rationale for this is that any applicant going through a Section 7 ESA Consultation would be permitted to use mitigation to offset impacts. Consequently, it is only fair to permit applicants outside of the federal permitting process to have the same mitigation opportunities.

Further, to the extent Lake Stevens chooses to pursue FEMA's Option 2 (above), POSFR requests that you retain within your regulations the ability for an applicant to opt for a permit-by-permit review consistent with 44 CFR §60.3(a)(2). While some applicants with smaller projects may prefer uniform development standards, most sophisticated developers prefer the flexibility to evaluate their property, identify any habitat or floodplain functions on their property, and tailor their project to avoid or mitigate for any impacts to that habitat or those functions. That should remain an option for all flood hazard permits going forward.

Finally, as noted above, since POSFR's first letter in July, I have received reports from numerous jurisdictions regarding the status of their efforts to implement the BiOp. If Lake Stevens has not yet provided POSFR with any feedback or update regarding the status of your efforts related to the BiOp, we would appreciate hearing your plans. In particular, please send me a copy of any correspondence that you may have with FEMA in response to its August letter, as well as notice of any meetings that Lake Stevens may have with FEMA and/or NMFS related to the BiOp or your implementation efforts. Also, as requested in my July letter, please include my name, on behalf of POSFR, on any "interested parties" or applicable notice lists for your jurisdiction for any actions related to the BiOp.

If you have any questions or comments regarding the content of this letter, or any of POSFR's efforts, please feel free to contact me or any member of POSFR's Board. I am including a copy of POSFR's Mission Statement and Board member for your records. We look forward to continuing to work with you on this complex issue.

Very truly yours,



Molly A. Lawrence

MAL:mal

cc: POSFR Board of Directors
Ken Murphy, FEMA Region X
Will Stelle, NOAA-National Marine Fisheries Service
David Williams, Association of Washington Cities
Josh Weiss, Washington Association of Counties



September 8, 2011

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

Subject: Planning Commission Recommendation Floodplain Regulations Update (LS2011-05)

Dear Council Members:

The Lake Stevens Planning Commission held a public hearing on Wednesday, September 07, 2011, to consider updates to the City’s floodplain regulations for consistency with the Endangered Species Act and to adopt the new Federal Insurance Rate Maps into the municipal code.

Commissioners Present: Commissioners Hoult, Huxford, Meyers, Petershagen, and Thurber

Commissioners Absent: Chair Ansbaugh and Commissioner Franz

PLANNING COMMISSION PUBLIC HEARING (September 07, 2011)

Planning and Community Development staff presented the proposed code amendments, summarized findings and conclusions from the staff report, and answered the Commission’s questions. The Commission had questions related to a comment letter in the packet and the permitting process, and requested clarification on the specific map changes. Two residents were present at the public hearing. No one provided public testimony.

FINDINGS AND CONCLUSIONS

The Planning Commission hereby adopts staff’s findings and conclusions, as outlined in the staff report dated September 07, 2011, and concludes that the proposed amendments:

- (1) Are consistent with the adopted Lake Stevens Comprehensive Plan;
- (2) Comply with the Growth Management Act; and
- (3) Advance the public health, safety and welfare.

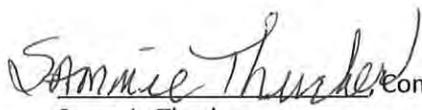
PLANNING COMMISSION RECOMMENDATION

MOTION (Code Amendment) – Commissioner Huxford RECOMMENDATION: Forward a recommendation to the City Council to APPROVE the proposed floodplain regulations and map revisions; motion carried unanimously (5-0-0-2).

Respectfully submitted,

Lake Stevens Planning Commission


Linda Hoult, Vice Chair


Sammie Thurber, Commissioner

**CITY OF LAKE STEVENS
LAKE STEVEN, WASHINGTON**

ORDINANCE NO. 860

AN ORDINANCE OF THE CITY OF LAKE STEVENS, WASHINGTON, RELATING TO REGULATION OF FLOODPLAINS; AMENDING SECTION 14.08.010 DEFINITIONS OF BASIC TERMS OF LSMC CHAPTER 14.08; REPEALING AND REPLACING PART I OF LSMC CHAPTER 14.64 FLOODWAYS, FLOODPLAINS, DRAINAGE, AND EROSION; AMENDING PART V (FREQUENTLY FLOODED AREAS) OF LSMC CHAPTER 14.88 CRITICAL AREAS OF THE LAKE STEVENS MUNICIPAL CODE; AND UPDATING REFERENCES TO INCORPORATING FUTURE FLOOD INSURANCE RATE MAPS INTO THE MUNICIPAL CODE.

WHEREAS, in 2008, the National Marine Fisheries Service (NMFS) issued a biological opinion that required changes to the implementation of the National Flood Insurance Program (NFIP) to comply with the Endangered Species Act (ESA); and

WHEREAS, in response to the NMFS opinion, the Federal Emergency Management Agency (FEMA) produced a model ordinance to address regulatory shortcomings in relation to endangered species; and

WHEREAS, FEMA required local jurisdictions to evaluate and/or amend their floodplain regulations by September 22, 2011 to comply with the biological opinion and ESA; and

WHEREAS, The City of Lake Stevens acknowledges that FEMA has updated its Flood Insurance Rate Maps (FIRMs) maps and desires to incorporate the current FIRMs and any subsequent changes into the Lake Stevens Municipal Code (LSMC or Code) by reference; and

WHEREAS, the floodplain regulations apply to all properties around the lake (Lake Stevens) and along a portion of Catherine Creek; and

WHEREAS, the City has shown that existing codes and proposed amendments adequately protect private properties and sensitive species in flood hazard areas and FEMA has provided a letter of conditional approval, dated August 16, 2011, attesting the same, pending adoption of the proposed regulations; and

WHEREAS, the City prepared a State Environmental Policy Act (SEPA) checklist and issued a Determination of Nonsignificance for the proposed code amendments on June 29, 2011 and published notice of the same in the Lake Stevens Journal; and

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

WHEREAS, pursuant to RCW 36.70A.106, a notice of intent to adopt proposed code amendments was transmitted to the Washington State Department of Commerce on June 29, 2011 for a 60-day review; and

WHEREAS, the Lake Stevens Planning Commission conducted a public hearing on September 7, 2011 to consider adopting the floodplain regulations and map revisions and recommended approval of the same; and

WHEREAS, the Lake Stevens City Council conducted public hearings on September 26 and October 10, 2011 to consider adopting the floodplain regulations and map revisions.

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

Section 1. The City Council hereby adopts the above recitals as findings and concludes that the proposed amendments contained in this Ordinance are:

- (1) Consistent with the adopted Lake Stevens Comprehensive Plan;
- (2) Comply with the Growth Management Act; and
- (3) Advance the public health, safety and welfare.

Section 2. LSMC 14.08.010 Definitions of Basic Terms is hereby amended to delete the definitions of *Area of Shallow Flooding* and *Area of Special Flood Hazard*; amend the definitions of *Base Flood*, *Critical Facility*, *Flood Insurance Study*, *Floodplain*, and *Floodway*; and add definitions of *Base Flood Elevation*, *Basement*, *Breakaway Wall*, *Channel Migration Area*, *Development (definition related to flood permits only)*, *Elevation Certificate*, *FEMA*, *Flood Zones*, *Mitigation (definition related to flood permits only)*, *Moderate-to-low Risk Areas or Non-Special Flood Hazard Areas*, *Natural Floodplain Functions*, *National Marine Fisheries Service (NMFS)*, *Protected Area (definition related to flood permits only)*, *Regulatory Floodplain*, *Riparian Habitat Zone*, *Special Flood Hazard Area (SFHA)*, *Structure (definition related to flood permits only)*, *Substantial Damage*, *Substantial Improvement*, and *Undetermined-risk Areas*, all as shown in Exhibit 1, attached hereto and incorporated herein by this reference.

Section 3. The chapter title for Chapter 14.64 Floodways, Floodplains, Drainage, and Erosion is hereby amended to read Chapter 14.64 Special Flood Hazard Areas, Drainage, and Erosion; Part I (Floodways and Floodplains) of Chapter 14.64 Floodways, Floodplains, Drainage, and Erosion of the Lake Stevens Municipal Code is hereby repealed in its entirety and replaced with a new Part I (Special Flood Hazard Areas and Regulatory Floodplain) of Chapter 14.64 Special Flood Hazard Areas, Drainage, and Erosion as shown in Exhibit 2, attached hereto and incorporated herein by this reference.

Section 4. Part V (Frequently Flooded Areas) of Chapter 14.88 Critical Areas of the Lake Stevens Municipal Code is hereby amended as shown in Exhibit 3, attached hereto and incorporated herein by this reference.

Section 5. Repealer. All portions of other ordinances in conflict herewith are hereby repealed

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

Section 6. Effective Date and Publication. A summary of this ordinance consisting of its title shall be published in the official newspaper of the City. This ordinance shall take effect and be in force five (5) 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.

APPROVED TO FORM

Grant Weed, City Attorney
1st Reading: September 26, 2011
Final Reading: October 10, 2011
Published:
Effective Date:

EXHIBIT 1 – Amendments to LSMC 14.08.010 Definitions of Basic Terms

CHAPTER 14.08 BASIC DEFINITIONS AND INTERPRETATIONS

14.08.010 Definitions of Basic Terms.

~~*Area of Shallow Flooding.* Areas that are designated AO and AH Zone on the Flood Insurance Rate Map (FIRM). The base flood paths range from one to three feet; a clearly defined channel does not exist; the path of flooding is unpredictable and indeterminate; and, velocity flow may be evident. AO is characterized as sheet flow and AH indicates ponding.~~

~~*Area of Special Flood Hazard.* Land in a floodplain subject to a one percent or greater change of flooding in any given year. Designation on FIRM maps always includes the letters A or V.~~

~~*Base Flood.* The flood having a one percent chance of being equaled or exceeded in any given year (also referred to as the “100-year flood”). The area subject to the base flood is the Special Flood Hazard Area designated on Flood Insurance Rate Maps as Zones “A” or “V” including AE, AO, AH, A1-99 and VE. Also known as the 100-year flood.~~

~~*Base Flood Elevation (BFE).* The elevation of the base flood above the datum of the effective FIRM to which floodwater is anticipated to rise during the base flood.~~

~~*Basement.* Any area of a building having its floor below ground level (subgrade) on all sides in relationship to Chapter 14.64 Part I and Chapter 14.88 Part V.~~

~~*Breakaway Wall.* A wall that is not part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces, without causing damage to the elevated portion of the building or supporting foundation system in relationship to Chapter 14.64 Part I and Chapter 14.88 Part V.~~

~~*Channel Migration Area.* The area within the lateral extent of likely stream channel movement due to stream bank destabilization and erosion, rapid stream incision, aggradations, avulsions, and shifts in location of stream channels locally characterized to include the outer limits of the special flood hazard area.~~

~~*Critical Facility.* A facility for which even a slight change of flooding might be too great. Critical facilities include but are not limited to school, nursing homes, hospitals, police, fire and emergency.~~

~~*Critical Facility.* A facility necessary to protect the public health, safety and welfare during a flood. Critical facilities include, but are not limited to; schools, nursing homes, hospitals, police, fire and emergency operations installations, water and wastewater treatment plants, electric power stations, and installations which produce, use, or store hazardous materials or hazardous waste (other than consumer products containing hazardous substances or hazardous waste intended for household use) in relationship to Chapter 14.64 Part I and Chapter 14.88 Part V.~~

~~*Development (Definition related to flood permits only).* Development means any man-made change to improved or unimproved real estate in the regulatory floodplain, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations, storage of equipment or materials, subdivision of land, removal of more than five percent of the native vegetation on the property, or alteration of natural site characteristics in relationship to Chapter 14.64 Part I and Chapter 14.88 Part V.~~

~~*Elevation Certificate.* The official form (Form 81-31) used by FEMA to provide elevation information necessary to determine the proper flood insurance premium rate.~~

~~*FEMA.* The Federal Emergency Management Agency, the agency responsible for administering the National Flood Insurance Program.~~

Flood Fringe. The portion of the floodplain lying outside of the floodway.

Flood Insurance Study. The official report provided by the Federal Emergency Management Agency Federal Insurance Administration that includes flood profiles, the Flood Boundary Floodway Map Flood Insurance Rate Map, and the water surface elevation of the base flood.

Floodplain. ~~See Regulatory Floodplain~~ Any land area susceptible to be inundated by water from the base flood. As used in this title, the term generally refers to that area designated as subject to flooding from the base flood (100-year flood) on the most recently adopted Flood Insurance Rate Map prepared by the Federal Emergency Management Agency, a copy of which is on file in the Planning Department.

Flood Protection Elevation (FPE). The base flood elevation plus one foot.

Floodway. ~~The channel of a stream or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot at any point. As used in this title, the term refers to that area designated as a floodway on the Flood Insurance Rate Map prepared by the U.S. Federal Emergency Management Agency, a copy of which is on file in the Planning and Community Development Department. 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.~~

Flood Zones. Geographic areas that the FEMA has defined according to varying levels of flood risk. These zones, as depicted on the city's Flood Insurance Rate Map (FIRM), reflect the severity or type of flooding in the area.

Mitigation (Definition related to flood permits only). An action taken to reduce or eliminate the risk of a hazard such as flooding; mitigation actions attempt to prevent flood hazards from developing into disasters, or to reduce the effects of flooding when it occurs in relationship to Chapter 14.64 Part I and Chapter 14.88 Part V.

Moderate-to-low Risk Areas or Non-Special Flood Hazard Area. Lands outside the one percent special flood hazard areas where the risk of being flooded is reduced, but not completely removed. FIRM maps designate non-special flood hazard areas with the letters B, C or X (or a shaded X).

Natural Floodplain Functions. The contribution that a floodplain makes to support habitat, including, but not limited to providing flood storage and conveyance, reducing flood velocities, reducing sedimentation, filtering nutrients and impurities from runoff, processing organic wastes, moderating temperature fluctuations, and providing breeding and feeding grounds, shelter, and refugia, for aquatic or riparian species.

National Marine Fisheries Service (NMFS). One of two federal agencies responsible for overseeing the Endangered Species Act (ESA). NMFS is primarily responsible for marine species and anadromous species.

Protected Area (Definition related to flood permits only). The lands that lie within the boundaries of the floodway, the riparian habitat zone, and the channel migration area. Because of the impact that development can have on flood heights and velocities and habitat, special rules apply in the protected area in relationship to Chapter 14.64 Part I and Chapter 14.88 Part V.

Regulatory Floodplain. The regulatory floodplain is comprised of the special flood hazard area and all protected areas within the jurisdiction. Riparian Habitat Zone. The riparian habitat zone includes those watercourses within the special flood hazard area and adjacent land areas that are likely to support aquatic and riparian habitat that correlate locally to the applicable, adopted Fish and Wildlife Conservation Area

buffers. The size and location of the riparian habitat zone is dependent on the type of water body, as described in Section 14.88.430. The riparian habitat zone includes the water body and adjacent lands, measured perpendicularly from ordinary high water on both sides of the water body.

Special Flood Hazard Area (SFHA). The special flood hazard area is land subject to inundation by the base flood having a one percent chance of being equaled or exceeded in any given year. FIRM maps designate special flood hazard areas as Zone A, Zone AO, Zone AH, Zones A1-A30, Zone AE, Zone A99, Zone AR, Zone AR/AE, Zone AR/AO, Zone AR/A1-A30, Zone AR/A, Zone V, Zone VE, and Zones V1-V30. Structure (Definition related to flood permits only). A walled and roofed building including a gas or liquid storage tank that is principally above ground in relationship to Chapter 14.64 Part I and Chapter 14.88 Part V.

Substantial Damage. Damage of any origin sustained by a structure whereby the cost of restoring the structure to its pre-damaged condition would equal or exceed 50 percent of the assessed market value of the structure before the damage occurred. Substantial damage also means flood-related damage sustained by a structure on two separate occasions during a 10-year period for which the cost of repairs at the time of each such flood event, on the average, equals or exceeds 25 percent of the assessed market value of the structure before the damage occurred in relationship to Chapter 14.64 Part I and Chapter 14.88 Part V.

Substantial Improvement. Any repair, reconstruction, rehabilitation, addition, replacement, or improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the “start of construction” of the improvement. This term includes structures that have incurred “substantial damage,” regardless of the actual repair work performed. The term does not include any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions in relationship to Chapter 14.64 Part I and Chapter 14.88 Part V.

Undetermined-risk Areas. Land where no flood-hazard analysis has been conducted, but a flood risk still exists. FIRM maps designate these areas with the letter D on the flood maps.

EXHIBIT 2 - Part I. Special Flood Hazard Areas and Regulatory Floodplain

CHAPTER 14.64 SPECIAL FLOOD HAZARD AREAS, DRAINAGE, AND EROSION

Part I. Special Flood Hazard Areas and Regulatory Floodplain

14.64.005 Basis for Establishing Special Flood Hazard Areas.

The City hereby adopts by reference the special flood hazard areas identified by the Federal Emergency Management Agency (FEMA) in its most current scientific flood insurance study for Snohomish County, Washington and incorporated areas and any revisions thereto, with the current accompanying Flood Insurance Rate Map (FIRM), and any revisions thereto, and declare the same to be a part of the Lake Stevens Municipal Code. The Flood Insurance Study is on file in the Planning and Community Development Department.

14.64.010 Application of Regulations.

- (a) All development in the regulatory floodplain, within the City of Lake Stevens, comprised of the special flood hazard area and all protected areas (i.e., lands within the boundaries of the floodway, the riparian habitat zone, and the channel migration area locally defined and mapped) shall comply with the terms of this chapter and other applicable local, state, and federal regulations including, but not limited to obtaining necessary permits and approvals.
- (b) The degree of flood protection required is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by human-made or natural causes. This does not imply that land outside the special flood hazard areas or uses permitted within such areas will be free from flooding or flood damages. There shall be no liability on the part of the City of Lake Stevens, any officer or employee thereof, or FEMA, for any flood damages that result from reliance on this code or any administrative decision lawfully made hereunder.
- (c) Under the provisions of this chapter, the City will allow an applicant to request permit specific review as consistent with National Flood Insurance Program regulation contained in 44 CFR §60.3(a)(2) to assess development impacts to floodplain and associated habitat functions and any requested deviations pursuant to the submission of a habitat impact assessment per Section 14.64.055(c) and, if necessary, a habitat mitigation plan per Section 14.64.055(d). Under a permit specific review, the development proposal must otherwise follow the defined administrative review procedures and regulations of this chapter.

14.64.015 Authority and Duties of the Floodplain Administrator.

- (a) The floodplain administrator shall be the Planning and Community Development Director, or the director's designee appointed to administer and implement this chapter by granting or denying floodplain development permits in accordance with its provisions.
- (b) Upon receipt of a floodplain development application, the floodplain administrator shall compare the project's site elevation to the base flood elevation. A development project is not subject to the requirements of this chapter if it is located on land outside the protected area and higher than the base flood elevation.
- (c) The floodplain administrator shall determine where needed, the exact location of the boundaries of the regulatory floodplain, the special flood hazard area, and the protected area when there appears to be a conflict between the mapped special flood hazard area boundary and actual field conditions, as determined by the base flood elevation and ground elevations per the criteria found in Section

14.88.510. The applicant may appeal an administrative interpretation of the boundary location to the hearing examiner in accordance with Section 14.16A.265.

- (d) Where the adopted FIRM map does not include base flood elevation and floodway data for special flood hazard areas, the floodplain administrator shall obtain, review, and reasonably utilize any base flood elevation and floodway data available from federal, state, and/or other sources.
- (e) The floodplain administrator shall maintain, for public inspection, all records pertaining to the provisions of this chapter and submit such reports as required for the National Flood Insurance Program.

14.64.020 Administrative Procedures.

- (a) The City shall require a floodplain development permit before construction and/or development begins within the regulatory floodplain.
- (b) Applicants shall submit a floodplain development permit, on forms furnished by the City, and shall submit one or more site plans, drawn to scale, including, but not limited to the following:
 - (1) The nature, location, dimensions, and elevations of the property in question;
 - (2) Names and location of all lakes, water bodies, waterways and drainage facilities within 300 feet of the site;
 - (3) The elevations of the 10-, 50-, 100-, and 500-year floods, where the data are available;
 - (4) The boundaries of the regulatory floodplain, special flood hazard area, floodway, riparian habitat zone, and channel migration area, as appropriate;
 - (5) The proposed drainage system including, but not limited to storm sewers, overland flow paths, detention facilities and roads;
 - (6) Existing and proposed structures, fill, pavement and other impervious surfaces, and sites for storage of materials;
 - (7) Critical areas per Chapter 14.88; and
 - (8) Existing native vegetation and proposed revegetation.
- (c) The applicant must record a notice on title that the property contains land within the regulatory floodplain including special flood hazard areas and protected areas, as applicable before the City issues the floodplain development permit.

14.64.025 Conformance with Chapter 14.88 (Critical Areas) Chapter 14.92 (Shoreline Management) and Section 14.16C.100 (Shoreline Regulations), and the Shoreline Master Program.

Uses permitted within regulatory floodplain must also be consistent with Chapter 14.88, Chapter 14.92, Section 14.16C.100 and the Shoreline Master Program. Wherever regulations conflict, in these chapters, the more restrictive provisions shall prevail. The intent of this section is to prevent development that is inconsistent with Chapter 14.88, Chapter 14.92, Section 14.16C.100 and the Shoreline Master Program even though it may seem permissible according to the regulations of this chapter.

14.64.030 Exemptions and Allowed Activities.

- (a) Non-Development Activities. Activities in the regulatory floodplain that do not meet the definition of "development" are exempt activities and do not require a floodplain development permit if the activity meets all other federal, state, and local requirements. The following are examples of activities not considered development:

- (1) Routine maintenance of landscaping that does not involve grading, excavation, and/or filling;
 - (2) Removal of noxious weeds and hazard trees and replacement of non-native vegetation with native vegetation;
 - (3) Normal maintenance of structures, such as re-roofing and replacing siding, provided such work does not qualify as a substantial improvement;
 - (4) Normal maintenance of above ground utilities and facilities, such as replacing downed power lines and utility poles;
 - (5) Normal maintenance of streets and roads including filling potholes, repaving, and/or installing signs and traffic signals, but not including expansion of paved areas;
 - (6) Normal maintenance of a levee or other flood control facility prescribed in the operations and maintenance plan for the levee or flood control facility. Normal maintenance does not include repair from flood damage, expansion of the prism, expansion of the face or toe or addition for protection on the face or toe with rock armor; and
 - (7) Plowing and other normal farm practices (other than structures or filling) on farms in the regulatory floodplain and in existence as of the effective date of the ordinance establishing this chapter do not require a floodplain development permit. Clearing additional land for agriculture after the effective date of the Ordinance No. 860 shall require a floodplain development permit.
- (b) Activities allowed with a floodplain development permit – the City will allow the activities listed below in the regulatory floodplain, without a habitat impact assessment per Section 14.64.055(c), when the activity meets all other requirements of this chapter:
- (1) Repairing and/or remodeling existing structures if the repairs and/or remodels are not a substantial improvement or a repair of substantial damage;
 - (2) Maintenance and/or repair of shoreline stabilization structures pursuant to the Shoreline Master Program that does not involve grading, excavation and/or filling;
 - (3) Maintenance, repair, remodel and/or new over-water structures pursuant to the Shoreline Master Program that does not involve grading, excavation and/or filling;
 - (4) Expansion of existing structures when the expansion does not increase the existing footprint more than 10 percent. The expansion measurement is counted cumulatively from the effective date of Ordinance No. 860. If the structure is in the floodway, there shall be no change in the dimensions perpendicular to flow;
 - (5) Activities with the sole purpose of creating, restoring and/or enhancing natural functions associated with floodplains, streams, lakes, estuaries, marine areas, habitat, and riparian areas that meet federal and state standards, if the activities do not include the creation of structures and/or impervious surfaces;
 - (6) Development of open space and recreational facilities, such as parks, trails, and hunting grounds, that do not include fill, the creation of structures and/or impervious surfaces, and/or removal of more than five percent of the native vegetation on that portion of the property in the regulatory floodplain; and
 - (7) Maintenance and/or repair to onsite septic systems provided the ground disturbance is the minimum necessary to carry out the maintenance and/or repair.

14.64.035 Other Activities.

All other activities not listed in Sections 14.64.030(a) and (b) that are allowed by Chapter 14.44 are allowed, provided they meet all the other requirements of this chapter, including providing a habitat

impact assessment pursuant to Section 14.64.055(c) and obtaining a floodplain development permit prior to the activity.

14.64.040 Development Standards.

(a) Structures, impervious surfaces, and other development shall be located to avoid flood damage.

- (1) If a lot has a buildable site out of the regulatory floodplain, when possible, all new structures impervious surfaces, and other development shall be located in that area.
- (2) If a lot does not have a buildable site out of the regulatory floodplain, all new structures, impervious surfaces, and other development must be sited in the location that has the least impact on habitat by locating the structures, impervious surfaces, and other development as far from the water body as possible and/or placing the structures, impervious surfaces, and other development on the highest land on the lot.
- (3) If the proposed project cannot meet the criteria of Section 14.64.040(a)i or ii, a habitat impact assessment shall be conducted pursuant to Section 14.64.055(c) and, if necessary, a habitat mitigation plan shall be prepared and implemented pursuant to Section 14.64.055(d), prior to locating structures, impervious surfaces, and other development within the regulatory floodplain.

(b) Applicants shall design and locate all new structures, impervious surfaces, and other development to minimize the impact on flood flows, flood storage, water quality, and habitat.

- (1) To the extent feasible, stormwater and drainage features shall incorporate low impact development techniques that mimic pre-development hydrologic conditions, such as stormwater infiltration, rain gardens, grass swales, filter strips, disconnected impervious areas, permeable pavement, and vegetative roof systems, pursuant to Chapter 11.06.
- (2) If a project proposes to create new impervious surfaces on more than 10 percent of that portion of the lot in the regulatory floodplain, the applicant shall demonstrate that there will be no net increase in the rate and volume of the stormwater surface runoff leaving the site or mitigate the adverse impacts, pursuant to Chapter 11.06.

(c) Hazardous Materials. New development shall not create a threat to public health, public safety, and/or water quality. Chemicals, explosives, gasoline, propane, buoyant materials, animal wastes, fertilizers, flammable liquids, pollutants, and other materials that are hazardous, toxic, or a threat to water quality are prohibited from the regulatory floodplain. This prohibition does not apply to small quantities of these materials kept for normal household use, or to the continued operations of existing facilities and structures, reuse of existing facilities and structures, or functionally dependent facilities or structures.

- (1) If the proposed development cannot meet the criteria of sections Section 14.64.040(c), the applicant must provide a habitat impact assessment pursuant to Section 14.64.055(c) prior to any approval of the proposed development.

(d) Critical Facilities

- (1) To the extent possible, construction of new critical facilities shall be located outside the limits of the regulatory floodplain.
- (2) Construction of new critical facilities in the regulatory floodplain shall be permissible if no feasible alternative site is available, provided:
 - (i) Critical facilities shall have the lowest floor elevated three feet above the base flood elevation or to the height of the 500-year flood, whichever is higher. If there is no available data on the 500-year flood, the permit applicants shall develop the needed data in accordance with FEMA mapping guidelines.

- (ii) Access to and from the critical facility shall be protected to the elevation of the 500-year flood.

14.64.045 Construction Standards for Protection of Structures.

The provisions of this section shall apply in the special flood hazard area. All new structures and substantial improvements shall be protected from flood damage below the flood protection elevation

- (a) Applicability. The protection requirements of this section apply to all new structures and substantial improvements, which include:

- (1) Construction or placement of a new structure, including over-water structures and shoreline stabilization;
- (2) Reconstruction, rehabilitation, and/or other improvement that will result in a substantially improved structure, including over-water structures and shoreline stabilization;
- (3) Repairs to an existing structure that has been substantially damaged;
- (4) Placing a manufactured home on a site; and
- (5) Placing a recreational vehicle or travel trailer on a site for more than 180 days.

- (b) Flood Protection Standards

- (1) All new structures and substantial improvements shall have the lowest floor including basements elevated at least one foot above the flood protection elevation.
- (2) Where practicable, new structures shall align parallel with the direction of flood flows.
- (3) To prevent flotation, collapse, and/or lateral movement of the structure, all new structures shall provide anchoring.
- (4) All materials below the flood protection elevation shall be resistant to flood damage; provided however, that materials harmful to aquatic wildlife, such as creosote, are prohibited below the flood protection elevation.
- (5) Electrical, heating, ventilation, ductwork, plumbing, and air-conditioning equipment and other service facilities shall be elevated above the flood protection elevation. Water, sewage, electrical, and other utility lines below the flood protection elevation shall be constructed so as to prevent water from entering or accumulating within them during conditions of flooding
- (6) Fully enclosed areas below the lowest floor that are subject to flooding shall be used only for parking, storage, and/or building access and shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement shall either be certified by a registered professional engineer or licensed architect and/or meet or exceed the following minimum criteria:
 - (i) Fully enclosed areas shall provide a minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding.
 - (ii) The bottom of all openings shall be no higher than one foot above grade.
 - (iii) Openings may be equipped with screens, louvers, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

- (c) Nonresidential Construction. New construction and substantial improvement of any commercial, industrial or other nonresidential structure shall be elevated in accordance with Section 14.64.045(b). As an alternative to elevation, a new or substantial improvement to a commercial, industrial, or other

nonresidential structure and its attendant utility and sanitary facilities may be dry flood proofed if the following criteria are met:

- (1) The structure is below the flood protection elevation and the structure is watertight with walls substantially impermeable to the passage of water;
- (2) The structural components are capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; and
- (3) A registered professional engineer or licensed architect certifies that the design and methods of construction conform to accepted standards of practice for meeting provisions of this subsection based on their development and/or review of the structural design, specifications and plans. The applicant shall provide such certifications with their floodplain development application.

(d) Manufactured Homes. The placing of all manufactured homes or substantial improvements to existing manufactured homes on sites shall be:

- (1) Elevated on a permanent foundation in accordance with Section 14.64.045(b); and
- (2) Securely anchored to a foundation/foundation system to resist flotation, collapse and lateral movement. Methods of anchoring may include, but are not to be limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to other applicable anchoring requirements for resisting wind forces.

(e) Recreational Vehicles. Recreational vehicles placed on sites shall:

- (1) Be on the site for fewer than 180 consecutive days; or
- (2) Be fully licensed and ready for highway use, on their wheels or jacking system, attached to the site only by quick disconnect type utilities and security devices, and have no permanently attached additions; and
- (3) Meet the requirements of Section 14.64.045(d).

(f) Appurtenant Structures. A structure on the same parcel, as the principle structure, when the use is incidental to the use of the principle structure and is not used for human habitation, may be exempt from the elevation requirement of Section 14.64.045(b), provided:

- (1) It is used only for parking or storage;
- (2) It is constructed and placed on the building site so as to offer minimum resistance to the flow of floodwaters;
- (3) It is anchored to prevent flotation which may result in damage to other structures;
- (4) All portions of the structure below the flood protection elevation must be constructed of flood-resistant materials;
- (5) Service utilities such as electrical and heating equipment meet the standards of Section 14.64.045(b) and (g);
- (6) It has openings to allow free flowage of water that meet the criteria in Section 14.64.045(b)vi; and
- (7) The project meets all the other requirements of this chapter.

(g) Utilities

- (1) All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the systems;

- (2) Water wells shall be located outside the floodway and shall be protected to the flood protection elevation;
- (3) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters;
- (4) Onsite waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding. As a condition of approval for an onsite waste disposal system within the regulatory floodplain, the applicant must prepare and provide a habitat impact assessment in accordance with Section 14.64.055(c).

14.64.050 Special Provisions for Subdivisions.

- (a) This section applies to all subdivision proposals including but not limited to subdivisions, short subdivisions, planned developments, binding site plans per Chapter 14.18.
- (b) All proposals shall be consistent with the need to minimize flood damage.
- (c) All proposals shall have utilities and facilities, such as sewer, gas, electrical, and water systems located and constructed to minimize or eliminate flood damage.
- (d) All proposals shall provide adequate drainage to reduce exposure to flood damage.
- (e) Wherever possible, all proposals shall provide at least one access road connected to land outside the regulatory floodplain with the surface of the road at or above the flood protection elevation.
- (f) The final recorded plat, short plat, or binding site plan shall include a note that a portion of the property contains land within the regulatory floodplain including special flood hazard areas and protected areas, as applicable.

14.64.055 Standards for Habitat Protection.

The provisions of this section shall apply in the regulatory floodplain.

- (a) Native Vegetation.
 - (1) In the riparian habitat zone (required buffers per Chapter 14.88 and the Shoreline Master Program), native vegetation shall be left undisturbed, except as provided in Section 14.64.030
 - (2) Outside the riparian habitat zone, removal of native vegetation shall not exceed 35 percent of the surface area of the portion of the site in the regulatory floodplain. The applicant can count native vegetation in the riparian habitat zone portion of the property (required buffers per Chapter 14.88 and the Shoreline Master Program) toward this requirement.
 - (3) If the proposed project does not meet the criteria of Sections 14.64.030(a) and (b), the applicant shall provide a habitat impact assessment pursuant to Section 14.64.055(c) and, if necessary a habitat mitigation plan pursuant to Section 14.64.055(d), prior to any approval of the proposed project.
- (b) Compensatory Storage. New development shall not reduce the effective flood storage volume of the regulatory floodplain. A development proposal shall provide compensatory storage if grading or other activity eliminates any effective flood storage volume. Compensatory storage areas shall:
 - (1) Provide equivalent volume at equivalent elevations to that being displaced. For this purpose, “equivalent elevation” means having similar relationship to ordinary high water and to the best available 10-year, 50-year and 100-year water surface profiles;
 - (2) Be hydraulically connected to the source of flooding;

- (3) Provide compensatory storage in the same construction season as when the displacement of flood storage volume occurs and before the flood season begins; and
 - (4) The newly created storage area shall be graded and vegetated to allow fish access during flood events without creating fish stranding sites.
- (c) Habitat Impact Assessment. Unless allowed under Sections 14.64.030(a) and (b), a permit application to develop in the regulatory floodplain shall include an assessment of the impact of the project on federal, state and/or locally protected species and habitat, water quality and aquatic and riparian habitat. The assessment shall be one of the following:
- (1) A biological evaluation or biological assessment developed per 50 CFR 402.12 to initiate federal interagency consultation under Section 7(a)(2) of the Endangered Species Act; or
 - (2) Documentation that the activity fits within Section 4(d) of the Endangered Species Act; or
 - (3) Documentation that the activity fits within a Habitat Conservation Plan approved pursuant to Section 10 of the Endangered Species Act, where any such assessment has been prepared or is otherwise made available; or
 - (4) An assessment prepared in accordance with Regional Guidance for Floodplain Habitat Assessment and Mitigation, FEMA Region X, 2010. The assessment shall determine if the project would adversely affect:
 - (i) Species that are federal, state or local listed as threatened or endangered;
 - (ii) The primary constituent elements for critical habitat, when designated;
 - (iii) Essential Fish Habitat designated by the National Marine Fisheries Service;
 - (iv) Fish and Wildlife Habitat Conservation Areas, per Chapter 14.88 Part IV or the Shoreline Master Program Appendix B; and
 - (v) Other protected areas and elements necessary for species conservation.
- (d) Habitat Mitigation Plan.
- (1) If the assessment, conducted under Section 14.64.055(c), concludes the project will have an adverse effect on water quality and/or aquatic or riparian habitat or habitat functions, the applicant shall provide a plan to mitigate those impacts, in accordance with Regional Guidance for Floodplain Habitat Assessment and Mitigation, FEMA Region X, 2010.
 - (i) If the project is located outside the protected area, the mitigation plan shall include such avoidance, minimization, restoration, or compensation measures as are appropriate for the situation.
 - (ii) If the project is located in the protected area, the mitigation plan shall stipulate avoidance measures as are needed to ensure that there is no adverse effect during any phase of the project.
 - (2) The proposed project shall incorporate the plan's habitat mitigation activities. The redesigned project and its mitigation components shall be the basis for the floodplain development permit.
 - (3) The floodplain administrator shall not issue a certification of use and/or occupancy until the applicant completes all the work identified in the biological evaluation, biological assessment, and/or mitigation plan or provides the necessary assurance to complete unfinished portions of the project, in accordance with Section 14.16A.180.

EXHIBIT 3 - Part V (Frequently Flooded Areas) of Chapter 14.88 Critical Areas

Part V. Frequently Flooded Areas

14.88.500 Classification.

Classification for flood zones shall be consistent with the ~~100-year floodway and~~ regulatory floodplain designations as adopted by the City per Chapter 14.64 Part I, or where such a designation has not been adopted by the City, by the ~~100-year flood zone~~ special flood hazard area designations of the Federal Emergency Management Agency and the National Flood Insurance Program. Any such designations adopted by the City shall consider the following criteria if and when designating and classifying these areas:

- (a) Flooding impact to human health, safety, and welfare and to public facilities and services; and
- (b) Documentation including Federal, State and local laws, regulations and programs, local maps and federally subsidized flood insurance programs; ~~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.~~

14.88.510 Determination of Boundary.

The boundary of a flood zone shall be contiguous with the ~~100-year floodway and floodplain designations~~ regulatory floodplain as adopted by the City, per Chapter 14.64 Part I, or where such a designation has not been adopted by the City, the ~~100-year floodplain special flood hazard area~~ designations of the Federal Emergency Management Agency (FEMA) and the National Flood Insurance Program where it has been delineated [~~shown on Flood Insurance Rate Maps (FIRM)~~]. Where this information does not exist, the boundary determination shall be made by a licensed engineer and based upon the same criteria used by FEMA. The Planning and Community Development Director or designee shall confirm this determination. This determination shall be confirmed by the City Engineer.

14.88.520 Allowed Activities.

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

- (a) ~~Floodways:~~ Those activities allowed per Section 14.88.220.
 - ~~(1) Those activities allowed per Section 14.88.220.~~
 - ~~(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:~~ Those activities allowed per Section 14.64.025. ~~(1) All those activities allowed in floodways.~~
 - ~~(2) Recreational fields~~

14.88.530 Requirements.

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

- (a) Development shall not reduce the effective flood storage volume. Reduction of the floodwater storage capacity due to grading, construction, or other regulated activities shall provide compensatory storage per Section 14.64.050(b).
- (b) The final recorded subdivision plat or site plan shall include a notice that the property contains land within the regulatory floodplain including special flood hazard areas and protected areas, as applicable.

~~All land uses and development proposals shall comply with the ordinances adopted by the City of Lake Stevens for general and specific flood hazard protection (see Chapter 14.64, Floodways, Floodplains, Drainage, and Erosion). 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.~~

14.88.540 Mitigation.

~~If potential flooding impacts from development cannot be avoided by design or if the use is not an allowed or exempt use, the applicant shall provide or by providing on or off-site detention and/or retention ponds, a habitat impact assessment and/or habitat mitigation plan other forms of mitigation may be considered in order to avoid to mitigate impacts on federal, state or locally protected species and habitat, water quality and aquatic and riparian habitat, significant environmental impacts per sections 14.64.050(c) and (d). Applicants must provide mitigation plans exploring and analyzing any proposed mitigation measures.~~



LAKE STEVENS CITY COUNCIL
STAFF REPORT

Council Agenda Date: September 26, 2011

Subject: 2011 Comprehensive Plan Amendment Proposals (2011 Docket Ratification) (LS2011-1)

Contact Person/Department: Karen Watkins/Planning **Budget Impact:** None

RECOMMENDATION(S)/ACTION REQUESTED OF COUNCIL: Hold a ratification public hearing on the proposed list of amendments on September 26, 2011 to determine whether or not a proposal merits consideration and pass the resolution of those proposals which should be included for further analysis on the 2011 Docket.

SUMMARY: This year, there are no private applications for comprehensive plan amendments or related rezones or code housekeeping. Staff is proposing five text amendments and a placeholder for inclusion on the 2011 Docket (*Attachment A*). The Planning Commission held a public hearing for ratification of the 2011 Docket on September 7, 2011 and recommend ratification of the proposed docket (*Attachment B*).

BACKGROUND: Under the Growth Management Act, the City is allowed to amend the Comprehensive Plan and Future Land Use Map only once per year. This process is called the “Docket.” The Comprehensive Plan has a specified docket process to follow (pages 1-18 to 1-24). This year’s docket has nine City proposed text amendments. A staff summary of each amendment proposal is attached (*Attachment C*). Resolution 2011-12 in *Attachment D* is approved as to form by the City Attorney.

The Comprehensive Plan (page 1-19) includes requirements for annual amendments:

Annual amendments shall not include significant policy changes, which would be found inconsistent with the adopted Vision Goals (VG-1 through VG-7); rather, they are intended to address the following:

- *Major or minor land use and road classification changes*
- *Amendments to Plan text including support data and implementation*
- *Changes to Element maps*
- *Minor changes to policies or clarification*
- *Other minor text changes*

Each summary sheet includes a section to show which issue(s) the proposed amendment is intended to address.

The Comprehensive Plan (page 1-23) lists findings that must be met in order to authorize an amendment for inclusion in an annual amendment cycle or docket.

The City shall use the following decision criteria in selecting proposals for further analysis and consideration. Proposals must meet subsections 1 through 4 below and either subsection 5 or 6 below.

- 1. Is the proposed amendment appropriate to the Comprehensive Plan or is it more appropriate to implement the proposal as a development regulation or program?*
- 2. Is the proposed amendment legal? Does the proposed amendment meet existing state and local laws?*
- 3. Is it practical to consider the proposed amendment? Reapplications for reclassification of property reviewed as part of a previous proposal are prohibited unless the applicant establishes there has been a substantial change of circumstances and support a plan or regulation change at this time.*
- 4. Does the City have the resources, including staff and budget, necessary to review the proposed amendment?*
- 5. Does the proposed amendment correct an inconsistency within or make a clarification to a provision of the Plan OR*
- 6. All of the following:*
 - a. The proposed amendment demonstrates a strong potential to serve the public interest by implementing specifically identified goals and policies of the Comprehensive Plan; and*
 - b. The public interest would best be served by considering the proposal in the current year, rather than delaying consideration to a later subarea plan review or plan amendment process.*

Each amendment proposal includes an analysis of which decision criteria are met by the proposed amendment, if any.

DISCUSSION: Staff will begin the briefing by discussing the requirements for ratification specified in the Comprehensive Plan. Next, each of the amendment proposals will be summarized. In order to move a proposal forward to the 2011 Docket the appropriate findings must be met. All five proposals do meet the decision criteria.

Once the 2011 Docket is ratified, staff will provide proposed amendments and detailed analysis for each proposal so decisionmakers can determine if proposal meets the criteria to grant or deny. The bottom of each proposal sheet shows staff and Planning Commission recommendations and includes a space for Council recommendations.

APPLICABLE CITY POLICIES: Comprehensive Plan (pages 1-18 through 1-24)

BUDGET IMPACT: None

ATTACHMENTS:

- A Summary Table of 2011 Comprehensive Plan Proposals
- B Planning Commission Recommendation Letter
- C Summaries of each text proposal (6 total)
- D Resolution No. 2011-12

ATTACHMENT A

**SUMMARY - COMPREHENSIVE PLAN PROPOSALS
 FOR RATIFICATION OF 2011 DOCKET**

Five text proposals (all City proposed) and one placeholder are being presented for consideration on the 2011 Docket. No map proposals or code housekeeping amendments are proposed for the 2011 Docket.

#	NAME	REQUEST
MAPS		
	NONE	No zoning map or comprehensive map amendments proposed.
TEXT		
T-1	Chapter 1 Introduction	Add summary of the public process for the 2011 Docket ratification and adoption of amendments in same format as previous years. Add reference to the SEPA review for the 2011 Docket which will be added in a new appendix.
T-2	Chapter 5 Parks and Recreation Element	Update Eagle Ridge Park description and inventory of parks to be consistent with the adopted Eagle Ridge Park Master Plan.
T-3	Chapter 6 Transportation Element	Update the chapter to include the 20 th Street SE project and to be consistent with the Transportation Improvement Program (TIP) 2011-2017 adopted by the City Council this year.
T-4	Chapter 8 Capital Facilities Element	Update the tables to include the 20 th Street SE project and Eagle Ridge Master Plan and to be consistent with the Six Year Transportation Improvement Program (STIP) 2011-2016 and Eagle Ridge Park Master Plan recently adopted by the City Council.
T-5	Appendices	A new Six Year Transportation Improvement Program (STIP) was adopted by Council in 2011, so this amendment is to add the updated STIP in Appendix F. The other proposal is to add the 2011 Docket SEPA review document as Appendix K.
T-6	Placeholder	The is a placeholder only in case additional amendments are discovered during the amendment review process.
CODE HOUSEKEEPING		
	NONE	No code amendments proposed.



September 7, 2011

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

**SUBJECT: Planning Commission Recommendation
Proposed Text Amendments to the Comprehensive Plan
(2011 Docket Ratification, LS2011-1)**

Dear Council President Quigley and Council Members:

The Lake Stevens Planning Commission held a public hearing on Wednesday, September 7, 2011 to consider five text amendments and a placeholder for inclusion on the 2011 Comprehensive Plan Work Program (2011 Docket). No amendments are proposed by private parties. The City is proposing all five text amendments.

Commissioners in attendance were Co-Chair Linda Hoult, Sammie Thurber, Gary Petershagen, J.R. Myers, and Janice Huxford. Chair Dan Ansbaugh and Planning Commissioner Dean Franz were excused.

Planning and Community Development staff presented the proposed amendments and responded to question. Staff discussed the background and overview of Comprehensive Plan amendments before presenting each proposed text amendment individually and describing whether each proposal met the requirements for annual amendments and the findings to allow the proposal to proceed through the amendment cycle. The detailed analysis will be completed at a second phase, the threshold stage, for those projects on the final 2010 Docket ratified by the City Council.

PLANNING COMMISSION RECOMMENDATION

The Planning Commission took one vote for all five text amendments and the placeholder. The Planning Commission unanimously recommends the Council move forward with all five text amendments for placement on the 2011 Comprehensive Plan Work Program (2011 Docket). A summary table is attached.

The recommendation is supported by findings set forth in the Comprehensive Plan allowing an amendment request be allowed through the amendment cycle if it meets decision criteria subsections 1 through 4 and either subsection 5 or 6 on page 1-23 of the Plan and after considering testimony and information presented during the public hearing process. The Planning Commission is satisfied that the recommendation is in compliance with, and is based

SUMMARY - COMPREHENSIVE PLAN PROPOSALS FOR RATIFICATION OF 2011 DOCKET

Five text proposals (all City proposed) and one placeholder are being presented for consideration on the 2011 Docket. No map proposals or code housekeeping amendments are proposed for the 2011 Docket. **The Planning Commission unanimously recommends all five text proposals and the placeholder be included on the 2011 Docket.**

#	NAME	REQUEST
MAPS		
	NONE	No zoning map or comprehensive map amendments proposed.
TEXT		
T-1	Chapter 1 Introduction	Add summary of the public process for the 2011 Docket ratification and adoption of amendments in same format as previous years. Add reference to the SEPA review for the 2011 Docket which will be added in a new appendix.
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T-4	Chapter 8 Capital Facilities Element	Update the tables to include the 20 th Street SE project and Eagle Ridge Master Plan and to be consistent with the Six Year Transportation Improvement Program (STIP) 2011-2016 and Eagle Ridge Park Master Plan recently adopted by the City Council.
T-5	Appendices	A new Six Year Transportation Improvement Program (STIP) was adopted by Council in 2011, so this amendment is to add the updated STIP in Appendix F. The other proposal is to add the 2011 Docket SEPA review document as Appendix K.
T-6	Placeholder	The is a placeholder only in case additional amendments are discovered during the amendment review process.
CODE HOUSEKEEPING		
	NONE	No code amendments proposed.

REQUIREMENTS Annual amendments shall not include significant policy changes which would be found inconsistent with the adopted Vision Goals (VG-1 through VG-7); rather, they are intended to address the following:

1. Major or minor land use & road classification changes
2. Amendments to Plan text including support data and implementation
3. Changes to Element maps
4. Minor changes to policies or clarifications
5. Other minor text changes

DECISION CRITERIA The City shall use the following decision criteria in selecting proposals for further analysis and consideration. Proposals must meet subsections 1 through 4 below and either subsection 5 or 6 below.

1. Is the proposed amendment appropriate to the Comprehensive Plan or is it more appropriate to implement the proposal as a development regulation or program?
2. Is the proposed amendment legal? Does the proposed amendment meet existing state and local laws?
3. Is it practical to consider the proposed amendment? Reapplications for reclassification of property reviewed as part of a previous proposal are prohibited unless the applicant establishes there has been a substantial change of circumstances and support a plan or regulation change at this time.
4. Does the City have the resources, including staff and budget, necessary to review the proposed amendment?
5. Does the proposed amendment correct an inconsistency within or make a clarification to a provision of the Plan OR
6. All of the following:
 - a. The proposed amendment demonstrates a strong potential to serve the public interest by implementing specifically identified goals and policies of the Comprehensive Plan; and
 - b. The public interest would best be served by considering the proposal in the current year, rather than delaying consideration to a later subarea plan review or plan amendment process.



Comprehensive Plan Docket 2011 Ratification of Docket T-1 - Staff Summary City of Lake Stevens Planning Commission

City Council Hearing Date: **TBD 2011**
 Planning Commission Hearing Date: **September 7, 2011**

Subject: **Text Amendments, Chapter 1 - Introduction**

<p>SUMMARY: The proposal is for text changes to the Comprehensive Plan as part of the 2011 Comprehensive Plan amendments. The proposed amendments include updating two sections of the chapter for the 2011 Docket Cycle: “Public Process” section and “Environmental Review” section.</p>
<p>LOCATION IN COMPREHENSIVE PLAN: Chapter 1 – Introduction, page 1-9 “Public Process for Docket Cycles” and page 1-27 “Environmental Review”.</p>
<p>PROPOSED CHANGES: Add summary of the public process for the 2011 Docket ratification and adoption of amendments in same format as previous years. Add reference to the SEPA review for the 2011 Docket which will be added in a new appendix.</p>

ANALYSIS

ADDRESSES (Annual amendments shall not include significant policy changes which would be found inconsistent with the adopted Vision Goals (VG-1 through VG-7.)

<input type="checkbox"/> Major or minor land use and road classification changes?	___ YES ___ X NO
<input checked="" type="checkbox"/> Amendments to Plan text including support data and implementation?	_X_ YES ___ NO
<input type="checkbox"/> Changes to Element maps?	___ YES ___ X NO
<input type="checkbox"/> Minor changes to policies or clarifications?	___ YES ___ X NO
<input type="checkbox"/> Other minor text changes?	___ YES ___ X NO

FINDINGS The City shall use the following decision criteria in selecting proposals for further analysis and consideration. Proposals must meet subsections 1 through 4 below and either subsection 5 or 6 below.

<p>1. Is the proposed amendment appropriate to the Comprehensive Plan rather than implementation as a development regulation or program? <i>Yes, the proposed amendments are updates to the Comprehensive Plan due to the 2011 Docket process.</i></p>	_X_ YES ___ NO
<p>2. Is the proposed amendment legal? Does the proposed amendment meet existing state and local laws? <i>Yes, the proposed amendments are legal and meet existing laws.</i></p>	_X_ YES ___ NO
<p>3. Is it practical to consider the proposed amendment? Reapplications for reclassification of property reviewed as part of a previous proposal are prohibited unless the applicant establishes there has been a substantial change of circumstances and support a plan or regulation change at this time. <i>Yes, it is practical to consider the proposed amendments to Chapter 1 as they</i></p>	_X_ YES ___ NO

<i>are directly related to the 2011 Docket Cycle.</i>	
4. Does the City have the resources, including staff and budget, necessary to review the proposed amendment? <i>Yes, the city has the staff and budget to review the proposed amendments.</i>	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO
5. Does the proposed amendment correct an inconsistency within or make a clarification to a provision of the Plan? OR <i>Yes, the proposed amendments clarify the public process and environmental review for the 2011 Docket Cycle.</i>	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO
6. All of the following: a. The proposed amendment demonstrates a strong potential to serve the public interest by implementing specifically identified goals and policies of the Comprehensive Plan? AND	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO
b. The public interest would best be served by considering the proposal in the current year, rather than delaying consideration to a later subarea plan review or plan amendment process.	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO

Staff recommends this proposal be considered by the City Council for inclusion in the 2011 Comprehensive Plan Work Program:
 YES NO

The Planning Commission recommends this proposal be considered by the City Council for inclusion in the 2011 Comprehensive Plan Work Program:
 YES NO

The City Council recommends this proposal be ratified for inclusion in the 2011 Comprehensive Plan Work Program:
 YES NO



Comprehensive Plan Docket 2011 Ratification of Docket T-2 - Staff Summary City of Lake Stevens Planning Commission

City Council Hearing Date: **TBD 2011**
 Planning Commission Hearing Date: **September 7, 2011**

Subject: Text Amendments, Chapter 5 – Parks and Recreation Element

<p>SUMMARY: The proposal is for text changes to the Comprehensive Plan as part of the 2011 Comprehensive Plan amendments. The proposed amendment is to update Chapter 5 for the Eagle Ridge Park description and Table 5 for consistency with adopted Eagle Ridge Park Plan.</p>
<p>LOCATION IN COMPREHENSIVE PLAN: Chapter 5 – Parks and Recreation Element, page 5-10 update description of Eagle Ridge Park and page 5-19 Table 5-2 to update area and type of park for Eagle Ridge Park.</p>
<p>PROPOSED CHANGES: Update Eagle Ridge Park description and inventory of parks to be consistent with the adopted Eagle Ridge Park Master Plan.</p>

ANALYSIS

ADDRESSES (Annual amendments shall not include significant policy changes which would be found inconsistent with the adopted Vision Goals (VG-1 through VG-7.)

<input type="radio"/> Major or minor land use and road classification changes?	_ YES _X_ NO
<input type="radio"/> Amendments to Plan text including support data and implementation?	X YES ___ NO
<input type="radio"/> Changes to Element maps?	_ YES _X_ NO
<input type="radio"/> Minor changes to policies or clarifications?	_ YES _X_ NO
<input type="radio"/> Other minor text changes?	_ YES _X_ NO

FINDINGS The City shall use the following decision criteria in selecting proposals for further analysis and consideration. Proposals must meet subsections 1 through 4 below and either subsection 5 or 6 below.

<p>1. Is the proposed amendment appropriate to the Comprehensive Plan rather than implementation as a development regulation or program? <i>Yes, the proposed amendment is an update to the existing description and inventory for Eagle Ridge Park.</i></p>	<p>_X_ YES ___ NO</p>
<p>2. Is the proposed amendment legal? Does the proposed amendment meet existing state and local laws? <i>Yes, the proposed amendment is legal and meets existing laws.</i></p>	<p>_X_ YES ___ NO</p>
<p>3. Is it practical to consider the proposed amendment? Reapplications for reclassification of property reviewed as part of a previous proposal are prohibited unless the applicant establishes there has been a substantial change of circumstances and support a plan or regulation change at this time. <i>Yes, it is practical to consider the proposed amendments to Chapter 5 as it is an update to existing information.</i></p>	<p>_X_ YES ___ NO</p>

4. Does the City have the resources, including staff and budget, necessary to review the proposed amendment? <i>Yes, the city has the staff and budget to review the proposed amendment.</i>	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO
5. Does the proposed amendment correct an inconsistency within or make a clarification to a provision of the Plan? OR <i>Yes, the proposed amendment corrects an inconsistency between the existing description and inventory for Eagle Ridge Park and the adopted Eagle Ridge Park Master Plan.</i>	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO
6. All of the following: a. The proposed amendment demonstrates a strong potential to serve the public interest by implementing specifically identified goals and policies of the Comprehensive Plan? AND	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO
b. The public interest would best be served by considering the proposal in the current year, rather than delaying consideration to a later subarea plan review or plan amendment process.	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO

Staff recommends this proposal be considered by the City Council for inclusion in the 2011 Comprehensive Plan Work Program:
 YES NO

The Planning Commission recommends this proposal be considered by the City Council for inclusion in the 2011 Comprehensive Plan Work Program:
 YES NO

The City Council recommends this proposal be ratified for inclusion in the 2011 Comprehensive Plan Work Program:
 YES NO



Comprehensive Plan Docket 2011 Ratification of Docket T-3 - Staff Summary City of Lake Stevens Planning Commission

City Council Hearing Date: **TBD 2011**
 Planning Commission Hearing Date: **September 7, 2011**

Subject: Text Amendments, Chapter 6 – Transportation Element

<p>SUMMARY: The proposal is for text changes to the Comprehensive Plan as part of the 2011 Comprehensive Plan amendments. The proposed amendment is to update Chapter 6 to be consistent with the recently adopted Transportation Improvement Program 2011.</p>
<p>LOCATION IN COMPREHENSIVE PLAN: Chapter 6 – Transportation Element, pages 6-1 to 6-13 and page 6-23 including Tables 6-1, 6-3 and 6-4 and Figure 6.0.</p>
<p>PROPOSED CHANGES: Update the chapter to include the 20th Street SE project and to be consistent with the Transportation Improvement Program (TIP) 2011-2017 adopted by the City Council this year.</p>

ANALYSIS

ADDRESSES (Annual amendments shall not include significant policy changes which would be found inconsistent with the adopted Vision Goals (VG-1 through VG-7.)

<input type="radio"/> Major or minor land use and road classification changes?	___ YES ___ X NO
<input checked="" type="radio"/> Amendments to Plan text including support data and implementation?	X YES ___ NO
<input checked="" type="radio"/> Changes to Element maps?	X YES ___ NO
<input checked="" type="radio"/> Minor changes to policies or clarifications?	X YES ___ NO
<input type="radio"/> Other minor text changes?	___ YES ___ X NO

FINDINGS The City shall use the following decision criteria in selecting proposals for further analysis and consideration. Proposals must meet subsections 1 through 4 below and either subsection 5 or 6 below.

<p>1. Is the proposed amendment appropriate to the Comprehensive Plan rather than implementation as a development regulation or program? <i>Yes, the proposed amendment is an update to the existing transportation chapter and for consistency with recently adopted TIP.</i></p>	<p>__X__ YES ___ NO</p>
<p>2. Is the proposed amendment legal? Does the proposed amendment meet existing state and local laws? <i>Yes, the proposed amendments are legal and meets existing laws.</i></p>	<p>__X__ YES ___ NO</p>
<p>3. Is it practical to consider the proposed amendment? Reapplications for reclassification of property reviewed as part of a previous proposal are prohibited unless the applicant establishes there has been a substantial change of circumstances and support a plan or regulation change at this time. <i>Yes, it is practical to consider the proposed amendments to Chapter 6 as it is updating existing information for consistency with the recently adopted TIP.</i></p>	<p>__X__ YES ___ NO</p>

4. Does the City have the resources, including staff and budget, necessary to review the proposed amendment? <i>Yes, the city has the staff and budget to review the proposed amendment.</i>	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO
5. Does the proposed amendment correct an inconsistency within or make a clarification to a provision of the Plan? OR <i>Yes, the proposed amendment corrects an inconsistency between the existing information and the recently approved Transportation Improvement Plan adopted by Council.</i>	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO
6. All of the following: a. The proposed amendment demonstrates a strong potential to serve the public interest by implementing specifically identified goals and policies of the Comprehensive Plan? AND	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO
b. The public interest would best be served by considering the proposal in the current year, rather than delaying consideration to a later subarea plan review or plan amendment process.	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO

Staff recommends this proposal be considered by the City Council for inclusion in the 2011 Comprehensive Plan Work Program:
 YES NO

The Planning Commission recommends this proposal be considered by the City Council for inclusion in the 2011 Comprehensive Plan Work Program:
 YES NO

The City Council recommends this proposal be ratified for inclusion in the 2011 Comprehensive Plan Work Program:
 YES NO



Comprehensive Plan Docket 2011 Ratification of Docket T-4 - Staff Summary City of Lake Stevens Planning Commission

City Council Hearing Date: **TBD 2011**
 Planning Commission Hearing Date: **September 7, 2011**

Subject: Text Amendments, Chapter 8 – Capital Facilities Element

<p>SUMMARY: The proposal is for text changes to the Comprehensive Plan as part of the 2011 Comprehensive Plan amendments. The proposed amendment is to update Chapter 8 to be consistent with the Six Year Transportation Improvement Program and Eagle Ridge Park Master Plan recently adopted by Council.</p>
<p>LOCATION IN COMPREHENSIVE PLAN: Chapter 8 – Capital Facilities Element, pages 8-7 and 8-8, Tables 8-1 “Schedule of Funded Improvements” and 8-2 “Unfunded Improvements”.</p>
<p>PROPOSED CHANGES: Update the tables to include the 20th Street SE project and Eagle Ridge Master Plan and to be consistent with the Six Year Transportation Improvement Program (STIP) 2011-2016 and Eagle Ridge Park Master Plan recently adopted by the City Council.</p>

ANALYSIS

ADDRESSES (Annual amendments shall not include significant policy changes which would be found inconsistent with the adopted Vision Goals (VG-1 through VG-7.)

<input type="radio"/> Major or minor land use and road classification changes?	___ YES ___X_ NO
<input type="radio"/> Amendments to Plan text including support data and implementation?	_X_ YES ___ NO
<input type="radio"/> Changes to Element maps?	___ YES ___X_ NO
<input type="radio"/> Minor changes to policies or clarifications?	___ YES ___X_ NO
<input type="radio"/> Other minor text changes?	___ YES ___X_ NO

FINDINGS The City shall use the following decision criteria in selecting proposals for further analysis and consideration. Proposals must meet subsections 1 through 4 below and either subsection 5 or 6 below.

<p>1. Is the proposed amendment appropriate to the Comprehensive Plan rather than implementation as a development regulation or program? <i>Yes, the proposed amendments are an update to the existing capital improvements list to be consistent with recently adopted STIP and Eagle Ridge Park Master Plan.</i></p>	<p>_X_ YES ___ NO</p>
<p>2. Is the proposed amendment legal? Does the proposed amendment meet existing state and local laws? <i>Yes, the proposed amendments are legal and meets existing laws.</i></p>	<p>_X_ YES ___ NO</p>
<p>3. Is it practical to consider the proposed amendment? Reapplications for reclassification of property reviewed as part of a previous proposal are prohibited unless the applicant establishes there has been a substantial change of circumstances and support a plan or regulation change at this time.</p>	<p>_X_ YES ___ NO</p>

<p><i>Yes, it is practical to consider the proposed amendments to Chapter 8 as they are updates to existing tables.</i></p>	
<p>4. Does the City have the resources, including staff and budget, necessary to review the proposed amendment? <i>Yes, the city has the staff and budget to review the proposed amendment.</i></p>	<p><input checked="" type="checkbox"/> YES <input type="checkbox"/> NO</p>
<p>5. Does the proposed amendment correct an inconsistency within or make a clarification to a provision of the Plan? OR <i>Yes, the proposed amendments correct an inconsistency between the existing tables and the recently approved Six Year Transportation Improvement Program and Eagle Ridge Park Master Plan adopted by Council.</i></p>	<p><input checked="" type="checkbox"/> YES <input type="checkbox"/> NO</p>
<p>6. All of the following: a. The proposed amendment demonstrates a strong potential to serve the public interest by implementing specifically identified goals and policies of the Comprehensive Plan? AND</p>	<p><input type="checkbox"/> YES <input checked="" type="checkbox"/> NO</p>
<p>b. The public interest would best be served by considering the proposal in the current year, rather than delaying consideration to a later subarea plan review or plan amendment process.</p>	<p><input type="checkbox"/> YES <input checked="" type="checkbox"/> NO</p>

Staff recommends this proposal be considered by the City Council for inclusion in the 2011 Comprehensive Plan Work Program:
 YES NO

The Planning Commission recommends this proposal be considered by the City Council for inclusion in the 2011 Comprehensive Plan Work Program:
 YES NO

The City Council recommends this proposal be ratified for inclusion in the 2011 Comprehensive Plan Work Program:
 YES NO



Comprehensive Plan Docket 2011 Ratification of Docket T-5 - Staff Summary City of Lake Stevens Planning Commission

City Council Hearing Date: **TBD 2011**
 Planning Commission Hearing Date: **September 7, 2011**

Subject: Text Amendments, Appendices

<p>SUMMARY: The proposal is for text changes to the Comprehensive Plan as part of the 2011 Comprehensive Plan amendments. The proposed amendment is to update one appendix and add a new appendix.</p>
<p>LOCATION IN COMPREHENSIVE PLAN: Appendix F is the current Transportation Improvement Program (TIP). A new appendix to be added.</p>
<p>PROPOSED CHANGES: A new Six Year Transportation Improvement Program (STIP) was adopted by Council in 2011, so this amendment is to add the updated STIP in Appendix F. The other proposal is to add the 2011 Docket SEPA review document as Appendix K.</p>

ANALYSIS

ADDRESSES (Annual amendments shall not include significant policy changes which would be found inconsistent with the adopted Vision Goals (VG-1 through VG-7.)

<input type="checkbox"/> Major or minor land use and road classification changes?	_ YES _ X NO
<input type="checkbox"/> Amendments to Plan text including support data and implementation?	_ YES _ X NO
<input type="checkbox"/> Changes to Element maps?	_ YES _ X NO
<input type="checkbox"/> Minor changes to policies or clarifications?	_ YES _ X NO
<input type="checkbox"/> Other minor text changes?	X YES _ NO

FINDINGS The City shall use the following decision criteria in selecting proposals for further analysis and consideration. Proposals must meet subsections 1 through 4 below and either subsection 5 or 6 below.

<p>1. Is the proposed amendment appropriate to the Comprehensive Plan rather than implementation as a development regulation or program? <i>Yes, the proposed amendments update an appendix containing the STIP and add a new appendix with the SEPA review documents for this docket cycle.</i></p>	_X_ YES ___ NO
<p>2. Is the proposed amendment legal? Does the proposed amendment meet existing state and local laws? <i>Yes, the proposed amendments are legal and meet existing laws.</i></p>	_X_ YES ___ NO
<p>3. Is it practical to consider the proposed amendment? Reapplications for reclassification of property reviewed as part of a previous proposal are prohibited unless the applicant establishes there has been a substantial change of circumstances and support a plan or regulation change at this time. <i>Yes, it is practical to consider the proposed amendments to appendices to provide consistency with other documents.</i></p>	_X_ YES ___ NO

4. Does the City have the resources, including staff and budget, necessary to review the proposed amendment? <i>Yes, the city has the staff and budget to review the proposed amendments.</i>	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO
5. Does the proposed amendment correct an inconsistency within or make a clarification to a provision of the Plan? OR <i>Yes, the proposed amendments corrects an inconsistency between the existing Appendix F TIP and the recently adopted STIP, and includes the SEPA review documents associated with the 2011 Docket cycle.</i>	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO
6. All of the following: a. The proposed amendment demonstrates a strong potential to serve the public interest by implementing specifically identified goals and policies of the Comprehensive Plan? AND	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO
b. The public interest would best be served by considering the proposal in the current year, rather than delaying consideration to a later subarea plan review or plan amendment process.	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO

Staff recommends this proposal be considered by the City Council for inclusion in the 2011 Comprehensive Plan Work Program:
 YES NO

The Planning Commission recommends this proposal be considered by the City Council for inclusion in the 2011 Comprehensive Plan Work Program:
 YES NO

The City Council recommends this proposal be ratified for inclusion in the 2011 Comprehensive Plan Work Program:
 YES NO



Comprehensive Plan Docket 2011 Ratification of Docket T-6 - Staff Summary City of Lake Stevens Planning Commission

City Council Hearing Date: **TBD 2011**
 Planning Commission Hearing Date: **September 7, 2011**

Subject: **Text Amendments, Placeholder**

SUMMARY: The proposal is a placeholder in case additional amendments are discovered during the amendment review process.
LOCATION IN COMPREHENSIVE PLAN: To be determined
PROPOSED CHANGES: This is a placeholder only.

ANALYSIS

ADDRESSES (Annual amendments shall not include significant policy changes which would be found inconsistent with the adopted Vision Goals (VG-1 through VG-7).)

<input type="radio"/> Major or minor land use and road classification changes?	___ YES ___ NO
<input type="radio"/> Amendments to Plan text including support data and implementation?	___ YES ___ NO
<input type="radio"/> Changes to Element maps?	___ YES ___ NO
<input type="radio"/> Minor changes to policies or clarifications?	___ YES ___ NO
<input type="radio"/> Other minor text changes?	___ YES ___ NO

FINDINGS The City shall use the following decision criteria in selecting proposals for further analysis and consideration. Proposals must meet subsections 1 through 4 below and either subsection 5 or 6 below.

1. Is the proposed amendment appropriate to the Comprehensive Plan rather than implementation as a development regulation or program? <i>Yes, the proposed amendments update an appendix and add a new appendix with the SEPA review documents for this docket cycle.</i>	___ YES ___ NO
2. Is the proposed amendment legal? Does the proposed amendment meet existing state and local laws? <i>Yes, the proposed amendments are legal and meet existing laws.</i>	___ YES ___ NO
3. Is it practical to consider the proposed amendment? Reapplications for reclassification of property reviewed as part of a previous proposal are prohibited unless the applicant establishes there has been a substantial change of circumstances and support a plan or regulation change at this time. <i>Yes, it is practical to consider the proposed amendments to appendices to provide consistency with other documents.</i>	___ YES ___ NO
4. Does the City have the resources, including staff and budget, necessary to review the proposed amendment? <i>Yes, the city has the staff and budget to review the proposed amendments.</i>	___ YES ___ NO
5. Does the proposed amendment correct an inconsistency within or make a	

clarification to a provision of the Plan? OR <i>Yes, the proposed amendments corrects an inconsistency between the existing Appendix F TIP and the recently adopted TIP, and includes the SEPA review documents associated with the 2011 Docket cycle.</i>	___ YES ___ NO
6. All of the following: a. The proposed amendment demonstrates a strong potential to serve the public interest by implementing specifically identified goals and policies of the Comprehensive Plan? AND	___ YES ___ NO
b. The public interest would best be served by considering the proposal in the current year, rather than delaying consideration to a later subarea plan review or plan amendment process.	___ YES ___ NO

Staff recommends this proposal be considered by the City Council for inclusion in the 2011 Comprehensive Plan Work Program:

YES NO

The Planning Commission recommends this proposal be considered by the City Council for inclusion in the 2011 Comprehensive Plan Work Program:

YES NO

The City Council recommends this proposal be ratified for inclusion in the 2011 Comprehensive Plan Work Program:

YES NO

**CITY OF LAKE STEVENS
LAKE STEVENS, WASHINGTON**

RESOLUTION 2011-12

A RESOLUTION OF THE CITY OF LAKE STEVENS, RATIFYING A LIST OF DOCKET ITEMS FOR FURTHER ANALYSIS FOR THE 2011 COMPREHENSIVE PLAN DOCKET

WHEREAS, the Washington City of Lake Stevens is a City in Snohomish County, Washington, planning under the Growth Management Act; and

WHEREAS, the City of Lake Stevens has established procedures and schedules to update, amend or revise the Comprehensive Plan as required under RCW 36.70A.130(2)(a) no more frequently than once every year; and

WHEREAS, the 2011 Docket proposals include no privately proposed revision items and six text revisions proposed by the City; and

WHEREAS, the Planning Commission conducted a duly noticed public hearing on the proposed list of docket items in Exhibit A on September 7, 2011, and all public testimony has been given full consideration and is included in the Planning Commission's recommendation to the City Council; and

WHEREAS, this action is exempt from the requirements of the State Environmental Policy Act pursuant to WAC 197-11-800(147) and LSMC 16.12.010; and

WHEREAS, the City Council conducted a public hearing on the proposed list of docket items listed in Exhibit A on September 26, 2011, which was duly noticed, and considered all public testimony and the Planning Commission recommendation.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF LAKE STEVENS AS FOLLOWS:

Section 1. Requested Action. The Lake Stevens City Council requests the Department of Planning and Development individually analyze the attached list of docket items, prepare reports, and present the detailed findings for each item to the Planning Commission and the City Council for action before the end of 2011.

Section 2. 2011 Docket. The approved list of docket items, six text revisions, is the official 2011 Docket for the City of Lake Stevens and will serve as the only Comprehensive Plan changes as allowed under RCW 36.70A.130(2)(a) and the City of Lake Stevens Comprehensive Plan, Goal 1.1 Provide for a Consistent Review and Revision of the Comprehensive Plan.

Section 3. Severability. If any section, sentence, clause or phrase of this resolution should be held invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this resolution.

Section 4. Effective Date. This resolution shall take effect immediately upon passage by the Lake Stevens City Council.

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

Vern Little, Mayor

ATTEST:

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

APPROVED AS TO FORM:

Grant K. Weed, City Attorney

EXHIBIT A - 2011 DOCKET

#	NAME	REQUEST
MAPS		
	NONE	No zoning map or comprehensive map amendments proposed.
TEXT		
T-1	Chapter 1 Introduction	Add summary of the public process for the 2011 Docket ratification and adoption of amendments in same format as previous years. Add reference to the SEPA review for the 2011 Docket which will be added in a new appendix.
T-2	Chapter 5 Parks and Recreation Element	Update Eagle Ridge Park description and inventory of parks to be consistent with the adopted Eagle Ridge Park Master Plan.
T-3	Chapter 6 Transportation Element	Update the chapter to include the 20 th Street SE project and to be consistent with the Transportation Improvement Program (TIP) 2011-2017 adopted by the City Council this year.
T-4	Chapter 8 Capital Facilities Element	Update the tables to include the 20 th Street SE project and Eagle Ridge Master Plan and to be consistent with the Six Year Transportation Improvement Program (STIP) 2011-2016 and Eagle Ridge Park Master Plan recently adopted by the City Council.
T-5	Appendices	A new Six Year Transportation Improvement Program (STIP) was adopted by Council in 2011, so this amendment is to add the updated STIP in Appendix F. The other proposal is to add the 2011 Docket SEPA review document as Appendix K.
T-6	Placeholder	The is a placeholder only in case additional amendments are discovered during the amendment review process.
CODE HOUSEKEEPING		
	NONE	No code amendments proposed.

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

Monday, September 12, 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, Suzanne Quigley, Kathy Holder, Kim Daughtry, Marcus Tageant, Neal Dooley and John Spencer

COUNCILMEMBERS ABSENT:

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

OTHERS: Jim Palmer

Guest Business. None

Consent Agenda. Councilmember Tageant moved to approve Consent Agenda - September vouchers (Payroll Direct Deposits 904686-904753 in the amount of \$122,183.56, Payroll Checks 32290-32292 in the amount of \$5,004.59, Claims 32293-32365 in the amount of \$86,188.44, Electronic Fund Transfers 367-372 for \$132,036.52, Tax Deposit 9.1.11 for \$42,944.90 for total vouchers approved of \$388,358.01), seconded by Councilmember Holder; motion carried unanimously. (7-0-0-0)

Approve minutes of August 22, 2011 regular Council meeting. Councilmember Somers moved to approve Council minutes of August 22, seconded by Councilmember Spencer, motion carried with Councilmembers Holder and Quigley abstaining. (5-0-2-0)

Confirm appointment of Jim Palmer to the Civil Service Commission. Mayor Little noted that Mr. Palmer is retired from both Police and Sheriff Departments and knows how Civil Service works. Mr. Palmer was not present.

MOTION: Councilmember Dooley moved to appoint Jim Palmer as Civil Service Commissioner, seconded by Councilmember Somers; motion carried unanimously. (7-0-0-0)

Approve Shoreline Master Program (SMP) Supplemental Work Program, schedule and budget. Planning Director Ableman reported the City held a citizen subcommittee meeting on August 16 where citizen information was presented regarding proposed amendments. Additional budget is needed to make amendments to the SMP.

Councilmember Spencer suggested the consultant show us how they are going to address no net loss and how wetlands will be identified before proceeding with their work.

Planning Director Ableman noted the City will meet the December 1 deadline. Ms. Ableman will provide Council with some additional detail from the subcommittee meeting as requested by Councilmember Quigley.

MOTION: Councilmember Tageant moved to approve the Shoreline Management Program Supplemental Work Program, Schedule and Budget and approve Contract Supplemental No. 1 – Makers Attachment 2 for the completion of the City SMP process, seconded by Councilmember Dooley; motion carried unanimously. (7-0-0-0)

Civil Service Appointment. Mayor Little introduced new Civil Service Commissioner Palmer.

Supplemental Contract with Makers. Planning Director Ableman noted that there were some revisions to the second page of the contract with Makers that the City Attorney found. City Attorney Beyer noted that the total should be \$64,000 and make the 90 day reference to Supplemental No. 1.

MOTION: Councilmember Spencer moved to include the amendment to the contract with Makers that states the original agreement was \$60,000, the supplemental is \$4,000 and the grand total is \$64,000, seconded by Councilmember Somers; motion carried unanimously. (7-0-0-0)

Approve Economic Development Professional Services Agreement Supplemental No. 1- Business/Development Recruitment Services with William Trimm. Planning Director Ableman reported this amendment extends the timeframe for Mr. Trimm's contract to January – March and moves the 2011 budget to 2012. This extension coincides with the timing of the subarea planning processes.

MOTION: Councilmember Quigley moved to approve Professional Services Agreement Supplemental No. 1 with William Trimm for Business/ Development Recruitment Services, seconded by Councilmember Holder; motion carried unanimously. (7-0-0-0)

Approve Professional Services Agreement with Summit Law Group for labor contract negotiations service. City Administrator Berg noted this contract is for on-call services relating to labor negotiations with an hourly rate of \$185. This firm was also used in 2005.

MOTION: Councilmember Dooley moved to approve Professional Services Agreement with Summit law Group for labor negotiation services not to exceed \$20,000, seconded by Councilmember Tageant; motion carried unanimously. (7-0-0-0)

Approve new contract with Department of Revenue (DOR) to continue City business licensing partnership. City Clerk Scott noted the City partnered with the State in 2007 for the business licensing and the contract expires September 14. Department of Licensing has now merged with Department of Revenue. There are significant issues with the contract DOR provided. City Attorney Beyer reviewed those issues, which included indemnification and a new legislative language. If DOR does not agree with the City Attorney's changes to the contract, then Council may be revisiting the contract. Some of the issues are the result of different confidentiality needs between DOL vs. DOR.

MOTION: Councilmember Holder moved to approve the Business License Services Agreement with DOR, seconded by Councilmember Somers; motion carried unanimously. (7-0-0-0)

City wide pedestrian connectivity. Public Works Director/Engineer Monken reported the Draft Pedestrian Connection Plan is not a sidewalk master plan but to fill in the gaps in the existing system and priority routes. This plan does not take care of deficiencies. Mr. Monken reviewed the project evaluation worksheet. A lengthy discussion followed on the evaluation criteria and how it is applied. Public Works Director/Engineer Monken will work up some sample evaluations.

Council Person's Business: Councilmembers reported on the following meetings: Holder – roundabout looks great, attended Sewer Utility Subcommittee meeting – plant is 90-93% complete, and Chamber candidate forum; Somers – Arts Commission meeting on Wednesday; Spencer – will not be attending the 26th meeting; Daughtry – Community Transit (will be reducing services), Family Center received a grant and half time person, and attended PSRC Transportation Board.

Mayor's Business: Mayor Little attended the following meetings: Sewer Utility Subcommittee, budget, and candidate forum.

Staff Reports: Staff reported on the following: City Administrator Berg – met with Sno-Isle and attended Economic Development course; Planning Director Ableman – stakeholders meeting the 22nd on downtown framework and an open house on the 29th; Public Works Director/Engineer Monken – expressed appreciation for Diana Hale's volunteer design work and implementation for the roundabout; Police Chief Celori – evidence room water break, relocated temporarily/permanent; and City Clerk Scott – Human Services funding applications now available.

Adjourn. Councilmember Spencer moved to adjourn at 8:48 p.m., seconded by Councilmember Holder; motion carried unanimously. (7-0-0-0)

Vern Little, Mayor

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



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LAKE STEVENS CITY COUNCIL
STAFF REPORT

Council Agenda Date: September 26, 2011

Subject: Revised Library Board Duties

Contact Person/Department: City Administrator Jan Berg **Budget Impact:** None

RECOMMENDATION(S)/ACTION REQUESTED OF COUNCIL: Approve first and final reading of Ordinance No. 861, revised Library Board Duties.

SUMMARY/BACKGROUND: During the past year, the Library Board has worked to revise the municipal code section relating to the Library Board's duties to more accurately reflect both what the Board's activities are and update the code language to reflect the annexation of the City into the Library District.

The proposed changes include input by the Library Board, Sno-Isle Library Staff and City staff.

APPLICABLE CITY POLICIES: The City Council authorizes changes within the Municipal Code.

BUDGET IMPACT: None

ATTACHMENTS:

- ▶ Exhibit A: Ordinance No. 861, Proposed Revised Library Board Duties

**CITY OF LAKE STEVENS
LAKE STEVENS, WASHINGTON**

ORDINANCE NO. 861

AN ORDINANCE OF THE CITY OF LAKE STEVENS AMENDING PORTIONS OF ORDINANCE NO. 478, SECTION 2, SUBSECTION 2.60.050 CODIFIED IN LAKE STEVENS MUNICIPAL CODE SUBSECTION 2.60.050 ENTITLED “DUTIES”, RELATING TO THE DUTIES OF THE LIBRARY BOARD; PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, the duties of the Library Board have changed due to annexation into the Library District;

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

Section 1. Lake Stevens Municipal Code (LSMC) Section 2.60.050 entitled “Duties” is hereby amended to read as follows:

2.60.050 Duties.

The Library Board shall perform the following duties:

- A. ~~Work with Sno-Isle Regional Library System in providing Library services to the Lake Stevens citizenry.~~ Help identify the library needs of the community and communicate those needs to the City of Lake Stevens and Sno-Isle Libraries.
- B. ~~Submit annually to the City Council, when requested by City staff, a proposed budget containing estimates in detail of the funds necessary above the amounts contracted for under existing Library service agreements for the ensuing year.~~
- BC. Interface with the Friends of the Library and other library support groups to raise local awareness regarding the value of the public library and to increase visibility of the library’s services. Advise the Sno-Isle Regional Library System regarding the acceptance of gifts of money or property for the Library.
- CD. ~~Submit an annual report in March to the City Council describing the previous year's activity.~~ Help ensure that the library facility meets the needs of the community.
- D. Meet periodically with the City of Lake Stevens, Sno-Isle Libraries Deputy and Staff to maintain an awareness of ongoing library services and programs and, as needed, make recommendations to the City of Lake Stevens City Council regarding library service in Lake Stevens.

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

Section 3. Effective Date. This Ordinance shall be in full force and effect five (5) days' after publication of the summary consisting of the title.

This ordinance shall be in full force and effective five (5) days from and after its passage and approval and publication as required by law.

PASSED by the City Council and APPROVED by the Mayor of the City of Lake Stevens on this _____ day of _____, 2011.

Vern Little, Mayor

ATTEST/AUTHENTICATION:

Norma J. Scott, City Clerk.

APPROVED TO FORM:

Grant Weed, City Attorney

Passed by Council:

Published:

Effective Date:



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LAKE STEVENS CITY COUNCIL
STAFF REPORT

Council Agenda Date: September 26, 2011

Subject: 2011 Chamber of Commerce Oktoberfest Event - Request to Serve Wine in North Cove Park

Contact Person: Rebecca Ableman

Budget Impact: None

Department: Planning and Community Development Director

RECOMMENDATION(S)/ACTION REQUESTED OF COUNCIL: Approve the Chamber of Commerce request to serve wine in North Cove Park during the Oktoberfest Event October 14th and 15th (**Attachment 1**).

SUMMARY/BACKGROUND: On August 25th, 2011, the Chamber of Commerce submitted the permit application, EVNT2011-21, to include serving wine in a wine garden within North Cove Park (**Attachment 2**) as follows:

Friday, October 14th 3:00 to 11:30 PM service to stop at 10:45 PM

Saturday, October 15th 12:00 to 11:30 PM service to stop at 10:45 PM

This proposal will have to meet the Washington State Liquor Control Board guidelines and requirements for a Banquet Permit.

If Council approves the request the applicant will be required to provide a Certificate of Liability Insurance and endorsement, specifically addressing the service of Wine and naming the City of Lake Stevens as an additional insured and an approved Washington State Liquor Control Board Banquet Permit. Please note that a Beer Garden is also part of the celebration off site and will operate the same hours as the wine garden except an additional night on Thursday, October 13th from 5:00 to 11:30 PM. This does not require Council approval.

APPLICABLE CITY POLICIES: Title 10.03.150 states, *the City Council may permit the sale and consumption of alcoholic beverages within a confined licensed area pursuant to an event permit issued by the City and a permit issued by the Washington State Liquor Control Board. Any application to the City Council for such a permit shall include a site plan identifying the specific areas to be licensed. In granting such a permit, the Council may apply restriction reasonably calculated to comply with the purpose of the Public/Semi-Public Zone as set forth in the Lake Stevens Land Use Ordinance.*

BUDGET IMPACT: None

ATTACHMENTS:

- ▶ **Attachment 1:** Oktoberfest Event Permit – Request to Serve Wine in North Cove Park
- ▶ **Attachment 2:** Site Map



**CITY OF LAKE STEVENS
EVENT APPLICATION**

Completing this application is the first step towards permitting an event in the City of Lake Stevens. Prior to completing this application it is recommended that you read the Event Permit Information handout. In addition to the application fee which is due at time of application submittal, other fees and costs related to services and additional licensing or permitting requirements may apply to the event. These are the Event Sponsors responsibility and payment is due at time of permit issuance.

INCOMPLETE APPLICATIONS CANNOT BE ACCEPTED – APPLICATION FEE IS DUE AT TIME OF SUBMITTAL

Name/Type of Event: Lake Stevens Chamber of Commerce Oktoberfest

Date(s) of Event: October 13 - 15, 2011

Times (Include Setup/Tear down): See Attached AM/PM to : AM/PM

EXPEDITED REVIEW REQUESTED If the date of this event is less than 60 days from the date that this application is submitted to the City then a request for an expedited review is required. An additional non-refundable fee applies to expedited reviews and is due at submittal. A request for an expedited review does **NOT** guarantee that your event will be permitted.

Address/Location(s) of Event (Attach Map): Downtown Lake Stevens, Various

Sponsor/Organization/Group: Lake Stevens Chamber of Commerce

Address: _____

Applicant/Contact Name: Kim Daughtry

Contact Phone: 425-397-8555

Email Address: oktoberfest@lakestevenschamber.com

*Park and/or Facilities Requested: North Cove Park, Community Center, See attached

Total Expected Number of Guests and/or Participants: 2000+ Spectators: _____ Volunteers: 150+

EVENT LEVEL Please mark the appropriate box (See Event Permit Information Handout):

Event Level 1 Event Level 2 Event Level 3 ** Event Level 4

****Event Level 4 will REQUIRE a pre-application meeting prior to application submittal. To schedule a meeting contact the at (425)377-3235 or jeilert@ci.lake-stevens.wa.us**

BRIEF DESCRIPTION OF EVENT (Provide overall Site Map): First annual community Oktoberfest celebration

Includes beer garden, wine garden, food and crafts vendors, Kid's activities, and more

See attached for full information and site maps.

**CITY OF LAKE STEVENS
EVENT APPLICATION**

EVENT ACTIVITIES: Mark all items that apply to the event, and provide a detailed description of each activity, additional pages may be attached if necessary. (*) indicates that additional fees or costs may be associated with service, permit and/or license and are the responsibility of the event sponsor.

ALL FEES FOR CITY SERVICES WILL BE DUE AT TIME OF PERMIT ISSUANCE.

€ *Air Show-Describe: Not Applicable

Date(s)/Hours: _____ (: AM/PM) - _____ (: AM/PM)

*Licensed/ Inspected by FAA- Permit #: _____ (Attach Copy)

■ *Alcohol Sold/ Served: 1) Chamber Beer Garden 2) Wine Garden

Location/Area where alcohol will be served (Provide a site map): Beer Garden behind Jay's Market
Wine Garden in North Cove Park

Date(s)/Hours Alcohol Served: See Attached : AM/PM) - _____ (: AM/PM)

*Washington State Liquor License will be required and final approval to serve alcohol on City property requires City Council approval.

■ *Amplified Music/Sound (Specify live band, DJ, loud speakers and provide a Site Map showing area or location): Beer Garden, Wine Garden and roving minstrels

See attached for details

Date(s)/Hours: _____ (: AM/PM) - _____ (: AM/PM)

*Fees will apply to use City's sound system.

€ *Animals (Describe type of animals, quantity and location): Not Applicable

*Additional Sanitation may be required.

■ Banners (Describe location(s): City Wide - Downtown, N. Cove Park, Main Street
- may need Public Works to hang higher areas.

■ *Brochures: Distributed at information booth and most vendor booths

*Litter Deposit will be required.

€ *Bleachers (Identify location or placement on a Site Map): Not Applicable

***ALL BLEACHERS ON CITY PROPERTY MUST BE INSTALLED BY A PROFESSIONAL COMPANY OR VENDOR**

**CITY OF LAKE STEVENS
EVENT APPLICATION**

***Carnival Rides/Inflatable Toys (Describe carnival rides, inflatable toys and identify location and placement on Site Map):** Not Applicable

Date(s)/Hours of Operation: _____ (: AM/PM) - _____ (: AM/PM)

***Additional Insurance will be required by City, all equipment and operators must be certified by Washington State Labor and Industries and may be subject to inspection.**

CERTIFICATION #: _____ (Attach Copy)

Concessions/Vendors – Non food items (Identify location/s of vendors on Site Map): _____
Vendors will be set up next to the library and in N.Cove Park

***Electrical Service:** Electrical Service will be needed for food booths and the information booth

Date(s)/Hours: _____ (: AM/PM) - _____ (: AM/PM)

***Utility fees will apply and an inspection by Washington State Department of Labor and Industries may also apply.**

***Food Sold or Served (Describe types of food and identify location on Site Map):** _____
Multiple food booths serving all types of food and non-alcoholic drinks
Located next to the community center.

***Health District Permit Approval to serve food to the public from a mobile cart or concession stand and Food Handler’s cards may be required.**

***Garbage Service (List location/s where dumpster/s will be placed and identify on Site Map):**
Dumpster located behind community center with garbage cans located thruout the venue and emptied frequently

Vendor Name: Allied Waste & SVR **Phone number:** _____

Number of Dumpsters: _____ **Size of Dumpsters:** _____

***Disposal of any garbage generated is the responsibility of the Event Sponsor and will be disposed of at no cost to the City. Additional Fees will be charged to the Event Sponsor to empty City garbage cans if garbage is left to accumulate during or after the permitted event.**

**CITY OF LAKE STEVENS
EVENT APPLICATION**

€ *Parade/Floats (Attach map of route): Not Applicable

Date(s)/Hours of Parade: _____ (: AM/PM) - _____ (: AM/PM)

*Fees to close streets and provide traffic control may be required.

■ Parking (Describe adequate event parking locations and attach proposed Parking Plan): _____

Parking will be available first come first served around town .

■ *Portable Toilets (Identify location/s on Site Map): See Attached

Vendor Name: Honey Bucket Phone number: (425) 766-6296

After Hours Emergency Business Contact Number: _____

*An adequate number of portable toilets and sanitation will be established by the City and is based on the event size, duration, type and number of participants. The Event Sponsor is to provide the required number of portable toilets and sanitation at no cost to the City. Additional fees will also apply to service City provided facilities within the proximity of the event.

€ *Protest/March (Attach Map of Route): Not Applicable

*Fees to close streets and provide traffic control may be required.

€ *Pyrotechnics/Fireworks (Describe type of pyrotechnics/fireworks and identify launch location on Site Map): Not Applicable

*Washington State Patrol Permit and an inspection by the Fire Department required.

€ *Raffle/Lottery: Decision Pending

*State Gambling Commission License #: _____ (Attach Copy)

■ Recycling (It's the LAW- RCW 70.93.093) Plastic/Glass Bottles, Aluminum Cans & Newspaper

*The Event Sponsor is required to rent recycle containers from the City, this is a refundable fee minus any lost, stolen, damaged or unreturned containers. The number of containers is based on the event size, duration, type and number of participants. Event sponsor will be advised of the number of containers required at time of permit issuance and the deposit amount.

**CITY OF LAKE STEVENS
EVENT APPLICATION**

***Tent/ Trailers (Describe location and size):** Wine Garden Tent in N.Cove Park 30' x 50'

***May require Fire & Building Inspection.**

€ ***Water Event (Describe all activities on the water and location, provide Site Map):** Hopefully Not Applicable

Date(s)/Hours: _____ (: AM/PM) - _____ (: AM/PM)

***Additional Permits, Insurance, Police and Fire marine and First Aid support services may be required.**

€ **REQUIRED DOCUMENTATION:**

The City is aware that it is not always possible to obtain the applicable licenses, permits, Certificates of Liability Insurance, endorsements and other applicable documentation prior to making application for an event. Please provide an explanation as to why documents may not have been provided at the time of application and when the Event Sponsor expects to secure them. All documentation is required at least seven days before the event.

The required or applicable license, permits, Certificates of Liability Insurance, endorsements and/or other documentation has not been provided at this time for the following reason (Specify each document and when you expect to secure them, attach additional sheets if needed):

Approved Liquor Control Board permits expected week before event.

APPLICANT MUST READ AND AGREE TO THE FOLLOWING TERMS AND CONDITIONS

The undersigned hereby makes application to the City of Lake Stevens to hold an event and/or use a City facility or park. The undersigned understands that there is a non-refundable application fee due at the time this application is submitted, this may include a non-refundable fee for an expedited review if the event is less than 60 days from the date the application is submitted to the City.

Certain conditions will be applied to an event permit including the applicant's ability to secure and provide proof of any required documentation including but not limited to permits, licenses, insurance and the corresponding endorsements to the City of Lake Stevens. Documentation must be provided to the City of Lake Stevens no less than seven days prior to the date of the event. Certificates of Liability Insurance must name the City of Lake Stevens as additional insured. All additional applicable deposits, costs and fees for services are required at the time of permit issuance and the event permit will be conditioned on the event sponsor paying all of the required fees.

**CITY OF LAKE STEVENS
EVENT APPLICATION****PARK AND FACILITY USE RULES AND REGULATIONS**

- Any accident involving injury to participants or damages to park, facility or equipment occurring during the use of a City park, facility or equipment shall be reported to City authorities immediately.
- The event sponsor shall not leave the park or facility unattended at any time during the hours of use defined within the agreement.
- No animals will be permitted inside facilities without prior written consent of the Planning Director or his/her designee.
- If a group or individual(s) provide their own food for their own consumption within the premises of a City facility or park, they assume responsibility for the preparation, serving and consumption of the same and shall hold the City harmless from any liability arising there from.
- All entertainment involving acoustical or amplified music must have prior approval from the Planning Director or his/her designee. Use of electrical cords outside or inside the park and facility requires prior approval.
- When determined by the Planning Director or his/her designee, the applicant will be responsible for installing 'No Event Parking' signs in the downtown shopping center.
- Games of chance, lotteries, and door prizes are not allowed except where permitted by law.
- Alterations to the Park or Facility are prohibited without prior approval. This may include but is not limited to such things as hanging signs, erecting backstops, placing goals, using masking tape on walls and floors, etc.
- City-owned equipment shall not be removed from the park or facility or loaned to any individual or organization unless prior approval by the City has been granted. Use of City-owned expendable supplies is prohibited.
- Applicants are responsible for special set-up requirements and clean up, unless specifically requested in the application. Users shall be responsible for returning the park or facility to its original condition immediately following the event.
- Cancellations by applicants require at least a 72-hour notice. Otherwise, related actual costs shall be borne by the applicant. Facility or park use is cancelled when facility or park is closed due to an emergency.
- The City reserves the right to refuse or revoke any authorization issued for the use of a City park or facility, and if rental has been paid, to refund such rental, less expenses incurred, by the City in connection therewith.

GARBAGE & RECYCLING

- Proper disposal of recycle and garbage generated during a permitted event is the sole responsibility of the event sponsor and must be done at no expense to the City.
- The event sponsor is responsible for providing separate large recycle and garbage dumpsters, in which the materials are to be collected at no expense to the City.
- During the event, the event sponsor is responsible for ensuring that the recycle/garbage containers are emptied and replenished with fresh liners on a regular basis.
- If the recycling containers are not returned, a fee (per the Lake Stevens Fee Schedule) for each missing container will be deducted from your deposit. If the deposit amount is not sufficient to cover the number of units not returned or damaged, then the event sponsor will be invoiced for the balance.
- The recycle containers should be placed at the event entrance(s), and located next to each garbage can throughout the event site/location.

RECEIVED

SEP 06 2011

CITY OF LAKE STEVENS



Washington State
Liquor Control Board

Licensing and Regulation
3000 Pacific Ave SE
PO Box 43085
Olympia WA 98504-0385

For Office Use Only	
Reception No.	
Date	/ /
Amount Rec'd	
Initials	

Application for Special Occasion License for a Nonprofit Society or Organization

A Special Occasion License allows a nonprofit society or organization to sell spirits, beer, and wine by the individual serving for on-premises consumption at a specified event. You may request to sell beer and wine in original, unopened containers for off-premises consumption in combination with this privilege. All profits from the sale of alcohol must be returned to the non-profit organization.

Applications must be submitted at least 45 days before the event. The Liquor Control Board may not be able to process your application in time for your event if you do not apply at least 45 days before the event.

The fee for each Special Occasion license is \$60.00 per day, per location. Please make checks payable to WSLCB. The organization must have the license in hand before it can purchase spirits, beer or wine for resale. Special Occasion License holders are limited to 12 single-day events per calendar year.

Mail your completed application and check to:
WSLCB
PO Box 43085
Olympia, WA 98504-0385.

Please call (360) 664-1600 if you have any questions.

- Society or Organization Name: oktoberfest
- 1812 Main St. Lake Stevens, WA 98258-5300
Organization's Street Address City State Zip Code County
- Organization's 9-digit UBI #: _____ or Tax ID#: 91-1467616
- Penny Johansen _____ 11/1/60 425-417-6260
Contact Person (must be at least 21 years old) Title Date of Birth Phone No. Email Address
wintergirlsecom@ne
- Has this organization previously held a special occasion license? Yes No
Dates: _____ License No: _____
- Name of Event: oktoberfest oktoberfest
lakestevenschamber.com/oktoberfest/oktoberfestindex.htm
Event website address
- Name of premises (building, hall, room, etc) where function will be held: _____
- Event is being held: Indoors Outdoors (Outdoor events must be held in an enclosed area. Please submit a site map for the outdoors event with this application.)
- 1812 Main St. Lake Stevens WA Snohomish
Event Location Address City State County Inside City Limits Yes No

ATTACHMENT 1

10. Is event being held on church or school property, a military facility, or a liquor licensed premises? Yes No
 If yes, the appropriate official from the church, school, military facility or liquor licensed premises must authorize the sale of liquor at the event location. Please provide the name and signature of the person authorized to sign on behalf of the church, school, military facility or liquor licensed premises.

Penny F. Johansen
 Print or type the name of the authorized person

Penny F. Johansen - Chair Person 8/25/2011
 Signature of authorized person Title Date

11. Total number of people attending the event: _____

Total number of people under 21 years of age attending the event: 0

Date(s) of Event	Beginning Time	Ending Time	Type of Event
10/14/2011	3 P.M.	11 P.M.	<input checked="" type="checkbox"/> Music <input type="checkbox"/> Auction
10/15/2011	12 P.M.	11 P.M.	<input checked="" type="checkbox"/> Community Celebration <input type="checkbox"/> Outdoor Event
1/1	A.M.	P.M.	<input checked="" type="checkbox"/> Other: <u>Wine Tasting tent</u>
1/1	A.M.	P.M.	

13. Are you requesting permission to auction or sell beer/wine for off-premises consumption? Yes No

14. Are any wineries, breweries, or distilleries participating in your event? Yes No

Name of participating winery, brewery or distillery:

Enette Cellars - Southard Winery

Only certified 501 (c) 3 and 501 (c) 6 organizations registered by the IRS may receive donated product from a winery, brewery or distillery. Distilleries must purchase the spirits through the Liquor Control Board.

All nonprofit organizations are able to receive dispensing equipment, advertising services paid to a third party, reasonable booth fees from a winery, and/or product purchased from a winery, brewery, distillery, distributor, or retailer. Wineries, breweries, distilleries and distributors cannot donate money or sponsor a Special Occasion licensee.

15. Are you receiving product or goods from a winery, brewery, distillery, distributor, or retailer? Yes No

If yes, please describe: Wine from Enette Cellars and Southard Winery

16. Monies from event will be distributed as follows: General fund - Sinderhops, etc

17. Mail license to: Tonya Christoffersen - Lake Stevens Sewer Dept

Name Hob vernon Mailing Address /Street/ PO Box, City, State, Zip Code Rd Ste A Lake Stevens, WA 98258
 Fax Number (425) 334-8588
 Area Code Phone No Email Address Tchmstoffersen@LkStevensSewer.org

I certify that all of the information provided in this application is true and correct.

Penny F. Johansen - Chair Person 8/25/2011
 Signature of person authorized to sign on behalf of the nonprofit organization Title Date

For more information about Special Occasion Licenses, please see form CIB 8



Lake Stevens City Council
STAFF REPORT

Council Agenda Date: 26 September 11

Subject: Authorize Increase in Budget to include State Sales Tax for Purchase of Floating Dock

Contact Person/Department: Mick Monken Budget Impact: \$2,079
Public Works

RECOMMENDATION(S)/ACTION REQUESTED OF COUNCIL: Authorize a budget increase of \$2,079 for Washington State Sale Tax for the purchase of a replacement floating dock from AccuDock System for a total budget not to exceed \$26,245.

SUMMARY/BACKGROUND: On the 25th of July 2011, the City Council authorized the purchase of a floating dock to replace the existing facility. The purchase amount approved was not to exceed \$24,200. The vendor for the new dock, AccuDock, is located in Florida and does not collect Washington State sales tax. It was recently learned that this is a requirement of the Washington State Department of Revenue under RCW Chapter 82.12 – Use Tax, that the City must pay the sales tax directly to the State. The price of the dock with shipping, and excluding sale tax, is \$24,166. This is the amount that had been approved by the Council in July. The Sales Tax for this amount is \$2078.28 (8.6%). The action of the Council begin sought is to authorize a budget increase in the amount of the Sales Tax only.

Shortly after the original Council authorization, staff updated and resubmitted the Joint Aquatic Resource Permit Application (JARPA) to the State and received approval from the Department of Fish and Wildlife (DFW) for a Hydraulic Permit Application (HPA) early in September. The DFW required a notable design change to the dock to include grating as a condition of the approved permit. This was not included in the original proposed design. The successful bidder, AccuDock, was notified of this change and given an opportunity to withdraw or to resubmit within the existing budget. AccuDock did resubmit a custom design modification to meet the City’s required specifications to include grating at the same bid price. While the cost was higher by approximately 20%, AccuDock volunteered to make a donation of the difference to the City. AccuDock made this offer because they are interested in showcasing their product on the west coast.

Funding will come from General Fund Reserves and a \$6,000 contribution from the Lake Stevens Rowing Club. The City will be posting a small sign identifying both contributions at the dock site.

APPLICABLE CITY POLICIES: NA

BUDGET IMPACT: \$2,079 from General Fund Reserves.

ATTACHMENTS:

- ▶ Exhibit A: Float Dock Invoice

EXHIBIT A

Accudock
 1336 SW 8th Street
 Pompano Beach, FL 33069



Invoice

Date	Invoice #
9/15/2011	2107

Bill To

Mick Monken
 1812 Main St. PO Box 257
 Lake Stevens, WA 98258

Ship To

Mick Monken
 1812 Main St. PO Box 257
 Lake Stevens, WA 98258

Description	Qty	Rate	Amount
8' x 90' Rowing dock to reflect requested 25% light transmission			
3' x 8' x 10" Framed Float	22	779.00	17,138.00
S-Style Connector	14	19.00	266.00
H-Style Connector	14	57.00	798.00
Savings on Package Deal - rowing dock, connectors included		-1,064.00	-1,064.00
2' x 8' Light transparent panels - to be approx. 25% of surface area	11	719.00	7,909.00
8' Hinges in between dock sections	3	525.00	1,575.00
3" Spud Pole Bracket - Corner	2	57.00	114.00
Anchor Chain Bracket	4	45.00	180.00
\$5,000.00 discount contribution		-5,000.00	-5,000.00
Shipping to Lake Stevens, WA 98258		2,250.00	2,250.00
Phone #	E-mail	P.O. No.	Subtotal \$24,166.00
(954) 785-7557	sales@accudock.com		Sales Tax (6.0%) \$0.00
Fax #	Web Site	Terms	Total \$24,166.00
(954) 784-9144	www.accudock.com		Payments/Credits \$0.00
			Balance Due \$24,166.00



LAKE STEVENS CITY COUNCIL
STAFF REPORT

Council Agenda Date: 26 September 11

Subject: Lake Level Management Plan

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

RECOMMENDATION(S)/ACTION REQUESTED OF COUNCIL: Approve the Lake Level Management Plan

SUMMARY/BACKGROUND: The Lake Level Management Plan (Plan) consists of the policies, intent, and guidelines used by the City of Lake Stevens for the management of the lake levels. This plan will set the current standards and practices that the City is using to manage the lake level into a written document. The plan serves as a guide document and is considered a living document subject to changes and revisions.

The lake levels are controlled by the City between mid April to early October using a weir at the single outfall at North Cove. During the other months the lake level is not controlled by the City (outflow is unrestricted). With the installation of the weir, a target lake level was established (211.7) for the dryer months of the year. This elevation was set to help ensure downstream flows for protecting fish habitat during the late summer and early fall months. The method for achieving this lake surface level has been a nearly daily process of monitoring the lake level and adjusting the weir elevation in an effort to maintain the target level. The adjustment of the weir is largely a judgment based on experience.

Until recently, there were no known records kept on the relationship between the lake elevation, weir height, and precipitation. In 2010/2011 the City began this data collection and developed a formal lake level management practice. Though the data collection period has been brief, the behavior of the lake levels to rain fall events and weir placement has become better understood.

The Plan is an assembly of the current management practices being used. What is most important about this Plan is that it formally documents the management practices for controlling the lake levels. This provides information for staff that will be responsible for operating the weir, it provides information to the public on how lake level decisions are made and why, and sets a formal bench mark on target lake levels.

Typically operations at this level are not brought before the Council for approval. The key reason that this is before the Council for approval is the Plan sets policies.

APPLICABLE CITY POLICIES: NA

BUDGET IMPACT: None

ATTACHMENTS:

- ▶ Exhibit A: Lake Level Management Plan

EXHIBIT A



LAKE LEVEL MANAGEMENT PLAN



Revision: 6 September 2011

City of Lake Stevens Lake Level Management Plan Revision 2011

Purpose

This lake level management plan consists of the policies, intent, and procedures of the City of Lake Stevens for managing the water surface level of Lake Stevens. The plan serves as a guide document and is considered a living document subject to changes and revisions. The plan reflects the expectations of City management and maintains flexibility for modifications.

Background

Lake Stevens is the largest and deepest lake in Snohomish County with a surface area of 1,040 acres, an average depth of 62 feet, and a maximum depth of 150 feet. The Lake Stevens' watershed area is approximately 3,500 acres. A map of the watershed is included at the end of this document. The watershed area is relatively small compared to the size of the lake. Stevens, Lundeen, and Kokanee, and Stitch creeks are the main tributaries that convey flows to Lake Stevens along with some smaller un-named tributaries and localized drainage conveyance systems. The lake has a single outfall that drains to the channel adjacent to Hartford Drive that discharges to Catherine Creek. Lake Stevens provides benefits to aquatic life, storm water management, and recreation.

Lake Stevens is a water of the State of Washington and it is regulated by multiple Federal, State, County and Local agencies. The City of Lake Stevens and Snohomish County share the management responsibilities for the lake's operations. The primary reason for regulating the lake levels is to maintain a summer and fall flow in the lake's outfall channel for fish habitat.

Lake Level Management

The lake level is managed by the City's Public Works Department. This is performed using a weir board system that is installed and maintained from April through October, depending on



Figure 1 - Weir system

the weather. The remainder of the year the weir boards are completely removed and the lake level is controlled naturally by the weather conditions and the capacity of the outfall channel.

Weir Structure

The weir provides a fish passage opening in the bottom board. This allows for continuous flow for the outfall channel when the lake level is below the weir. As the water level rises above the top of the weir, the overflow spills over into the outfall channel. The weir is comprised of five wood boards that adjust the height of the crest. These are placed manually and secured with a pin and locked. The adjustments elevation of the weir boards are shown in Table 1.

Weir Board	Base	1	2	3	4	5
Total Height	0	12"	4"	4"	4"	4"
Top Elevation	209.3	210.3	210.6	210.9	211.3	211.6

Table 1 - Weir Elevations

Lake Level Monitoring

The lake level is monitored by reading a staff gauge mounted in the North Cove area of the lake. The City monitors the lake levels several times each week throughout the year. This information is recorded along with the current elevation setting of the weir. This information is critical during the early spring and late fall months when the weir will often need to be adjusted to lower the lake levels to handle anticipated rainfall events. It also is a valuable guide used to predict how much water needs to be held back in the lake to attempt to achieve the desired lake levels during the drier summer months. This information is updated periodically on the City’s web-page for public viewing. The elevation of the lake level monitoring gauge and the elevation of the weir had been calibrated to be on the same datum. The gauge measures to 1/100 of a foot and is shown in figure 2.



Figure 2 - Visual monitoring gauge

Snohomish County maintains a data collector that monitors the lake level and is downloaded each month. This data can be reviewed on the County’s Surface Water Online Data website.

Target Lake Levels

Table 2 shows the target lake levels that are sought throughout the year. These elevations were determined based on the ideal elevation to achieve a continuous flow in the outfall channel during the summer and fall months when water flows in streams are typically at their lowest. For Lake Stevens the target level has been set at 211.7 for the summer months of the year, which is 0.1 feet above the top of the weir when at its maximum height (211.6). This will ensure sufficient flows in the outfall channel to sustain fish passage. It has been observed that during the dry summer months the lake level is typically lower than the weir height. The decrease in lake level will provide available storage volume during the wet seasons.

Month	Target Lake Level	Typical Weir El.
January	209.3	None
February	209.3	None
March	209.3	None
April	211.0	210.9
May	211.7	211.3
June	211.7	211.6
July	211.7	211.6
August	211.7	211.6
September	211.0	210.6
October	209.3	None
November	209.3	None
December	209.3	None

Table 2 - Target lake levels

Those timeframes shaded in Table 2 are the periods when the levels of the lake are not controlled by the City. During the months the weir is operational, a typical weir elevation is shown as a guideline only. The actual weir elevation is determined by the City

based on expected weather patterns, estimated ground water effects, and future seasonal forecasts. For example, if the prediction is for a drier than normal summer, the target lake level and weir placement might be set higher in the early spring months to produce more stored water in an effort to compensate for the lower inflow of surface water from the watershed.

Uncontrolled Flows

The lake level is affected by inflow and outflow. Inflow is difficult to predict and can be very difficult to control. There are wetlands and constructed stormwater facilities that help to buffer the intensity of the inflow, but a large volume of this surface water will enter the lake eventually through surface channels or groundwater.

During the operational period of the weir, the top (crest) of the weir typically is the controlling factor for the outflow. However, during a high flow event, it is common that all the weir boards are removed and the outflow of the lake is unrestricted. In the non-operational period of the weir, this is always the case. In both of these situations the outfall channel naturally will control the flow. It is not uncommon that the downstream channel will approach its natural capacity and result in not being able to release at the rate of the inflow of water to the lake. This results in the lake raising.

FEMA Flood Plan Level

FEMA's 2011 Flood Hazard Area Elevation for Lake Stevens is 213.00 (NGVD 29).

Setting Lake Level

Only during the operation period of the weir does the City control the lake level. Setting the lake level when the weir is operational is a judgment process based on past historical data, carefully monitoring the lake levels, and reviewing upcoming weather forecasts. This is challenging and often requires daily attention, particularly during extended rainy periods.

The initial determination for setting the weir height will use the "Typical Weir Elevation" as shown in Table 2. This is a starting point. Adjustment will be made to increase or decrease the weir height based on recent past and current weather conditions and on a five day weather forecast. If a heavy rain is predicted, the weir may be lowered to decrease the lake level and increase the lake's available storage volume to meter the outflow and to prevent flooding of the surrounding lake front properties and downstream area.

Policy Statement

In developing the lake level management policies , the City considered a number of factors including:

- Public safety, health, and welfare
- Protection of property
- Preserve downstream flows during the summer and early fall
- Protection of water quality

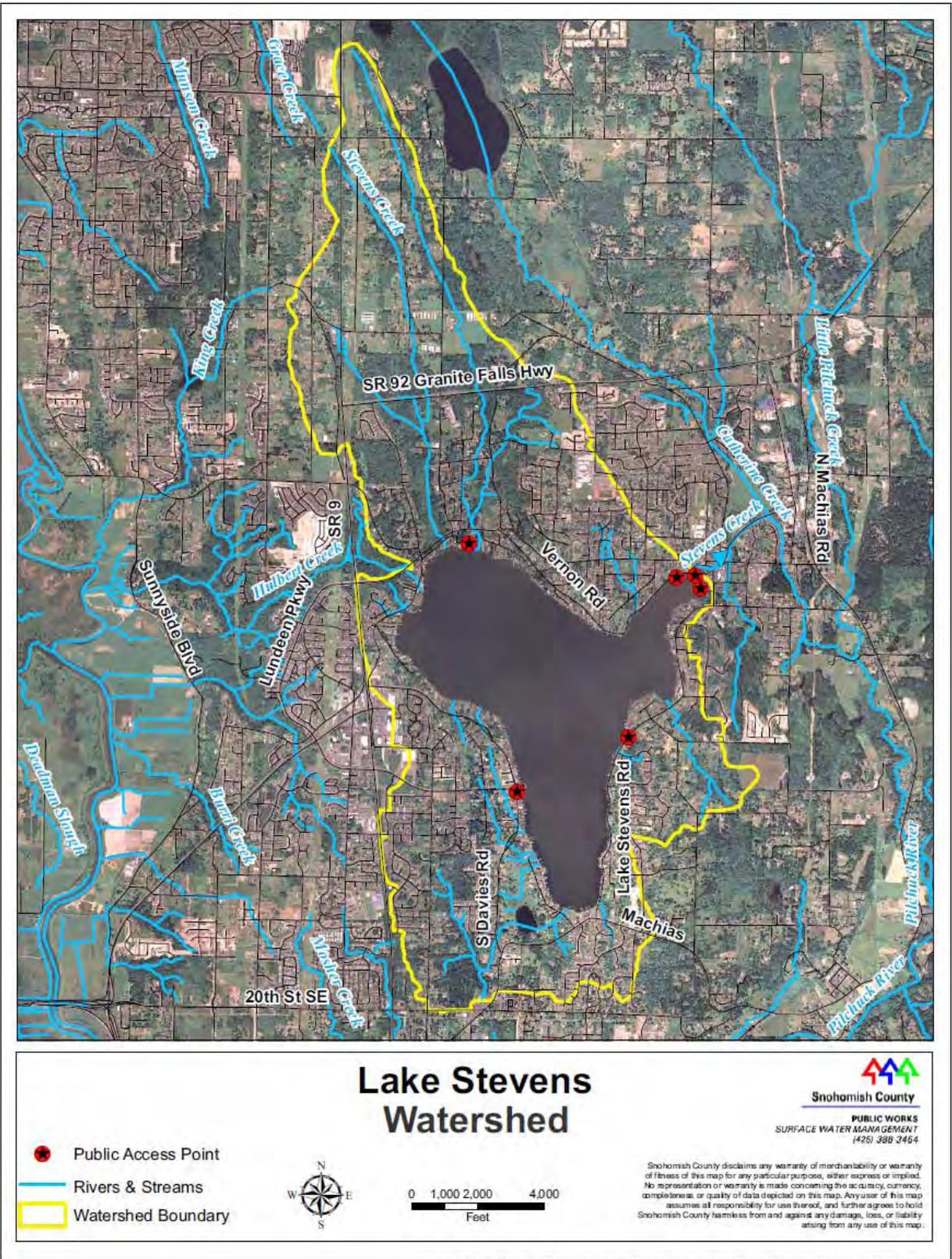
Policy 1 - Adjustments to the weir height will be performed to maintain the target lake level elevations, provide storage capacity for storm events, perform maintenance associated with the weir, and for City approved special activities.

Policy 2 - Preparation for pending storm events shall take priority over maintaining the target lake level elevation.

Policy 3 - Adjustments to the weir height will not be performed for the purpose of private property maintenance.

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Lake Stevens' Watershed Map



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**LAKE STEVENS
CITY COUNCIL**

Council Agenda Date: September 26, 2011

Subject: Subarea Plan EIS Update – Draft Alternatives

Contact	Russ Wright , Senior Planner	Budget	<u>Contract for</u>
Person/Department:	Karen Watkins , Principal Planner	Impact:	<u>Consultant</u>
	Rebecca Ableman , Planning & Community Development Director		<u>Services</u>

RECOMMENDATION(S)/ACTION REQUESTED OF COUNCIL: No Council action needed at this time.

SUMMARY:

Subarea update and discussion of Draft Environmental Impact Statement (DEIS) land use alternatives for the Lake Stevens Center and 20th Street SE Corridor.

BACKGROUND/HISTORY:

Staff met with the Planning Commission on September 07, 2011, briefed them on the subarea and DEIS processes, and reviewed the project's chronology:

- The City held visioning sessions in late March and received public input on the future of the subareas.
- The City issued a Determination of Significance for the proposed subareas on June 28, 2011.
- The City held a Scoping Meeting to introduce the development alternatives for both subareas on July 14, 2011.
- The City received 13 comments from interested parties.
- The City's consultant has provided draft land use alternatives and graphic concepts for consideration that identify land use patterns and development intensities for both subareas (Attachment 1a and 1b).
- The City's environmental consultant submitted a combined scoping report for both subareas to identify topics for inclusion in the Environmental Impact Statement (EIS) (Attachment 2).
- Staff has completed drafts of the existing conditions and impact sections for land use, socioeconomics, and public services for the EIS. The consultant team is working on the remaining sections (e.g., critical areas, traffic, air quality, etc.).

Subsequently, the subarea consultant has refined the draft land use alternative graphics and submitted a first draft of the subarea plans for both areas, which are under review by staff.

Currently the consultants have identified three land use alternatives for each subarea that vary in development intensity as summarized below:

- Alternative 1 – No Action
- Alternative 2 – Intensive Employment with Residential
- Alternative 3 – Enhanced Employment/Increased Residential

The draft alternative diagrams (Lake Stevens Center attachments 3a and 3b and 20th Street SE Corridor attachments 4a and 4b) illustrate locations for conceptual land use concentrations and use-specific nodes within the two subareas.

Additionally, staff has met with several service and utility providers to discuss the subarea plans to help determine any impacts to facilities or services resulting from potential growth. These groups included:

- Lake Stevens Fire District
- Lake Stevens School District
- Lake Stevens Sewer District
- PUD – Water
- PUD - Electric

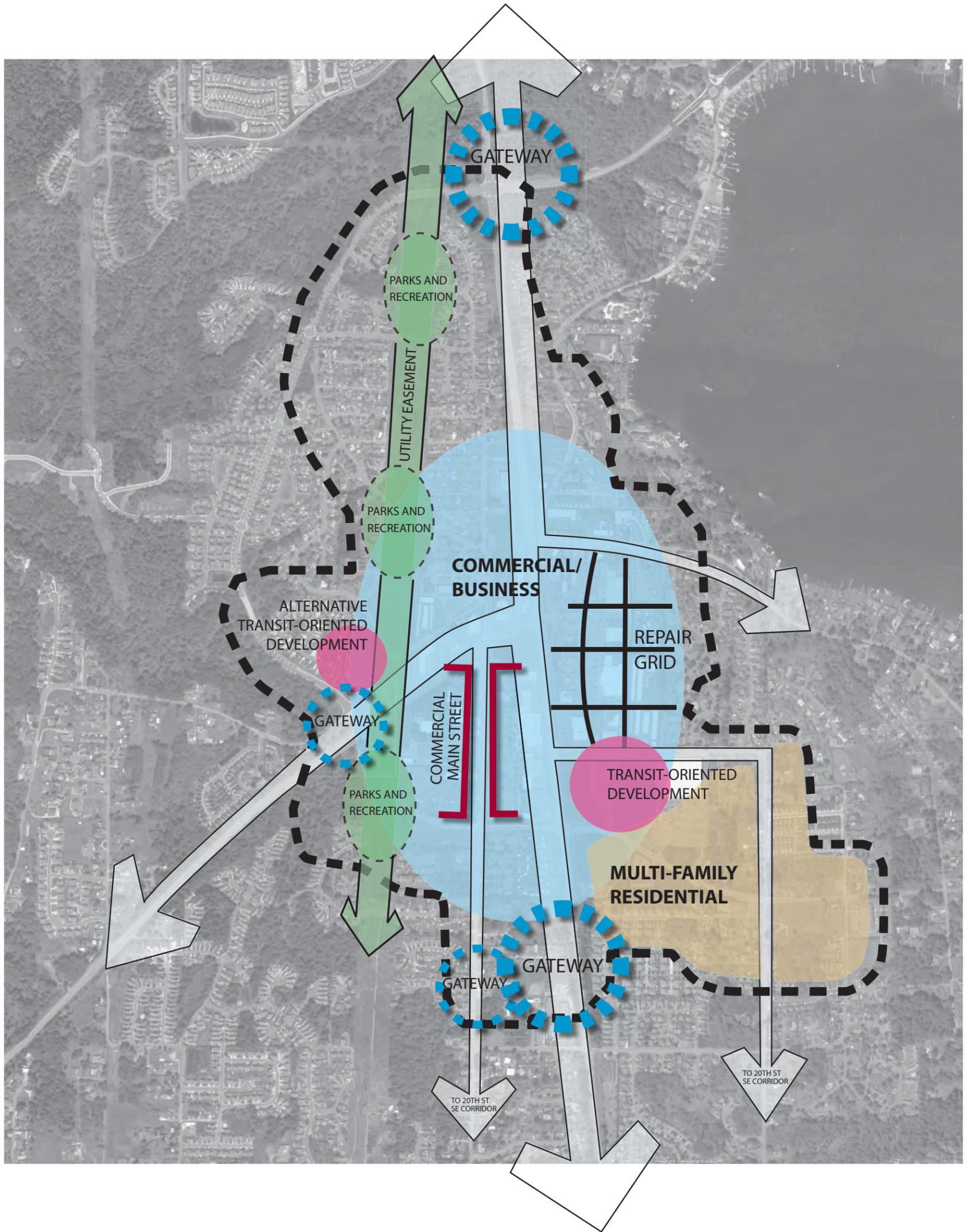
The next steps include tonight's discussion with Council on the draft alternatives, followed by briefing the Planning Commission on the specific alternatives, leading to a public meeting in November to discuss the DEIS. This autumn/winter, Council will determine a preferred alternative, which could be any of the draft alternatives or combinations thereof. After Council identifies a preferred alternative, staff and the consultant team will begin work on the Final EIS and subarea plans for action in spring 2012.

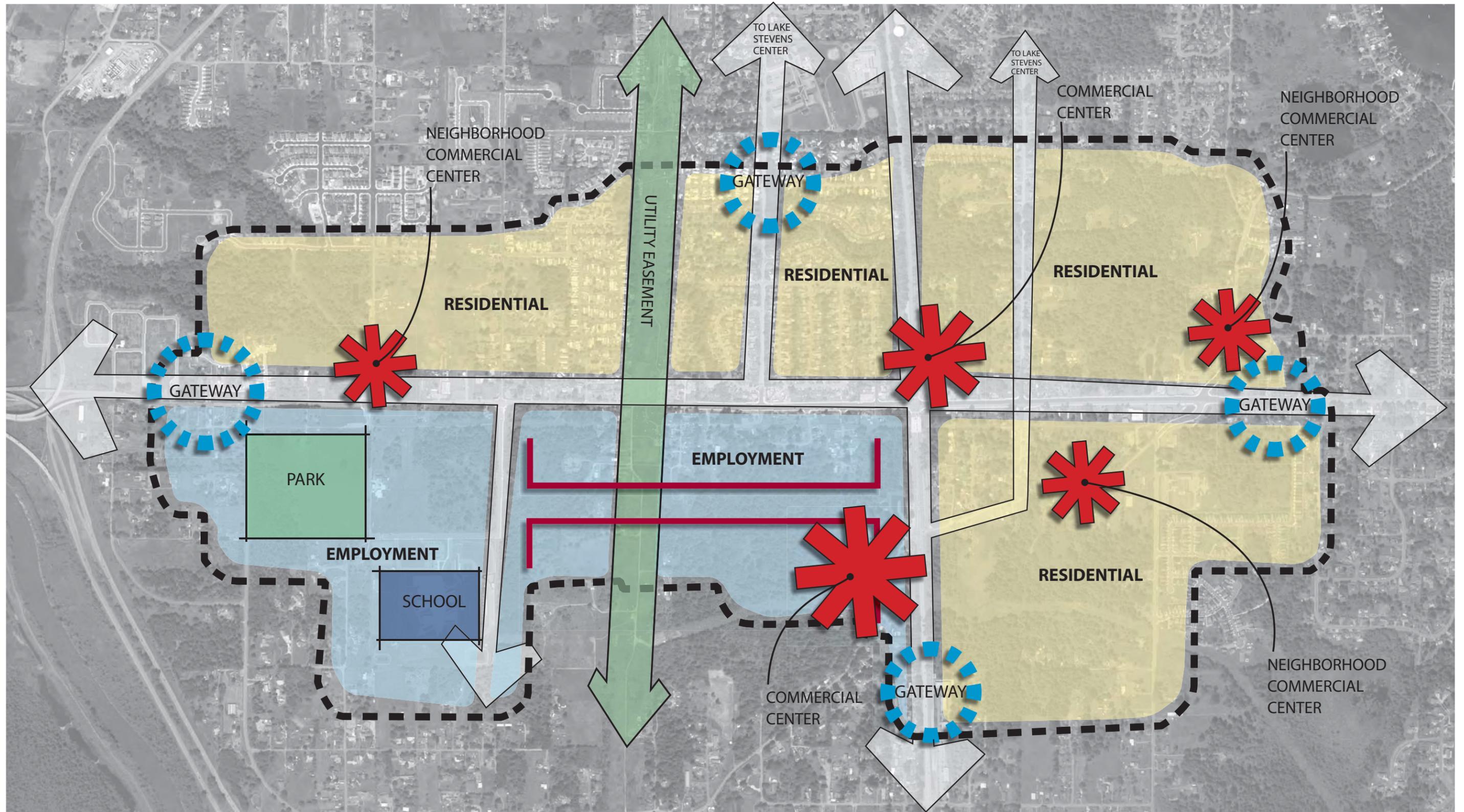
APPLICABLE CITY POLICIES: Subarea plan to the Comprehensive Plan pursuant to RCW 36.70A.080 (Growth Management Policy Act – Optional Elements) and Environmental Impact Statements pursuant to WAC 197-11, Part Four and Chapter 16.16 LSMC (State Environmental Policy Act - Environmental Impact Statements)

BUDGET IMPACT: There is not an immediate budget effect; the subarea planning and environmental review process is subject to an existing contract for services.

EXHIBITS:

- 1a. Lake Stevens Concept Diagram
- 1b. 20th Street SE Corridor Concept Diagram
2. Combined Scoping Report
- 3a. Lake Stevens Center Alternative 2 Diagram
- 3b. Lake Stevens Center Alternative 3 Diagram
- 4a. 20th Street SE Corridor Alternative 2 Diagram
- 4b. 20th Street SE Corridor Alternative 3 Diagram





20th Street Corridor Subarea Preliminary Concept

June 5, 2011

LAKE STEVENS CENTER SUBAREA EIS & 20TH STREET SE CORRIDOR SUBAREA EIS

COMBINED SCOPING REPORT

I. Introduction

Purpose of the Scoping Report

The City of Lake Stevens Department of Planning and Community Development is preparing a Planned Action environmental impact statement (EIS), pursuant to the State Environmental Policy Act (SEPA), for two subarea plans, affecting the **Lake Stevens Center** and the **20th Street SE Corridor**. The scoping report summarizes comments received during the public scoping process, and will determine alternatives and elements of the environment that the City will evaluate in the EIS for each subarea. This combined report summarizes and addresses comments received on both subareas.

Descriptions of the Subarea Plan Proposals

The implementation of the subarea proposals, as considered by the City of Lake Stevens, will include the following related actions:

1. Adoption of subarea plans for the *Lake Stevens Center* (i.e., the larger Frontier Village area) and the *20th Street SE Corridor*, which will amend and become elements of the City's Comprehensive Plan;
2. Amendment of the zoning map to rezone properties consistent with the subarea plans;
3. Revision of the zoning code text to amend or adopt new classifications, development standards and/or design guidelines;
4. Amendment of the Comprehensive Plan's Transportation Element and Capital Facilities Element to address infrastructure needs required to support planned growth in the subareas; and
5. Adoption of an ordinance designating both subareas as Planned Actions, pursuant to the SEPA regulations and rules, RCW 43.21C.031 and WAC 197-11-164, for purposes of future environmental review and permitting.

The Lake Stevens Center is comprised of approximately 359 acres of land centered on the SR-9/SR-204 intersection. The study area extends to Lundeen Park Way on the north and west, 2nd Street SE on the south, and Springbrook Road, 98th Drive and 103rd Ave NE on the east.

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The 20th Street SE Corridor is comprised of approximately 845 acres of land located on the north and south sides of 20th Street SE, and east and west of SR-9.

Integrated Planning & Environmental Review

The City is using the integrated planning and environmental review process to help identify a preferred alternative for further consideration for each subarea. The resulting proposal may combine elements of several EIS alternatives within the identified ranges for land uses, dwelling units, jobs and population estimates considered in the EIS for each subarea.

Planned Actions

A Planned Action is a tool, permitted by RCW 43.21C.031 and WAC 197-11-164), that cities can use to provide regulatory certainty and encourage economic development. Performing up-front SEPA review for a subarea plan streamlines SEPA review for subsequent projects that are consistent with the plan. A Planned Action is designated by ordinance following preparation of an EIS; the EIS evaluates the impacts of planned growth and identifies mitigation measures that must be applied at the project level.

When development is proposed under a Planned Action, the City will evaluate the application to determine if it meets the criteria in the Planned Action Ordinance and “qualifies” as an implementing project. To qualify, a development proposal must be the type of project anticipated in the subarea plan; must meet the conditions and mitigation requirements of the Planned Action; and the EIS must have addressed its significant environmental impacts. . If a development proposal meets these criteria, then it qualifies as a Planned Action project and no SEPA threshold determination is required. Developers may still propose projects that do not qualify as Planned Actions, but must perform their own SEPA analysis.

II. SEPA Scoping Process

Steps in the Process

Scoping is an important early step in the EIS process to help lead agencies determine the content of an EIS. Scoping informs the public, agencies and tribes that an agency is considering a proposal and preparing an EIS to address probable environmental impacts associated with the proposal. Interested parties are invited to comment on reasonable alternatives and significant environmental issues that should be evaluated in the document. The lead agency may eliminate non-significant issues or issues addressed sufficiently in previous environmental documents from detailed discussion in the EIS.

The City of Lake Stevens, as SEPA lead agency (i.e., the agency that manages the EIS process), initiated the scoping process on June 29, 2011 with publication of a combined Determination of Significance (DS) and scoping notice, which covered both subarea plans, and submittal to the SEPA review agencies with a comment period ending July 15, 2011. The DS generally described the elements of the environment preliminarily considered to be

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significant, and described the subarea alternatives. The period for receiving public comments ended on July 22, 2011. The City held a public scoping meeting/workshop from 6-9 PM on July 14, 2011 at the Lake Stevens Fire Conference Center, located at 10518 18th Street SE. The DS/scoping notice was published on the City’s website, in the Everett Herald, and in the Lake Stevens Journal; posted at City Hall and the Permit Center; postcard notices were sent to 2,874 property owners in the subareas; and email notices were sent to the subarea email list of 80 interested parties.

Scoping Comments

During the scoping comment period, the City received comments on one or both subarea plan EISs from 13 individuals and organizations, as shown below. Copies of all scoping comments submitted to the City are available for review at the Department of Planning and Community Development.

	20 th Street SE Subarea	Lake Stevens Center Subarea
Marcaline Brown	X	
Dr. Dailene Castle	X	X
City of Snohomish	X	
Community Transit	X	X
J. Hovey	X	X
A.J. Lansing	X	
Jan Larsen		X
Tom Matlack	X	X
David Milot	X	
Barbara & David Mounsey	X	
Delola Parrish	X	
Doug Turner	X	X
Marilyn Webber	X	X

The following sections summarize the general substance of the comments received for each subarea. A number of comments expressed support or preference for different alternative courses of action, and did not identify specific EIS issues. In addition, a number of comments suggested features or direction for one or both subarea plans; these comments will be addressed in the subarea planning process.

Lake Stevens Center Comments

- Development should be sustainable
- Consider economic development, social equity and environmental protections
- Contaminated soils from former gas stations
- Egress/ingress to business
- Provide for bicycles
- Include open spaces
- Stay away from steep slopes
- Coordinate infrastructure - sewer, water, power, transportation
- WSDOT plans for Hwy 9/204 interchange

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- Identify protect lake, basin drainages, and wetlands
- Concern about planned action and whether EIS can predict all impacts for long-term
- Night-time lighting levels
- Stormwater systems
- Include all elements of the environment in the EIS
- Agree with growth strategy to revitalize appearance, improve traffic/pedestrian circulation and expand retail, office and residential development
- Commercial Main Street should be located downtown
- Health risks and aesthetic issues associated with use of power lines for park
- Analysis of potential traffic impacts upon SR 9 and the SR9/US 2 interchange
- Coordinate with the City of Snohomish Comprehensive Plan
- Include transit in traffic analysis, business access & transit (BAT) lanes, limiting amount of off-site parking
- Consider TDM as mitigation for traffic impacts
- Create retail/mixed-use nodes to support transit
- Provide sewer infrastructure through the subarea in conjunction with the widening of 20th Street
- Locate employment growth in mixed-use nodes
- Upgrade utilities
- Road, circulation and transit improvements
- Scale and look of Mill Creek examples are pleasing

20th Street SE Corridor Comments

- Development should be sustainable
- Economic development, social equity and environmental protections
- Widening of 20th Street
- Impacts to Lake Basins, wetlands & streams
- Trade-off of taller buildings for more open space
- Feasibility of a parking garage
- Unify design/architecture and landscaping
- Get PUD/schools/sewer/fire/police/water/county to commit resources now
- Provide incentives for high-density and/or cottage housing
- Identify and promote local business that do not rely heavily on transportation
- Distance from I-5
- Light pollution
- Concern about planned action and ability to cover all aspects of individual projects/building/grading/mitigation
- Inconvenient transit service
- Absence of sewer service in some portions of subarea
- Traffic signal at 20th St SE. and South Lake Stevens Road (hard to make a left turn from South Lake Stevens Rd. heading west across trestle)
- Mix of commercial land uses (no RV storage or auto repair)
- Dead end streets
- Heavy truck traffic/safety
- Parking for park access
- Forested areas/wildlife
- Prefer single family to multi-family housing
- Road system inadequate for future growth

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- Potential for University of Washington campus
- Consider all elements of the environment
- Number of commercial centers
- Preserve forested areas for parks
- Access to I-5 and Everett impeded
- Competition with Everett for jobs employment
- Effect of rezoning on property taxes
- Replace light at 83rd & 20th St. SE with a roundabout
- School entrance from 79th
- Mixed-use along corridor, connected by trails
- Stormwater runoff
- Impacts to wetlands and wildlife
- Retain forested areas for wildlife
- Neighborhood traffic controls on 99th
- No more strip malls
- Traffic generated by commercial and office uses
- Need for sidewalks
- More stringent environmental regulations
- More bike & pedestrian thru-ways
- Traffic analysis should address transit, business access & transit (BAT) lanes, limiting amount of off-site parking
- Consider TDM as mitigation for traffic impacts
- Park & Ride facility supported by CT – specifically at the intersection SR 9 & 20th Street
- Support City's planning actions & request that zoning goals of creating retail/mixed use nodes
- Recommend widening 20th westward towards trestle
- Need for upgraded sewer infrastructure
- Need for upgraded utilities
- Employment growth focused in mixed use nodes
- Road, circulation and transit improvements needed
- Analyze potential traffic impacts to SR 9 and the SR9/US 2 interchange
- Coordinate with the City of Snohomish Comprehensive Plan
- Wetland impacts
- Prefer No Action/Alternative 1
- Prefer Alternative 2
- Prefer Alternative 3 with mix of retail, office & residential
- Like mixed-use
- Too many vacancies in the City now
- Focus on downtown and Frontier Village first
- Subarea is too large an area

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III. Scope of the EIS

The City has determined the scope of the EIS, for each subarea, based on its review of comments and consideration of other information relating to conditions in the subareas. The following sections identify the range of alternatives and elements of the environment.

Subarea EIS Alternatives

Lake Stevens Center Subarea

Three alternatives have been identified for the Lake Stevens Center: *A No Action (Alternative 1)*, which is required by SEPA, assumes continued growth under existing zoning and current plans without adoption of a subarea plan; *Alternative 2*, which emphasizes commercial growth and redevelopment in the subarea along with some residential growth; and *Alternative 3*, which includes the same level of retail growth, but with less office space and a greater amount of residential growth than Alternative 2. The table below provides an overview of the type and amount of new growth for consideration under the EIS alternatives.

Alternative	Retail (Gross Sq. Ft)	Office (Gross Sq. Ft)	Housing Units (dwelling units)
Alternative 1 - No Action	50,000-60,000 gsf	30,000-40,000 gsf	100-120 du's
Alternative 2 - Commercial Emphasis	140,000-150,000 gsf	140,000-150,000 gsf	180-200 du's
Alternative 3 - Residential Emphasis	140,000-150,000 gsf	90,000-100,000 gsf	500-600 du's

20th Street SE Corridor Subarea

Three alternatives will be considered for the 20th Street SE Corridor: *A No Action (Alternative 1)*, which is required by SEPA, assumes continued growth under existing zoning and current plans without adoption of a subarea plan; *Alternative 2*, which places the greatest emphasis on employment growth in the subarea with moderate residential growth; and *Alternative 3*, which reduces retail land uses, outside commercial nodes, provides moderate office uses, and increases residential development compared to Alternative 2. The table below provides an overview of the type and amount of new growth for consideration under the EIS alternatives.

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Alternative	Retail (Gross Sq. Ft)	Office (Gross Sq. Ft)	Housing Units (dwelling units)
Alternative 1 - No Action	150,000-180,000 gsf	20,000-35,000 gsf	600-1,200
Alternative 2 - Commercial Emphasis	400,000-450,000 gsf	1-1.25 million gsf	900-1,000 du
Alternative 3 - Residential Emphasis	300,000-350,000 gsf	600,000 - 750,000 gsf	1,200-1,400 du

Elements of the Environment That Will Be Evaluated in the EIS

The City reviewed and considered all EIS-related comments received at the scoping meetings and those mailed or emailed by the end of the comment periods. Based on this review, the City has identified the following significant environmental issues that it will evaluate in the Draft EIS for each subarea plan. The analysis will address direct, indirect and cumulative impacts. The identified elements of the environment apply to both subareas unless noted otherwise.

Environmental Issue	EIS Discussion
<i>Natural Environment</i>	
Earth	Describe the geologic setting and character of the subareas. Discuss the nature and degree of potential impacts to soils and topography.
Air Quality	Evaluate air quality and greenhouse gas emissions. Determine if the proposals would result in additional air pollutant emissions and compare to adopted federal and state standards. Compare alternative levels of development and vehicle miles travelled (VMT). Conduct a "hot spot" analysis at selected intersections. Use the King County spreadsheet to evaluate greenhouse emissions among the alternatives to indicate the effects of concentrated and mixed-use development.
Water Resources	Describe potential changes in impervious surface and runoff. Discuss effects on surface water and ground water movement, quality and quantity, including any localized flooding. Describe Low Impact Development (LID) measures that could reduce stormwater impacts.
Plants & Animals	Review available information to determine the presence of listed threatened, endangered or priority species of plants and animals, and fish and wetlands. Generally describe the extent and character of existing wildlife/habitat, wetlands and streams. Describe existing federal, state and local regulations that would apply to future development. Identify the potential effects of the alternatives on regulated species. Discuss area-wide and site-specific mitigation measures, including LID techniques, and a regional drainage plan and system.

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<i>Built Environment</i>	
Land & Shoreline Use	Analyze the type, location and amount/intensity of future land uses on the existing and planned land use pattern in each subarea. Use development prototypes to estimate the amount of land that would be consumed by development. Evaluate the consistency of the alternatives with relevant federal, state and local plans and regulations, emphasizing the relationship to the Lake Stevens Comprehensive Plan and development regulations. Identify any impacts to neighboring jurisdictions.
Population, Housing & Employment	Calculate the number and types of housing units, and the amount of population and jobs that would be generated by each alternative. Relate this growth to the City's adopted growth targets. Identify any housing that would be displaced. Estimate effects of the alternatives on housing affordability. Describe the relationship of the alternatives to the Comprehensive Plan's goals and policies for housing and employment.
Aesthetics (height, bulk & scale, light & glare)	Describe the existing visual character of the subareas. Use development prototypes to evaluate changes in height, bulk and scale. Describe potential changes in light levels.
Historic & Cultural Resources	<u>20th Street SE Subarea only</u> . Identify the known or potential presence of historic or archaeological resources, and potential impacts to those resources as a result of development. Identify appropriate mitigation measures.
Transportation	Identify the existing road system, traffic controls, congestion, safety issues, pedestrian circulation, and transit service. Identify currently planned state and local improvements. Consider the impacts of the alternatives for each subarea on vehicular and non-motorized (pedestrian and bicycle) traffic. Coordinate the analysis with WSDOT's study of SR9. Identify needed improvements, including a general concept for the design of facilities, an estimate of costs and timing, and potential approaches for financing improvements.
Public Services	Describe existing facilities and levels of service for fire/emergency medical, police, public schools, parks and recreation, and community services in each subarea. Identify any planned and programmed improvements. Estimate the impacts of the alternatives based on the type and amount of proposed development and the resulting demand for services. Identify how future needs will be addressed and mitigated.
Utilities	Describe existing sewer, water and stormwater systems in each subarea. Estimate the demand that will be created by the subarea alternatives and the effect on the capacity of existing systems. Discuss needed improvements.

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Elements of the Environment Eliminated from Detailed Study

Based on its review of existing information and environmental documents, the City has determined that the proposal is not likely to generate significant impacts to the following elements of the environment: energy and natural resources, contamination/risk of explosion and noise, historic and cultural resources (Lake Stevens Center subarea only), shoreline use, agricultural crops, and some sub-elements of public services (communications, solid waste, maintenance and other governmental services).

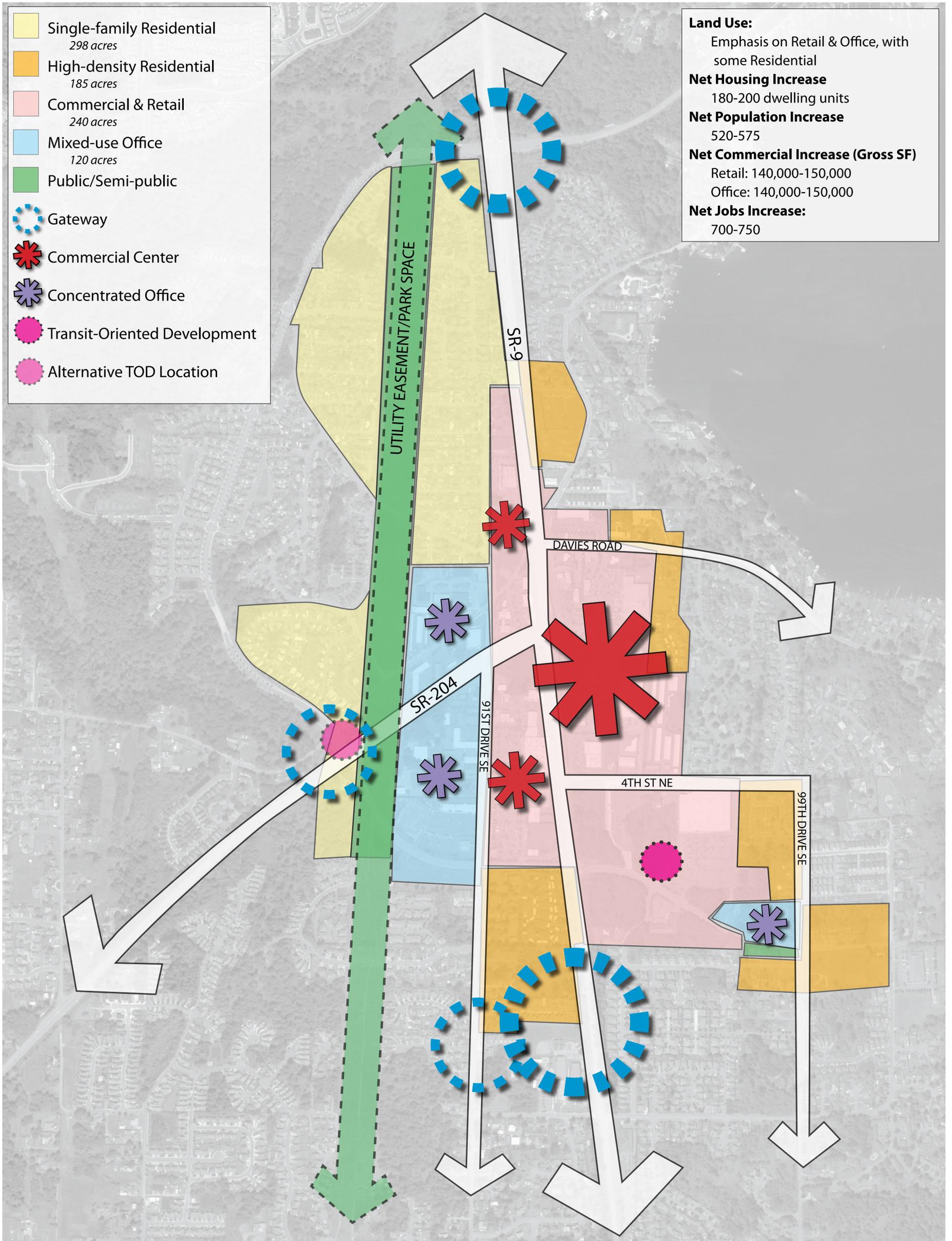
IV. Next Steps

Draft EIS

Preparation of a Draft EIS for each subarea will begin following publication of this scoping report, and will include analysis of all elements of the environment that have been determined to be significant. Publication of a Draft EIS is anticipated in early fall of 2011 for each subarea. Notices of publication of the document will be published and the documents will be circulated to agencies, tribes and interested individuals and groups for review and comment. The documents will also be available for review at local libraries, on the City's website, and will be available for purchase on CD or hard copy. A 45-day comment period for each subarea will be provided following publication. A public hearing will also be held during the comment period to accept public testimony for each subarea.

Final EIS

The Final EIS for each subarea will address comments received on the Draft EIS and provide additional information about the alternatives or additional analysis if appropriate. The City will identify a preferred alternative in the Final EIS for each subarea; the preferred alternatives may combine elements of the alternatives considered in the Draft EIS for each subarea. Publication of a Final EIS for each subarea is anticipated late winter of 2012.

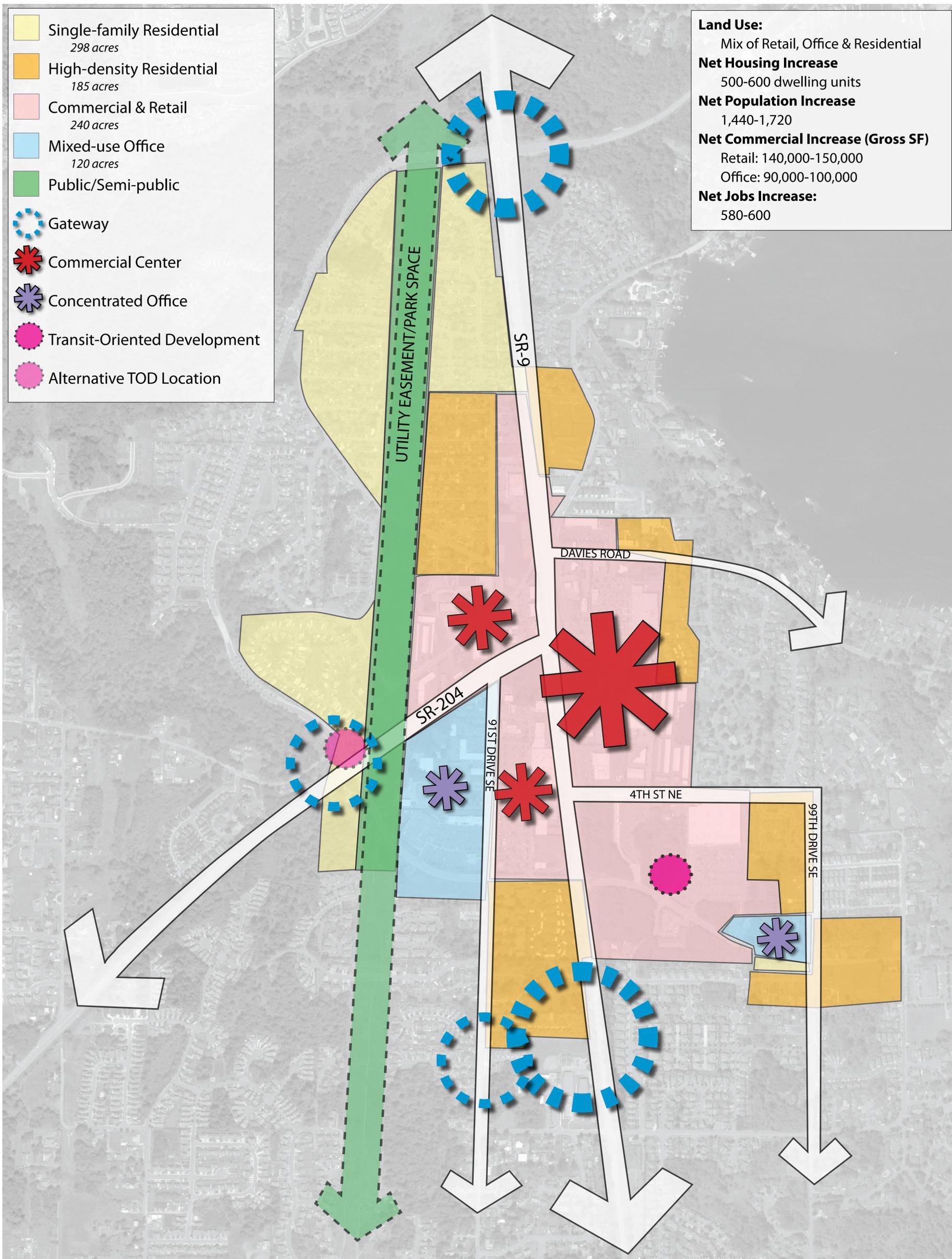


LSC Alt. 2: Intensive Employment with Residential



September 22, 2011





LSC Alt. 3: Enhanced Employment/Increased Residential



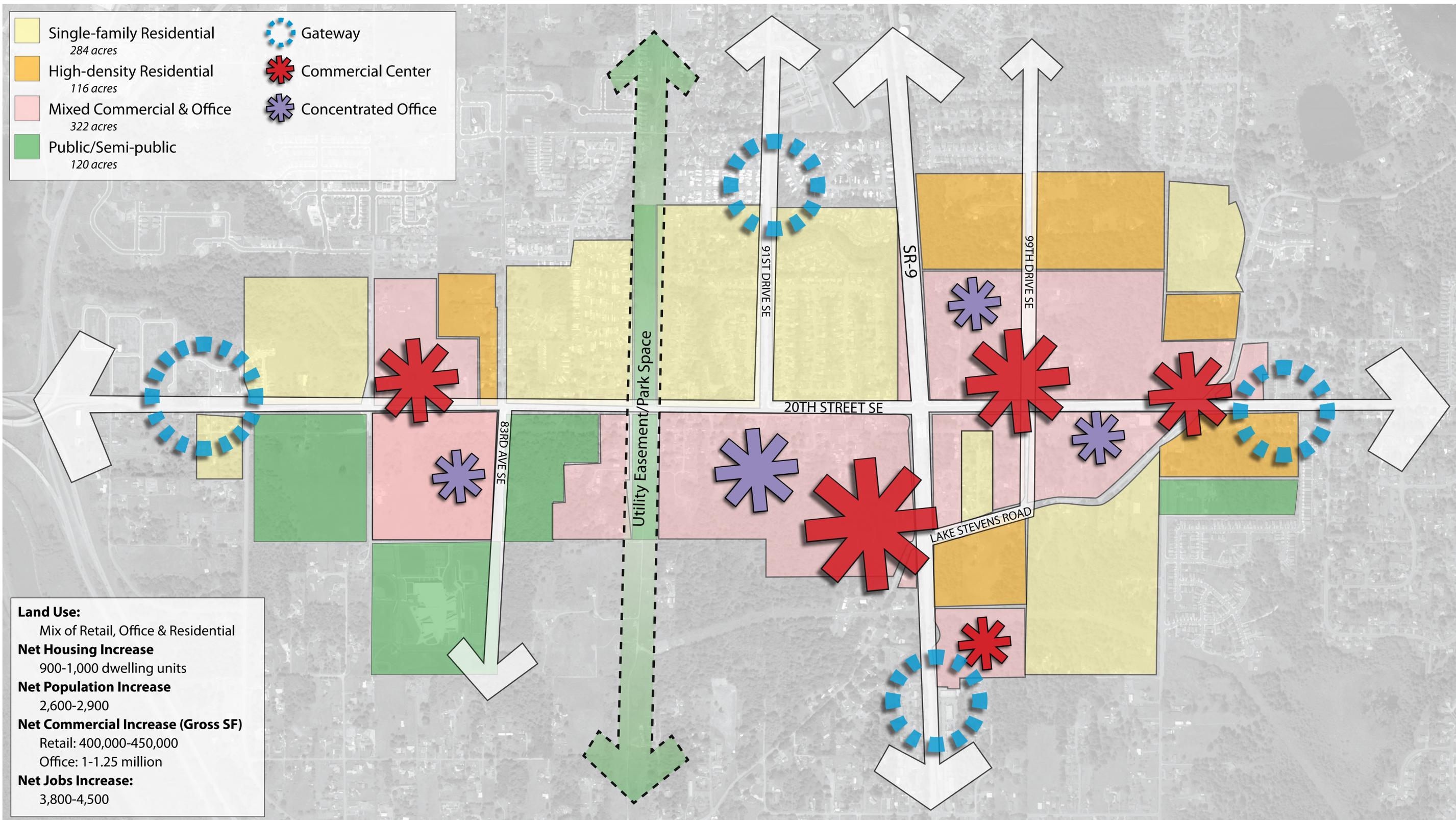
September 22, 2011

Weinman Consulting, LLC

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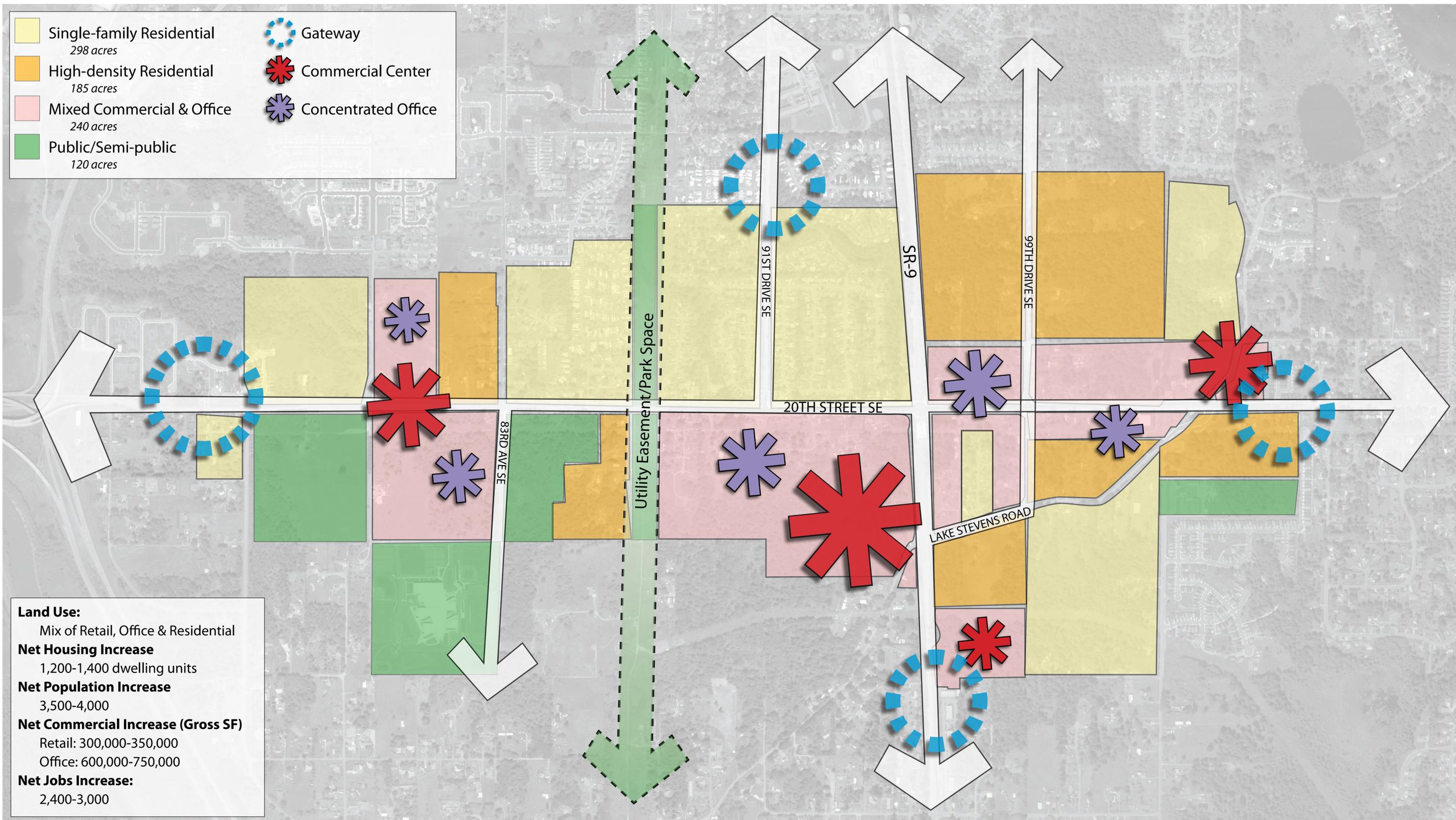


20th Street Corridor Alternative 2: Intensive Employment with Residential



September 22, 2011





20th Street Corridor Alternative 3: Enhanced Employment/Increased Residential



September 22, 2011





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