

CITY COUNCIL REGULAR MEETING AGENDA
Lake Stevens School District Educational Service Center (Admin. Bldg.)
12309 22nd Street NE, Lake Stevens
Monday, November 28, 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 November vouchers. Barb
*B. Approve minutes of November 14, 2011 regular Norma
meeting.

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 fourth and final reading of Ordinance No. 856, adoption of the Shoreline Master Program and associated documents (5th reading). *(May 23 – 1st Public hearing and 1st reading; June 13 – 2nd Public Hearing; July 11 – 3rd Public hearing and 2nd reading; November 21 – 4th Public Hearing and 3rd reading).* Becky/
Karen

*B. Public Hearing and second and final reading of Ordinance No. 865, 2012 proposed budget. Barb

Lake Stevens City Council Regular Meeting Agenda

November 28, 2011

- *C. Public Hearing and first reading of Ordinance No. 862, Becky
2011 Comprehensive Plan amendment.

ACTION ITEMS: *A Confirm appointments to the Arts Commission. Vern

**DISCUSSION
ITEMS:**

**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.

NOTICE:

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

**BLANKET VOUCHER APPROVAL
2011**

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

Payroll Direct Deposits		
Payroll Checks		
Claims	32649-32710	\$121,990.14
Electronic Funds Transfers	394-397	\$6,997.71
Void Checks	32588	(\$180.00)
Tax Deposit(s)		
Total Vouchers Approved:		\$128,807.85

This 28th day of November 2011:

Mayor

Councilmember

Finance Director

Councilmember

Councilmember

Councilmember



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Direct Deposit Register

17-Nov-2011

Wells Fargo - AP

Lake Stevens

Direct Deposits to Accounts

17-Nov-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	\$3,358.50	394	Wells Fargo	121000248	4159656917
9362	Department of Revenue	C	\$2,362.46	395	Wells Fargo	121000248	4159656917
9408	NATIONWIDE RETIREMENT SOL	C	\$848.25	396	Wells Fargo	121000248	4159656917
9405	Wash State Support Registry	C	\$428.50	397	Wells Fargo	121000248	4159656917
Total:			\$6,997.71	Count:		4.00	

Direct Deposit Summary

<i>Type</i>	<i>Count</i>	<i>Total</i>
C	4	\$6,997.71

Pre-Note Transactions

Detail Check Register

21-Nov-11

Lake Stevens

Check No	Check Date	VendorNo	Vendor	Check Amount		
32649	21-Nov-11	969	Business Card			\$5,027.61
11/11 1056			Travel/Supplies/Staff Dev	\$1,424.64	\$0.00	\$1,424.64
001003511104300			Executive - Travel & Mtgs	\$322.52		
001003511104900			Executive - Miscellaneous	\$63.93		
001003513103100			Administration - Office Supply	\$76.41		
001003513104101			Administration - Staff Develop	\$425.00		
001003513104300			Administration - Travel & Mtgs	\$248.40		
001003516104300			Human Resources-Travel & Mtgs	\$206.92		
001004514234901			Finance - Staff Development	\$50.00		
001008521003100			Law Enforcement - Office Suppl	\$2.16		
101016542003101			Street Fund Office Supplies	\$14.65		
410016542403101			Storm Water - Office Supplies	\$14.65		
11/11 1324			Supplies/Travel	\$480.78	\$0.00	\$480.78
001003518104300			IT Dept-Travel & Mtgs	\$206.92		
001007558003100			Planning - Office Supplies	\$60.94		
001007558004300			Planning - Travel & Mtgs	\$212.92		
11/11 1411			Travel/Supplies	\$1,095.91	\$0.00	\$1,095.91
001003511104300			Executive - Travel & Mtgs	\$30.86		
001003513104300			Administration - Travel & Mtgs	\$30.87		
001003514104300			City Clerks-Travel & Mtgs	\$237.79		
001003516104300			Human Resources-Travel & Mtgs	\$30.84		
001003518104300			IT Dept-Travel & Mtgs	\$27.82		
001004514234300			Finance - Travel & Mtgs	\$237.79		
001007558004300			Planning - Travel & Mtgs	\$30.84		
001008521003100			Law Enforcement - Office Suppl	\$65.62		
001008521004300			Law Enforce - Travel & Mtgs	\$316.27		
001008521004800			Law Enforcement - Repair & Mai	\$56.35		
101016542004300			Street Fund - Travel & Mtgs	\$15.43		
410016542404300			Storm Water - Travel & Mtgs	\$15.43		
11/11 4949			Postage/Supplies/Travel	\$738.12	\$0.00	\$738.12
001008521003104			Law Enforcement-Operating Cost	\$305.54		
001008521004200			Law Enforcement - Communicatio	\$400.00		
001008521004300			Law Enforce - Travel & Mtgs	\$32.58		
11/11 7750			Travel/Repair/Staff Dev	\$1,014.12	\$0.00	\$1,014.12

Detail Check Register

21-Nov-11

Lake Stevens

Check No	Check Date	VendorNo	Vendor	Check Amount		
001003511104300			Executive - Travel & Mtgs	\$16.71		
001003513104300			Administration - Travel & Mtgs	\$16.71		
001003514104300			City Clerks-Travel & Mtgs	\$16.70		
001003516104300			Human Resources-Travel & Mtgs	\$16.70		
001003518104300			IT Dept-Travel & Mtgs	\$16.70		
001004514234300			Finance - Travel & Mtgs	\$16.70		
001007558004300			Planning - Travel & Mtgs	\$16.71		
001008521004300			Law Enforce - Travel & Mtgs	\$16.71		
101016542004001			Street Fund - Staff Developmen	\$35.55		
101016542004300			Street Fund - Travel & Mtgs	\$296.63		
101016542004800			Street Fund - Repair & Mainten	\$122.78		
410016542403101			Storm Water - Office Supplies	\$93.35		
410016542404300			Storm Water - Travel & Mtgs	\$296.63		
410016542404901			Storm Water - Staff Developmen	\$35.54		
11/11 8109			Travel/Supplies	\$274.04	\$0.00	\$274.04
001008521003100			Law Enforcement - Office Suppl	\$202.16		
001008521004300			Law Enforce - Travel & Mtgs	\$71.88		
32650	21-Nov-11	13640	US Postal Service			\$501.93
11/21/11			Postage	\$501.93	\$0.00	\$501.93
001008521004200			Law Enforcement - Communicatio	\$501.93		
Total Of Checks:						\$5,529.54

Detail Check Register

22-Nov-11

Lake Stevens

Check No	Check Date	VendorNo	Vendor	Check Amount		
32651	28-Nov-11	13881	Accudock			\$24,166.00
2107			Floating Dock	\$24,166.00	\$0.00	\$24,166.00
001010576806400			Parks - Capital Outlay	\$24,166.00		
32652	28-Nov-11	12540	ALLIED WASTE SERVICES #197			\$343.84
0197-001400473			Dumpster services	\$343.84	\$0.00	\$343.84
101016542003102			Street Fund Operating Costs	\$164.82		
101016542004500			Street Fund - Rentals/Leases	\$7.10		
410016542403102			Storm Water - Operating Costs	\$164.82		
410016542404501			Storm Water - Equipment Rental	\$7.10		
32653	28-Nov-11	12540	ALLIED WASTE SERVICES #197			\$247.00
0197-001400229			Dumpster services	\$247.00	\$0.00	\$247.00
001010576803103			Parks-Lundeen-Operating Costs	\$247.00		
32654	28-Nov-11	12540	ALLIED WASTE SERVICES #197			\$102.75
0197-001400888			Dumpster services	\$102.75	\$0.00	\$102.75
001013519903100			General Government - Operating	\$90.42		
001013519904500			General Government-Equip Renta	\$12.33		
32655	28-Nov-11	13753	Bel-Red Auto			\$544.60
1953			PT47 Damage/Criminal Case 10-01	\$544.60	\$0.00	\$544.60
001008521004800			Law Enforcement - Repair & Mai	\$544.60		
32656	28-Nov-11	179	Blumenthal Uniforms			\$103.75
894524			Pepper spray	\$103.75	\$0.00	\$103.75
001008521003104			Law Enforcement-Operating Cost	\$103.75		
32657	28-Nov-11	215	Campbells Resort			\$256.65
135062			Celori-WASPC Conference NOV 15	\$171.10	\$0.00	\$171.10
001008521004300			Law Enforce - Travel & Mtgs	\$171.10		
221090			Hudson LEIRA Training Oct 25-27	\$85.55	\$0.00	\$85.55
001008521004300			Law Enforce - Travel & Mtgs	\$85.55		
32658	28-Nov-11	11952	Carquest Auto Parts Store			\$426.00
2421-166452			Hex Wrenches	\$54.28	\$0.00	\$54.28
101016542004800			Street Fund - Repair & Mainten	\$27.14		
410016542404800			Storm Water - Repairs & Maint.	\$27.14		
2421-166847			Fuel filter	(\$12.07)	\$0.00	(\$12.07)
101016542004800			Street Fund - Repair & Mainten	(\$12.07)		
2421-166996			Wiring/starter solenoid/tubing/lugs	\$73.74	\$0.00	\$73.74

Detail Check Register

22-Nov-11

Lake Stevens

Check No	Check Date	VendorNo	Vendor	Check Amount		
101016542004800			Street Fund - Repair & Mainten	\$36.87		
410016542404800			Storm Water - Repairs & Maint.	\$36.87		
2421-167018			starter solenoid/brake fluid/oil	\$86.00	\$0.00	\$86.00
101016542004800			Street Fund - Repair & Mainten	\$43.00		
410016542404800			Storm Water - Repairs & Maint.	\$43.00		
2421-167195			Filters/oil	\$97.31	\$0.00	\$97.31
101016542004800			Street Fund - Repair & Mainten	\$48.66		
410016542404800			Storm Water - Repairs & Maint.	\$48.65		
2421-167308			Trailer wire harness	\$35.83	\$0.00	\$35.83
410016542404800			Storm Water - Repairs & Maint.	\$35.83		
2421-167326			Spotlight	\$32.56	\$0.00	\$32.56
101016542004800			Street Fund - Repair & Mainten	\$16.28		
410016542404800			Storm Water - Repairs & Maint.	\$16.28		
2421-167707			Grease/cables	\$58.35	\$0.00	\$58.35
101016542004800			Street Fund - Repair & Mainten	\$29.18		
410016542404800			Storm Water - Repairs & Maint.	\$29.17		
32659	28-Nov-11	11952	Carquest Auto Parts Store			\$16.04
2421-166843			Fuel filter	\$11.51	\$0.00	\$11.51
410016542404800			Storm Water - Repairs & Maint.	\$11.51		
2421-167292			Filters/fuel	\$4.53	\$0.00	\$4.53
101016542004800			Street Fund - Repair & Mainten	\$2.27		
410016542404800			Storm Water - Repairs & Maint.	\$2.26		
32660	28-Nov-11	13391	Cemex			\$6,553.86
9422594602			Supplies	\$6,553.86	\$0.00	\$6,553.86
101016542004102			Street Fund-Sweeping	\$6,553.86		
32661	28-Nov-11	274	City of Everett			\$150.00
111003318			Lab Analysis	\$150.00	\$0.00	\$150.00
410016531503104			DOE-G1100060 SW Capacity Exp	\$150.00		
32662	28-Nov-11	12004	CITY OF MARYSVILLE			\$18,566.13
11-019			Court Citations October 2011	\$4,692.96	\$0.00	\$4,692.96
001013512500001			Municipal Court Fees	\$4,692.96		
5837			Highway 9 Prof svcs	\$437.50	\$0.00	\$437.50
001013519904100			General Government - Professio	\$437.50		

Detail Check Register

22-Nov-11

Lake Stevens

Check No	Check Date	VendorNo	Vendor	Check Amount		
POLIN11-0115			Prisoner Housing Oct 2011	\$12,976.67	\$0.00	\$12,976.67
001008523005100			Law Enforcement - Jail	\$12,976.67		
POLIN11-0120			Prisoner Housing Okanogan Oct 20	\$459.00	\$0.00	\$459.00
001008523005100			Law Enforcement - Jail	\$459.00		
32663	28-Nov-11	290	Co-Op Supply			\$18.51
204736			Propane	\$18.51	\$0.00	\$18.51
101016542004800			Street Fund - Repair & Mainten	\$18.51		
32664	28-Nov-11	13030	COMCAST			\$98.95
11/11 0443150			Communications	\$98.95	\$0.00	\$98.95
001003513104200			Administration-Communications	\$1.98		
001003514104200			City Clerks-Communications	\$5.94		
001003516104200			Human Resources-Communications	\$1.98		
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		
32665	28-Nov-11	322	Concrete NorWest			\$350.17
774389			winter sand	\$350.17	\$0.00	\$350.17
101016542660000			Street Fund - Snow & Ice Contr	\$350.17		
32666	28-Nov-11	91	Corporate Office Supply			\$442.97
120616			Paper/Fan	(\$100.00)	\$0.00	(\$100.00)
001008521003100			Law Enforcement - Office Suppl	(\$100.00)		
120582			Supplies	\$138.79	\$0.00	\$138.79
001008521003100			Law Enforcement - Office Suppl	\$138.79		
120641i			Labelmaker	\$66.22	\$0.00	\$66.22
101016542003102			Street Fund Operating Costs	\$33.11		
410016542403102			Storm Water - Operating Costs	\$33.11		
120869i			Hole Punch, Clipboards, Note Pads,	\$45.17	\$0.00	\$45.17
101016542003101			Street Fund Office Supplies	\$45.17		
122570i			Supplies	\$65.84	\$0.00	\$65.84

Detail Check Register

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Lake Stevens

Check No	Check Date	VendorNo	Vendor	Check Amount		
001013519903100			General Government - Operating	\$65.84		
122593i			Supplies	\$226.95	\$0.00	\$226.95
001003518103100			IT Dept-Office Supplies	\$226.95		
32667	28-Nov-11	13196	Correctional Industries			\$27.33
WINV311895			Street Sign	\$27.33	\$0.00	\$27.33
101016542640000			Street Fund - Traffic Control	\$27.33		
32668	28-Nov-11	9386	Crystal and Sierra Springs			\$227.59
10/11 5249844100111			Bottled water	\$227.59	\$0.00	\$227.59
001007559003101			Building Department - Operatin	\$36.88		
001008521003104			Law Enforcement-Operating Cost	\$80.06		
001013519904900			General Government - Miscellan	\$36.88		
101016542003102			Street Fund Operating Costs	\$36.88		
410016542403102			Storm Water - Operating Costs	\$36.89		
32669	28-Nov-11	13582	Deborah Smith			\$107.56
111811			Wellness event - Turkey bowl	\$107.56	\$0.00	\$107.56
001003517400000			Admin. Wellness program	\$107.56		
32670	28-Nov-11	13027	DEPARTMENT OF LICENSING			\$162.00
11/03/11			Weapons permits	\$162.00	\$0.00	\$162.00
633008586000000			Gun Permit - State Remittance	\$162.00		
32671	28-Nov-11	13027	DEPARTMENT OF LICENSING			\$144.00
9664250,14763-69			Weapons permits	\$144.00	\$0.00	\$144.00
633008586000000			Gun Permit - State Remittance	\$144.00		
32672	28-Nov-11	13497	Direct Carpet Services			\$891.94
47173			Carpet cleaning	\$258.58	\$0.00	\$258.58
001008521004800			Law Enforcement - Repair & Mai	\$258.58		
47183			Carpet and install	\$633.36	\$0.00	\$633.36
001008521004800			Law Enforcement - Repair & Mai	\$633.36		
32673	28-Nov-11	456	Dunlap Industrial Hardware			\$90.58
1268675-01			Insulated coveralls	\$90.58	\$0.00	\$90.58
101016542002600			Street Fund - Clothing	\$45.29		
410016542402600			Storm Water-Clothing	\$45.29		
32674	28-Nov-11	473	Electronic Business Machines			\$319.28
070461			Copier maint	\$142.11	\$0.00	\$142.11

Detail Check Register

22-Nov-11

Lake Stevens

Check No	Check Date	VendorNo	Vendor	Check Amount		
001007558004800			Planning - Repairs & Maint.	\$71.05		
101016542004800			Street Fund - Repair & Mainten	\$35.53		
410016542404800			Storm Water - Repairs & Maint.	\$35.53		
070490			Copier maint	\$177.17	\$0.00	\$177.17
001008521004800			Law Enforcement - Repair & Mai	\$177.17		
32675	28-Nov-11	605	Glass By Lund, Inc.			\$10.86
44214			Weather stripping	\$10.86	\$0.00	\$10.86
001013519904800			General Government - Repair/Ma	\$10.86		
32676	28-Nov-11	12393	GLENS RENTAL SALES & SERVICE			\$145.40
S3388			Equipment Rental for Asphalt Repai	\$145.40	\$0.00	\$145.40
101016542606400			Street Fund - Overlays	\$145.40		
32677	28-Nov-11	13010	Grainger			\$80.59
9680365260			Traffic Sign	\$80.59	\$0.00	\$80.59
101016542640000			Street Fund - Traffic Control	\$80.59		
32678	28-Nov-11	13500	HB Jaeger Co LLC			\$1,170.37
125670-1			Catch Basins, frames & grates	\$849.85	\$0.00	\$849.85
410016542404800			Storm Water - Repairs & Maint.	\$849.85		
125671/1			Catch Basins/Frame Grates	(\$101.85)	\$0.00	(\$101.85)
410016542404800			Storm Water - Repairs & Maint.	(\$101.85)		
125673/1			Catch Basins, frames & grates	\$316.09	\$0.00	\$316.09
410016542404800			Storm Water - Repairs & Maint.	\$316.09		
125919/1			Cable tie/Clamps	\$106.28	\$0.00	\$106.28
101016542004800			Street Fund - Repair & Mainten	\$106.28		
32679	28-Nov-11	13509	Industrial Supply, Inc			\$414.16
488556			Rain Gear - Crews	\$414.16	\$0.00	\$414.16
101016542002600			Street Fund - Clothing	\$414.16		
32680	28-Nov-11	13232	Integra Telecom, Inc			\$887.11
8990009			Communications	\$887.11	\$0.00	\$887.11

Detail Check Register

22-Nov-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	\$281.29		
001013555504200			Commnity Center-Communication	\$36.87		
101016542004200			Street Fund - Communications	\$120.26		
410016542404200			Storm Water - Communications	\$122.61		
32681	28-Nov-11	833	Kustom Signals, Inc.			\$614.19
452691			lidar repair	\$614.19	\$0.00	\$614.19
001008521004800			Law Enforcement - Repair & Mai	\$614.19		
32682	28-Nov-11	13885	Lake Industries LLC			\$472.92
24315			crush rock/lake view&16th and main	\$50.00	\$0.00	\$50.00
101016542004800			Street Fund - Repair & Mainten	\$50.00		
24316			crush rock/lake view&16th and main	\$100.00	\$0.00	\$100.00
101016542004800			Street Fund - Repair & Mainten	\$100.00		
24318			crush rock/lake view&16th and main	\$100.00	\$0.00	\$100.00
101016542004800			Street Fund - Repair & Mainten	\$100.00		
254726			crush rock/lake view&16th and main	\$75.18	\$0.00	\$75.18
101016542004800			Street Fund - Repair & Mainten	\$75.18		
254737			crush rock/lake view&16th and main	\$147.74	\$0.00	\$147.74
101016542004800			Street Fund - Repair & Mainten	\$147.74		
32683	28-Nov-11	13894	Lake Stevens Boys & Girls Club			\$2,250.00
2011			2011 service agreement	\$2,250.00	\$0.00	\$2,250.00
001013555004100			Human Services	\$2,250.00		
32684	28-Nov-11	11777	Lake Stevens Fire			\$95.00
5833			Annual inspection - City Hall	\$95.00	\$0.00	\$95.00
001013519903100			General Government - Operating	\$95.00		
32685	28-Nov-11	852	Lake Stevens Journal			\$127.30

Detail Check Register

22-Nov-11

Lake Stevens

Check No	Check Date	VendorNo	Vendor	Check Amount		
76149			Advertising-2012 Budget Hearing	\$26.80	\$0.00	\$26.80
001013514304400			General Government - Advertisin	\$26.80		
76215			Advertising 2012 Budget Hearing	\$26.80	\$0.00	\$26.80
001013514304400			General Government - Advertisin	\$26.80		
76216			Advertising - Shoreline Master Prog	\$73.70	\$0.00	\$73.70
001007558004400			Planning - Advertising	\$73.70		
32686	28-Nov-11	12751	LAKE STEVENS POLICE GUILD			\$876.00
11/15/11			Union dues	\$876.00	\$0.00	\$876.00
001000281000000			Payroll Liabilities	\$876.00		
32687	28-Nov-11	860	Lake Stevens Sewer District			\$585.00
11/11			Utilities - Sewer	\$585.00	\$0.00	\$585.00
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		
32688	28-Nov-11	12841	Law Offices of Weed, Graafstra			\$7,505.17
94			Professional services	\$7,505.17	\$0.00	\$7,505.17
001005515204100			Legal - Professional Service	\$4,503.10		
101016542004100			Street Fund - Professional Ser	\$2,251.55		
410016542404101			Storm Water - Professional Ser	\$750.52		
32689	28-Nov-11	12875	LK STEVENS COMMUNITY FOOD BANK			\$5,000.00
2011			2011 Human Services	\$5,000.00	\$0.00	\$5,000.00
001013555004100			Human Services	\$5,000.00		
32690	28-Nov-11	13774	Maltby Container & Recycling			\$37.00
21416			Dump fee	\$37.00	\$0.00	\$37.00
101016542004800			Street Fund - Repair & Mainten	\$18.50		
410016542404800			Storm Water - Repairs & Maint.	\$18.50		
32691	28-Nov-11	12684	NORTHWEST CASCADE INC.			\$218.00
1-379867			Equipment rental	\$218.00	\$0.00	\$218.00
001010576804500			Parks - Equipment Rental	\$218.00		
32692	28-Nov-11	1053	Patricks Printing			\$176.79
41474			1500 No. 10 Window Security envel	\$176.79	\$0.00	\$176.79

Detail Check Register

22-Nov-11

Lake Stevens

Check No	Check Date	VendorNo	Vendor	Check Amount		
001004514233100			Finance - Office Supplies	\$176.79		
32693	28-Nov-11	12520	PUBLIC SAFETY TESTING			\$425.00
2011-4157			Q3 Recruiting Assistance	\$425.00	\$0.00	\$425.00
001003516904100			Civil Service - Professional S	\$425.00		
32694	28-Nov-11	11869	PUGET SOUND ENERGY			\$203.74
11/07/11			Utilities - Gas	\$85.07	\$0.00	\$85.07
001010576804700			Parks - Utilities	\$28.36		
101016542004700			Street Fund - Utilities	\$28.36		
410016542404701			Storm Water Utilities	\$28.35		
11/7/11			Utilities - Gas	\$118.67	\$0.00	\$118.67
001010576804700			Parks - Utilities	\$39.56		
101016542004700			Street Fund - Utilities	\$39.56		
410016542404701			Storm Water Utilities	\$39.55		
32695	28-Nov-11	13715	Sno Co Sherrifs Office			\$5,278.58
2011-843			Prisoner Housing Oct 2011	\$5,278.58	\$0.00	\$5,278.58
001008523005100			Law Enforcement - Jail	\$5,278.58		
32696	28-Nov-11	1382	Snohomish County Public Works			\$6,695.25
I000284303			Monitoring/Gaging Jan-Sept 2011	\$6,695.25	\$0.00	\$6,695.25
410016542405106			Storm Water - Aerator Monitori	\$6,695.25		
32697	28-Nov-11	12961	SNOHOMISH COUNTY PUD			\$2,010.07
110445805			Utilities - Electric	\$162.50	\$0.00	\$162.50
410016542404700			Storm Water-Aerat. Utilities	\$162.50		
123723168			Utilities - Electric	\$242.49	\$0.00	\$242.49
001010576804700			Parks - Utilities	\$80.83		
101016542004700			Street Fund - Utilities	\$80.83		
410016542404701			Storm Water Utilities	\$80.83		
127040792			Utilities - Electric	\$29.23	\$0.00	\$29.23
001010576804700			Parks - Utilities	\$29.23		
130355307			Utilities - Electric	\$94.51	\$0.00	\$94.51
001008521004700			Law Enforcement - Utilities	\$94.51		
133660855			Utilities - Electric	\$1,245.50	\$0.00	\$1,245.50
001008521004700			Law Enforcement - Utilities	\$1,245.50		

Detail Check Register

22-Nov-11

Lake Stevens

Check No	Check Date	VendorNo	Vendor	Check Amount		
153473200			Utilities - Electric	\$148.49	\$0.00	\$148.49
101016542630000			Street Fund - Street Lighting	\$148.49		
153474698			Utilities - Electric	\$87.35	\$0.00	\$87.35
101016542630000			Street Fund - Street Lighting	\$87.35		
32698	28-Nov-11	13281	Sound Safety Products Co, Inc			\$166.90
2444153-01			Building Official Rain Gear	\$81.90	\$0.00	\$81.90
001007559003101			Building Department - Operatin	\$81.90		
2444495-01			Building Inspector Work Boots	\$85.00	\$0.00	\$85.00
001007559003101			Building Department - Operatin	\$85.00		
32699	28-Nov-11	1419	State Auditors Office			\$17,384.35
L90715			2009-2010 Audit	\$17,384.35	\$0.00	\$17,384.35
001004514234100			Finance - Professional Service	\$17,384.35		
32700	28-Nov-11	13139	Steven Edin			\$384.65
111411			Wellness supplies	\$384.65	\$0.00	\$384.65
001003517400000			Admin. Wellness program	\$384.65		
32701	28-Nov-11	13396	StoneFly, Inc			\$225.00
11726			Hard Drive	\$225.00	\$0.00	\$225.00
510013519606400			Purchase Computer Equipment	\$225.00		
32702	28-Nov-11	13891	Tacoma Screw Products Inc			\$153.93
10238850			White upside down paint	\$52.04	\$0.00	\$52.04
101016543504802			Facilities R&M (City Shop)	\$52.04		
10241964			Screws/nuts/washers	\$101.89	\$0.00	\$101.89
101016542004800			Street Fund - Repair & Mainten	\$50.95		
410016542404800			Storm Water - Repairs & Maint.	\$50.94		
32703	28-Nov-11	13858	Todd Kottsick			\$495.56
PUD reimb			Milfoil treatment expense reimb	\$495.56	\$0.00	\$495.56
410016531503105			DOE - Milfoil Solution	\$495.56		
32704	28-Nov-11	12681	TOP NOTCH TOWING			\$325.80
9480			Evidence towing	\$325.80	\$0.00	\$325.80
001008521003104			Law Enforcement-Operating Cost	\$325.80		
32705	28-Nov-11	13045	UPS			\$16.65

Detail Check Register

22-Nov-11

Lake Stevens

Check No	Check Date	VendorNo	Vendor	Check Amount	
74Y42451			Evidence shipping	\$16.65	\$0.00
001008521004200			Law Enforcement - Communicatio	\$16.65	
32706	28-Nov-11	13542	Valley General Hospital		\$10.00
11583			Evidence Collection case 11-2257	\$10.00	\$0.00
001008521003104			Law Enforcement-Operating Cost	\$10.00	
32707	28-Nov-11	11995	WA STATE CRIME PREVENTION		\$50.00
Brooks			Annual Dues - Cindy Brooks	\$50.00	\$0.00
001008539004900			Code Enforcement - Miscellaneo	\$50.00	
32708	28-Nov-11	13055	Washington St. Dept of Printin		\$41.26
56823			printing services for the remainder o	\$41.26	\$0.00
001008521003100			Law Enforcement - Office Suppl	\$41.26	
32709	28-Nov-11	12761	WASHINGTON STATE PATROL		\$404.25
I12000777			Background checks-weapons permit	\$173.25	\$0.00
633008589000006			Gun Permit - FBI Remittance	\$173.25	
I12003363			Background checks-weapons permit	\$231.00	\$0.00
633008589000006			Gun Permit - FBI Remittance	\$231.00	
32710	28-Nov-11	12845	ZACHOR & THOMAS, INC. P.S.		\$7,166.25
540			Prosecutor services	\$7,166.25	\$0.00
001013515210000			Prosecutor fees	\$7,166.25	
Total Of Checks:					\$116,460.60



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CITY OF LAKE STEVENS
CITY COUNCIL REGULAR AND WORKSHOP MEETING MINUTES
Monday, November 14, 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 Paul McMurray, Planning Director Becky Ableman, Finance Director/Treasurer Barb Lowe, Principal Planner Karen Watkins, Human Resource Director Steve Edin, Police Chief Randy Celori, and City Clerk/Admin. Asst. Norma Scott

OTHERS: Joe Burcar from Department of Ecology

Guest Business. None

Consent Agenda. Councilmember Tageant moved to approve Consent Agenda items (A. Approve November vouchers [Payroll Director Deposits 904943-905069 for \$252,509.18, Payroll Checks 32553-32534, 32558 for \$4,692.12, Claims 32549-32552, 32555-32557, 32559-32648 for \$556,374.52, Electronic Funds Transfers 388-393 for \$131,728.85, Void Checks 32524, 32523 for deduct of \$1,438.01, Tax Deposit 11.1.11, 11.15.11 for \$87,992.24 for total vouchers approved of \$1,031,858.90]; B. Approve first and final reading of Ordinance No. 864, budget amendment; C. Adoption of the Pedestrian Connection Plan,; and D. Adoption of the Aerator Operation Plan), seconded by Councilmember Somers; motion carried unanimously. (7-0-0-0)

Public Hearing and first reading of Ordinance No. 865, 2012 proposed budget with property tax discussion. City Clerk Scott read the public hearing procedure. Finance Director Lowe noted this is the first public hearing. One additional public hearing is scheduled in December if needed. Ms. Lowe reported on the following: 2011 property tax breakdown, 2012 property tax levy, City portion of tax bill, no increase in the City levy rate, 2012 budget focus, 2012 Revenue budget and future forecast, General Fund Revenue assumptions for 2012, General Fund Expenditures assumptions for 2012, capital/project requests, 2012 budgeted staffing levels, and Public Works Funds.

Public comments. Rich Mietzner, Sandy Beach Drive, commented prior to annexation the County was scheduling an overlay on their road. The City needs to look at an overlay of this road which is now down to one lane.

MOTION: Councilmember Somers moved to close the public comment portion of the hearing, seconded by Councilmember Spencer; motion carried unanimously. (7-0-0-0)

Lake Stevens City Council Regular and Workshop Minutes

November 14, 2011

MOTION: Councilmember Spencer moved to pass first reading of Ordinance 865, seconded by Councilmember Daughtry; motion carried unanimously. (7-0-0-0)

Approve minutes of October 24, 2011 regular Council meeting. Councilmember Daughtry moved to approve minutes of October 24, seconded by Councilmember Dooley; motion carried with Councilmember Tageant abstaining. (6-0-1-0)

First and final reading of Ordinance No. 863, revising current truck routes and weight restriction limits. Public Works Director Monken reported the ordinance changes the current truck routes to only State Routes and 20th Street SE as the only truck routes within the City limits, weight restriction of 10 tons on all non-designated truck route streets, and allows truck usage over 10 tons on local roadways by permit through an administrative process. There are exceptions to allow for the use of local streets for buses, services, and local businesses. A citizens comments were provided to Council (attached) with responses.

City Attorney McMurray noted that on Page 2, Subsection 7.20.010 A. should read 20,000 instead of 10,000.

Councilmember Quigley noted the sixth Whereas, second line, should read "cut through."

Public Works Director/Engineer Monken will notify the Association of Contractors of changes and post signage.

Councilmember Holder noted an "s" needs to be added to Lake Stevens on the second line at the top of the Ordinance.

MOTION: Councilmember Dooley moved to approve first and final reading of Ordinance No. 863 revising the current truck routes and revising weight restriction limits with the corrections stated tonight, seconded by Councilmember Somers; motion carried unanimously. (7-0-0-0)

Approve Snohomish County Cities 2012 Legislative Agenda. City Administrator Berg reported the intent is to have the common interest of the cities and County heard before the legislature as a group. The five main areas for next year's legislative session, which is the same as this year, are: aerospace, economic development, local transportation and capital facilities (trust fund loans), Growth Management Act, and unfunded mandates and preemption of local authority.

MOTION: Councilmember Tageant moved to approve the legislative agenda, seconded by Councilmember Holder; motion carried unanimously. (7-0-0-0)

Adjourn regular meeting. Councilmember Dooley moved to adjourn the regular meeting at 7:50 p.m., seconded by Councilmember Somers; motion carried unanimously. (7-0-0-0)

Workshop Session. Council President Quigley opened the workshop session on the Shoreline Master Program at 7:50 p.m. Guest speaker is Joe Burcar from Department of Ecology.

Lake Stevens City Council Regular and Workshop Minutes

November 14, 2011

Adjourn workshop. 9:04 p.m.

Vern Little, Mayor

Norma Scott, City Clerk/Admin. Asst.

Suzanne Quigley, Council President

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LAKE STEVENS CITY COUNCIL
STAFF REPORT

Agenda Date: November 28, 2011

Subject: Lake Stevens Shoreline Master Program Update – Continued Public Hearing #5 (LS2009-11)

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

RECOMMENDATION(S)/ACTION REQUESTED OF CITY COUNCIL: Hold a Fourth and Final Reading and fifth Public Hearing on Ordinance No. 856. Joe Burcar from the Washington Department of Ecology will be present at the November 28 public hearing.

COUNCILMEMBERS – PLEASE BRING YOUR COLOR CODED DOCUMENT FROM THE NOVEMBER 21 STAFF REPORT AS WELL AS THE ATTACHMENTS TO THIS STAFF REPORT.

SUMMARY: Ordinance No. 856 includes adoption of the Shoreline Master Program (SMP) and Associated Documents. Separate ordinances for code amendments and comprehensive plan amendments related to the adopted SMP shortly after adoption of the SMP.

The Council held a First Reading and Public Hearing on Ordinance No. 856 on May 23, 2011, a second Public Hearing on June 13, 2011, and a Second Reading and third Public Hearing on July 11, 2011. Public testimony was received at all three hearings. In addition, the Council held three workshops on May 31 to provide staff with questions for invited guests to answer on the workshop on June 6, 2011. The June 6 workshop was a panel discussion with Joe Burcar from the Washington Department of Ecology, Jamie Bails of the Washington Department of Fish and Wildlife, John Owen from Makers Architecture, Dan Nickel from The Watershed Company, and City Staff.

The Council SMP Subcommittee met with the citizen group and their representatives on August 16, October 27 and 31, and November 17, 2011. The Council held a workshop on November 14 for the Subcommittee to discuss their recommendations for revisions to the proposed SMP with the full Council and ask questions of Joe Burcar, Washington Department of Ecology. The Council held a Third Reading and Public Hearing on Ordinance No. 856 on November 21, 2011.

The State provided the City with a \$60,000 grant to complete the work. This grant has been spent. In September, the Council approved a Supplemental Work Program and an additional \$4,000 budget for consultant work to review proposed changes made to the proposed SMP or associated documents from the supplemental work of the Subcommittee.

DISCUSSION: This staff report includes the updated Ordinance No. 856 (**Attachment 1**), a CLEAN COPY of revised proposed SMP (**Attachment 2**). In addition, Final Draft documents for the Cumulative Impacts Analysis and updated No Net Loss Report are attached (**Attachment 3** and **Attachment 4**), and the unchanged Final Draft Shoreline Restoration Plan (**Attachment 5**) and unchanged Shoreline Analysis Report (**Attachment 6**). These reports are summarized below:

Ordinance No. 856 – An updated Ordinance removing the Comprehensive Plan amendments and code amendments was provided in the November 21 public hearing packets. There has been no change.

Revised Proposed SMP – The attached copy is a CLEAN version of the revised proposed SMP accepting all proposed amendments presented in the November 14 Workshop color coded proposal with any new revisions in color strikeout/underline. The purpose for this was for Council to have a clean document to review. Any proposed revisions from the November 21 color-coded document not approved by Council will be removed from the clean version. In addition, any additional revisions approved by Council will be added to the clean version.

The color coding was included to make it easier to compare the November 21 version with the strikeout/underline. The revisions highlighted in yellow are the revisions recommended by the Planning Commission and described in the Council Staff Report for the July 11, 2011 public hearing. The revisions highlighted in green are the revisions made based on comments at the first three Council Public Hearings, some described in the July 11 staff report. The revisions highlighted in blue are Subcommittee Recommendations and discussed at the November 14 Council Workshop. The revisions that were not highlighted and were proposed by staff based on testimony, discussions with Council, proposed minor changes from the citizen group, and trying to ensure all the documents are consistent and cohesive no longer show up in this version. New revision marks are based on discussion from the November 21 Public Hearing.

Updated Cumulative Impacts Analysis – The changes are not highlighted, but were focused on areas in the Shoreline Residential setback expansion up to 200 square feet and adding covered moorage.

Updated No Net Loss Report – There were only a few minor adjustments that are not shown with revisions.

Unchanged Restoration Plan – There were no changes made to this document.

Unchanged Shoreline Analysis Report – There were no changes made to this document.

Outstanding Issues

The November 21 packet included an email from Joe Burcar of the Washington Department of Ecology, which is discussed below. There are a few topics the Council SMP Subcommittee asked for the full Council to weigh in on and they may not be included in the revised proposed SMP, but are described in this staff report. In addition, there are a few placeholders in the revised proposed SMP. Some of these were discussed on November 21, but no decisions were made. These are discussed below:

Ecology's Email. Joe Burcar's email providing comments on the proposed amendments for the November 21 public hearing was included in the November 21 packets. Staff has taken a shorter version of each issue and placed them in the table in **Attachment 7** with a proposed response on how the SMP could be modified to meet Ecology's requirements.

Covered Moorage. Covered moorage was discussed at the November 21 workshop. Based on the discussion on November 21, the No Net Loss Report and Cumulative Impacts Analysis do include the allowance of new covered moorages with no sides and a maximum of 240 square feet located at least 30 feet waterward of the OHWM. The revised proposed SMP includes the allowance of covered moorages of 240 square feet maximum size, at least 30 feet from shore and with a peaked roof and flat roofs prohibited. Council should make a final decision on the roof style.

Existing Development (previously Nonconforming). The previously proposed Existing Uses, Structures and Development section is included in the revised proposed SMP includes the two proposed sections in Chapter 7, Sections G and H. After further review of this section, the issue of existing development related to structures is appropriate. However, the sections related to uses might more appropriately need to be separated from structures. No changes have been made since the November 21 packet.

Lake Setback. The following language is from the November 21 packet with one change clarifying the existing face if less than the standard setback (50 ft + 10 ft). Instead of including this language in the revised proposed SMP, it is included below for discussion:

3. New residential development, including new structures, new pavement, and additions, within shoreline jurisdiction on lakes shall adhere to the following standards:
 - a. Setbacks:
 - i. New buildings: Set back all covered or enclosed structures with a minimum of the standard setback, which is a lake setback of 50 feet from the OHWM plus an additional 10 foot building setback. Where the Shoreline Administrator finds that an existing site does not provide sufficient area to locate the residence entirely landward of this setback, the Shoreline Administrator may allow the residence to be located closer to the OHWM, provided all other provisions of this SMP are met and impacts are mitigated.
 - ii. Existing buildings: The setback is at the face of the existing single-family residence if less than the standard setback. The existing structure may be expanded one time up to 200 square feet within the area between the standard setback and the face of the structure with mitigation proportional (1:1) to the setback area impacted through planting of vegetation or low impact development techniques and in conformance with all other regulations including side setbacks and impervious surface requirements. Additional expansion may occur landward of the standard setback in conformance with all other regulations.
 - iii. Building overhangs are allowed to extend no more than 18 inches into the building setback.
 - iii. Patios and decks: Uncovered patios made with porous materials or above grade decks may extend a maximum of 10 feet into the building setback, up to within 50 feet of the OHWM. See Section d below for exception to this requirement.

Wetland Buffer Reductions. In the critical areas Appendix B, a placeholder has been added to allow for language regarding the ability for the Shoreline Administrator to reduce wetland buffers for existing single-family homes. This language was included in the Supplemental packet and discussed at the November 21 public hearing. The language is included in **Attachment 8**. Staff had a phone conference with Ecology on Wednesday, November 23, to discuss a few topics including this topic. Staff is reviewing Appendix B based on the conversation with Ecology to determine possible revisions.

Public Testimony Submitted at November 21, 2011 Council Public Hearing

Four pieces of written testimony have been submitted since the last Council public hearing. They have not yet been included on the Responsiveness Summary, but are attached (**Attachment 9**).

Responsiveness Summary & Verbal Transcript

The Responsiveness Summary (***Attachment 10***) has been updated to include verbal testimony from the July 11 Public Hearing, but not the November 21 public hearing. The new comments begin on page 56 and start with Comment BR1 (highlighted in yellow). The draft verbal transcript from the July 11 Public Hearing is included in ***Attachment 11***. The verbal testimony for November 21 is not included.

Final Notes

There are amendments to some of the figures that will need to be made after the November 28 public hearing. In addition, other formatting or Scrivener changes may be required due to final approval. **In the Council's motion to adopt the proposed SMP and associated documents, please include language to allow staff to make these types of changes to all documents before submittal to Ecology.**

APPLICABLE CITY POLICIES: The State requires all cities to update their Shoreline Master Programs (SMP) on a specific schedule. The City's current SMP was adopted in 1974.

BUDGET IMPACT: The City received a two year, \$60,000 Shoreline Master Program Update grant from the Washington Department of Ecology for consultants. The grant has been spent. The Council adopted a Supplemental Work Program and additional budget of \$4,000 for consultants in September 2011.

EFFECTIVE DATES OF ORDINANCE: Ordinance No. 856 (Adoption of SMP documents) will become effective after approval by the Washington Department of Ecology, which could take four to six months or longer.

ATTACHMENTS:

- Attachment 1 – Ordinance No. 856
- Attachment 2 – Revised Proposed SMP
- Attachment 3 – Updated Cumulative Impacts Analysis
- Attachment 4 – Updated No Net Loss Report
- Attachment 5 – Unchanged Shoreline Restoration Plan
- Attachment 6 – Unchanged Shoreline Analysis Report
- Attachment 7 – Ecology's Email Comments and Proposed Response
- Attachment 8 – Draft Wetland Buffer Reduction Language
- Attachment 9 – Written Testimony from November 21 Public Hearing
- Attachment 10 – Responsiveness Summary updated with July 11 Public Hearing
- Attachment 11 – Draft Verbal Testimony from July 11 Public Hearing

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Vern Little, Mayor

ATTEST/AUTHENTICATION:

Norma J. Scott, City Clerk/Admin Asst

APPROVED AS TO FORM:

Grant K. Weed, City Attorney

First Reading:

Published:

Effective Date:

Grant No. G1000027
Ordinance No. 856

Lake Stevens 2011 Shoreline Master Program

CITY COUNCIL FINAL DRAFT FOR LOCAL ADOPTION
November 28, 2011

Prepared by:



City of Lake Stevens
Planning and Community
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funded in part
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the Washington
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Ecology.

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CHAPTER 1

Introduction to the SMP

The Shoreline Master Program Update (SMP) replaces the 1974 Shoreline Master Program. This document regulates new, repaired, replaced and modified shoreline uses and development. Shoreline uses and structures legally existing at the time of adoption of the SMP are not affected by the new regulations. If a use or structure does not meet all the new regulations, it is considered an existing use or development and conforming to the SMP. Existing uses and structures may be maintained, repaired and replaced without meeting all new regulations pursuant to Chapter 7, Section G. However, some restrictions may occur based on the existing conditions of a site, the type of proposed action, or whether a use or structure was legally created.

Lake Stevens is an urban lake with the main land use on the shore of single-family residential. The City's vision is to retain the residential use around the lake. The SMP does not modify the existing land use and will not be used to remove existing single-family homes. The SMP provides a guide for future uses and development on the lake whether new or existing to retain the current character and ecological functions of the lake and shoreline. Structures or uses not legally permitted could be required to be removed or brought into compliance with new regulations if a change to the structure or use is requested.

The conclusion of the Cumulative Impacts Analysis is that implementation of this SMP is anticipated to achieve no net loss of ecological functions in the City of Lake Stevens' shorelines. Therefore, development and uses meeting the provisions of this SMP are expected to achieve no net loss of ecological functions when cumulatively viewed across the City's entire shoreline.

In implementation of the SMP, the terms "shall," "must," and "are required" and the imperative voice, mean a mandate; the action is required; the term "should" means that the particular action is required unless there is a demonstrated, compelling reason, based on a policy of the Shoreline Management Act and this chapter, for not taking the action; and the term "may" indicates that the action is within discretion and authority, provided it satisfies all other provisions in this chapter. (WAC 173-26-191(2))

A. What is the Shoreline Master Program?

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

1. Applicable Documents

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

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

2. Related Documents

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

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

- Shoreline Analysis Report for the City of Lake Stevens Shorelines: Lake Stevens, Catherine Creek and Little Pilchuck Creek (The Watershed Company and Makers 2010)
- Cumulative Impacts Analysis for the City of Lake Stevens Shorelines: Lake Stevens, Catherine Creek and Little Pilchuck Creek (The Watershed Company and Makers 2011)
- Shoreline Restoration Plan for the City of Lake Stevens Shorelines: Lake Stevens, Catherine Creek and Little Pilchuck Creek (The Watershed Company and Makers 2010)
- No Net Loss Report (The Watershed Company and Makers 2011)
- City of Lake Stevens Comprehensive Plan (Adopted July 2006, as amended)
- Title 14 of the Lake Stevens Municipal Code, in particular, the following topics:
 - Administration and Procedures
 - Types of Land Use Review
 - Land Use Actions, Permits and Determinations – Decision Criteria and Standards
 - Density and Dimensional Regulations
 - Streets and Sidewalks
 - Utilities
 - Parking
 - Screening and Trees
 - Floodways, Floodplains, Drainage and Erosion

- Signs
- Building and Construction
- Fire Code
- City's Lake Level Management Plan
- City's Surface Water Management Program
- City's Stormwater Management Plan
- National Flood Insurance Program and adopted Flood Insurance Rate Maps

B. History of the SMA

In 1969, the Washington State Supreme Court decided in the case of *Wilbour v. Gallagher* (77 Wn.2d 306), commonly known as the "Lake Chelan Case," that certain activities along shorelines were contrary to the public interest. The court findings required that the public interest be represented in the proper forum for determining the use of shoreline properties. The ramifications of this decision were significant in that developers, environmentalists, and other interested parties began to recognize—although probably for different reasons—the need for a comprehensive planning and regulatory program for shorelines.

Wilbour v. Gallagher was a case primarily involving navigable waters. It was decided at a time of heightened environmental awareness. At the same time, Congress was considering environmental legislation and subsequently passed a number of laws relating to protection of the environment including the National Environmental Policy Act (1969) and the Coastal Zone Management Act (1972). Voters of the state, seeing the failure of the Seacoast Management Bill in the state legislature, validated an initiative petition commonly titled the "Shoreline Protection Act." The state legislature, choosing between adoption of the people's initiative petition or its own alternative, passed into law the "Shoreline Management Act of 1971" (SMA) effective June 1, 1971, which contained the provision for both statutes to be deferred to the electorate in the November 1972 election. The election issue required that voters respond to two questions: (1) Did they favor shoreline management? and (2) Which alternative management program did they prefer? Most Washington voters favored both shoreline management and the legislature's alternative (providing greater local control), by an approximately 2-to-1 margin. It is important to keep in mind that the SMA was a response to a people's initiative and was ratified by the voters, giving the SMA a populist foundation as well as an environmental justification.

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

This cooperative effort balances local and state-wide interests in the management and development of shoreline areas by requiring local governments to plan (via shoreline

master programs) and regulate (via permits) shoreline development within SMA jurisdiction. (See “Geographic Applications of the SMA” below.) Local government actions are monitored by the Washington Department of Ecology (Ecology), which approves new or amended shoreline master programs (SMPs), reviews substantial development permits, and approves conditional use permits and variances.

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

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

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

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

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

Most of the uses, developments, and activities regulated under the Critical Areas Regulations are also subject to the City’s Comprehensive Plan, the Lake Stevens Municipal Code, the International Building Code, and various other provisions of City,

state and federal laws. Any applicant must comply with all applicable laws prior to commencing any use, development, or activity. Lake Stevens will ensure consistency between the SMP and other City codes, plans and programs by reviewing each for consistency during periodic updates of the City's Comprehensive Plan as required by State statute.

C. Implementation of the SMA

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

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

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

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

1. Recognize and protect the statewide interest over local interest;
2. Preserve the natural character of the shoreline;
3. Result in long term over short term benefit;

4. Protect the resources and ecology of the shoreline;
5. Increase public access to publicly owned areas of the shorelines;
6. Increase recreational opportunities for the public in the shoreline;
7. Provide for any other element as defined in RCW 90.58.100 deemed appropriate or necessary.

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

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

D. Geographic Applications of the SMA

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

"those lands extending landward for two hundred feet in all directions as measured on a horizontal plane from the ordinary high water mark; floodways and contiguous floodplain areas landward 200 feet from such floodways; and all wetlands and river deltas associated with the streams, lakes, and tidal waters which are subject to the provisions of this chapter...Any county or city may determine that portion of a one-hundred-year-floodplain to be included in its master program as long as such portion

includes, as a minimum, the floodway and the adjacent land extending landward two hundred feet therefrom... Any city or county may also include in its master program land necessary for buffers for critical areas (RCW 90.58.030(2)(d))”

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

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

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

1. Applicable Area

The City of Lake Stevens and its Urban Growth Area (UGA) is located in Snohomish County, WA. The City is bordered nearly on all sides by unincorporated Snohomish County jurisdiction, with a small shared border with Marysville along the northwest portion of the City. The City of Everett is located generally west and the City of Snohomish is located to the south. All of Lake Stevens is in the City’s shoreline jurisdiction, either in City limits or the UGA. Catherine Creek is likewise split between City limits and the UGA, while Little Pilchuck Creek is entirely within the UGA. The City encompasses approximately 9 square miles. The Shoreline Environment Designation Map in Appendix A identifies the areas known to be within shoreline jurisdiction; additional areas may be determined on a site-specific basis if there are associated wetlands with a connection to the shoreline. The total area subject to the City’s updated SMP, not including aquatic area, is approximately 362 acres (0.57 square mile), and encompasses approximately 9.2 miles of shoreline. (See Appendix A)

E. How the Shoreline Master Program is Used

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

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

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

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

Policies are used to: (1) develop regulations and standards, and (2) provide guidance and clarity where there is question or uncertainty about how to apply a specific regulation.

1. When Is a Permit Required?

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

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

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

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

“Substantial development” is any “development” where the total cost or fair market value exceeds five thousand seven hundred eighteen dollars (\$5,718), or any development that materially interferes with the normal public use of the water or shoreline of the state. The five thousand seven hundred eighteen dollar (\$5,718) threshold will be adjusted for inflation by the office of financial management every five years, beginning July 1, 2007, based upon changes in the consumer price index during that time period. A dock is not considered substantial development if the fair market value of the dock does not exceed ten thousand dollars (\$10,000), but if subsequent construction having a fair market value exceeding two thousand five hundred dollars (\$2,500) occurs within five years of completion of the prior construction, the subsequent construction shall be considered a substantial development.

Under the Shoreline Management Act, some types of development are exempt from the requirement to apply for and receive a permit before beginning work per RCW 90.58.030(3)(e). A complete list of developments and uses that are not considered “substantial development” as per WAC 173-27-040, is included at Section 7.C.1.

2. The Permit Process

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

3. The Shoreline Permits

There are three types of permits: the Shoreline Substantial Development Permit, the Shoreline Conditional Use Permit, and the Shoreline Variance. All of these permits use the same application form; however, they are processed slightly differently and have different criteria for approval. Shoreline Exemptions require City review to

determine whether the proposal is indeed exempt from shoreline permits, and whether the proposal meets the policies and regulations of the Shoreline Master Program. Requests for Shoreline Exemption are made on a separate application form.

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

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

4. Relationship of this Shoreline Master Program to Other Plans

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

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

F. Public Process for SMP Adoption

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

1. Shoreline Citizen Advisory Committee (CAC)

City staff and consultants worked closely with a Shoreline Citizen Advisory Committee throughout the update process. The CAC included seven Lake Stevens residents (City Council Representative, Planning Commission Representative, two Park Board Members, two shoreline property owners and one non-shoreline

resident). Six meetings were held from March to December 2010. The CAC provide in-depth and structured input on draft policies and regulations, assisted in the outreach to various constituencies and interest groups, and helped to ensure that a broad spectrum of interests and considerations were incorporated into the SMP update.

2. Early Public Review

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

- Open House #1 (April 15, 2010) - ~70 people attended to provide meaningful feedback through a brainstorming exercise and by filling out questionnaires.
- Open House #2 (June 24, 2010) - ~24 people attended to provide feedback on a questionnaire.
- Open House #3 (November 18, 2010) - ~13 people attended to provide comments on the proposed SMP.

3. Local Adoption Process

The local adoption process began on April 4, 2011 with submittal of draft documents to the Washington Department of Commerce for the required 60-day review and ended with adoption of a resolution by the City Council on November 28, 2011 for approval of the final draft Shoreline Master Program documents and direction to staff to forward them to the Washington Department of Ecology for formal review and approval.

The City received numerous phone calls, emails and office visits from residents and property owners after sending the notice of the public hearings and during the public hearing process. Formal written submittals are included in the Responsiveness Summary. ~~and public testimony during from~~ the Council Hearings ~~are is~~ included in the General Testimony reports.

A summary of the local adoption process is provided below:

- April 5, 2011 – Draft Shoreline Master Program and associated documents submitted to Washington Department of Commerce for 60-day review of Comprehensive Plan amendments and Development Regulations, including SMP documents.

- April 12, 2011 – Postcard notice for the SEPA Determination of Non-Significance and Public Meetings mailed to 2,080 shoreline property owners or within 300 feet.
- April 13, 2011 – Notice of Planning Commission Public Hearing on May 4 published in Lake Stevens Journal.
- April 15, 2011 – Issued SEPA Determination of Non-Significance (DNS) and published in the Everett Herald.
- April 19, 2011 – Final Draft Shoreline Master Program documents completed.
- April 20, 2011 – Notice of Planning Commission Public Hearing on May 4 published in Lake Stevens Journal. Final documents uploaded to City of Lake Stevens website.
- April 29, 2011 – Comment period ends for SEPA DNS.
- May 4, 2011 – Planning Commission Public Hearing on the SMP documents. Attendance: 25.
- May 4 & 11, 2011 – Notice of City Council Public Hearings on May 23 and June 13 published in Lake Stevens Journal.
- May 6, 2011 – Appeal period ends for SEPA DNS.
- May 11, 2011 – Notice of City Council Public Hearings on May 23 and June 13 published in Lake Stevens Journal.
- May 18, 2011 – Continuation of Planning Commission Public Hearing on the SMP documents and code amendments, and recommendation to City Council. Attendance: 9.
- May 23, 2011 – City Council Public Hearing and First Reading of Resolution to adopt Final Draft SMP documents. Attendance: 61.
- May 31, 2011 – City Council Workshop. Attendance: 60.
- June 6, 2011 – City Council Workshop with Ecology, Fish & Wildlife, and Consultants. Attendance: 33.
- June 6, 2011 – 60-day Washington Department of Commerce review complete.
- June 13, 2011 – City Council Public Hearing and Second Reading of Resolution to adopt Final Draft SMP documents. Attendance: 71.
- July 11, 2011 – City Council Public Hearing and Third & Final Reading of Resolution to adopt Final Draft SMP documents. Attendance: 28. Council Subcommittee designated to meet with citizen group and their representatives.

- August 16, 2011 – Council Subcommittee Meeting #1 with staff and citizen group and their representatives met to discuss the major topics. Decision to propose supplemental work program to Council. Attendance: 11.
- September 12, 2011 – City Council adopts Supplemental Work Program for staff and consultants to research major issues and report back to Council Subcommittee.
- October 27, 2011 – Council Subcommittee Meeting #2 with staff and citizen group and their representatives.
- October 31, 2011 – Council Subcommittee Meeting #3 with staff and citizen group and their representatives.
- November 14, 2011 – City Council Workshop to discuss Subcommittee recommendations and other proposed revisions to the proposed SMP. Ecology was present to answer Council questions.
- November 17, 2011 – Council Subcommittee Meeting #4 with staff and citizen group and their representatives.
- November 21, 2011 – Fourth Public Hearing and Adoption. Attendance: ~30.
- November 28, 2011 – Fifth and Final Public Hearing and Adoption of Final Draft SMP and associated documents and direction to staff to forward them to the Washington Department of Ecology for formal review and approval. Attendance: ____.
- December 1, 2011 – Submittal of City Council Approved Final Draft for Ecology Review SMP documents to the Washington Department of Ecology for formal review and approval.
- _____, 2012 – Washington Department of Ecology Public Hearing.

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CHAPTER 2

Environment Designation Provisions

A. Introduction

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

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

B. Shoreline Environment Designation Maps

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

C. Policies and Regulations

1. "Natural" (N) Environment

a. Purpose

The purpose of the "Natural" environment is to protect and restore all wetlands associated with shoreline areas by applying the City of Lake Stevens Critical Areas Regulations for Shoreline Jurisdiction in Appendix B. These systems require development restrictions to maintain the ecological functions and ecosystem-wide processes.

b. Designation Criteria

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

c. Management Policies

Uses

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

Access and Improvements

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

Implementing Regulations

6. The ecological resources, including associated wetlands, in the "Natural" environment should be protected through the provisions in the Critical Areas section of this SMP.

2. "High-Intensity" (H-I) Environment

a. Purpose

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

b. Designation Criteria

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

c. Management PoliciesUses

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

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

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

Public Access

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

Aesthetics

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

d. Specific Environment Designations

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

Table 1. High Intensity Environment Designation Descriptions

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

3. "Urban Conservancy" (UC) Environment

a. Purpose

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

b. Designation Criteria

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

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

c. Management Policies

Uses

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

Ecological Restoration and Public Access

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

d. Specific Environment Designations

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

Table 2. Urban Conservancy Environment Designation Descriptions

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

4. "Shoreline Residential" (SR) Environment

a. Purpose

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

b. Designation Criteria

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

c. Management Policies

Uses

21. Water-oriented recreational uses should be allowed.

32. New residential development should be supported by adequate land area and services.

- ~~43~~. Land division and development should be permitted only 1) when adequate setbacks or buffers are provided to protect ecological functions and 2) where there is adequate access, water, sewage disposal, and utilities systems, and public services available and 3) where the environment can support the proposed use in a manner which protects or restores the ecological functions.
- ~~54~~. Development standards for setbacks or buffers, shoreline stabilization, vegetation conservation, critical area protection, and water quality should be established to protect and, where significant ecological degradation has occurred, restore ecological functions over time.
- ~~65~~. New multi-family development and new subdivisions of land into more than four parcels should provide public access., which could include benches for viewing in a public right of way, community access, or similar types of public access.
- ~~76~~. New residential development should be located and designed so that future shoreline stabilization is not needed.

d. Specific Environment Designations

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

Table 3. Shoreline Residential Environment Designation Descriptions

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

5. "Aquatic" Environment

a. Purpose

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

b. Designation Criteria

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

c. Management Policies

1. New over-water structures should be prohibited except for water-dependent uses, public access, or ecological restoration.
2. The size of new over-water structures should be limited to the minimum necessary to support the structure's intended use.
3. In order to reduce the impacts of shoreline development and increase effective use of water resources, multiple uses of over-water facilities should be encouraged.
4. Provisions for the "Aquatic" environment should be directed towards maintaining and restoring habitat for aquatic species.
5. Uses that cause significant ecological impacts to critical freshwater habitats should not be allowed except where necessary to achieve Shoreline Management Act objectives (RCW 90.58.020), and then only when their impacts are mitigated according to the sequence described in WAC 173-26-201(2)(e) and restated in Chapter 3 Section B.4, as necessary to assume no net loss of ecological functions.
6. Shoreline uses and modifications should be designed and managed to prevent degradation of water quality and alteration of natural hydrographic conditions.
7. Abandoned and neglected structures that cause adverse visual impacts or are a hazard to public health, safety, and welfare should be removed or restored to a usable condition consistent with this SMP.

CHAPTER 3

General Provisions

A. Introduction

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

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

B. Policies and Regulations

1. Universally Applicable Policies and Regulations

a. Applicability

1. The following regulations describe the requirements for all shoreline uses and modifications in all shoreline environment designations.
2. Within shoreline jurisdiction, the purpose of a variance permit is strictly limited to granting relief from specific bulk, dimensional or performance standards set forth in the SMP where there are extraordinary circumstances relating to the physical character or configuration of property such that the strict implementation of the SMP will impose unnecessary hardships on the applicant or thwart the policies set forth in RCW 90.58.020. Specifically, LSMC14.16C.115 shall not apply. Variance procedures and criteria have been established in this SMP, Chapter 7 Section E and in Washington Administrative Code (WAC) 173-27-170.

b. Policies

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

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

c. Regulations

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

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

2. Archaeological and Historic Resources

a. Applicability

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

b. Policies

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

c. Regulations

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

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

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

3. Critical Areas

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

4. Environmental Impacts

a. Applicability

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

b. Policies

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

c. Regulations

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

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

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

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

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

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

5. Flood Hazard Reduction and River Corridor Management

a. Applicability

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

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

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

b. Policies

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

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

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

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

c. Regulations

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

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

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

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

6. Parking (Accessory)

a. Applicability

Parking is the temporary storage of automobiles or other motorized vehicles. Except as noted, the following provisions apply only to parking that is "accessory" to a permitted shoreline use. Parking as a "primary" use and parking which serves a use not permitted in the shoreline jurisdiction is prohibited. Garages and parking areas for single-family homes are required to meet the regulations in Chapter 5 Section C.8.c.4.

b. Policies

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

c. Regulations

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

landscaping requirements to account for reasonable safety and security concerns.

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

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

7. Public Access

a. Applicability

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

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

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

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

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

b. Policies

1. Public access should be considered in the review of all private and public developments with impacts on public access and related to the size of the impacts and with the exception of the following:
 - a. Single-family residential including one- and two-family dwelling units and residential subdivisions of four lots or less and their accessory structures (e.g., docks, garages, shoreline modification, etc.); or
 - b. Where deemed inappropriate due to health, safety and environmental concerns or constitutional limitations.
2. Developments, uses, and activities on or near the shoreline should not impair or detract from the public's access to the water or the rights of navigation.
3. Public access should be provided as close as possible to the water's edge without causing significant ecological impacts and should be designed in accordance with the Americans with Disabilities Act.
4. Opportunities for public access should be identified on publicly owned shorelines. Public access afforded by shoreline street ends, public utilities and rights-of-way should be preserved, maintained and enhanced.
5. Public access should be designed to provide for public safety and comfort and to minimize potential impacts to private property and individual privacy. There should be a physical separation or other means of clearly delineating public and private space in order to avoid unnecessary user conflict.
6. Views from public shoreline upland areas should be enhanced and preserved. Enhancement of views should not be construed to mean excessive removal of existing native vegetation that partially impairs views.

7. Public access and interpretive displays should be provided as part of publicly funded restoration projects where significant ecological impacts can be avoided.
8. City parks, trails and public access facilities adjacent to shorelines should be maintained and enhanced in accordance with City and County plans.
9. Commercial and industrial waterfront development should be encouraged to provide a means for visual and pedestrian access to the shoreline area, wherever feasible.
10. The acquisition of suitable upland shoreline properties to provide access to publicly owned shorelands should be encouraged.
11. The City should acquire and develop waterfront property in the recently annexed portion of Lake Stevens to provide additional public access to the shoreline.
12. The City should work with the School District to ensure that Catherine Creek Park will continue to provide public access to Catherine Creek for future generations.

c. Regulations

1. Public access is required for the following development unless the conditions stated in 2, immediately below, apply.
 - a. Land division into more than four lots and PRDs
 - b. Nonwater-oriented uses
 - c. Water related and water oriented commercial uses
 - d. Development by public entities or on public land, including the City and public utility districts
 - e. Development or use that will interfere with an existing public access way. Impacts to public access may include blocking access or discouraging use of existing on-site or nearby accesses.
2. Public access is not required as part of development if any of the following conditions apply:
 - a. The development is a single family residence not part of a development planned for more than 4 parcels or the development is accessory to a single family residence (e.g., docks, garages, shoreline modifications, etc.).
 - b. Public access is demonstrated to be infeasible or undesirable due to reasons of incompatible uses, safety, security or impact to the shoreline environment. In determining infeasibility or undesirability, the City will consider alternative means of providing public access such as off-site improvements, separation of uses, and restricting the hours of public access to avoid conflicts.

- c. Where constitutional or legal limitations apply.
 - d. On properties (including public properties) adjacent to Little Pilchuck Creek or Catherine Creek where there is no other connecting trail or route to a public ROW. Provision 2.b regarding safety and security of public access sites shall apply. (The intent of this provision is to avoid isolated and unsafe access features, especially since development must be set back at least 160 feet from the OHWM of these water bodies.) *Exception:* Public access shall be maintained on public properties in the Urban Conservancy environment on Catherine Creek and Little Pilchuck Creek.
 - e. Where the City determines that more effective public access can be provided through public access planning and other compensatory off-site public access improvements provided as part of the development.
3. The shoreline permit shall describe the impact, the required public access conditions, and how the conditions address the impact. Mitigation for public access impacts shall be in accordance with the definition of mitigation and mitigation sequencing in Chapter 3 Section B.4.
- Where public access is required as part of development, the City may allow payment in lieu of site access, where access at the public site would be dangerous or undesirable. The City will use the payment for public access improvements elsewhere.
- 4. Shoreline substantial development (including land division into more than four lots and PRDs) or conditional uses shall minimize impact to public views of shoreline waterbodies from public land or substantial numbers of residences.
 - 5. Public access provided by shoreline street ends, public utilities and rights-of-way shall not be diminished (This is a requirement of RCW 35.79.035 and RCW 36.87.130).
 - 6. Public access sites shall be connected directly to the nearest public street or public right-of-way and shall include provisions for physically impaired persons, where feasible.
 - 7. Required public access sites shall be fully developed and available for public use at the time of occupancy of the use or activity.
 - 8. Public access easements and permit conditions shall be recorded as a covenant against the title and/or on the face of a plat or short plat as a condition running contemporaneous with the authorized land use. Said recording with the County Assessor's Office shall occur prior to permit approval (RCW 58.17.110).
 - 9. Minimum width of public access easements shall be sufficient to provide clear, safe access to the shoreline. The Shoreline Administrator may require that the proposed public access improvements be modified to take advantage of special opportunities or to prevent impacts to adjacent sites (especially single-family residences).

10. The standard state approved logo or other approved signs that indicate the public's right of access and hours of access shall be constructed, installed and maintained by the applicant in conspicuous locations at public access sites. Signs may control or restrict public access as a condition of permit approval.
11. Future actions by the applicant, successors in interest, or other parties shall not diminish the usefulness or value of the public access provided.
12. Public access facilities may be developed over water provided that all ecological impacts are mitigated to achieve no net loss of ecological functions.

8. Shorelines of State-Wide Significance

a. Applicability

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

b. Policies

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

1. Recognize and protect the state-wide interest over local interest.
 - a. Solicit comments and opinions from groups and individuals representing state-wide interests by circulating the SMP, and any proposed amendments affecting shorelines of state-wide significance, to state agencies, adjacent jurisdictions, citizen's advisory committees and local officials and state-wide interest groups.
 - b. Recognize and take into account state agencies' policies, programs and recommendations in developing and administering use regulations and in approving shoreline permits.
 - c. Solicit comments, opinions and advice from individuals with expertise in ecology and other scientific fields pertinent to shoreline management.
2. Preserve the natural character of the shoreline.
 - a. Designate and administer shoreline environments and use regulations to protect and restore the ecology and environment of the shoreline as a result of man-made intrusions on shorelines.
 - b. Upgrade and redevelop those areas where intensive development already exists in order to reduce adverse impact on the environment and to

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

9. Signage

a. Applicability

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

community, site, facility, or entertainment, conducted or sold either on or off premises.

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

b. Policies

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

c. Regulations

1. Prohibited Signs: The following types of signs are prohibited:
 - a. Off-premises detached outdoor advertising signs.
 - b. Commercial signs for products, services, or facilities located off-site.
 - c. Spinners, streamers, pennants, flashing lights and other animated signs used for commercial purposes. Highway and railroad signs are exceptions.
 - d. Signs placed on trees or other natural features, unless the Shoreline Administrator finds that these signs are necessary for public safety reasons.
2. Allowable Signs: The following types of signs may be allowed in all shoreline environments:
 - a. Water navigational signs, and highway and railroad signs necessary for operation, safety and direction.
 - b. Public information signs directly relating to a shoreline use or activity. Public information signs shall include public park signs, public access identification signs, and warning signs.
 - c. Off-premise, free-standing signs for community identification, information, or directional purposes.
 - d. National, site and institutional flags or temporary decorations customary for special holidays and similar events of a public nature.
 - e. Temporary directional signs to public or quasi-public events if removed within 10 days following the event.
3. All signs shall be located and designed to avoid interference with vistas, viewpoints and visual access to the shoreline.
4. Over-water signs, signs on floats or pilings, and signs for goods, services, or businesses not located directly on the site proposed for a sign are prohibited.

5. Lighted signs shall be hooded, shaded, or aimed so that direct light will not result in glare when viewed from surrounding properties or watercourses.
6. Signs shall not exceed 32 square feet in surface area. On-site freestanding signs shall not exceed 6 feet in height. When feasible, signs shall be flush-mounted against existing buildings.
7. Temporary or obsolete signs shall be removed within timeframes pursuant to LSMC 14.68.030. Examples of temporary signs include: real estate signs, directions to events, political advertisements, event or holiday signs, construction signs, and signs advertising a sale or promotional event.
8. Signs that do not meet the policies and regulations of this section B.9 shall be removed or shall conform within two years of the adoption of this SMP.
9. No signs shall be placed in a required view corridor.

10. Utilities (Accessory)

a. Applicability

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

b. Policies

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

c. Regulations

1. In shoreline areas, accessory utility transmission lines, pipelines and cables shall be placed underground unless demonstrated to be infeasible. Further, such lines shall utilize existing rights-of-way and/or bridge crossings whenever possible. Proposals for new corridors in shoreline areas involving water crossings must fully substantiate the infeasibility of existing routes.
2. Accessory utility development shall, through coordination with government agencies, provide for compatible multiple uses of sites and rights-of-way.

Such uses include shoreline access points, trails and other forms of recreation and transportation systems, providing such uses will not unduly interfere with utility operations or endanger public health and safety.

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

11. Vegetation Conservation

a. Applicability

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

b. Policies

1. Vegetation within the City shoreline areas should be enhanced over time to provide a greater level of ecological functions, human safety, and property protection. To this end, shoreline management activities, including the provisions and implementation of this SMP, should be based on a comprehensive approach that considers the ecological functions currently and potentially provided by vegetation on different sections of the shoreline, as described in Chapter 5 of the February 2010 City of Lake Stevens Draft Shoreline Inventory and Analysis Report.
2. This SMP in conjunction with other City development regulations should establish a coordinated and effective set of provisions and programs to protect and restore those functions provided by shoreline vegetation.

3. Aquatic weed management should stress prevention first. Where active removal or destruction is necessary, it should be the minimum to allow water-dependent activities to continue, minimize negative impacts to native plant communities, and include appropriate handling or disposal of weed materials.
4. The removal of invasive or noxious weeds and replacement with native vegetation should be encouraged. Removal of noxious or invasive weeds should be conducted using the least-impacting method feasible, with a preference for mechanical rather than chemical means.

c. Regulations

For All Shoreline Environments:

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

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

- a. Requires the preparation of a revegetation plan;

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

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

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

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

For Shorelines in the Natural Environment

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

For Shorelines in the Urban Conservancy Environment

- 9. For properties within areas planned for residential development within the Urban Conservancy environment, new development that will cause significant vegetation removal within the required setbacks specified in Chapter 5 Sections B and C.8 shall not be allowed. In cases where the dimensions of existing lots or parcels are not sufficient to accommodate permitted primary residential structures outside of the vegetation conservation area or where the denial of reasonable use would result in a takings, the applicant shall apply for

a Shoreline Variance. 10. The enhancement of vegetation shall be a condition of all nonwater-dependent development, dike or levee construction, and shoreline modifications in the Urban Conservancy environments, except where the Shoreline Administrator finds that:

- a. Vegetation enhancement is not feasible on the project site. In these cases the Shoreline Administrator may require off-site vegetation enhancement that performs the same ecological functions. Enhancement opportunities on the same waterbody shall be explored first, prior to consideration of enhancement opportunities in the same basin or watershed.
- b. The restoration of ecological processes and functions can be better achieved through other measures such as the removal of channel constraints.
- c. Sufficient native vegetation already exists.

~~101.~~ Minor vegetation removal may be done to provide for development and maintenance of public access and trails on public property provided impacts are mitigated.

For Shorelines in the High-Intensity Environment

~~112.~~ The impacts due to significant vegetation removal shall be mitigated according to the sequence described in Chapter 3 Section B.4.

~~132.~~ A condition of all development shall be that those shorelands on the site not occupied by structures, shoreline uses, or human activities shall be revegetated, in accordance with subsection c.5 above. Vegetation within the required setbacks specified in Chapter 5 Section B and C.8 of the shoreline, to the extent the setback extends onto the subject development site, must be native vegetation or species approved by the Shoreline Administrator.

For Shorelines in the Shoreline Residential Environment

~~143.~~ Development is subject to requirements in Chapter 5 Section C.8 Residential Development.

For Shorelines in the Aquatic Environment

~~154.~~ Aquatic weed control shall only occur when native plant communities and associated habitats are threatened or where an existing water dependent use is restricted by the presence of weeds. Aquatic weed control shall occur in compliance with all other applicable laws and standards.

~~165.~~ The control of aquatic weeds by hand pulling, mechanical harvesting, or placement of aqua screens, if proposed to maintain existing water depth for navigation, shall be considered normal maintenance and repair and therefore exempt from the requirement to obtain a shoreline substantial development permit.

176. The control of aquatic weeds by derooting, rotovating or other method which disturbs the bottom sediment or benthos shall be considered development for which a substantial development permit is required, unless it will maintain existing water depth for navigation in an area covered by a previous permit for such activity, in which case it shall be considered normal maintenance and repair and therefore exempt from the requirement to obtain a substantial development permit.
187. Where large quantities of plant material are generated by control measures, they shall be collected and disposed of in an appropriate, identified upland location.
198. Use of herbicides to control aquatic weeds shall be prohibited except for those chemicals specifically approved by the Department of Ecology for use in aquatic situations and where no reasonable alternative exists and weed control is demonstrated to be in the public's interest. Application of herbicides for the control of aquatic weeds requires approval from the Department of Ecology. The Shoreline Administrator must be notified of all herbicide usage in aquatic areas and supplied with proof of approval from the Department of Ecology. Additionally, all herbicides shall be applied by a licensed professional.

12. Water Quality and Quantity

a. Applicability

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

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

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

b. Policies

1. All shoreline uses and activities should be located, designed, constructed, and maintained to avoid significant ecological impacts that alter water quality, quantity, or hydrology.

2. The City should require reasonable setbacks, buffers, and stormwater storage basins and encourage low-impact development techniques and materials to achieve the objective of lessening negative impacts on water quality.
3. All measures for controlling erosion, stream flow rates, or flood waters through the use of stream control works should be located, designed, constructed, and maintained so that net off-site impacts related to water do not degrade the existing water quality and quantity.
4. As a general policy, the City should seek to improve water quality, quantity (the amount of water in a given system, with the objective of providing for ecological functions and human use), and flow characteristics in order to protect and restore ecological functions and ecosystem-wide processes of shorelines within Shoreline Management Act jurisdiction. The City should implement this policy through the regulation of development and activities, through the design of new public works, such as roads, drainage, and water treatment facilities, and through coordination with other local, state, and federal water quality regulations and programs. The City should implement the City of Lake Stevens Surface Water Management Plan, as updated and adopted by City ordinance.
5. All measures to treat runoff in order to maintain or improve water quality should be conducted on-site before shoreline development creates impacts to water.
6. Shoreline use and development should minimize the need for chemical fertilizers, pesticides or other similar chemical treatments to prevent contamination of surface and groundwater and/or soils, and adverse effects on shoreline ecological functions and values.
7. The City should create a public education campaign to educate shoreline property owners and local stores about best management practices for shorelines. This could include specific information about fertilizers, herbicides, and pesticides.

c. Regulations

1. All shoreline development, both during and after construction, shall avoid or minimize significant ecological impacts, including any increase in surface runoff, through control, treatment, and release of surface water runoff so that water quality and quantity are not adversely affected. Control measures include, but are not limited to, low impact development techniques, dikes, catch basins or settling ponds, oil interceptor drains, grassy swales, planted buffers, and fugitive dust controls.
2. All development shall conform to local, state, and federal water quality regulations, provided the regulations do not conflict with this SMP.
3. Uses and development that require the application of pesticides, herbicides, fertilizers and other chemicals that could adversely affect water quality

(except for those chemicals specifically approved by the Department of Ecology for use in aquatic situations) are prohibited in shoreline jurisdiction.

4. The application of pesticides or herbicides in shoreline jurisdiction is prohibited except for those products specifically approved for use by the Department of Ecology in aquatic situations, and then only if used according to approved methods of and standards for application.

CHAPTER 4

Shoreline Modification Provisions

A. Introduction and Applicability

Shoreline modifications are structures or actions which permanently change the physical configuration or quality of the shoreline, particularly at the point where land and water meet. Shoreline modification activities include, but are not limited to, structures such as revetments, bulkheads, levees, breakwaters, docks, and floats. Actions such as clearing, grading, landfilling, and dredging are also considered shoreline modifications. The terms “clearing and grading” are not intended to include normal landscaping and maintenance such as mowing or planting of a garden performed routinely by property owners. However, there are State Environmental Protection Act (SEPA) thresholds where clearing and grading do require a land use permit and could become a shoreline modification requiring a shoreline permit.

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

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

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

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

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

B. Shoreline Modification Matrix

The following matrix (Table 4) is the shoreline modification matrix. The matrix provides the permitted, conditional, and prohibited uses in all shoreline environmental designations.

A permitted modification does not mean the modification is exempt from a shoreline permit. All proposed shoreline modifications require application to the City for a shoreline exemption or shoreline permit and application to the Washington Department of Fish and Wildlife for a Joint Aquatic Resources Permit Application (JARPA). In addition, all shoreline modifications are subject to other provisions in this SMP and any other applicable federal, state and local rules and regulations. See especially, Section C “Policies and Regulations” below.

The numbers in the matrix refer to footnotes which may be found immediately following the matrix. These footnotes provide additional clarification or conditions applicable to the associated modification. Where there is a conflict between the matrix and the written provisions in this chapter, the written provisions shall apply.

Table 4. Shoreline Modification Matrix

	Natural	High-Intensity	Urban Conservancy	Shoreline Residential	Aquatic ⁴
P = May be permitted					
C = May be permitted as a conditional use only					
X = Prohibited; the use is not eligible for a variance or conditional use permit					
N/A = Not applicable					
Shoreline stabilization:					
Environmental restoration/enhancement	P	P	P	P	P
Bioengineering	C	P	P	P	C/P ⁵
Revetments	X	P	C	P	C/P ⁵
Bulkheads	X	P	C	P	C/P ⁵
Breakwaters/jetties/rock weirs/groins	X	X	X	X	X
Dikes/levees	X	C	C	C	C
Clearing and Grading	X	P	P	P	N/A
Dredging	N/A	N/A	N/A	N/A	C
Hazardous waste cleanup	P	P	P	P	P
Fill ¹	X	P	P	P	C ²
Piers/docks/mooring piles and buoys ^{3,6}	X	P	P	P	P
Permanent swim floats/platforms	X	X	X	X	X
Boardwalks, public	C	P	P	P	X

Shoreline Modification Matrix Notes:

1. *Fill in the floodplain must meet all federal, state, and local flood hazard reduction regulations.*
2. *Fill in aquatic areas for the purposes of shoreline ecological restoration may be allowed as a permitted use if the Shoreline Administrator determines that there will be an increase in desired ecological functions.*
3. *New non-public piers and docks are prohibited on Little Pilchuck Creek and Catherine Creek.*
4. *A shoreline modification may be allowed in the Aquatic Environment if the chart indicates that it is allowed in both the Aquatic Environment and the adjacent upland environment.*
5. *New shoreline stabilization structures are not allowed in the Aquatic Designation. Replacement walls or bulkheads shall not encroach waterward of the OHWM or existing structure unless the residence was occupied prior to January 1, 1992, and there are overriding safety or environmental concerns. In such cases, the replacement structure shall abut the existing shoreline stabilization structure (WAC 173-26-231(3)(a)(iii)(4)(C)). All other shoreline stabilization structures in the Aquatic Designation require a conditional use permit.*
6. *A maximum of two mooring piles or buoys per dock in lieu of fingers or ellis are allowed only within the envelope of the dock and no farther waterward than the end of the dock. Also a maximum of two piles or buoys are allowed in lieu of dock if it includes markings for navigational safety where it shall be colored white and shall have a horizontal blue band around the circumference of the buoy centered midway between the top of the buoy and the water line (WAC 352-66-100).*

C. Policies and Regulations

1. General Policies and Regulations

a. Applicability

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

b. Policies

1. Structural shoreline modifications should be allowed only where they are demonstrated to be necessary:
 - a. To support or protect an allowed primary structure or a legally existing shoreline use that is in danger of loss or substantial damage; or
 - b. For reconfiguration of the shoreline to mitigate impacts or enhance the shoreline ecology.
2. The adverse effects of shoreline modifications should be reduced, as much as possible, and shoreline modifications should be limited in number and extent.

3. Allowed shoreline modifications should be appropriate to the specific type of shoreline and environmental conditions in which they are proposed.
4. The City should take steps to assure that shoreline modifications individually and cumulatively do not result in a net loss of ecological functions, as stated in WAC 173-26-231. This is to be achieved by preventing unnecessary shoreline modifications, by giving preference to those types of shoreline modifications that have a lesser impact on ecological functions, and by requiring mitigation of identified impacts resulting from shoreline modifications.
5. Where applicable, the City should base decisions on available scientific and technical information and a comprehensive analysis of site-specific conditions provided by the applicant, as stated in WAC 173-26-231.
6. Impaired ecological functions should be enhanced where feasible and appropriate while accommodating permitted uses, as stated in WAC 173-26-231. As shoreline modifications occur, the City will incorporate all feasible measures to protect ecological shoreline functions and ecosystem-wide processes.
7. In reviewing shoreline permits, the City should require steps to reduce significant ecological impacts according to the mitigation sequence in WAC 173-26-201(2)(e).

c. Regulations

1. All shoreline modification activities must be in support of a permitted shoreline use or to provide for human health and safety. Shoreline modification activities which do not support a permitted shoreline use are considered “speculative” and are prohibited by this SMP, unless it can be demonstrated that such activities are necessary to protect human health and safety, ecological functions, and the public interest.
2. Structural shoreline modification measures shall be permitted only if nonstructural measures are unable to achieve the same purpose or are not feasible. See Chapter 6 for definition of “feasible”. Nonstructural measures considered shall include alternative site designs, increased setbacks, drainage improvements, relocation of proposed structures, and vegetation enhancement.
3. Shoreline modifications in flood-prone areas identified by FEMA on the Flood Rate Insurance Map shall comply with adopted floodplain regulations.
4. Stream channel modification (i.e., realignment) shall be prohibited as a means of shoreline stabilization or shoreline protection, unless it is the only feasible alternative and includes environmental enhancement.
5. All new shoreline development shall be located and designed to prevent or minimize the need for shoreline modification activities.
6. Proponents of shoreline modification projects shall obtain all applicable federal and state permits and shall meet all permit requirements.

7. Shoreline modification materials shall be only those approved by the City and applicable state agencies. No toxic (e.g., creosote) or quickly degradable materials (e.g., plastic or fiberglass that deteriorates under ultraviolet exposure) shall be used.
8. In channel migration zones, natural geomorphic and hydrologic processes shall not be limited and new development shall not be established where future shoreline modifications will be required and shall include appropriate protection of ecological function.

2. Shoreline Stabilization (Including Bulkheads)

a. Applicability

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

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

Structural methods include “hard,” “soft” or “hybrid” structural stabilization measures.

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

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

Hybrid Structural Shoreline Stabilization means a structural stabilization practice that includes soft and hard structural components, including, but not limited to, those identified above.

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

Maintenance, Repair, and Replacement WAC 173-27-040(2)(b) defines normal maintenance and repair of existing structures and notes that many maintenance and repair activities are exempt from the requirement for a shoreline substantial development permit.

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

b. Policies

1. Non-structural stabilization measures are preferred over soft structural measures. Soft and hybrid structural shoreline stabilization measures are strongly preferred over hard structural shoreline stabilization. Proposals for hard and soft structural solutions, including bulkheads, should be allowed only when it is demonstrated that to be necessary to support or protect an allowed primary structure or a legally existing shoreline use that is in danger of loss or substantial damage or are necessary for reconfiguration of the shoreline for mitigation or enhancement purposes. Hard structural shoreline stabilization measures should be allowed only when it is demonstrated that soft or hybrid structural measures would not provide support or protection for an allowed primary structure or a legally existing shoreline use.
2. Bulkheads and other structural stabilizations should be located, designed, and constructed primarily to prevent damage to existing primary structures and minimize adverse impacts to ecological functions.
3. New development requiring bulkheads and/or similar protection to protect a primary structure should not be allowed. Shoreline uses should be located in a manner so that bulkheads and other structural stabilization are not likely to become necessary in the future.
4. Shoreline modifications individually and cumulatively shall not result in a net loss of ecological functions. This is to be achieved by giving preference to those types of shoreline modifications that have a lesser impact on ecological functions and requiring mitigation of identified impacts resulting from shoreline modifications.

c. Regulations

New Development

1. New primary structures shall, where feasible, be located and designed to eliminate the need for concurrent or future shoreline stabilization. New non-water dependent primary structures that would require shoreline stabilization that would cause significant adverse impacts to adjacent or down-current properties or restrict channel migration in Channel Migration Zones is prohibited.

2. New primary structures, including single-family residences, which include structural shoreline stabilization, will not be allowed unless all of the conditions below are met:
 - a. The need to protect the primary structure from damage due to erosion caused by natural processes, such as currents, waves, and by manmade processes such as boat wakes, is demonstrated through a geotechnical report.
 - b. The erosion is not being caused by upland conditions, such as loss of vegetation and drainage.
 - c. Nonstructural measures, such as placing the primary structure farther from the shoreline, planting vegetation, low impact development measures, or installing on-site drainage improvements, are not feasible or not sufficient.
 - d. The structure will not result in a net loss of shoreline ecological functions.
3. New primary structures on steep slopes or bluffs shall be set back sufficiently to ensure that shoreline stabilization will not be needed during the life of the structure, as demonstrated by a geotechnical analysis by a geotechnical engineer or related professional licensed and in good standing in the State of Washington.

New or expanded shoreline stabilization measures

4. New stabilization measures are not allowed except to protect or support an existing or approved primary structure, as necessary for human safety, for the restoration of ecological functions, or for hazardous substance remediation pursuant to Chapter 70.105D RCW. The construction of a bulkhead for the primary purpose of retaining or creating dry land that is not specifically authorized as a part of the permit is prohibited.
5. New or replacement structural shoreline stabilization measures are allowed on Catherine Creek and Little Pilchuck Creek shorelines for necessary flood hazard reduction provided that all feasible steps are taken to minimize adverse impacts to the natural environment. The structures must be in conformance with a City-approved flood hazard reduction program.
6. New or enlarged (e.g., increase in height, width, length or depth) structural shoreline stabilization measures for a primary structure or residence shall not be allowed unless there is conclusive evidence, documented by a geotechnical analysis (see definition in Chapter 6), that the structure is in danger from shoreline erosion caused by currents, waves, or boat wakes. Normal sloughing, erosion of steep bluffs, or shoreline erosion itself, without a scientific or geotechnical analysis by a licensed geotechnical engineer or related licensed professional, is not demonstration of need. The geotechnical report must demonstrate that erosion rates projected within three years would result in damage to an existing primary structure. The report must also evaluate on-site drainage issues and address drainage problems away from the shoreline edge before considering structural shoreline stabilization. The

project design and analysis must also evaluate vegetation enhancement and low impact development measures as a means of reducing undesirable erosion.

7. Hard structural shoreline stabilization measures, such as bulkheads, are not allowed unless the applicant can demonstrate through a geotechnical analysis that soft structural measures such as vegetation or beach enhancement, or nonstructural measures, such as additional building setbacks, are not feasible.
8. Where structural shoreline stabilization measures are demonstrated to be necessary, as described in subsections c.6 and 7 above, the size of stabilization measures shall be limited to the minimum necessary. The Shoreline Administrator may require that the proposed structure be altered in size or design or impacts otherwise mitigated. Impacts to sediment transport shall be avoided or minimized.
9. The Shoreline Administrator shall require mitigation of adverse impacts to shoreline functions in accordance with the mitigation sequence defined in Chapter 3 Section B.4 of the General Provisions. The Shoreline Administrator may require the inclusion of vegetation conservation, as described in Chapter 3 Section B.11, as part of shoreline stabilization, where feasible. Any mitigation required shall be proportional to the impact of the proposed development. In order to determine acceptable mitigation, the Shoreline Administrator may require the applicant to provide necessary environmental information and analysis, including a description of existing conditions/ecological functions and anticipated shoreline impacts, along with a restoration plan outlining how proposed mitigation measures would result in no net loss of shoreline ecological functions.
10. Shoreline stabilization measures that incorporate ecological restoration through the placement of rocks, gravel or sand, and native shoreline vegetation may be allowed. Soft shoreline stabilization that restores ecological functions may be permitted waterward of the OHWM as long as the overriding intent is not to create dry land. Where the ecological restoration includes placement of new substrates, measures shall be taken to ensure that these substrates do not erode and reduce water depth of neighboring properties.
11. Following completion of shoreline modification activities, disturbed shoreline areas shall be restored to pre-project conditions or conditions set by the Shoreline Administrator (see regulation 9 above). Vegetation conservation measures, including the planting of native vegetation along the shoreline, may be required. Plantings shall consist of native grasses, shrubs, and trees as approved by the Shoreline Administrator in keeping with preexisting or typical naturally occurring bank vegetation. Vegetation shall be fully reestablished within three years. All revegetation projects shall include a program for monitoring and maintenance. Areas which fail to adequately reestablish vegetation shall be replanted with approved plants and/or vegetation until the plantings/vegetation is successfully reestablished.

Repair, Maintenance and Replacement

12. Pursuant to WAC 173-26-231(3)(a)(iii), an existing shoreline stabilization structure may be replaced with a similar structure if there is a demonstrated need to protect principal uses or structures from erosion caused by currents, tidal action, or waves.

~~a.~~ ~~—~~ ~~•~~ The replacement structure should be designed, located, sized, and constructed to assure no net loss of ecological functions.

~~—~~ ~~•~~ ~~b.~~ Replacement walls or bulkheads shall not encroach waterward of the ordinary high-water mark or existing structure unless the residence was occupied prior to January 1, 1992, and there are overriding safety or environmental concerns. In such cases, the replacement structure shall abut the existing shoreline stabilization structure.

~~—~~ ~~•~~ ~~Where a net loss of ecological functions associated with critical saltwater habitats would occur by leaving the existing structure, remove it as part of the replacement measure.~~

~~—~~ ~~•~~ ~~c.~~ Soft shoreline stabilization measures that provide restoration of shoreline ecological functions may be permitted waterward of the ordinary high-water mark.

~~—~~ ~~•~~ ~~d.~~ For purposes of this section standards on shoreline stabilization measures, "replacement" means the construction of a new structure to perform a shoreline stabilization function of an existing structure which can no longer adequately serve its purpose. Additions to or increases in size of existing shoreline stabilization measures shall be considered new structures

13. Existing hard, hybrid or soft structural stabilization may be repaired, maintained and replaced. If the repair, maintenance or replacement activity changes the location of the stabilization or alters any dimension of the stabilization by more than 10 percent, it shall be treated as a new stabilization and the City may require mitigation in accordance with this Program.

Design of Shoreline Stabilization Measures

13. Bulkhead design and development shall conform to all other applicable City and state agency policies and regulations, including the Washington State Department of Fish and Wildlife criteria governing the design of bulkheads.

14. Gabions (wire mesh filled with concrete or rocks) are prohibited, except as a conditional use where it is determined that gabions are the least environmentally disruptive method of shoreline stabilization.

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

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

Bioengineering

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

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

a. Applicability

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

b. Policies

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

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

c. Regulations

General Regulations for Private and Public Structures

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

Exception: For docks shorter ~~docks~~ than 50 feet, the Shoreline Administrator may make an administrative exception to allow lifts within the first 30 feet if the applicant submits a specific request, reason for the request and documentation of the dock dimensions and proposed locations for lifts.

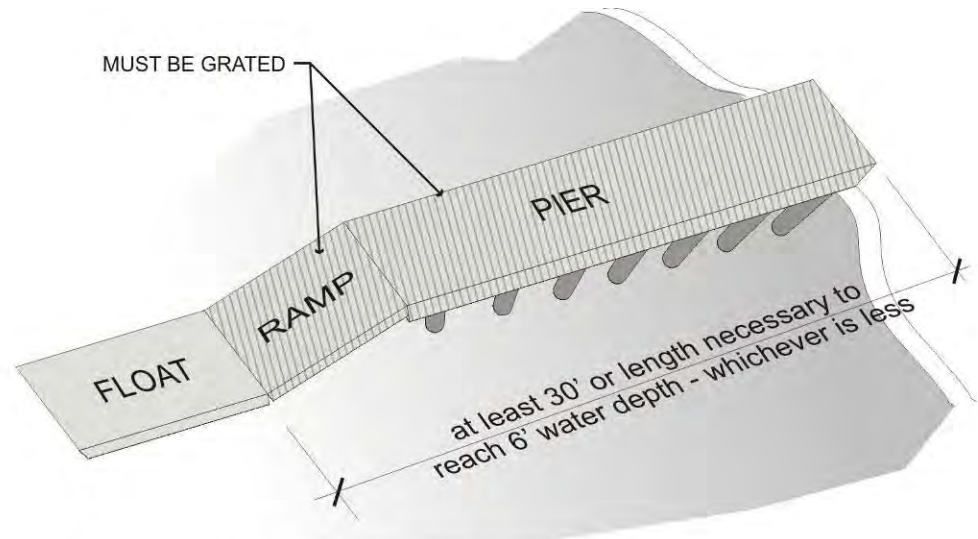
8. All pier and dock dimensions shall be minimized to the maximum extent feasible. The proposed length must be the minimum necessary to support the intended use.
9. Skirting that extends to the water is not permitted on any structure except to contain or protect floatation material.
10. All piers, docks, and similar structures shall at no time rest on the lake substrate.
11. All over-water structures and other water-dependent use developments shall be constructed and maintained in a safe and sound condition. Abandoned or unsafe structures shall be removed or repaired promptly by the owner.
12. Lighting associated with over-water structures shall be beamed, hooded or directed to avoid causing glare on adjacent properties or waterbodies. Illumination levels shall be the minimum necessary for safety. All lights shall be shielded and light directed to prevent directly lighting the water surface and light shining toward the uplands.
13. Any paint, stain or preservative applied on components of an overwater or in-water structure must be leach-resistant, completely dried or cured prior to installation. All materials that may come in contact with water shall be constructed of materials, such as untreated wood, concrete, approved plastic composites or steel, that will not adversely affect water quality or aquatic plants or animals. Materials shall not be treated with pentachlorophenol, creosote, chromate copper arsenate (CCA), or comparably toxic compounds as outlined in the latest edition of the Western Wood Preservers Institute Best Management Practices for the Use of Treated Wood in Aquatic and Sensitive Areas. Structures may also use other materials approved by applicable state agencies for contact with water to avoid discharge of pollutants from wave or boat wake splash, rain or runoff.
14. Temporary moorages shall be permitted for vessels used in the construction of shoreline facilities. The design and construction of temporary moorages shall be such that upon termination of the project, the aquatic habitat in the affected area can be returned to its original (pre-construction) condition within one (1) year at no cost to the environment or the public.
15. New boathouses or other walled covered moorage are prohibited. Covered boat lifts in conformance with other provisions in this section may be allowed. Covered moorage with no sides up to one per dock with dimensions no larger than a total of 240 square feet and maximum height of peaked roof at 8 1/2 feet above dock is allowed. The structure shall be located at least 30 feet waterward from the OHWM. The structure shall have a peaked roof and flat roofs are prohibited. The nonconforming use clause in Chapter 7 Section G shall apply to existing enclosed moorage structures.

16. If a dock is provided with a safety railing, such railing shall not exceed 36 inches in height and shall be an open framework that does not unreasonably interfere with shoreline views of adjoining properties.
17. Moorage facilities shall be marked with reflectors, or otherwise identified to prevent unnecessarily hazardous conditions for water surface users during the day or night. Exterior finish shall be generally non-reflective.
18. Public boardwalks are allowed for public access in shoreline areas.
19. The Shoreline Administrator has flexibility in dock dimensional standards to accommodate disability (ADA) needs for single-family homeowners when the house is accessible to ADA standards (including an accessible entry and bathroom) and there is an ADA accessible pathway to the dock.
20. Alternative Design. The City shall approve new, replaced or additions to docks different from the dimensional standards below subject to Washington Department of Fish and Wildlife approval to an alternate project design. With submittal of a building permit, the applicant shall provide documentation that the Washington Department of Fish and Wildlife have approved the alternative proposal design.

New Private, Non-Commercial Piers

Regulations 21 – 33 below apply specifically to residential and private recreational properties not used for commercial purposes.

21. A new private pier or dock may be permitted on lots owned for residential or for private recreational use, provided:
 - a. The applicant has demonstrated a need for moorage. Exception: Docks accessory to a single-family residence is allowed without requiring a demonstrated need (RCW 90.58.030 and WAC 173-27-040(h)).
 - b. No more than one (1) pier is permitted for each single-family residence or private recreational lot not used for commercial purposes.
 - c. On waterfront lots subdivided to create additional waterfront lots, upland lots with waterfront access rights, or lots with waterfront multi-family development, joint-use piers shall be required.
22. A new, joint-use pier may be permitted on a community recreation lot shared by a number of waterfront or upland lots provided the applicant has demonstrated a need for moorage or other allowed water-dependent use or in the case of single-family residences, no demonstrated need is required.
23. New floating docks located within the first 30 feet of shoreline, measured waterward of the OHWM, are prohibited except where the float is located in water at least six (6) feet in depth, measured from the OHWM. Piers that terminate in a waterward float are allowed; provided that the landward edge of the float is over water with a depth of six (6) feet or more, measured from the OHWM, or is at least 30 feet waterward of the OHWM. All float tubs shall be fully encapsulated.

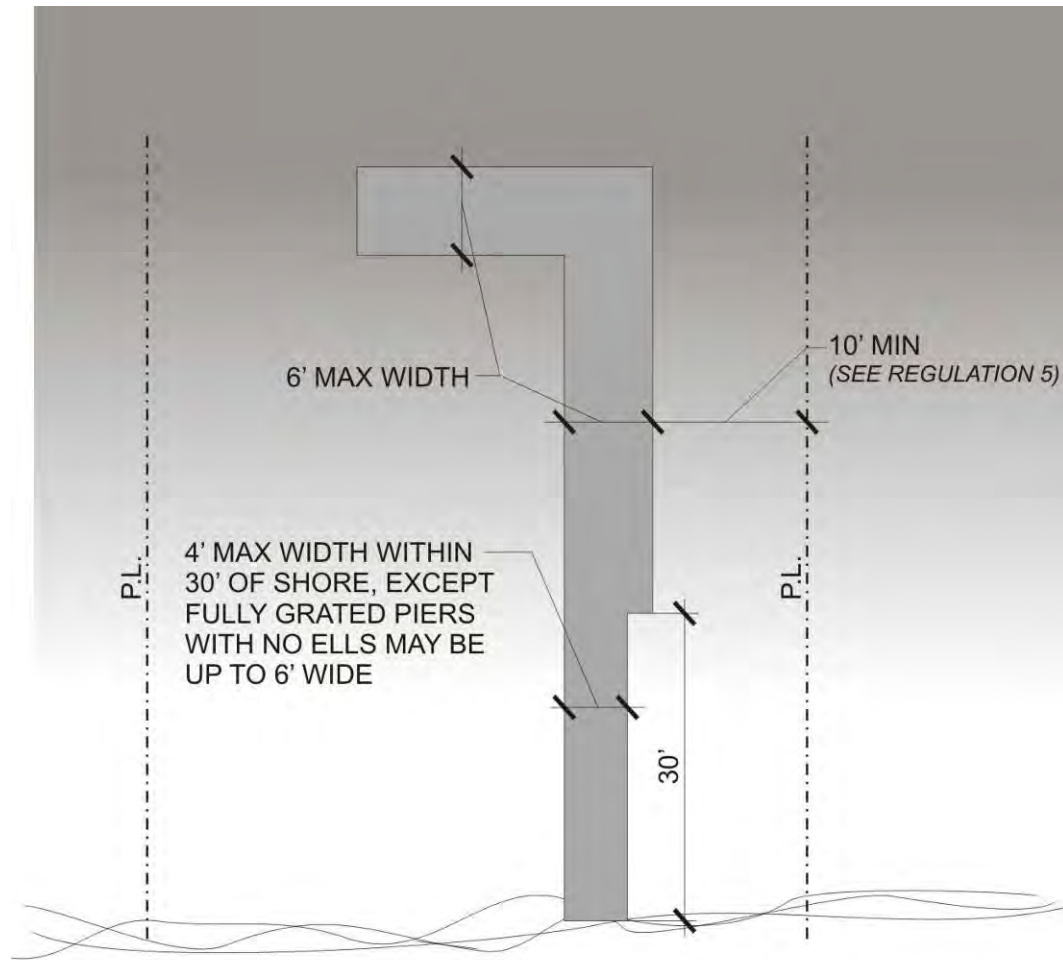


Requirement to offset new floats from pier

Figure 1. Pier approach length. (See regulation 4.C.3.c.22.)

24. Development Standards for New Docks

- a. **Decking:** All new docks require decking with a minimum of 40 percent open space within 30 feet of the shoreline. ~~Decking shall have a minimum open space of 40 percent.~~ See regulations C.3.c.28 to 31 for dock repair requirements.
- b. **Piles.** Piles shall be either steel, PVC, or untreated wood and shall be spaced a minimum of 12 feet apart, except when shown not to be feasible for site-specific engineering or design considerations.



Residential dock width and geometric dimension requirements

Figure 2. Residential dock width and geometric dimension requirements.

- c. Length.
 - i. The maximum waterward intrusion of any portion of the dock shall not extend beyond the average of the two most adjacent legally existing docks within 300 feet on either side of the proposed dock. If the most adjacent legally existing docks are 50 feet long or less, then any legally existing docks within 300 feet on either side of the proposed dock may be used to determine the average length for the proposed dock with documentation showing all dock lengths within 300 feet and identification of the two docks, one on each side of the proposed dock, being used to determine the average length. If no legal docks exist within 300 feet, the maximum length of the dock is the minimum necessary to reach a 5 ½ -foot water depth below the low water mark.
Exception: If the above dock limits do not allow the dock to reach an adequate depth to moor a boat, the Shoreline Administrator may approve a longer dock up to the minimum necessary to reach 5½ feet of depth, as measured from the low water mark. However, in no case

shall a dock extend more than 200 feet from the shoreline, measured perpendicularly to the shoreline.

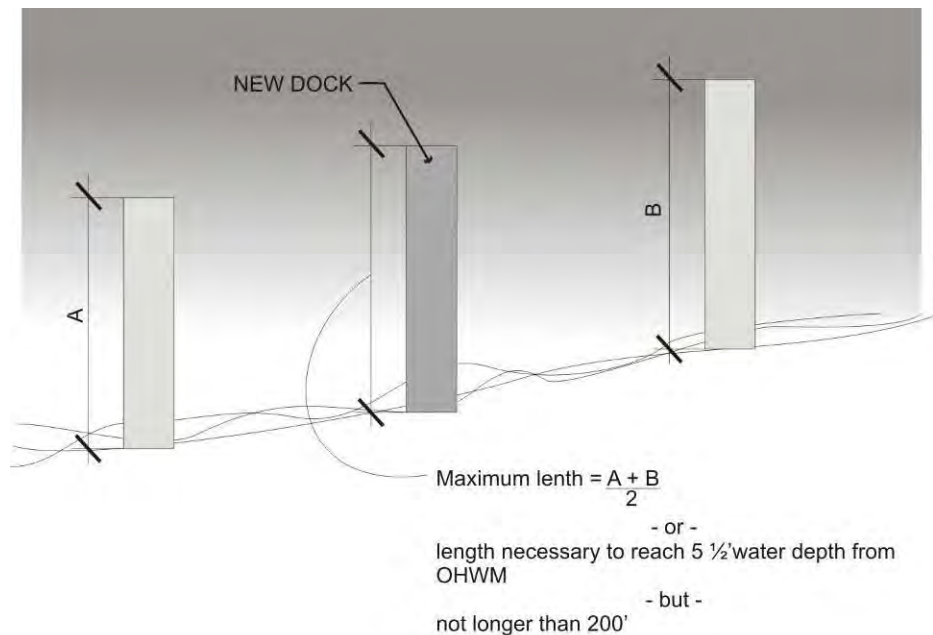


Figure 3. Allowable length of new docks. (See regulation 4.C.3.c.23.a.i.)

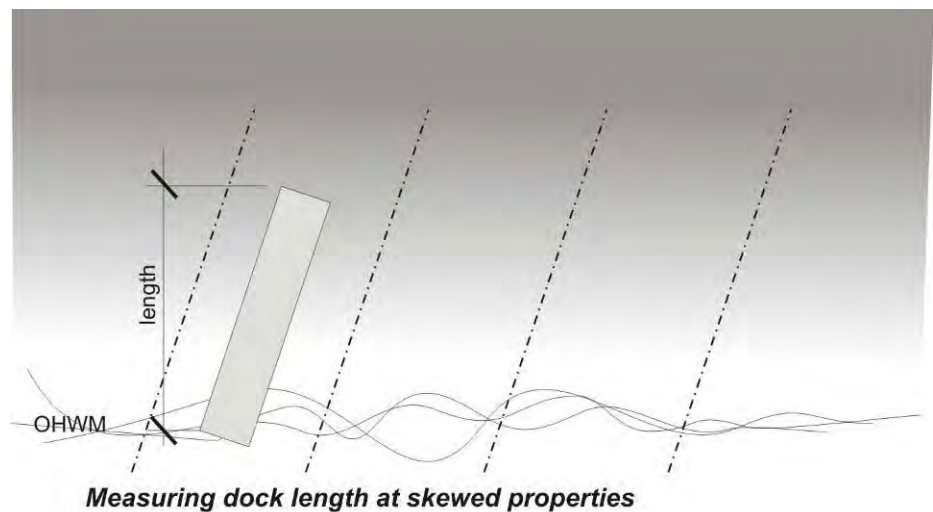


Figure 4. Dock length measurement.

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

Exception: Provided the applicant receives Washington Department of Fish and Wildlife (WDFW) Hydraulic Project Approval (HPA), the

maximum width of the dock in the nearshore 30 feet can extend up to 6 feet if the docks are only linear and do not terminate in an ell, float, or other non-linear configuration OR the dock consists of decking allowing for a minimum of 40 percent open space for the entire dock (not just the first 30 feet).

- ii. The maximum width of ells and floats is 6 feet. Ells and floats shall be positioned beyond 30 feet from shore.
- iii. Any additional fingers must be no wider than 4 feet if beyond 30 feet from shore.
- iv. The maximum width of a ramp connecting a dock to a float is 4 feet.

Replacement of Existing Private Pier or Dock

25. Proposals involving replacement of the entire private pier or dock, or 50 percent or more of the pier-support piles can be replaced up to 100% of the size (square footage and dimension) of the existing pier or dock and shall comply with the following standards:

- a. Decking: All replacement piers must include decking with a minimum of 40 percent open space as described in subsection c.24.a. above.
- b. Replacement piles must be sized as described above under 21.b, and must achieve the minimum 12-foot spacing to the extent allowed by site-specific engineering or design considerations.

Additions to Private Pier or Dock

26. Additions to existing, legally conforming piers or docks may be permitted up to the size allowed for new piers as described in subsection 4.C.3.c.24. provided any additions in the nearshore 30 feet consists of decking allowing for a minimum of 40 percent open space. If the existing dock's dimensions are nonconforming, additions are prohibited.

27. When proposed additions to a private residential pier result in a pier that exceeds the maximum total length or width allowances for new docks as described in 4.C.3.c.24, the addition may be proposed under a Variance application and subject to the following provisions:

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

Repair of Existing Private Pier or Dock

28. Repair proposals which replace less than 50 percent of the existing pier-support piles must comply with the following:

- a. If the width of pier element is wider than 6 feet in the area where the piles will be replaced, the decking that would be removed in order to replace the piles shall be replaced with decking with a minimum of 40 percent open space as described in subsection c.24.a. above.
- b. Replacement piles must be sized as described under subsection c.24.b. above, and must achieve the minimum 12-foot spacing to the extent allowed by site-specific engineering or design considerations. Pilings may be repaired by splicing. Pilings shall not be maintained by placing PVC pipe around old pilings and filling with concrete as it increases the footprint of the pilings and the impact on the lake substrate.

29. Repair proposals which replace 50 percent or more of the decking on any pier element (i.e., pier walkway, ell, etc.) greater than 6 feet wide must use decking with 40 percent open space for the entire portion of that element that is wider than 6 feet as described in subsection c.24.a. above.

30. If the cumulative repair proposed over a three-year period exceeds thresholds established in subsection c.25 above, the current repair proposal shall be reviewed under subsection c.25 above.

31. Other repairs to existing legally established moorage facilities where the nature of the repair is not described in the above subsections shall be considered minor repairs and are permitted, consistent with all other applicable codes and regulations.

32. If a single-family residence has two or more existing docks and one requires replacement or repair as described in regulations C.3.c.25 to .29, then one dock must be removed as a condition of the repair. The remaining dock may be improved to the same dimensions as either existing dock.

~~Personal Watercraft~~ Watercraft Lifts, Lift Canopies, and Covered Moorage (see also regulation C.3.c.5)

33. Watercraft lifts and associated canopies may be permitted as an accessory to residential development provided that:

- a. ~~Personal watercraft~~ Watercraft lifts are movable equipment employed to temporarily lift ~~personal~~ watercraft above the water for protection and storage and are allowed only as an accessory to a dock and not as a separate structure.
- b. Residential piers may have a maximum of three watercraft lifts per single-family lot having legal use of the structure.

- c. All lifts are placed at least 30 feet waterward from the ordinary high water mark and within the limits of the dimensional standards for docks in this chapter.
- d. Lift canopies (covers over the raised craft) must not be constructed of permanent structural material. The bottom of a lift canopy is elevated above the lift to the maximum extent practicable, the lowest edge of the canopy must be at least 4 feet above the ordinary high water mark, and the top of the canopy must not extend more than 8½ feet above the adjacent pier.
- e. Lift canopies must be made of fabric material.
- f. Any platform lifts are fully grated or open allowing ambient light transmission to penetrate below the lift.
- g. The lifts and canopies comply with all other regulations as stipulated by State and Federal agencies.

Boat Launching Facilities

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

Recreational Floats/Swim Platforms

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

Public, Community and Commercial Over-Water Structures – including Docks, Piers and Boardwalks

- 38. Existing public, community and commercial over-water structures such as docks, piers, or boardwalks may be repaired and/or replaced in the same location as the existing structure.
- 39. Public, community and commercial over-water structures may be expanded in size subject to the following:

- a. The existing structure is not large enough to support the intended use.
 - b. The applicant must remove any in-water structures rendered obsolete by the expansion (e.g., portions of an existing dock that are no longer needed must be removed).
 - c. Piles. Piles shall be either PVC, steel, or untreated wood and shall be spaced a minimum of 12 feet apart except when shown not to be feasible for site-specific engineering or design considerations.
 - d. At no point shall any new portion of the pier exceed 12 feet in width.
 - e. All new dock portions shall consist of decking allowing for a minimum of 40 percent open space.
 - f. The length of the pier is the minimum necessary to accommodate the intended public usage of the pier.
40. New public docks or piers may be permitted if increased public usage of existing structures has required the need for additional over-water cover. For new public docks or piers, floating piers located in the first 30 feet may be allowed as a conditional use if it is found to be necessary to support the launching of small watercraft (such as canoes, kayaks, or rowing shells).
41. One new commercial dock or pier may be permitted per commercial waterfront lot, provided it is in support of a water-oriented use.
42. New public, community and commercial over-water structures shall be subject to the standards under 39.c through f above.
43. Parcels for community docks may be allowed more than one dock, if stated in the originating covenants of the development and approved prior to the effective date of this Shoreline Master Program, up to one moorage space per residential lot. The slips are for residents only and not for rent or sale to nonresidents.

4. Fill

a. Applicability

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

b. Policies

- 1. Fills waterward of OHWM should be allowed only when necessary to support allowed water-dependent or public access uses, cleanup and disposal of

contaminated sediments, and other water-dependent uses that are consistent with this SMP.

2. Shoreline fill should be designed and located so there will be no significant ecological impacts and no alteration of local currents, surface water drainage, channel migration, or flood waters which would result in a hazard to adjacent life, property, and natural resource systems.

c. Regulations

1. Fill waterward of OHWM requires a conditional use permit and may be permitted only when:
 - a. In conjunction with a water-dependent or public use permitted by this SMP;
 - b. In conjunction with a levee, bridge, or navigational structure for which there is a demonstrated public need and where no feasible upland sites, design solutions, or routes exist; or
 - c. As part of an approved shoreline restoration project.
2. Waterward of OHWM, pile or pier supports shall be utilized whenever feasible in preference to fills. Fills for approved road development in floodways or wetlands shall be permitted only if pile or pier supports are proven not feasible.
3. Fill **prohibited** in floodplains where the fill would alter the hydrologic characteristics, flood storage capacity, or inhibit channel migration that would, in turn, increase flood hazard or other damage to life or property. Fill **prohibited** in floodway, except when approved by conditional use permit and where required in conjunction with a proposed water-dependent or other use specified in subsection 4.c.2 above.
4. Fill shall be permitted only where it is demonstrated that the proposed action will not:
 - a. Result in significant ecological damage to water quality, fish, shellfish, and/or wildlife habitat; or
 - b. Adversely alter natural drainage and circulation patterns, currents, river flows or significantly reduce flood water capacities.
 - c. Alter channel migration, geomorphic, or hydrologic processes.
5. Environmental cleanup action involving excavation/fill, as authorized by the Shoreline Administrator, may be permitted.
6. Sanitary fills shall not be located in shoreline jurisdiction.
7. Fill waterward of the ordinary high water mark that is for the purpose of restoring ecological functions is a permitted use and does not require a conditional use permit.

5. Dredging and Disposal

a. Applicability

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

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

b. Exemptions

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

c. Policies

1. Dredging operations should be planned and conducted to minimize interference with navigation and adverse impacts to other shoreline uses, properties, and values.
2. When allowed, dredging and dredge material disposal should be limited to the minimum amount necessary.
3. Disposal of dredge material within a channel migration zone shall be discouraged.

d. Regulations

General

1. Dredging and dredge disposal shall be permitted only where it is demonstrated that the proposed actions will not:
 - a. Result in significant or ongoing damage to water quality, fish, and shoreline habitat;
 - b. Adversely alter natural drainage and circulation patterns, currents, river flows, channel migration processes or significantly reduce flood water capacities; or
 - c. Cause other significant ecological impacts.
2. Proposals for dredging and dredge disposal shall include all feasible mitigating measures to protect marine habitats and to minimize adverse impacts such as turbidity, release of nutrients, heavy metals, sulfides, organic material or toxic substances, dissolved oxygen depletion, disruption of food chains, loss of benthic productivity and disturbance of fish runs and important localized biological communities.

3. Dredging and dredge disposal shall not occur in wetlands, except as authorized by conditional use permit as a shoreline restoration project.
4. Dredging and dredge disposal shall be carefully scheduled to protect ecological function (e.g., fish runs, spawning, benthic productivity, etc.) and to minimize interference with fishing activities.
5. Dredging and dredge disposal shall be prohibited on or in archaeological sites that are listed on the Washington State Register of Historic Places until such time that they have been released by the State Archaeologist.
6. Dredging shall utilize techniques which cause minimum dispersal and broadcast of bottom material.
7. Dredging shall be permitted only:
 - a. For navigation or navigational access and recreational access;
 - b. In conjunction with a water-dependent use of water bodies or adjacent shorelands;
 - c. As part of an approved habitat improvement project;
 - d. To improve water quality;
 - e. In conjunction with a bridge, navigational structure or wastewater treatment facility for which there is a documented public need and where other feasible sites or routes do not exist;
 - f. To improve water flow or manage flooding only when consistent with an approved flood/stormwater comprehensive management plan; or
 - g. To clean up contaminated sediments.
8. When dredging is permitted, the dredging shall be the minimum necessary to accommodate the proposed use.
9. New dredging activity is prohibited:
 - a. In shoreline areas with bottom materials which are prone to significant sloughing and refilling due to currents, resulting in the need for continual maintenance dredging, except by conditional use permit; and
 - b. In habitats identified as critical to the life cycle of officially designated or protected fish, shellfish or wildlife.
10. Dredging for the primary purpose of obtaining material for landfill is prohibited.
11. New development shall be located and designed to avoid or minimize the need for new or maintenance dredging where feasible.
12. Maintenance dredging of established navigation channels, public access facilities and basins is restricted to maintaining previously dredged and/or existing authorized location, depth, and width.

Regulations -- Dredge Material Disposal

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

6. Shoreline Restoration and Ecological Enhancement

a. Applicability

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

b. Policies

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

c. Regulations

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

7. Dikes and Levees

a. Applicability

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

b. Policies

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

c. Regulations

1. Dikes and levees shall be designed, constructed, and maintained in accordance with Washington State Department of Fish and Wildlife Hydraulic Project Approval, federal levee criteria, and in consideration of resource agency recommendations.
2. Dikes and levees shall protect the natural processes and resource values associated with streamways and deltas, including, but not limited to, wildlife habitat.
3. Dikes and levees shall be limited in size to the minimum height required to protect adjacent lands from the projected flood stage.

4. Dikes and levees shall not be placed in the floodway, except for current deflectors necessary for protection of bridges and roads.
5. Public access to shorelines should be an integral component of all levee improvement projects. Public access shall be provided in accordance with public access policies and regulations contained herein.
6. Dikes and levees shall only be authorized by conditional use permit and shall be consistent with “The Flood Insurance Study for Snohomish County, Washington and Incorporated Areas,” dated September 16, 2005, as amended.
7. Dikes and levees shall be set back at convex (inside) bends to allow streams to maintain point bars and associated aquatic habitat through normal accretion, if feasible.
8. Proper diversion of surface discharge shall be provided to maintain the integrity of the natural streams, wetlands, and drainages.
9. Underground springs and aquifers shall be identified and protected.
10. Where feasible, the construction, repair, or reconstruction of dikes or levees shall include environmental restoration. The Lake Stevens Restoration Plan accompanying this SMP provides guidance the Shoreline Administrator will use in determining the amount and type of restoration required.

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CHAPTER 5

Shoreline Use Provisions

A. Introduction

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

B. Shoreline Use and Development Standards Matrices

The following matrices (Table 5 and Table 6) indicate the allowable uses and some of the standards applicable to those uses and modifications. A permitted use does not mean the use is exempt from a shoreline permit. All proposed shoreline uses require application to the City for a shoreline exemption or shoreline permit and application to the Washington Department of Fish and Wildlife for a Joint Aquatic Resources Permit Application (JARPA). In addition, all shoreline uses are subject to other provisions in this SMP. See especially, Section C “Policies and Regulations” below.

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

Table 5. Shoreline Use Matrix

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

SHORELINE USE	Natural	High-Intensity	Urban Conservancy ¹¹	Shoreline Residential	Aquatic ¹²
Agriculture	C ⁹	X	P	X	X
Aquaculture	X	X	X	X	X
Boating facilities ¹⁴	X	P	P	P	P
Commercial:					
Water-dependent	X	P	P ¹	X	X
Water-related, water-enjoyment	X	P	P ¹	X	X
Nonwater-oriented	X	C ⁴	X	X	X
Flood hazard management	X	P	P	P	C
Forest practices	X	X	X	P ⁸	X
Industrial:					
Water-dependent	X	P	X	X	X
Water-related, water-enjoyment	X	P	X	X	X
Nonwater-oriented	X	P ⁴	X	X	X
In-stream structures	C	C	C	C	C
Mining	X	X	X	X	X
Parking (accessory)	X	P ²	P ²	P ²	X
Parking (primary, including paid)	X	X	X	X	X
Recreation:					
Water-dependent	P ³	P	P	P	P
Water-enjoyment	P ³	P	P	P	X
Nonwater-oriented	X	P ⁴	P ⁴	P	X
Single-family residential	X	X	X	P	X
Multi-family residential	X	P	C ¹³	P	X
Land subdivision	P	P	P ⁵	P	X
Signs:					
On premise	X	P	P ⁶	X	X
Off premise	X	X	X	X	X
Public, highway	X	P	P	X	X
Solid waste disposal	X	X	X	X	X

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

SHORELINE USE	Natural	High-Intensity	Urban Conservancy ¹¹	Shoreline Residential	Aquatic ¹²
Transportation:					
Water-dependent	X	P	P	C	P
Nonwater-dependent	X	P	C	C	C ⁷
Roads, railroads	C ⁷	P	P ⁷	P	C ⁷
Private non-commercial float plane landing and mooring facilities on Lake Stevens	X	X	X	X	P
Utilities (primary)	C ⁷	P ¹⁵	P ⁷	P ⁷	C ^{7, 16}
Uses not otherwise listed	C	C	C	C	C

Use Matrix Notes:

1. Park concessions, such as small food stands, cafes, and restaurants with views and seating oriented to the water, and uses that enhance the opportunity to enjoy publicly accessible shorelines are allowed.
2. Accessory parking is allowed in shoreline jurisdiction only if there is no other feasible option, as determined by the Shoreline Administrator.
3. Passive activities, such as nature watching and trails, that require little development with no significant adverse impacts may be allowed.
4. Nonwater-oriented uses may be allowed as a permitted use where the Shoreline Administrator determines that water-dependent or water-enjoyment use of the shoreline is not feasible due to the configuration of the shoreline and water body or due to the underlying land use classification in the comprehensive plan.
5. Land division is only allowed where the Shoreline Administrator determines that it is for a public purpose.
6. Signs are allowed for public facilities only.
7. Roadways and public utilities are allowed if there is no other feasible alternative, as determined by the Shoreline Administrator, and all significant adverse impacts are mitigated.
8. Forest practices for Class IV Conversion is allowed pursuant to Chapter 76.09 RCW Forest Practices.
9. Agricultural activities existing at the time of adoption of this SMP only.
10. For the treatment of existing nonconforming development, see Chapter 7 Section G.
11. Development in channel migration zones is allowed only by conditional use permit where it can be shown that such development would not prevent natural channel migration.
12. ~~Except for the water-dependent uses,~~ uses noted as allowed in the Aquatic environment are allowed only if allowed in the adjacent upland environment.
13. Multifamily residences may be allowed as part of a mix of uses, provided public access and ecological restoration are included as part of the project.

14. No new marinas allowed. See Chapter 5 Section C.3. for specific boating facilities regulations.
15. See Chapter 5 Section C.10 for specific regulations for utilities.
16. Publicly owned and operated aerators are allowed in the aquatic environment without a conditional use permit.

Table 6. Shoreline Development Standards Matrix³

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

Other provisions in this SMP also apply.

Development Standards Matrix Notes:

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

C. Shoreline Use Policies and Regulations

1. General Policies and Regulations

a. Applicability

The following provisions apply to all uses in shoreline jurisdiction.

b. Policy

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

c. Regulations

1. Developments that include a mix of water-oriented and nonwater-oriented uses may be considered water-oriented provided the Shoreline Administrator finds that the proposed development does give preference to those uses that are consistent with the control of pollution and prevention of damage to the

natural environment, are dependent on a shoreline location, or enhance the public's ability to enjoy the shoreline.

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

2. Agriculture

a. Applicability

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

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

b. Policies

1. The creation of new agricultural lands by diking, draining, or filling marshes, channel migration zones, and associated marshes, bogs, and swamps should be prohibited.

2. A vegetative buffer should be maintained between agricultural lands and water bodies or wetlands in order to reduce harmful bank erosion and resulting sedimentation, enhance water quality, reduce flood hazard, and maintain habitat for fish and wildlife.
3. Animal feeding operations, retention and storage ponds, and feedlot waste and manure storage should be located out of shoreline jurisdiction and constructed to prevent contamination of water bodies and degradation of the adjacent shoreline environment.
4. Appropriate farm management techniques should be utilized to prevent contamination of nearby water bodies and adverse effects on valuable plant, fish, and animal life from fertilizer and pesticide use and application.
5. Where ecological functions have been degraded, new agricultural development should be conditioned with the requirement for ecological restoration to ensure no net loss of ecological functions.

The Shoreline Administrator will consult the provisions of this SMP and determine the applicability and extent of ecological restoration. The extent of ecological restoration shall be proportionate to the impact of the new agricultural development.

c. Regulations

1. Agricultural development shall conform to applicable state and federal policies and regulations, provided they are consistent with the Shoreline Management Act and this SMP to ensure no net loss of ecological function.
2. New manure lagoons, confinement lots, feeding operations, lot wastes, stockpiles of manure solids, aerial spraying, and storage of noxious chemicals are prohibited within shoreline jurisdiction.
3. A buffer of natural or planted permanent native vegetation not less than 20 feet in width, measured perpendicular to the shoreline, shall be maintained between areas of new development for crops, grazing, or other agricultural activity and adjacent waters, channel migration zones, and marshes, bogs, and swamps. The Shoreline Administrator shall determine the extent and composition of the buffer when the applicant applies for a permit or letter of exemption.
4. Stream banks and water bodies shall be protected from damage caused by concentration and overgrazing of livestock. Provide fencing or other grazing controls to prevent bank compaction, bank erosion, or the overgrazing of or damage to buffer vegetation. Provide suitable bridges, culverts, or ramps for stock crossing.
5. Agricultural practices shall prevent and control erosion of soils and bank materials within shoreline areas and minimize siltation, turbidity, pollution, and other environmental degradation of watercourses and wetlands.

6. Existing and ongoing agricultural uses may be allowed within a channel migration zone or floodway provided that no new restrictions to channel movement occur.
7. See Chapter 3 Section B.12.c.3-4 for water quality regulations related to the use of pesticides, herbicides, and fertilizers.
8. Agriculture in the natural environment is limited to those activities existing at the date of adoption of this SMP.

3. Boating Facilities

a. Applicability

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

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

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

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

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

b. Policies

1. Boating facilities should be located, designed, and operated to provide maximum feasible protection and restoration of ecological processes and functions and all forms of aquatic, littoral, or terrestrial life—including animals, fish, shellfish, birds, and plants—and their habitats and migratory routes. To the extent possible, boating facilities should be located in areas of low ecological function.

2. Boating facilities should be located and designed so their structures and operations will be aesthetically compatible with the area visually affected and will not unreasonably impair shoreline views. However, the need to protect and restore ecological functions and to provide for water-dependent uses carries higher priority than protection of views.
3. Boat launch facilities should be provided at appropriate public access sites.
4. Existing public moorage and launching facilities should be maintained.

c. Regulations

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

Location

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

Design/Renovation/Expansion

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

The Shoreline Administrator will consult the provisions of this SMP and determine the applicability and extent of ecological restoration required. The

extent of ecological restoration shall be proportionate to the impact of the new or expanded proposed boating facility.

8. Boating facility design shall:
 - a. Provide thorough flushing of all enclosed water areas and shall not restrict the movement of aquatic life requiring shallow water habitat.
 - b. Minimize interference with geohydraulic processes and disruption of existing shoreline ecological functions.
9. Dry moorage shall require a conditional use permit.
10. The perimeter of parking, dry moorage, and other storage areas shall be landscaped to provide a visual and noise buffer between adjoining dissimilar uses or scenic areas. See Chapter 14.76 LSMC for specific landscape requirements.
11. Moorage of floating homes is prohibited.
12. New covered moorage is prohibited.

Boat Launches

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

4. Commercial Development

a. Applicability

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

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

b. Policies

1. Multi-use commercial projects that include some combination of ecological restoration, public access, open space, and recreation should be encouraged in the High-Intensity Environment consistent with the City's Comprehensive Plan.
2. Where possible, commercial developments are encouraged to incorporate low impact development techniques into new and existing projects.

c. Regulations

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

5. All new commercial development proposals will be reviewed by the Shoreline Administrator for ecological restoration and public access requirements consistent with Chapter 3 Section B.7. When restoration or public access plans indicate opportunities exist, the Shoreline Administrator may require that those opportunities are either implemented as part of the development project or that the project design be altered so that those opportunities are not diminished.

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

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

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

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

5. Industry

a. Applicability

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

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

b. Policies

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

c. Regulations

1. The amount of impervious surface shall be the minimum necessary to provide for the intended use. The remaining land area shall be landscaped with native plants according to Chapter 3 Section B.11.c.5.
2. Water-dependent industry shall be located and designed to minimize the need for initial and/or continual dredging, filling, spoil disposal, and other harbor and channel maintenance activities.
3. Storage and disposal of industrial wastes is prohibited within shoreline jurisdiction; provided, that wastewater treatment systems may be allowed in shoreline jurisdiction if alternate, inland areas have been adequately proven infeasible.
4. At new or expanded industrial developments, the best available facilities practices and procedures shall be employed for the safe handling of fuels and toxic or hazardous materials to prevent them from entering the water, and optimum means shall be employed for prompt and effective cleanup of those spills that do occur. The Shoreline Administrator may require specific facilities to support those activities as well as demonstration of a cleanup/spill prevention program.
5. Display and other exterior lighting shall be designed, shielded, and operated to avoid illuminating the water surface.
6. All industrial loading and service areas shall be located or screened to minimize adverse impacts to the shoreline environment (including visual impacts) and public access facilities.
7. Low impact development (LID) techniques shall be incorporated where appropriate.
8. Ship and boat building and repair yards shall employ best management practices (BMPs) concerning the various services and activities they perform and their impacts on the surrounding water quality. Standards for BMPs are found in the City of Lake Stevens Surface Water Management Plan.
9. All nonwater-oriented industrial development shall provide ecological restoration sufficient to mitigate for any impacts to ecological function as a result of the development.

6. In-Stream Structures

a. Applicability

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

b. Policies

1. In-stream structures should provide for the protection, preservation, and restoration of ecosystem-wide processes, ecological functions, and cultural resources, including, but not limited to, fish and fish passage, wildlife and water resources, shoreline critical areas, hydrogeological processes, and/or natural scenic vistas. Within the City of Lake Stevens, in-stream structures should be allowed only for the purposes of environmental restoration, maintenance of water levels, or water quality treatment.

c. Regulations

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

7. Recreational Development

a. Applicability

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

Recreational uses and development can be part of a larger mixed-use project. For example, a resort will probably contain characteristics of, and be reviewed under, both the Commercial Development and the Recreational Development sections. Primary activities such as boating facilities, resorts, subdivisions, and hotels are addressed in separate categories in this chapter in sections C.3, C.4 and C.8.

Uses and activities associated with recreational developments that are identified as separate use activities in this SMP, such as boating facilities, piers and docks, residential development, and commercial development, are subject to the

regulations established for those uses in addition to the standards for recreation established in this section.

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

b. Policies

1. The coordination of local, state, and federal recreation planning should be encouraged to satisfy recreational needs. Shoreline recreational developments should be consistent with all adopted park, recreation, and open space plans.
2. Recreational developments and plans should promote the conservation of the shoreline's natural character, ecological functions, and processes.
3. A variety of compatible recreational experiences and activities should be encouraged to satisfy diverse recreational needs.
4. Water-dependent recreational uses, such as angling, boating, and swimming, should have priority over water-enjoyment uses, such as picnicking and golf. Water-enjoyment uses should have priority over nonwater-oriented recreational uses, such as field sports.
5. Recreation facilities should be integrated and linked with linear systems, such as hiking paths, bicycle paths, easements, and scenic drives.
6. Where appropriate, nonintensive recreational uses may be permitted in floodplain areas. Nonintensive recreational uses include those that do not do any of the following:
 - a. Adversely affect the natural hydrology of aquatic systems.
 - b. Create any flood hazards.
 - c. Damage the shoreline environment through modifications such as structural shoreline stabilization or vegetation removal.
7. Opportunities to expand the public's ability to enjoy the shoreline in public parks through dining or other water-enjoyment activities should be pursued.

c. Regulations

1. Water-oriented recreational developments and mixed-use developments with water-oriented recreational activities may be permitted as indicated in Chapter 5 Section B, "Shoreline Use and Development Standard Matrices." In accordance with the shoreline use matrix and other provisions of this SMP, nonwater-oriented recreational developments may be permitted only where it can be demonstrated that all of the following apply:
 - a. A water-oriented use is not reasonably expected to locate on the proposed site due to topography, surrounding land uses, physical features, or the site's separation from the water.

- b. The proposed use does not usurp or displace land currently occupied by a water-oriented use and will not interfere with adjacent water-oriented uses.
 - c. The proposed use and development will appreciably increase ecological functions or, in the case of public projects, public access.
2. Accessory parking shall not be located in shoreline jurisdiction unless all of the following conditions are met:
 - a. The Shoreline Administrator determines there is no other feasible option.
 - b. The parking supports a water-oriented use.
 - c. All adverse impacts from the parking in the shoreline jurisdiction are mitigated.
3. All new recreational development proposals will be reviewed by the Shoreline Administrator for ecological restoration and public access opportunities. When restoration or public access plans indicate opportunities exist for these improvements, the Shoreline Administrator may require that those opportunities are either implemented as part of the development project or that the project design be altered so that those opportunities are not diminished.

All new nonwater-oriented recreational development, where allowed, shall be conditioned with the requirement to provide ecological restoration and, in the case of public developments, public access. The Shoreline Administrator shall consult the provisions of this SMP and determine the applicability and extent of ecological restoration and public access required.
4. Nonwater-oriented structures, such as restrooms, recreation halls and gymnasiums, recreational buildings and fields, access roads, and parking areas, shall be set back from the OHWM at least 70 feet unless it can be shown that there is no feasible alternative.
5. See Chapter 3 Section 12.c.3-4 for water quality regulations related to the use of pesticides, herbicides, and fertilizers.

8. Residential Development

a. Applicability

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

b. Policies

1. Single-family residences are a preferred use under the Shoreline Management Act when developed in a manner consistent with this Shoreline Master Program.
2. Residential development should be prohibited in critical areas including, but not limited to wetlands, steep slopes, floodways, and buffers.
3. The overall density of development, lot coverage, and height of structures should be appropriate to the physical capabilities of the site and consistent with the comprehensive plan.
4. Recognizing the single-purpose, irreversible, and space consumptive nature of shoreline residential development, new development should provide adequate setbacks or open space from the water to provide space for community use of the shoreline and the water, to provide space for outdoor recreation, to protect or restore ecological functions and ecosystem-wide processes, to preserve views, to preserve shoreline aesthetic characteristics, to protect the privacy of nearby residences, and to minimize use conflicts.
5. Adequate provisions should be made for protection of groundwater supplies, erosion control, stormwater drainage systems, aquatic and wildlife habitat, ecosystem-wide processes, and open space.
6. Sewage disposal facilities, as well as water supply facilities, shall be provided in accordance with appropriate state and local health regulations.
7. New residences should be designed and located so that shoreline armoring will not be necessary to protect the structure. The creation of new residential lots should not be allowed unless it is demonstrated the lots can be developed without:
 - a. Constructing shoreline stabilization structures (such as bulkheads).
 - b. Causing significant erosion or slope instability.
 - c. Removing existing native vegetation within 20 feet of the shoreline.

c. RegulationsProperties within Shoreline Jurisdiction on Lakes

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

Table 7. Shoreline Regulations for Residential Properties on Lakes

	Regulation:
Standard Minimum Building Setback from OHWM	50 ft lake setback + 10 ft building setback ¹
Standard Minimum Deck Setback from OHWM	50 feet
Maximum Impervious Surface of Lot Area Above OHWM	40% ²

¹ **PLACEHOLDER**

² See exception in Section C.8.c.3.b for lots smaller ~~than~~ half ~~than~~ half the minimum size.

3. Legally-constructed single-family residences and appurtenant structures used for a conforming use, but that do not meet the regulations of this SMP for setbacks, buffers, yards, areas, bulk, height, or density shall be considered conforming structures.

3. New residential development, including new structures, new pavement, and additions, within shoreline jurisdiction on lakes shall adhere to the following standards: **PLACEHOLDER FOR POTENTIAL LANGUAGE OPTIONS FOR SETBACK OF EXISTING STRUCTURES**

a. Setbacks:

- i. Buildings: Set back all covered or enclosed structures with a minimum lake setback of 50 feet from the OHWM plus an additional 10 foot building setback. Where the Shoreline Administrator finds that an existing site does not provide sufficient area to locate the residence entirely landward of this setback, the Shoreline Administrator may allow the residence to be located closer to the OHWM, provided all other provisions of this SMP are met and impacts are mitigated.
- ii. Building overhangs are allowed to extend no more than 18 inches into the building setback.
- iii. Patios and decks: Uncovered patios made with porous materials or above grade decks may extend a maximum of 10 feet into the building setback, up to within 50 feet of the OHWM. See Section d below for exception to this requirement.

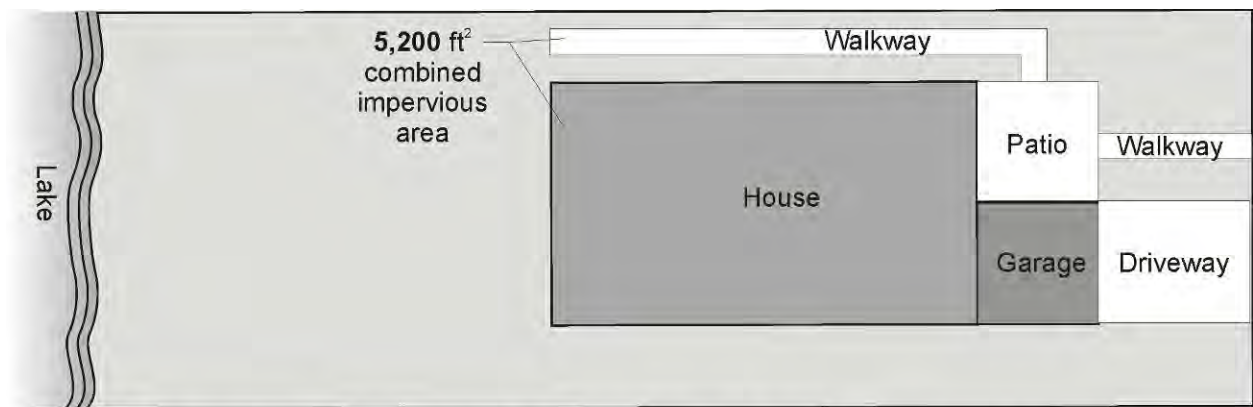
- b. Maximum amount of impervious surface: The maximum amount of impervious surface for each lot, including structures and pavement shall be no greater than 40 percent of the total lot area above OHWM.

In calculating impervious surface, pavers on a sand bed may be counted as 50 percent impervious and wood decks with gaps between deck boards

may be counted as permeable if over bare soil or loose gravel (such as pea gravel). Pervious concrete and asphalt may be counted as per manufacturer's specifications. To calculate the net impervious surface, multiply the area of the pavement by the percentage of imperviousness.

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

EXCEPTION: Lots with total lot area above the OHWM at 50 percent or less than the minimum lot size may develop up to 50 percent impervious surface. These same lots may develop up to 60 percent impervious surface with the incentive in Section c below to provide shoreline vegetation.



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

Figure 5. Illustration of maximum impervious surface.

- c. Incentives to provide shoreline vegetation. The maximum amount of impervious surface area can be increased if native vegetation, including trees and shrubs, is included along the shoreline. For every five feet of vegetation depth (measured perpendicular to the shoreline) added along the OHWM, the percentage of total impervious surface area can increase by 2 percent, up to a maximum of 50 percent for total impervious surface area. with the exception, —for properties developing under the small lot exception in Subsection “b” above, which can increase impervious surface area up to 60 percent using this same incentive. Twenty-five percent of the native vegetated area may be left open for views and access. The vegetation provided cannot also be counted toward the incentive in d. below. If the property owner wants to take advantage of both incentives, the vegetation cannot be double counted.

All property owners who obtain approval for increase in the impervious surface cover in exchange for planting native vegetation must prepare, and

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

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

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

- d. If there is no bulkhead, or if a bulkhead is removed, a small waterfront deck or patio can be placed along the shoreline provided:
 - i. Waterfront deck or patio covers less than 25 percent of the shoreline frontage (width of lot measured along shoreline) and native vegetation covers a minimum of 75 percent of the shoreline frontage. The waterfront deck would count toward total impervious surface calculations.
 - ii. Within 25 feet of the shoreline, for every 1 square foot of waterfront deck or patio, 3 square feet of native vegetated area (not lawn) shall be provided along the shoreline. The vegetation provided cannot also be counted toward the incentive in c. above. If the property owner wants to take advantage of both incentives, the vegetation cannot be double counted.
 - iii. The total area of the waterfront deck or patio along the shoreline shall not exceed 400 square feet.
 - iv. The deck or patio is set back 5 feet from the OHWM.
 - v. The deck or patio is no more than 2 feet above grade and is not covered.
 - vi. There are no permanent structures above the level of the deck within 20 feet of the property line.

All property owners who obtain approval for a waterfront deck or patio in exchange for removing a bulkhead and retaining or planting native vegetation must prepare, and agree to adhere to, a shoreline vegetation management plan prepared by a qualified professional and approved by the Shoreline Administrator that:

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

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

Lots with no bulkhead or if bulkhead is removed

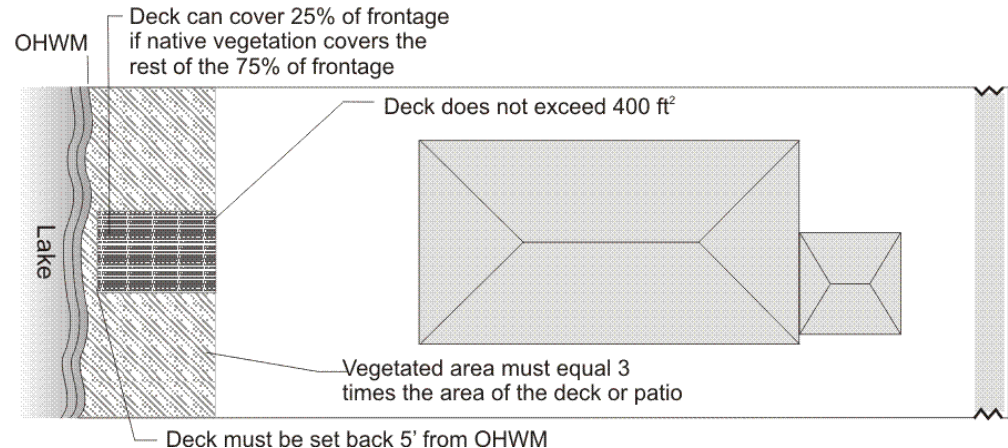


Figure 6. Waterfront deck bonus for lots with no bulkhead or if bulkhead is removed.

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

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

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

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

Property owners who provide more native vegetation than the minimum required can apply any additional vegetation over 20 feet to take advantage of the incentives described in subsection c.2.c and c.2.d above. For example, if

30 feet of vegetation is provided, 10 feet can be applied to the calculations described in subsection c.2.c above, for a total increase in impervious surface area of 4%.

New development on previously undeveloped lots

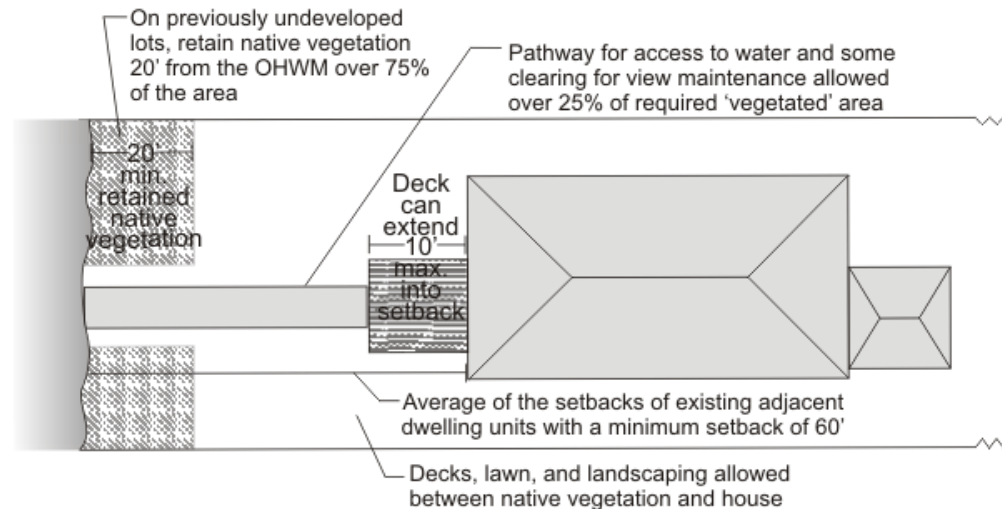


Figure 7. Standards for new development on previously undeveloped lots.

- a. Maximum impervious area 40%.
- b. Also see regulations for shoreline stabilization and docks and floats in Chapter 4.
4. Non-enclosed garages and pavements for motorized vehicles (drives and parking areas) shall be set back at least 60 feet from the OHWM, unless the applicant demonstrates that such a configuration is not feasible.
5. Accessory uses and appurtenant structures not addressed in the regulations above shall be subject to the same conditions as primary residences.
6. The creation of new residential lots within shoreline jurisdiction on lakes shall be prohibited unless the applicant demonstrates that all of the provisions of this SMP, including setback and size restrictions, can be met on the proposed lot. Specifically, it must be demonstrated that:
 - a. The residence can be built in conformance with all applicable setbacks and development standards in this SMP.
 - b. Adequate water, sewer, road access, and utilities can be provided.
 - c. The intensity of development is consistent with the City's Comprehensive Plan.
 - d. The development will not cause flood or geological hazard to itself or other properties.

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

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

Residential Properties within Shoreline Jurisdiction on Rivers and Streams

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

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

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

10. New residential development within shoreline jurisdiction on rivers and streams shall adhere to the following standards:
 - a. Setbacks:
 - i. Buildings on Catherine Creek and Little Pilchuck Creek: All covered or enclosed structures shall be set back a minimum of 160 feet. The Shoreline Administrator may revise this setback in accordance with levee reconstruction design. See Chapter 3 Section B.5.c.7.
 - ii. Patios and decks: Uncovered patios or decks no higher than 2 feet above grade may extend up to within 150 feet of the OHWM.
 - b. Maximum amount of impervious surface: In single-family zones, maximum impervious surface shall not exceed 40 percent of the lot for single-family and duplex residential developments. Other zones do not have a maximum impervious surface requirement.
 - c. Height: See Chapter 14.48 LSMC, Table 14.4I for maximum height limitations within each zone.
11. Also see regulations for Shoreline Stabilization and Docks and Floats in Chapter 4 for those structures.
12. For the purposes of maintaining visual access to the waterfront, the following standards apply to accessory uses, structures, and appurtenances for new and existing residences.
 - a. Fences: All streams shall have a wildlife-passable fence installed at the edge of the required SMP setback. Fencing shall consist of split rail cedar

fencing (or other nonpressure treated materials approved by the Shoreline Administrator). The fencing shall also include sensitive area signage at a rate of one (1) sign per lot, or one (1) sign per one hundred (100) feet and along public right-of-way, whichever is greater.

- b. Garages and pavements for motorized vehicles (drives and parking areas) shall be set back at least 200 feet from the OHWM. If the Shoreline Administrator determines that the property is not sufficiently deep (measured perpendicularly from the shoreline) to allow construction of garages or parking areas outside of shoreline jurisdiction then (s)he may allow such elements to be built closer to the water, provided that the garage or parking area is set back from the water as far as physically possible.
13. The stormwater runoff for all new or expanded pavements or other impervious surfaces shall be directed to infiltration systems in accordance with the City of Lake Stevens Surface Water Management Plan.
14. The creation of new residential lots within shoreline jurisdiction on rivers and streams shall be prohibited unless the applicant demonstrates that all of the provisions of this SMP, including setback and size restrictions, can be met on the proposed lot. Specifically, it must be demonstrated that:
- a. The residence can be built in conformance with all applicable setbacks and development standards in this SMP.
 - b. Adequate water, sewer, road access, and utilities can be provided.
 - c. The intensity of development is consistent with the City's Comprehensive Plan.
 - d. The development will not cause flood or geological hazard to itself or other properties.
- In addition, new residential development on new lots that contain intact native vegetation shall conform to the regulations of c.3 above. See also Chapter 3 Section B.11.
15. See Chapter 3 Section B.11 for regulations related to clearing, grading, and conservation of vegetation.

9. Transportation

a. Applicability

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

The various transport facilities that can impact the shoreline cut across all environmental designations and all specific use categories. The policies and

regulations identified in this section pertain to any project, within any environment, that is effecting some change in present transportation facilities.

b. Policies

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

c. RegulationsGeneral

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

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

Float Plane Facilities

3. Use of a private, non-commercial dock for private float plane access or moorage on Lake Stevens shall be allowed for one float plane per residential lot.
4. Moorage for float planes shall meet all dock regulations in Chapter 4.C.3.

5. Float plane facilities and operation shall comply with FAA standards, including standards for fueling, oil spill cleanup, firefighting equipment, and vehicle and pedestrian separation.

Location

6. New nonwater-dependent transportation facilities shall be located outside shoreline jurisdiction, if feasible.
7. New transportation facilities shall be located and designed to prevent or to minimize the need for shoreline protective measures such as riprap or other bank stabilization, fill, bulkheads, groins, jetties, or substantial site grading. Transportation facilities allowed to cross over water bodies and wetlands shall utilize elevated, open pile, or pier structures whenever feasible. All bridges must be built high enough to allow the passage of debris and provide three feet of freeboard above the 100-year flood level.
8. Roads and railroads shall be located to minimize the need for routing surface waters into and through culverts. Culverts and similar devices shall be designed with regard to the 100-year storm frequencies and allow continuous fish passage. Culverts shall be located so as to avoid relocation of the stream channel.
9. Bridge abutments and necessary approach fills shall be located landward of wetlands or the OHWM for water bodies without wetlands; provided, bridge piers may be permitted in a water body or wetland as a conditional use.

Design/Construction/Maintenance

10. All roads and railroads, if permitted parallel to shoreline areas, shall provide buffer areas of compatible, self-sustaining vegetation. Shoreline scenic drives and viewpoints may provide breaks periodically in the vegetative buffer to allow open views of the water.
11. Development of new and expanded transportation facilities shall include provisions for pedestrian, bicycle, and public transportation where appropriate as determined by the Shoreline Administrator. Circulation planning and projects shall support existing and proposed shoreline uses that are consistent with the SMP.
12. Transportation and primary utility facilities shall be required to make joint use of rights-of-way and to consolidate crossings of water bodies if feasible, where adverse impact to the shoreline can be minimized by doing so.
13. Fill for development of transportation facilities is prohibited in water bodies and wetlands; except, such fill may be permitted as a conditional use when all structural and upland alternatives have been proven infeasible and the transportation facilities are necessary to support uses consistent with this SMP.
14. Development of new and expanded transportation facilities shall not diminish but may modify public access to the shoreline.

15. Waterway crossings shall be designed to provide minimal disturbance to banks.
16. All transportation facilities shall be designed, constructed, and maintained to contain and control all debris, overburden, runoff, erosion, and sediment generated from the affected areas. Relief culverts and diversion ditches shall not discharge onto erodible soils, fills, or sidecast materials without appropriate BMPs, as determined by the Shoreline Administrator.
17. All shoreline areas disturbed by construction and maintenance of transportation facilities shall be replanted and stabilized with native, drought-tolerant, self-sustaining vegetation by seeding, mulching, or other effective means immediately upon completion of the construction or maintenance activity. Such vegetation shall be maintained by the agency or developer constructing or maintaining the road until established. The vegetation restoration/replanting plans shall be as approved by the Shoreline Administrator.

10. Utilities

a. Applicability

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

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

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

b. Policies

1. New utility facilities should be located so as not to require extensive shoreline protection works.

2. Utility facilities and corridors should be located so as to protect scenic views. Whenever possible, such facilities should be placed underground, or alongside or under bridges.
3. Utility facilities and rights-of-way should be designed to preserve the natural landscape and to minimize conflicts with present and planned land uses.

c. Regulations

1. All utility facilities shall be designed and located to minimize harm to shoreline ecological functions, preserve the natural landscape, and minimize conflicts with present and planned land and shoreline uses while meeting the needs of future populations in areas planned to accommodate growth. The Shoreline Administrator may require the relocation or redesign of proposed utility development in order to avoid significant ecological impacts.
2. Utility production and processing facilities, such as power plants or parts of those facilities that are nonwater-oriented shall not be allowed in shoreline areas unless it can be demonstrated that no other feasible option is available. In such cases, significant ecological impacts shall be avoided.
3. Transmission facilities for the conveyance of services, such as power lines, cables, and pipelines, shall be located to cause minimum harm to the shoreline and shall be located outside of the shoreline area where feasible. Utilities shall be located in existing rights-of-way and utility easements whenever possible.
4. Development of pipelines and cables on shorelines, particularly those running roughly parallel to the shoreline, and development of facilities that may require periodic maintenance or that cause significant ecological impacts shall not be allowed unless no other feasible option exists. When permitted, those facilities shall include adequate provisions to protect against significant ecological impacts.
5. Restoration of ecological functions shall be a condition of new and expanded nonwater-dependent utility facilities.

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

6. On Lake Stevens, utility development shall, through coordination with local government agencies, provide for compatible, multiple uses of sites and rights-of-way. Such uses include shoreline access points, trail systems and other forms of recreation and transportation, providing such uses will not unduly interfere with utility operations, endanger public health and safety or create a significant liability for the owner. On Little Pilchuck and Catherine Creek, connections to existing trails or access sites shall be provided, but new public access shall not be required.

7. New solid waste disposal sites and facilities are prohibited. Existing solid waste disposal and transfer facilities in shoreline jurisdiction shall not be expanded, added to or substantially reconstructed.
8. New electricity, communications and fuel lines shall be located underground, except where the presence of bedrock or other obstructions make such placement infeasible or if it is demonstrated that above-ground lines would have a lesser impact. Existing aboveground lines shall be moved underground during normal replacement processes.
9. Transmission and distribution facilities shall cross areas of shoreline jurisdiction by the shortest, most direct route feasible, unless such route would cause significant environmental damage.
10. Utility developments shall be located and designated so as to avoid or minimize the use of any structural or artificial shoreline stabilization or flood protection works.
11. Utility production and processing facilities shall be located outside shoreline jurisdiction unless no other feasible option exists. Where major facilities must be placed in a shoreline area, the location and design shall be chosen so as not to destroy or obstruct scenic views, and shall avoid significant ecological impacts.
12. All underwater pipelines transporting liquids intrinsically harmful to aquatic life or potentially injurious to water quality are prohibited, unless no other feasible alternative exists. In those limited instances when permitted by conditional use, automatic shut-off valves shall be provided on both sides of the water body.
13. Filling in shoreline jurisdiction for development of utility facility or line purposes is prohibited, except where no other feasible option exists and the proposal would avoid or minimize adverse impacts more completely than other methods. Permitted crossings shall utilize pier or open pile techniques.
14. Power-generating facilities shall require a conditional use permit.
15. Clearing of vegetation for the installation or maintenance of utilities shall be kept to a minimum and upon project completion any disturbed areas shall be restored to their pre-project condition.
16. Telecommunication towers, such as radio and cell phone towers, are specifically prohibited in shoreline jurisdiction.
17. Utilities that need water crossings shall be placed deep enough to avoid the need for bank stabilization and stream/riverbed filling both during construction and in the future due to flooding and bank erosion that may occur over time. Boring, rather than open trenching, is the preferred method of utility water crossing.
18. Publicly owned and operated aerators are allowed in the aquatic environment for water quality purposes.

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CHAPTER 6

Definitions

These definitions are only for use with the Shoreline Master Program and associated documents and for the shoreline-related land use codes in Title 14 of the Lake Stevens Municipal Code.

***Accessory use.* Any structure or use incidental and subordinate to a primary use or development. Examples include docks, patios, decks, and lawns associated with residential development, or a use other than the primary use to a commercial development.**

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

Administrator. See Shoreline Administrator.

Agriculture land. Land used for commercial production (as shown by record of any income) of horticultural, viticultural, floricultural, dairy, apiary, or animal products, or of vegetables, Christmas trees, berries, grain, hay, straw, turf, seed, or livestock, and that has long-term (six years or longer) commercial significance for agricultural production.

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

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

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

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

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

Aquifer recharge area. Geological formations with recharging areas having an effect on aquifers used for potable water where essential source of drinking water is vulnerable to contamination.

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

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

Average grade level. See “base elevation.”

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

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

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

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

Best available science. Current scientific information, which is used to designate, regulate, protect, or restore critical areas and which is derived from a valid scientific process as set forth in WAC [365-195-900](#) through [365-195-925](#) and Section [14.88.235](#).

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

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

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

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

Boathouse or Boat shelter. An over-water structure specifically designed or used for storage of boats with permanent walls and/or roofs. **Boathouses have a roof and three solid walls and may**

include a large door on the waterward side to fully enclose the boathouse. Boat shelters have a roof and possibly one or two walls, but are not fully enclosed on three sides.

Bog.

- Shoreline Definition – A wet, spongy, poorly drained area which is usually rich in very specialized plants, contains a high percentage of organic remnants and residues, and frequently is associated with a spring, seepage area, or other subsurface water source. A bog sometimes represents the final stage of the natural process of eutrophication by which lakes and other bodies of water are very slowly transformed into land areas.
- Critical Areas Definition – A wetland with limited drainage and generally characterized by extensive peat deposits and acidic waters. Vegetation can include, but is not limited to, sedges, sphagnum moss, eriogonums, shrubs, and trees.

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

Buffer management. An activity proposed by a public agency, public utility, or private entity, and approved by the Planning and Community Development Director, within a buffer required by this title, that is proposed to:

- (1) Reduce or eliminate a verified public safety hazard;
- (2) Maintain or enhance wildlife habitat diversity; or
- (3) Maintain or enhance a fishery or other function of stream, wetland, or terrestrial ecosystems.

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

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

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

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

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

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

City. The City of Lake Stevens, Washington.

Classes, wetland. The wetland taxonomic classification system of the United States Fish and Wildlife Service (Cowardin, et al. 1978).

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

Community Access. A physical or visual approach to the shoreline available only to authorized users of a development, not the general public.

Community Dock. A shared over-water structure built for a residential subdivision or multi-family development to provide water-dependent activities, including multiple slips for moorage of one boat per resident. More than one dock may be allowed if stated in the originating covenants of the development. The slips are for residents only and not for rent or sale to non residents.

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

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

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

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

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

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

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

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

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

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

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

Decking. Material used on the top of piers, docks, floats, or other overwater structures. Examples include boards and grating. Other materials that meet the 40 percent open space requirements would be comparable and useable if approved by Fish and Wildlife.

Department of Ecology. The Washington State Department of Ecology.

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

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

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

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

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

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

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

Edge. Boundary of a wetland as delineated based on the criteria contained in this Shoreline Master Program.

EIS. Environmental Impact Statement.

Emergency.

- Shoreline Definition – An unanticipated and imminent threat to public health, safety, or the environment which requires immediate action within a time too short to allow full compliance with the SMP. Emergency construction is construed narrowly as that which is necessary to protect property and facilities from the elements. Emergency construction does not include development of new permanent protective structures where none previously existed. Where new protective structures are deemed by the Shoreline Administrator to be the appropriate means to address the emergency situation, upon abatement of the emergency situation the new structure shall be removed or any permit which would have been required, absent an emergency, pursuant to Chapter 90.58 RCW or this SMP, shall be obtained. All emergency construction shall be consistent with the policies of Chapter 90.58 RCW and this SMP. As a general matter, flooding or seasonal events that can be anticipated and may occur but that are not imminent are not an emergency. (RCW 90.58.030(3)(e)(iii)).
- Critical Areas Definition – An action that must be undertaken immediately or within a time frame too short to allow full compliance with Chapter 14.88 LSMC, in order to avoid an immediate threat to public health or safety, to prevent a imminent danger to public or private property, or to prevent an imminent threat of serious environmental degradation.

Emergent wetland. A wetland with at least 30 percent of its surface covered by erect, rooted, herbaceous vegetation at the uppermost vegetative strata.

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

Enhancement, wetland mitigation. Manipulation of the physical, chemical or biological characteristics of a wetland site, in order to heighten, intensify or improve functions or to change the growth stage or composition of the vegetation present. Enhancement is undertaken for specified purposes such as water quality improvement, flood water retention or habitat improvement. Activities typically consist of planting vegetation, controlling non-native or invasive species, modifying the site elevation or the proportion of open water to influence hydroperiods, or some combination of these activities. Enhancement results in a benefit to some wetland functions and can lead to a decline in other wetland functions but does not result in a gain in wetland acres. Activities typically consist of planting vegetation, controlling non-native or invasive species, modifying site elevations or the proportion of open water to influence hydroperiods, or some combination of these activities.

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

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

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

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

Existing Development. Shoreline development which was lawfully constructed or established prior to the effective date of the Shoreline Management Act or the Shoreline Master Program (SMP), or amendments thereto, but which is not consistent with at least one of the present regulations or standards of this SMP. (See definition of “development”)

~~*Existing Uses.* Shoreline uses which were lawfully constructed or established prior to the effective date of the Shoreline Management Act or the Shoreline Master Program (SMP), or amendments thereto, but which are not consistent with at least one of the present regulations or standards of this SMP. Uses include primary uses and accessory uses.~~

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

Extraordinary hardship. Prevention of all reasonable economic use of the parcel due to strict application of this chapter and/or programs adopted to implement this Shoreline Master Program.

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

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

- a. The action can be accomplished with technologies and methods that have been used in the past, or studies or tests have demonstrated that such approaches are currently available and likely to achieve the intended results.
- b. The action provides a reasonable likelihood of achieving its intended purpose.
- c. The action does not physically preclude achieving the project's primary intended use.

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

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

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

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

Floats. An anchored, buoyed object.

Floodplain. Any land area susceptible to be inundated by water from a flood.

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.

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

Forest land. Land used for growing trees, not including Christmas trees, for commercial purposes (as shown by record of any income) that has long-term (six years or more) commercial significance.

Frequently flooded areas. Lands indicated on the most current FEMA map to be within the 100-year floodplain. These areas include, but are not limited to, streams, lakes, coastal areas, and wetlands.

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

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

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

through infiltration of contaminants to aquifers. They may pose a threat to the health and safety of citizens when used as sites for incompatible commercial, residential or industrial development.

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

Grade. See “base elevation.”

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

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

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

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

Height. See “building height.”

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

Hydrological. Referring to the science related to the waters of the earth including surface and groundwater movement, evaporation and precipitation. Hydrological functions in shoreline include, water movement, storage, flow variability, channel movement and reconfiguration, recruitment and transport of sediment and large wood, and nutrient and pollutant transport, removal and deposition.

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

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

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

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

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

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

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

Low water mark. The lowest water level of Lake Stevens recorded by the City of Lake Stevens or Snohomish County over the previous three years.

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

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

May. Indicates the action is within discretion and authority, provided they conform to the provisions of this SMP and the SMA. (WAC 173-26-191(2))

Mineral resource lands. Lands primarily devoted to the extraction of gravel, sand, other construction materials, or valuable metallic or mineral substances.

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

- a. Avoiding the impact altogether by not taking a certain action or parts of an action.
- b. Minimizing impacts by limiting the degree or magnitude of the action and its implementation by using appropriate technology or by taking affirmative steps to avoid or reduce impacts.
- c. Rectifying the impact by repairing, rehabilitating, or restoring the affected environment.
- d. Reducing or eliminating the impact over time by preservation and maintenance operations.
- e. Compensating for the impact by replacing, enhancing, or providing substitute resources or environments.
- f. Monitoring the impact and the compensation projects and taking appropriate corrective measures.

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

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

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

Must. A mandate; the action is required.

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

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

Natural resource lands. Agriculture, forest, and mineral resource lands as defined in this chapter.

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

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

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

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

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

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

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

OHWM. See “ordinary high water mark.”

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

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

Periodic. Occurring at regular intervals.

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

~~*Personal watercraft (PWC).* A motorized recreational water vehicle that the rider rides or stands on, rather than inside of as in a boat.~~

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

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

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

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

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

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

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

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

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

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

Public water system. A water system that serves two or more connections.

RCW. Revised Code of Washington.

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

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

farm ponds, and landscape amenities or those wetlands created after July 1, 1990, that were unintentionally created as a result of the construction of a road, street, or highway.

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

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

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

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

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

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

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

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

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

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

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

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

Scrub-shrub wetland. A wetland with at least 30 percent of its surface area covered with woody vegetation less than 20 feet in height.

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

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

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

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

***Shall.* A mandate; the action must be done. (WAC 173-26-191(2))**

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

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

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

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

Shoreline functions. See "ecological functions."

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

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

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

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

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

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

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

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

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

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

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

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

Should. The particular action is required unless there is a demonstrated, compelling reason, based on policy of the Shoreline Management Act and this SMP, against taking the action. (WAC 173-26-191(2))

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Swamp.

- Shoreline Definition – A depressed area flooded most of the year to a depth greater than that of a marsh and characterized by areas of open water amid soft, wetland masses vegetated with trees and shrubs. Extensive grass vegetation is not characteristic.
- Critical Areas Definition – A wetland whose dominant vegetation is composed of woody plants and trees.

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

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

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

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

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

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

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

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

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

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

WAC. Washington Administrative Code.

Watercraft. A motorized or non-motorized recreational water vehicle that the rider rides in or stands on. Examples include but are not limited to motor boats, kayaks, canoes, jet skis, rowboats, rowing shells, sailboats, and paddle boats

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

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

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

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

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

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

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

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

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

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

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

Waters of the state: Wherever the words "waters of the state" shall be used in this chapter, they shall be construed to include lakes, rivers, ponds, streams, inland waters, underground waters, salt waters and all other surface waters and watercourses within the jurisdiction of the state of Washington. (RCW 90.48.020)

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

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

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

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

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

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

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

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

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CHAPTER 7

Administrative Provisions

A. Purpose and Applicability

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

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

B. Shoreline Permits

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

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

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

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

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

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

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

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

C. Substantial Development Permits and Exemptions

1. Exemptions from a Substantial Development Permit

Certain developments are exempt from the requirement to obtain a substantial development permit pursuant to WAC 173-27-040. An exempt development is only exempt from a shoreline permit, but is still subject to other provisions in this SMP and any other applicable federal, state and local rules and regulations.

The process for review of shoreline exemptions is a Type I review Administrative Review Without Public Notice. The process begins with a complete application, followed by decision by the appropriate department. The administrative approval body is the department director. Appeals of the Director's decision on a Type I Shoreline permit are made to Superior Court under RCW Chapter 36.70C RCW. The department director action is the final City decision on a Type I application.

Such developments still may require a variance or conditional use permit, and all development within the shoreline is subject to the requirements of this SMP, regardless of whether a substantial development permit is required. Developments

which are exempt from requirement for a substantial development permit are identified in WAC 173-27-040 or as subsequently amended.

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

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

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

- g. Construction on shorelands by an owner, lessee or contract purchaser of a single-family residence for their own use or for the use of their family, which residence does not exceed a height of thirty-five feet above average grade level and which meets all requirements of the state agency or local government having jurisdiction thereof, other than requirements imposed pursuant to chapter [90.58](#) RCW. Construction authorized under this exemption shall be located landward of the ordinary high water mark;
- h. Construction of a dock, including a community dock, designed for pleasure craft only, for the private noncommercial use of the owner, lessee, or contract purchaser of single-family and multiple-family residences. A dock is a landing and moorage facility for watercraft and does not include recreational decks, storage facilities or other appurtenances. This exception in fresh waters the fair market value of the dock does not exceed ten thousand dollars, but if subsequent construction having a fair market value exceeding two thousand five hundred dollars occurs within five years of completion of the prior construction, the subsequent construction shall be considered a substantial development for the purpose of this chapter;
- i. Operation, maintenance, or construction of canals, waterways, drains, reservoirs, or other facilities that now exist or are hereafter created or developed as a part of an irrigation system for the primary purpose of making use of system waters, including return flow and artificially stored groundwater from the irrigation of lands;
- j. The marking of property lines or corners on state-owned lands, when such marking does not significantly interfere with normal public use of the surface of the water;
- k. Operation and maintenance of any system of dikes, ditches, drains, or other facilities existing on September 8, 1975, which were created, developed or utilized primarily as a part of an agricultural drainage or diking system;
- l. Any project with a certification from the governor pursuant to Chapter [80.50](#) RCW;
- m. Site exploration and investigation activities that are prerequisite to preparation of an application for development authorization under this chapter, if specific provisions are met;
- n. The process of removing or controlling aquatic noxious weeds, as defined in RCW [17.26.020](#), through the use of an herbicide or other treatment methods applicable to weed control that are recommended by a final environmental impact statement published by the Department of Agriculture or the Department of Ecology jointly with other state agencies under chapter [43.21C](#) RCW;
- o. Watershed restoration projects as defined in WAC 173-27-040(o) and included in Chapter 6 of this SMP. Local government shall review the projects for consistency with the shoreline master program in an expeditious manner and shall issue its decision along with any conditions within forty-five days of receiving all

materials necessary to review the request for exemption from the applicant. No fee may be charged for accepting and processing requests for exemption for watershed restoration projects as used in this section; or

- p. A public or private project that is designed to improve fish or wildlife habitat or fish passage, when specific provisions apply.

2. Shoreline Substantial Development Permits

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

Supplemental Application Requirements for a Shoreline Development Permit (WAC 173-27-180)

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

- a. The name, address and phone number of the applicant, applicant's representative and property owner;
- b. The location and legal description of the proposed shoreline substantial development;
- c. Name of the shoreline (water body) associated with proposal;
- d. A general description of the vicinity of the project (at least 400 feet) including adjacent uses, structures and improvements, intensity of development and physical characteristics;
- e. The present and intended use of the property and a description of the proposed shoreline substantial development project including proposed use(s) and activities necessary to accomplish the project.
- f. A site development plan consisting of maps and elevation drawings, drawn to an appropriate scale to depict clearly all required information and including photos or text, as required. The following information will be provided on a site plan map:
 - i. Land contours, using five foot contour intervals; if project includes grading, filling or other alteration of contours, then either:
 - (a) Show both existing and proposed contours on a single map, clearly indicating which is which, and include subsections (f)(2) through (13) of this section; or
 - (b) Provide two or more maps, one showing existing contours, including subsection (f)(2) through (6) of this section, and the other showing

- proposed contours, including subsections (e)(7) through (13) of this section;
- ii. Dimensions, including height, size and location of existing and proposed structures and improvements, including but not limited to buildings, paved or gravel areas, roads, utilities, septic tanks and drainfields, material stockpiles or surcharge, and stormwater management facilities;
 - iii. Ordinary high water mark;
 - iv. Beach type: sand, mud, gravel, etc.;
 - v. Width of setback, side yards;
 - vi. Delineate all critical areas including lakes, streams and wetland areas and their buffers and identify those to be altered or used as part of the development;
 - vii. General indication of character of vegetation found on the site;
 - viii. Proposed temporary and permanent fill areas (state quantity, source and composition of fill);
 - ix. Proposed excavated or dredged areas (state quantity, composition and destination of material);
 - x. A landscaping plan for the project, if applicable;
 - xi. Plans for mitigation on or off the site for impacts associated with project, if applicable;
 - xii. A depiction of impacts to views from existing residential uses and public areas, where applicable; and
 - xiii. For variances, clearly show on plans where development could occur without approval of variance, the physical features and circumstances on the property that provide a basis for request and location of adjacent structures and uses.
- g. Total value of all construction and finishing work for which the permit will be issued, including all permanent equipment to be installed on the premises;
 - h. Approximate dates of construction initiation and completion;
 - i. Short statement explaining why this project needs a shoreline location and how the proposed development is consistent with the policies of the Shoreline Management Act of 1971;
 - j. Listing of any other permits for this project from State, Federal or local government agencies for which the applicant has applied or will apply;
 - k. Any additional material or comments concerning the application which the applicant wishes to submit may be attached to the application on additional sheets; and
 - l. Owners of record within 300 feet of project site in electronic table format.

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

3. Substantial Development Permit Decision Criteria

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

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

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

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

4. Appeals - Shorelines Hearings Board

Any decision made by the Administrator on a shoreline exemption or substantial development permit or by the Hearing Examiner on a conditional use or variance permit shall be final unless an appeal is made. Persons aggrieved by the grant, denial, rescission or modification of a permit may file a request for review by the Shorelines

Hearings Board in accordance with the review process established by RCW 90.58.180 or as subsequently amended, and with the regulations of the Shorelines Hearings Board contained in Chapter 461-08 WAC or as subsequently amended. Pursuant to RCW 90.58.180, the request for review must be filed with the Hearings Board within twenty-one (21) days of the date of receipt of the decision as provided for in RCW 90.58.140(6).

D. Conditional Use Permits

1. Shoreline Conditional Use Permits

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

2. Shoreline Conditional Use Permit Criteria

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

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

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

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

E. Variances

1. Shoreline Variances

- a. Purpose. The purpose of a variance permit is strictly limited to granting relief from specific bulk, dimensional, or performance standards set forth in this SMP and where there are extraordinary circumstances relating to the physical character or configuration of property such that the strict implementation of this SMP would impose unnecessary hardships on the applicant or thwart the Shoreline Management Act policies as stated in RCW 90.58.020. In all instances where a variance is granted, extraordinary circumstances shall be shown and the public interest shall suffer no substantial detrimental effect. Variances from the use regulations of this SMP are prohibited.
- b. Application. Shoreline variances are a Type III review Quasi-Judicial, Hearing Examiner Decision. This process begins with a complete application, followed by notice to the public of the application and a public comment period, during which time an informational meeting may be held. If required by the State Environmental Policy Act, a threshold determination will be issued by the SEPA Responsible Official. The threshold determination shall be issued prior to the issuance of staff's or Design Review Board's recommendation on the application. Following issuance of the Design Review Board recommendation, if applicable, a public hearing will be held before the city Hearing Examiner. The decision of the Hearing Examiner on a Type III Shoreline Permit application is appealable to the State Shorelines Hearings Board. The Hearing Examiner action deciding the appeal and approving, approving with modifications, or denying a project is the final City decision on a Type III application.

2. Shoreline Variance Criteria

Shoreline variance permits may be authorized, provided the applicant can demonstrate satisfaction of the criteria for granting shoreline variances as set forth in WAC 173-27-170 or as amended.

The following is from WAC 173-27-170 Review Criteria for Variance Permits.

The purpose of a variance permit is strictly limited to granting relief from specific bulk, dimensional or performance standards set forth in the applicable master program where there are extraordinary circumstances relating to the physical character or configuration of property such that the strict implementation of the master program will impose unnecessary hardships on the applicant or thwart the policies set forth in RCW 90.58.020.

- a. Variance permits should be granted in circumstances where denial of the permit would result in a thwarting of the policy enumerated in RCW 90.58.020. In all instances the applicant must demonstrate that extraordinary circumstances shall be shown and the public interest shall suffer no substantial detrimental effect.

- b. Variance permits for development and/or uses that will be located landward of the ordinary high water mark (OHWM), as defined in RCW 90.58.030(2)(b), and/or landward of any wetland as defined in RCW 90.58.030(2)(h), may be authorized provided the applicant can demonstrate all of the following:
 - i. That the strict application of the bulk, dimensional or performance standards set forth in the applicable master program precludes, or significantly interferes with, reasonable use of the property;
 - ii. That the hardship described in (1) of this subsection is specifically related to the property, and is the result of unique conditions such as irregular lot shape, size, or natural features and the application of the master program, and not for example, from deed restrictions or the applicants own actions;
 - iii. That the design of the project is compatible with other authorized uses within the area and with uses planned for the area under the comprehensive plan and shoreline master program and will not cause adverse impacts to the shoreline environment;
 - iv. That the variance will not constitute a grant of special privilege not enjoyed by the other properties in the area;
 - v. That the variance requested is the minimum necessary to afford relief; and
 - vi. That the public interest will suffer no substantial detrimental effect.
- c. Variance permits for development and/or uses that will be located waterward of the ordinary high water mark (OHWM), as defined in RCW 90.58.030(2)(b), or within any wetland as defined in RCW 90.58.030(2)(h), may be authorized provided the applicant can demonstrate all of the following:
 - i. That the strict application of the bulk, dimensional or performance standards set forth in the applicable master program precludes all reasonable use of the property;
 - ii. That the proposal is consistent with the criteria established under subsection (b)(2) through (6) of this section; and
 - iii. That the public rights of navigation and use of the shorelines will not be adversely affected.
- d. In the granting of all variance permits, consideration shall be given to the cumulative impact of additional requests for like actions in the area. For example, if variances were granted to other developments and/or uses in the area where similar circumstances exist the total of the variances shall also remain consistent with the policies of RCW 90.58.020 and shall not cause substantial adverse effects to the shoreline environment.
- e. Variances from the use regulations of the master program are prohibited.

F. Revisions to Permits

When an applicant seeks to revise a shoreline substantial development, conditional use, or variance permit, the City shall request from the applicant detailed plans and text describing the proposed changes in the permit. If the Administrator determines that the proposed changes are within the scope and intent of the original permit, the revision may be approved, provided it is consistent with Chapter 173-27 WAC, the Shoreline Management Act (SMA), and this SMP. “Within the scope and intent of the original permit” means the following:

1. No additional over-water construction will be involved except that pier, dock, or float construction may be increased by five hundred square feet or ten percent from the provisions of the original permit, whichever is less.
2. Lot coverage and height may be increased a maximum of 10 percent from provisions of the original permit, provided that revisions involving new structures not shown on the original site plan shall require a new permit.
3. Landscaping may be added to a project without necessitating an application for a new permit if consistent with the conditions attached to the original permit and with this SMP.
4. The use authorized pursuant to the original permit is not changed.
5. No additional significant adverse environmental impact will be caused by the project revision.
6. The revised permit shall not authorize development to exceed height, lot coverage, setback, or any other requirements of this SMP except as authorized under a variance granted as the original permit or a part thereof.

If the revision, or the sum of the revision and any previously approved revisions, will violate the criteria specified above, the City shall require the applicant to apply for a new substantial development, conditional use, or variance permit, as appropriate, in the manner provided for herein.

The following is from WAC 173-27-100 Revisions to Permits.

A permit revision is required whenever the applicant proposes substantive changes to the design, terms or conditions of a project from that which is approved in the permit. Changes are substantive if they materially alter the project in a manner that relates to its conformance to the terms and conditions of the permit, the master program and/or the policies and provisions of chapter [90.58](#) RCW. Changes which are not substantive in effect do not require approval of a revision.

When an applicant seeks to revise a permit, local government shall request from the applicant detailed plans and text describing the proposed changes.

7. If local government determines that the proposed changes are within the scope and intent of the original permit, and are consistent with the applicable master program and the act, local government may approve a revision.
8. "Within the scope and intent of the original permit" means all of the following:
 - a. No additional over water construction is involved except that pier, dock, or float construction may be increased by five hundred square feet or ten percent from the provisions of the original permit, whichever is less;
 - b. Ground area coverage and height may be increased a maximum of ten percent from the provisions of the original permit;
 - c. The revised permit does not authorize development to exceed height, lot coverage, setback, or any other requirements of the applicable master program except as authorized under a variance granted as the original permit or a part thereof;
 - d. Additional or revised landscaping is consistent with any conditions attached to the original permit and with the applicable master program;
 - e. The use authorized pursuant to the original permit is not changed; and
 - f. No adverse environmental impact will be caused by the project revision.
9. Revisions to permits may be authorized after original permit authorization has expired under RCW [90.58.143](#). The purpose of such revisions shall be limited to authorization of changes which are consistent with this section and which would not require a permit for the development or change proposed under the terms of chapter [90.58](#) RCW, this regulation and the local master program. If the proposed change constitutes substantial development then a new permit is required. Provided, this subsection shall not be used to extend the time requirements or to authorize substantial development beyond the time limits of the original permit.
10. If the sum of the revision and any previously approved revisions under former WAC [173-14-064](#) or this section violate the provisions in subsection (2) of this section, local government shall require that the applicant apply for a new permit.
11. The revision approval, including the revised site plans and text consistent with the provisions of WAC [173-27-180](#) as necessary to clearly indicate the authorized changes, and the final ruling on consistency with this section shall be filed with the department. In addition, local government shall notify parties of record of their action.
12. If the revision to the original permit involves a conditional use or variance, local government shall submit the revision to the department for the department's approval, approval with conditions, or denial, and shall indicate that the revision is being submitted under the requirements of this subsection. The department shall render and transmit to local government and the applicant its final decision within fifteen days of the date of the department's receipt of the submittal from local government. Local government shall notify parties of record of the department's final decision.

13. The revised permit is effective immediately upon final decision by local government or, when appropriate under subsection (6) of this section, upon final action by the department.
14. Appeals shall be in accordance with RCW [90.58.180](#) and shall be filed within twenty-one days from the date of receipt of the local government's action by the department or, when appropriate under subsection (6) of this section, the date the department's final decision is transmitted to local government and the applicant. Appeals shall be based only upon contentions of noncompliance with the provisions of subsection (2) of this section. Construction undertaken pursuant to that portion of a revised permit not authorized under the original permit is at the applicant's own risk until the expiration of the appeals deadline. If an appeal is successful in proving that a revision is not within the scope and intent of the original permit, the decision shall have no bearing on the original permit.

G. Existing Structures and Development

Existing single-family homes, other structures, existing uses and appurtenances that were legally established prior to the effective date of this SMP are considered to be conforming to the SMP. Additions, expansion or reconstruction to these structures, uses and appurtenances must meet the provisions of this SMP.

1. "Existing structure or development" means a shoreline structure or development which was lawfully constructed or established prior to the effective date of the Shoreline Management Act or the Shoreline Master Program (SMP), or amendments thereto, but which is not consistent with present regulations or standards of this SMP.
2. Existing structures that were legally established and are used for a legal use but which do not meet the regulations for setbacks, buffers or yards; area; bulk; height or density may be maintained and repaired and may be enlarged or expanded provided that said enlargement does not increase the extent of noncompliance with the regulations by further encroaching upon or extending into areas where construction or use would not be allowed for new development or uses.
3. Existing developments that were legally established and are not consistent with regard to the use regulations of the master program may continue as legal existing uses. Such uses shall not be enlarged or expanded, except that existing single-family residences that are located landward of the ordinary high water mark may be enlarged or expanded in compliance with applicable bulk and dimensional standards by the addition of space to the main structure or by the addition of normal appurtenances as defined in WAC 173-27-040 (2)(g).
4. An existing structure for which a variance has been issued shall be considered a legal existing structure and the requirements of this section shall apply as they apply to existing structures.

5. An existing structure which is moved any distance must be brought into conformance with the regulations for setbacks, buffers or yards and other applicable regulations for new development and uses.
6. If an existing development is damaged to the extent that reconstruction/replacement is warranted, it may be reconstructed/replaced to those configurations existing immediately prior to the time the development was damaged. In order for this reconstruction/replacement to occur, application must be made for all necessary permits within twenty-four months of the date the damage occurred, and all reconstruction/replacement must be completed within two years of permit issuance.

H. Nonconforming Uses and Lots

Continuance: Any legally established use nonconforming to the shoreline regulations in this document is permitted to remain in the form and location in which it existed on the effective date of nonconformance.

The following is from WAC 173-27-080 Nonconforming Use Standards.

1. "Nonconforming use" means a shoreline use which was lawfully constructed or established prior to the effective date of the Shoreline Management Act or the Shoreline Master Program, or amendments thereto, but which does not conform to present regulations or standards of this SMP.
2. Uses that were legally established and are nonconforming with regard to the use regulations of the master program may continue as legal nonconforming uses. Such uses shall not be enlarged or expanded, except that nonconforming single-family residences that are located landward of the ordinary high water mark may be enlarged or expanded in conformance with applicable bulk and dimensional standards by the addition of space to the main structure or by the addition of normal appurtenances as defined in WAC 173-27-040 (2)(g).
3. A use which is listed as a conditional use but which existed prior to adoption or applicability of this SMP or any relevant amendment and for which a conditional use permit has not been obtained shall be considered a nonconforming use. 4. A structure which is being or has been used for a nonconforming use may be used for a different nonconforming use only upon the approval of a conditional use permit. A conditional use permit may be approved only upon a finding that:
 - a. No reasonable alternative conforming use is practical; and
 - b. The proposed use will be at least as consistent with the policies and provisions of the Shoreline Management Act and this SMP and as compatible with the uses in the area as the preexisting use.

In addition such conditions may be attached to the permit as are deemed necessary to assure compliance with the above findings, the requirements of this

SMP and the Shoreline Management Act and to assure that the use will not become a nuisance or a hazard.

5. If a nonconforming use is discontinued for twelve consecutive months or for twelve months during any two-year period, the nonconforming rights shall expire and any subsequent use shall be conforming. A use authorized pursuant to subsection (4) of this section shall be considered a conforming use for purposes of this section.
6. An undeveloped lot, tract, parcel, site, or division of land located landward of the ordinary high water mark which was established in accordance with local and state subdivision requirements prior to the effective date of the act or this SMP but which does not conform to the present lot size standards may be developed if permitted by other land use regulations of the local government and so long as such development conforms to all other requirements of the applicable master program and the act.

~~PLACEHOLDER FOR MODIFICATIONS TO
LANGUAGE (SEE STAFF REPORT)~~

HI. Documentation of Project Review Actions and Changing Conditions in Shoreline Areas

The City will keep on file documentation of all project review actions, including applicant submissions and records of decisions, relating to shoreline management provisions in this SMP. In addition, as stated in the Restoration Plan, the City will track information using the City's permit system or a separate spreadsheet as activities occur (development, conservation, restoration and mitigation). The information that will be tracked includes:

- New shoreline development
- Shoreline variances and the nature of the variance
- Compliance issues
- New impervious surface areas
- Number of pilings
- Removal of fill
- Vegetation retention/loss
- Bulkheads/armoring

The City may require project proponents to monitor as part of project mitigation, which may be incorporated into this process. This information will assist the City in monitoring shoreline conditions to determine whether both project specific and SMP overall goals are being achieved.

IJ. Amendments to This Shoreline Master Program

If the City or Department of Ecology determines it necessary, the City will review shoreline conditions and update this SMP within seven years of its adoption.

JK. Severability

If any provision of this SMP, or its application to any person, legal entity, parcel of land, or circumstance is held invalid, the remainder of this SMP, or its application to other persons, legal entities, parcels of land, or circumstances shall not be affected.

KL. Enforcement

1. Violations

- a. It is a violation of this SMP for any person to initiate or maintain or cause to be initiated or maintained the use of any structure, land or property within the shorelines of the City without first obtaining the permits or authorizations required for the use by this Chapter.
- b. It is a violation of this SMP for any person to use, construct, locate, or demolish any structure, land or property within shorelines of the City in any manner that is not permitted by the terms of any permit or authorization issued pursuant to this SMP, provided that the terms or conditions are explicitly stated on the permit or the approved plans.
- c. It is a violation of this SMP to remove or deface any sign, notice, or order required by or posted in accordance with this SMP.
- d. It is a violation of this SMP to misrepresent any material fact in any application, plans or other information submitted to obtain any shoreline use or development authorization.
- e. It is a violation of this SMP for anyone to fail to comply with any other requirement of this SMP.

2. Duty to Enforce

- a. It shall be the duty of the Administrator to enforce this Chapter. The Administrator may call upon the police, fire, health, or other appropriate City departments to assist in enforcement.
- b. Upon presentation of proper credentials, the Administrator or duly authorized representative of the Administrator may, with the consent of the owner or occupier of a building or premises, or pursuant to lawfully issued inspection warrant, enter at reasonable times any building or premises subject to the consent or warrant to perform the duties imposed by this SMP.

- c. This SMP shall be enforced for the benefit of the health, safety and welfare of the general public, and not for the benefit of any particular person or class of persons.
- d. It is the intent of this SMP to place the obligation of complying with its requirements upon the owner, occupier or other person responsible for the condition of the land and buildings within the scope of this SMP.
- e. No provision of or term used in the SMP is intended to impose any duty upon the City or any of its officers or employees which would subject them to damages in a civil action.

3. Investigation and Notice of Violation

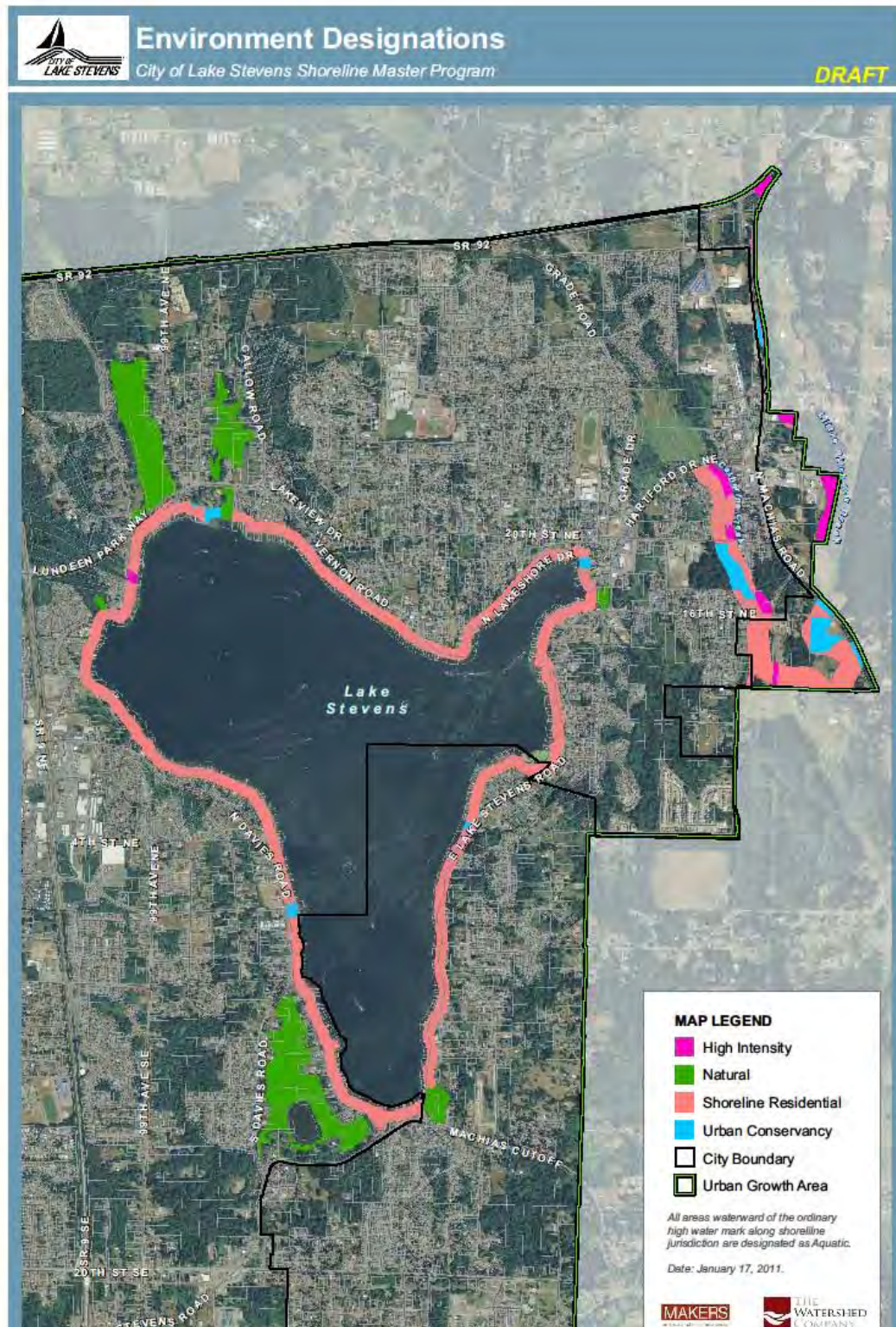
- a. The Administrator or his/her representative shall investigate any structure, premises or use which the Administrator reasonably believes does not comply with the standards and requirements of this SMP.
- b. If after investigation the Administrator determines that the SMP's standards or requirements have been violated, the Administrator shall follow the procedures for enforcement action and penalties shall be as specified in WAC 173-27-240 through 173-27-310, which are hereby adopted by this reference.

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Appendix A:

Shoreline Environment Designation Map

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Appendix B:

Critical Areas Regulations for Shoreline Jurisdiction

The regulations in Appendix B: Critical Areas Regulations for Shoreline Jurisdiction are fully enforceable and considered part of the SMP regulations.

Sections:

Part 1. Purpose and Intent

1.A Purpose and Intent

Part 2. General Provisions

- 2.A Applicability
- 2.B Regulated Activities
- 2.C Allowed Activities
- 2.D Classification as a Critical Area
- 2.E Submittal Requirements
- 2.F Site/Resource-Specific Reports
- 2.G Mitigation/Enhancement Plan Requirements
- 2.H Mitigation Monitoring
- 2.I Bonding (Security Mechanism)
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- 2.K Building Setbacks
- 2.L Fencing and Signage
- 2.M Dedication of Open Space/Native Growth Protection Area
- 2.N Permanent Protection for Streams, Wetlands and Buffers
- 2.O Density Transfers on Sites Less than Five Acres
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Part 3. Fish and Wildlife Conservation Areas

- 3.A Classification
- 3.B Determination of Boundary
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- 4.A Classification
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- 4.E Mitigation

Part 5. Geologically Hazardous Areas

- 5.A Classification
- 5.B Determination of Boundary
- 5.C Allowed Activities
- 5.D Geological Assessment Requirements
- 5.E Setback Buffer Requirements
- 5.F Allowed Alterations
- 5.G Prohibited Alterations
- 5.H Mitigation

Part 6. Wetlands

- 6.A Classification
- 6.B Determination of Boundary
- 6.C Allowed Activities
- 6.D Requirements
- 6.E Mitigation

Part 1. Purpose and Intent

1.A. Purpose and Intent.

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

- (a) A project proponent shall make all reasonable efforts to avoid and minimize impacts to shoreline jurisdictional critical areas and buffers in the following sequential order of preference (WAC 173-26-201(2)(e)):

- (1) Avoiding impacts altogether by not taking a certain action or parts of an action; or
 - (2) When avoidance is not possible, minimizing impacts by limiting the degree or magnitude of the action and its implementation, using appropriate technology, or by taking affirmative steps, such as project redesign, relocations, or timing, to avoid or reduce impacts and mitigating for the affected functions and values of the shoreline jurisdictional critical area; and
 - (3) Rectifying the impact by repairing, rehabilitating, or restoring the affected environment.
 - (4) Reducing or eliminating impacts over time by preservation and maintenance operations during the life of the action.
 - (5) Compensating for unavoidable impacts by replacing, enhancing or providing substitute resources or environments.
 - (6) Monitoring the impact and the compensation projects and taking appropriate corrective measures (see WAC 173-26-201(2)(e)(i)(F) for more details).
- (b) Protect the public from personal injury, loss of life, or property damage due to flooding, erosion, landslides, seismic events, or soil subsidence.
- (c) Protect against publicly financed expenditures due to the misuse of shoreline jurisdictional critical areas which cause:
- (1) Unnecessary maintenance and replacement of public facilities;
 - (2) Publicly funded mitigation of avoidable impacts;
 - (3) Cost for public emergency rescue and relief operations where the causes are avoidable;
 - (4) Degradation of the natural environment.
- (d) Protect aquatic resources.
- (e) Protect unique, fragile, and valuable elements of the environment, including wildlife and its habitat.
- (f) Alert appraisers, assessors, owners, potential buyers, or lessees to the development limitations of environmentally sensitive areas.

- (g) Provide City officials with sufficient information to adequately protect shoreline jurisdictional critical areas when approving, conditioning, or denying public or private development proposals.
- (h) Give guidance to the development of Comprehensive Plan policies in regard to the natural systems and environment of the Lake Stevens Watershed.
- (i) Provide property owners and developers with succinct information regarding the City's requirements for property development.

1.B Definitions.

For the purposes of this appendix, the definitions in Chapter 6 of this Shoreline Master Program shall apply.

Part 2. General Provisions

2.A Applicability.

The provisions of this appendix apply to all lands, land uses and development activity in areas of shoreline jurisdiction within the City. No action shall be taken by any person which results in any alteration of any shoreline jurisdictional critical areas except as consistent with the purposes, objectives, and goals of this SMP.

2.B Regulated Activities.

Land use and development activities in shoreline jurisdictional critical areas shall ensure no net loss of critical area and functions. Regulated activities include, but are not limited to, the following activities consistent with WAC 173-26-221(2)(c)(i)(A):

- (a) The removal, excavation, grading, or dredging of soil, sand, gravel, minerals, organic matter, or material of any kind.
- (b) The dumping, discharging, or filling with any material, including discharges of storm water and domestic, commercial, or industrial wastewater.
- (c) The draining, flooding, or disturbing of the water level, duration of inundation, or water table.
- (d) The driving of pilings.
- (e) The placing of obstructions.
- (f) The construction, reconstruction, demolition, or expansion of any structure.

(g) The destruction or alteration of vegetation in a critical area through clearing, harvesting, shading, intentional burning, or planting of vegetation that would alter the character of a critical area; provided, that these activities are not part of a forest practice governed under Chapter [76.09](#) RCW and its rules.

(h) Activities that result in a significant change of water temperature, a significant change of physical or chemical characteristics of water sources, including quantity, or the introduction of pollutants.

(i) Other uses or development that results in a significant ecological impact to the physical, chemical, or biological characteristics of wetlands, lakes or streams.

(j) Activities reducing the functions of buffers.

2.C Allowed Activities.

Unless specifically prohibited elsewhere in this appendix or SMP, the following uses are allowed in any shoreline jurisdictional critical area; provided, that site/resource-specific reports prepared to describe the environmental limitations of and proposed mitigation for the site, and show how no net loss of area and functions, including lost time when the critical area does not perform the function. The report shall be submitted, reviewed, and approved by the City prior to permit issuance or land use approval. In addition, a Hydraulic Project Approval may be required from the Department of Fish and Wildlife before any activity takes place in the critical area:

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

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

(b) Navigation aids and boundary markers.

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

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

(e) Drilling for utilities/utility corridors (e.g., installation or construction of City road right-of-way; or installation, replacement, operation, repair, alteration, or relocation of all water, natural gas, cable communication, telephone, or other utility lines, pipes, mains, equipment or appurtenances, not including substations or other buildings) under a wetland, with entrance/exit portals located completely outside of the wetland buffer is preferred, provided that the drilling does not interrupt the groundwater connection to the wetland or percolation of surface water down through the soil column. Specific studies by a hydrologist are necessary to determine whether the groundwater connection to the wetland or percolation of surface water down through the soil column will be disturbed. If not determined to be feasible due to any reason other than disturbing groundwater connection or surface water through the soil column, a shoreline variance must be requested and a detailed report/mitigation plan submitted, reviewed, and approved by the City prior to permit issuance or land use approval and all other agency approvals have been issued.

(f) Minor expansion of uses or structures existing at the time of adoption of this code, and which are in compliance with all development regulations; provided, that the applicant obtains all required local, State, and Federal permits, which may include, but not limited, to a Department of Fish and Wildlife Hydraulic Permit and a Clean Water Act 404 Permit and the expansion does not create a loss of wetland area and functions nor pose a significant threat to water quality. A site/resource-specific report and mitigation plan shall be prepared to describe the wetland area, function, and water quality and submitted to the City for review and approval prior to permit issuance. For the purposes of this subsection, "minor expansion" refers to an addition to or alteration of a use or structure and shall be limited to a maximum of 1,000 square feet of impervious area.

(g) Stormwater Management Facilities. Stormwater management facilities are limited to stormwater dispersion outfalls and bioswales. Stormwater management facilities are not allowed in buffers of Category I wetlands. They may be allowed within the outer 25 percent of the buffer of Category II, III or IV wetlands only, provided:

(1) No other location is feasible, and

(2) The location of such facilities will not degrade the function or values of the wetland.

(h) Emergency Activities. Those activities that are necessary to prevent an immediate threat to public health, safety, or welfare or pose an immediate risk of damage to a primary structure, and

that require remedial or preventative action in a time frame too short to allow for compliance with the requirements of this chapter.

2.D Classification as a Critical Area.

Critical areas include fish and wildlife conservation areas, frequently flooded areas, geologically hazardous areas, and associated wetlands. Criteria for classification as a critical area will be listed under the applicable sections of this appendix.

2.E Submittal Requirements.

To enable the City to determine compliance with this appendix, at the time of application submittal, the applicant shall file a SEPA Environmental Checklist (if use is subject to SEPA), a critical area checklist, site/resource-specific reports as specified in Section 2.F, all supplemental application requirements for a shoreline permit described in Chapter 7 of this SMP, and any other pertinent information requested by the Department of Planning and Community Development.

2.F Site/Resource-Specific Reports.

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

2.G Mitigation/Enhancement Plan Requirements.

In the event that mitigation and/or enhancement is required, the Department of Planning and Community Development shall require the applicant to provide a mitigation plan for approval and a performance and maintenance bond in a form and amount acceptable to the City in accordance with Section [2.I](#). The plan shall provide information on land acquisition, construction, maintenance and monitoring of the replaced shoreline jurisdictional critical area that creates a no-net-loss area in function of the original area in terms of acreage, function, geographic location and setting. The plan shall also include critical areas and buffer impacts and critical areas and proposed buffer areas. All mitigation plans shall include the following items, which shall be submitted by the applicant or a qualified biologist, civil or geotechnical engineer:

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

- (b) Specific goals and objectives describing site function, target species, selection criteria and measures to avoid and minimize impacts which shall include:
- (1) Avoiding the impact altogether.
 - (2) Reducing or eliminating the impact over time by preservation and maintenance operations.
 - (3) Compensating for the impact by replacing, enhancing, or providing substitute resources or environments.
 - (4) Enhancing significantly degraded wetlands in combination with restoration or creation. Such enhancement should be part of a mitigation package that includes replacing the impacted area by meeting appropriate ratio requirements.
 - (5) Unless it is demonstrated that a higher level of ecological functioning would result from an alternate approach, compensatory mitigation for ecological functions shall be either in-kind and on site, or in-kind and within the same stream reach, subbasin, or drift cell. Mitigation actions shall be conducted within the same subdrainage basin and on the same site as the alteration except as specifically provided for in Sections 3.E and 6.E;
- (c) Performance standards which shall include criteria for assessing goals and objectives;
- (d) Contingency plans which clearly define the course of action or corrective measures needed if performance standards are not met;
- (e) A legal description and a survey prepared by a licensed surveyor of the proposed development site and location of the critical area(s) on the site;
- (f) A scaled plot plan that indicates the proposed construction in relation to zoning setback requirements and sequence of construction phases including cross-sectional details, topographic survey data (including percent slope, existing and finished grade elevations noted at two-foot intervals or less), mitigation area, and water table elevation with sufficient detail to explain, illustrate and provide for:
- (1) Soil and substrate conditions, topographic elevations, scope of grading and excavation proposal, erosion and sediment treatment and source controls needed for critical area construction and maintenance;
 - (2) Planting plans specifying plant species, types, quantities, location, size, spacing, or density. The planting season or timing, watering schedule, and nutrient requirements for planting, and where appropriate, measures to protect plants from destruction; and
 - (3) Contingency or mid-course corrections plan and a minimum five-year monitoring and replacement plan establishing responsibility for removal of exotic and nuisance vegetation

and permanent establishment of the critical area and all component parts. The monitoring plan is subject to the provisions of Sections [2.H](#) and [2.I](#);

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

2.H Mitigation Monitoring.

- (a) All compensatory mitigation projects shall be monitored for the period necessary to establish that performance standards have been met, but in no event for a period less than five years for emergent communities and ten years for scrub-shrub and forested communities following the acceptance of the installation/construction by the Shoreline Administrator.
- (b) Monitoring reports on the current status of the mitigation project shall be submitted to the Planning Department. The reports shall be prepared by a qualified consultant and shall include monitoring information on wildlife, vegetation, water quality, water flow, stormwater storage and conveyance, and existing or potential degradation. Reports shall be submitted in accordance with the following schedule:
 - (1) At the time of construction;
 - (2) Thirty days after planting;
 - (3) Early in the growing season of the first year;
 - (4) End of the growing season of the first year;
 - (5) Twice the second year (at the beginning and end of the growing season); and
 - (6) Annually thereafter, to cover a total monitoring period of at least five growing seasons.
- (c) The Shoreline Administrator shall have the authority to extend the monitoring and surety period and require additional monitoring reports and maintenance activities beyond the initial five-year monitoring period for any project does not meet the performance standards identified in

the mitigation plan, does not provide adequate replacement for the functions and values of the impacted critical area, or otherwise warrants additional monitoring.

2.I Bonding (Security Mechanism).

- (a) If the development proposal is subject to compensatory mitigation, the applicant shall enter into an agreement with the City to complete the mitigation plan approved by the City and shall post a mitigation surety to ensure mitigation is fully functional.
- (b) The surety shall be in the amount of 150 percent of the estimated cost of the uncompleted actions or the estimated cost of restoring the functions and values of the critical area that are at risk, whichever is greater. The surety shall be based on a detailed, itemized cost estimate of the mitigation activity including clearing and grading, plant materials, plant installation, irrigation, weed management, and all other costs.
- (c) The surety shall be in the form of an assignment of funds, bond, security device, or other means acceptable to the City Finance Director in consultation with the City Attorney.
- (d) The performance surety authorized by this section shall remain in effect until the City determines, in writing, that the standards bonded for have been met. Once the mitigation installation has been accepted by the Shoreline Administrator, the bond may be reduced to 20 percent of the original mitigation cost estimate and shall become a maintenance surety. Said maintenance surety shall generally be held by the City for a period of five years to ensure that the required mitigation has been fully implemented and demonstrated to function, and may be held for longer periods under Section [2.H\(c\)](#).
- (e) Depletion, failure, or collection of surety funds shall not discharge the obligation of an applicant to complete required mitigation, maintenance, monitoring, or restoration.
- (f) Public development proposals shall be relieved from having to comply with the bonding requirements of this section if public funds have previously been committed for mitigation, maintenance, monitoring, or restoration.
- (g) Any failure to satisfy critical area requirements established by law or condition including, but not limited to, the failure to provide a monitoring report within 30 days after it is due or comply with other provisions of an approved mitigation plan shall constitute a default. Upon notice of any default, the City may demand immediate payment of any financial guarantees or require other action authorized by the City code or any other law.
- (h) Any funds paid or recovered pursuant to this section shall be used to complete the required mitigation or other authorized action.
- (i) The Shoreline Administrator may authorize a one-time temporary delay, up to 120 days, in completing mitigation activities when environmental conditions could produce a high probability

of failure or significant construction difficulties. The delay shall not create or perpetuate hazardous conditions or environmental damage or degradation. The request for the temporary delay shall include a written justification documenting the environmental constraints that preclude implementation of the mitigation plan and shall include a financial guarantee. The justification shall be verified by the City before approval of any delay.

(j) The provisions of LSMC [14.16A.180](#) (Security Mechanisms) shall also apply if necessary to ensure adequate protection of the public interest.

2.J Pesticide Management.

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

2.K Building Setbacks.

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

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

2.L Fencing and Signage.

Wetland fencing and signage adjacent to a regulated wetland or stream corridor shall be required.

- (a) Fencing shall be smooth wire or an alternative approved by the Shoreline Administrator.
 - (1) Fencing must be a permanent structure installed in a manner that allows continuous wildlife habitat corridors along critical fish and wildlife areas with a minimum gap of one

and one-half feet at the bottom of the fence, and maximum height of three and one-half feet at the top;

(2) The fence shall be designed and constructed to clearly demarcate the buffer from the developed portion of the site and to limit access of landscaping equipment, vehicles, or other human disturbances; and

(3) No pressure treated posts and rails will be used for signage or fencing.

(b) Signs designating the presence of a critical area shall be posted along the buffer boundary. The signs shall be posted at a minimum rate of one every 100 lineal feet. Standard details for signage shall be kept on file at the Planning and Community Development Department.

2.M Dedication of Open Space/Native Growth Protection Area.

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

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

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

2.N Permanent Protection for Streams, Wetlands and Buffers.

All streams, wetlands and mitigation sites under this SMP and their required buffers shall be permanently protected by designating them as native growth protection areas (NGPAs) in accordance with Section [2.M](#). NGPAs are to be left permanently undisturbed in a substantially or environmentally enhanced natural state. No clearing, grading, filling, building construction or placement, or road construction is allowed except the following:

(a) On a case by case basis when supported by a critical areas assessment study, crossings for underground utility lines which utilize the shortest alignment possible and for which no alignment that would avoid such a crossing is feasible;

(b) Removal of hazardous trees by the property owner, when based on a recommendation by a qualified arborist and an assessment of hazardous tree risk study and when approved by the City.

Existing legally (on-going) established structures, and non-native or ornamental landscaping, including, but not necessarily limited to, gardens, yards, pastures, and orchards, are not required to be designated as NGPAs.

2.O Density Transfers on Sites Less than Five Acres.

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

- (a) Only the area contained in critical area buffers of the following wetlands is eligible to be used in the density transfer calculation:
 - (1) Category II and III wetlands with a habitat score of less than 20; and
 - (2) Category IV wetlands.
- (b) The development must be proposed to connect to sewer service and sewer service must be available.
- (c) The base density shall be consistent with the densities set forth in Chapter [14.36](#) of the Lake Stevens Municipal Code for the zoning districts. The site density shall be calculated using the area of the subject property divided by the minimum lot size of the applicable zone.
- (d) The overall density of the proposed site may be transferred from the undevelopable portion to the developable part of the site.
- (e) The development shall meet applicable policies, setbacks and other standards of the City except:
 - (1) Lot widths of Chapter [14.48](#) Table V of the Lake Stevens Municipal Code may be modified to not less than 40 feet in the SR and UR zones and not less than 30 feet in the HUR zone;
 - (2) Lot sizes may be modified to not less than 4,000 square feet in the SR and UR zones and not less than 3,000 square feet in the HUR zone;
 - (3) Setbacks of the zone as specified in Chapter [14.48](#) Table V of the Lake Stevens Municipal Code may not be modified when using the density transfer provision;
 - (4) The proposed development must be compatible with the character of the area and adjacent uses; and
 - (5) The area to which density is transferred must not be constrained by other critical areas.

2.P Innovative Development Design.

A project permit applicant may request approval of an innovative design, which addresses wetland, fish and wildlife habitat conservation area or buffer treatment in a manner that deviates from the standards set forth in Sections [3.A](#) through [3.E](#), Fish and Wildlife Conservation Areas, and Sections [6.A](#) through [6.E](#), Wetlands under a shoreline variance process.

(a) An innovative development design will be considered in conjunction with the primary land use project approval or building permit approval. An applicant may include the innovative development design proposal in the project pre-application review packet for review. The Shoreline Administrator shall give preliminary findings on the pre-application and shall only issue a final decision for the design with the project or building permit approval, whichever occurs first.

(b) The applicant shall demonstrate in a site/resource-specific report required pursuant to Section [2.F](#) how the innovative development design complies with the following requirements:

- (1) The innovative development design will achieve protection equivalent to or better than the treatment of the functions and values of the critical areas that would be obtained by applying the standard prescriptive measures contained in this appendix and SMP;
- (2) Applicants for innovative development design are encouraged to consider measures prescribed in guidance documents, such as watershed conservation plans or other similar conservation plans, and low impact stormwater management strategies which address wetlands, fish and wildlife habitat conservation areas or buffer protection consistent with this appendix and SMP;
- (3) The innovative development design will not be materially detrimental to the public health, safety or welfare or injurious to other properties or improvements located outside of the subject property; and
- (4) Applicants for innovative development design are encouraged to consider measures prescribed in the Puget Sound Action Team 2005 Technical Guidance Manual for Low Impact Development.

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

The dedication of critical areas and their buffers as open space may not be used for satisfying park mitigation requirements. Park land must be dedicated or fees in lieu of dedication must be paid as set forth in this title. However, if an applicant provides recreation amenities (e.g., trails, bench for wildlife viewing, etc.) in buffers as allowed under this appendix, the cost of those amenities may be subtracted from the total park mitigation calculated for a given project with prior approval of the Shoreline Administrator.

2.R Assessment Relief.

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

Part 3. Fish and Wildlife Conservation Areas

Lake Stevens is a Fish and Wildlife Conservation Area. The shoreline setback in Chapter 5, Section 8.c.2.a shall be used in place of any buffer required for a Fish and Wildlife Conservation Area in all environment designations except the "Natural" designation. Parcels in the "Natural" designation shall use the Fish and Wildlife Conservation Area buffers in this appendix.

3.A Classification.

Fish and wildlife conservation areas include:

- (a) Lands containing priority habitats and species, including plant and/or animal species listed on Federal or State threatened or endangered species lists.
- (b) Naturally occurring ponds under 20 acres and their submerged aquatic beds that provide fish or wildlife habitat. These do not include ponds deliberately designed and created from dry sites such as canals, detention facilities, waste-water treatment facilities, farm ponds, temporary construction ponds (of less than three years duration), and landscape amenities. However, naturally occurring ponds may include those artificial ponds intentionally created from dry areas in order to mitigate conversion of ponds, if permitted by a regulatory authority.
- (c) Waters of the State shall be classified using the system in WAC [222-16-030](#). In classifying waters of the State as fish and wildlife habitats the following shall be used:
 - (1) Species are present which are endangered, threatened or sensitive;
 - (2) Existing surrounding land uses are incompatible with salmonid and other game fish habitat;
 - (3) Presence and size of riparian ecosystem;
 - (4) Existing water rights.

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

barriers have been present downstream of said stream segment over a period of at least two years.

(3) Type Np Stream. Those stream segments within the ordinary high water mark that are perennial and are not Type S or Type F streams. However, for the purpose of classification, Type Np streams include intermittent dry portions of the channel below the uppermost point of perennial flow. If the uppermost point of perennial flow cannot be identified with simple, nontechnical observations (see Washington Forest Practices Board Manual, Section 23), then said point shall be determined by a qualified professional selected or approved by the City.

(4) Type Ns Stream. Those stream segments within the ordinary high water mark that are not Type S, Type F, or Type Np streams. These include seasonal streams in which surface flow is not present for at least some portion of a year of normal rainfall that are not located downstream from any Type Np stream segment.

3.B Determination of Boundary.

(a) The boundaries of fish and wildlife conservation areas shall be determined by the Shoreline Administrator, who may rely on a Departmental approved biological resources survey prepared by a qualified wildlife biologist per the Department's Biological Resources Survey Guidelines. Such a report would be supplied by the applicant of a permit.

(b) The boundary of the creek, stream, river, lake, or other surface water shall be determined by the Shoreline Administrator, relying on a delineation by a licensed surveyor or other comparable expert. Such boundary shall be contiguous with the 100-year floodplain designations as adopted by the City, or where such a designation has not been adopted by the City, the 100-year floodplain designation of the Federal Emergency Management Agency (FEMA) and the National Flood Insurance Program where it has been delineated (shown on Flood Insurance Rate Maps (FIRM)). Where this information does not exist, the boundary determination shall be made by a licensed surveyor and based upon the same criteria used by FEMA. This determination shall be confirmed by the City Engineer.

3.C Allowed Activities.

Except where regulated by other sections of this or any other title or law, the following uses shall be allowed within fish and wildlife conservation areas when the requirements of Section [3.D](#) have been met and mitigation adequate to alleviate any other impacts has been proposed:

(a) Those activities listed in this SMP.

(b) Activities consistent with the species located there and all applicable State and Federal regulations regarding the species, as determined by the Shoreline Administrator, who may consult with other resource agencies as to their recommendations.

(c) Bridges and other crossings over streams for public and private rights-of-way.

3.D Requirements.

(a) Except as provided in this subsection, a 50-foot buffer shall be required for all regulated activities adjacent to fish and wildlife conservation areas. All buffers shall be measured from the fish and wildlife conservation area boundary as surveyed in the field. The width of the buffer may be increased depending on the habitat value and the proposed land use.

(b) Buffer widths may be increased based on recommendations by the Department of Fish and Wildlife based on their Management Recommendations for Priority Habitats and Species.

(c) To retain the natural functions of streams and stream corridors, the following streamside buffers shall be maintained:

(1) For ravines with banks greater than 10 feet in depth, maintain the existing or native vegetation within the ravine and a strip 25 feet from the top of the bank;

(2) Where there is no ravine or the bank is less than 10 feet in depth, maintain existing or native vegetation on both sides of the stream as measured from the ordinary high water mark (OHWM), in accordance with Table 3-1, which sets forth the required buffer widths based on classification of stream types:

Table 3-1: Stream Buffer Width

Stream Type	Buffer
S	150 feet
F	100 feet
Np	50 feet
Ns	50 feet

(d) Widths shall be measured outward in each direction, on the horizontal plane, from the ordinary high water mark, or from the top of the bank if the ordinary high water mark cannot be identified, or from the outer edge of the channel migration zone when present.

(e) The Shoreline Administrator may modify the buffer widths in the above table in accordance with the following:

- (1) Buffer widths may be increased as necessary to fully protect riparian functions. For example, the buffer may be extended to the outer edge of the floodplain or windward into an area of high tree blow-down potential as determined by an arborist.
- (2) Buffer widths may be reduced in exchange for restoration and enhancement of degraded areas in accordance with an approved plan.
- (3) If the stream enters an underground culvert or pipe, and is unlikely to ever be restored aboveground, the Shoreline Administrator may waive the buffer along the underground stream; provided, that where the stream enters and emerges from the pipe the opposite outer edges of the buffer shall be joined by a radius equal to the buffer width, with said radius projecting over the piped stream.
- (4) Buffer widths may be modified if the subject property is separated from the stream channel by pre-existing, intervening, and lawfully created structures, public roads, or other substantial pre-existing intervening improvements. The intervening structures, public roads, or other substantial improvements must separate the subject upland property from the stream channel by height or width, preventing or impairing the delivery of buffer functions to the stream channel. In such cases, the reduced buffer width shall reflect the buffer functions that can be delivered to the stream channel.

(g) To protect the natural functions and aesthetic qualities of a stream and stream buffer, a detailed temporary erosion control plan which identifies the specific mitigating measures to be implemented during construction to protect the water from erosion, siltation, landslides and hazardous construction materials shall be required. The City shall review the plan with the appropriate State, Federal and tribal agencies and any adjacent jurisdiction.

3.E Mitigation.

In order to avoid significant environmental impacts, the applicant for a land use or development permit may consider performing the following actions, listed in order of preference. What is considered adequate mitigation will depend on the nature and magnitude of the potential impact as determined in accordance with Section [2.G](#).

(a) Dedicate an exclusive open space easement for the protection of wildlife and/or habitat, creeks, streams, rivers, lakes, or other surface water over the creeks, streams, rivers, lakes, or other surface water and a buffer consistent with the standards listed in Section [3.D](#). Where such mitigation leads to, or would in the opinion of the Shoreline Administrator lead to a court finding of a taking, the below listed mitigation may be considered.

(b) Where on-site protection is not possible, dedicate an exclusive easement for the protection of an equivalent (in type and value) waterway over the waterway and a 50-foot buffer on an off-site waterway at a 2:1 ratio. The location of any off-site waterway shall be located as near to the site as possible, in accordance with the following preferred order:

- (1) Contiguous to the impacted waterway;
- (2) Within the same drainage basin;
- (3) Elsewhere within the City;
- (4) Within the Lake Stevens UGA;
- (5) Within the region.

Part 4. Frequently Flooded Areas

4.A Classification.

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

- (a) Flooding impact to human health, safety, and welfare and to public facilities and services; and
- (b) Documentation including Federal, State and local laws, regulations and programs, local maps and federally subsidized flood insurance programs; and
- (c) The future floodplain defined as a channel of the stream and that portion of the adjoining floodplain which is necessary to contain and discharge the base flood flow at build-out without any measurable increase in flood heights.

4.B Determination of Boundary.

The boundary of a flood zone shall be contiguous with the 100-year floodway and floodplain designations as adopted by the City, or where such a designation has not been adopted by the City, the 100-year floodplain designation of the Federal Emergency Management Agency (FEMA) and the National Flood Insurance Program where it has been delineated (shown on Flood Insurance Rate Maps (FIRM)). Where this information does not exist, the boundary determination shall be made by a licensed engineer and based upon the same criteria used by FEMA. This determination shall be confirmed by the City Engineer.

4.C Allowed Activities.

Except where regulated by other sections of this or any other title or law, the following uses shall be allowed within floodways or floodplains when the requirements of Section [4.D](#) have been met and mitigation adequate to alleviate any other impacts has been proposed:

(a) Floodways.

(1) Those activities allowed per this SMP.

(2) Outdoor nonmotorized recreational activities (including fishing, birdwatching, hiking, boating, horseback riding, swimming, canoeing, bicycling) and aquatic recreation facilities (docks, piers, boat mooring buoys, marinas and associated uses, swimming areas, parks).

(b) Floodplains.

(1) All those activities allowed in floodways.

(2) Recreational fields.

4.D Requirements.

All land uses and development proposals shall comply with the SMP and development regulations adopted by the City of Lake Stevens for general and specific flood hazard protection. Development shall not reduce the effective base flood storage volume. Reduction of the flood water storage volume effectiveness due to grading, construction, or other regulated activities shall be compensated for by creating on- or off-site detention and/or retention ponds. Effective storage capacity must be maintained. Base flood data and flood hazard notes shall be on the face of any recorded plat or site plan including, but not limited to, base flood elevations, flood protection elevation, boundary of floodplain and zero-rise floodway.

4.E Mitigation.

If potential flooding impacts cannot be avoided by design or by providing on- or off-site detention and/or retention ponds, other forms of mitigation may be considered in order to avoid significant environmental impacts. Applicants must provide mitigation plans exploring and analyzing any proposed mitigation measures.

Part 5. Geologically Hazardous Areas

5.A Classification.

(a) Geologically hazardous areas include areas susceptible to erosion, sliding, earthquakes, liquefaction, or other geological events. Geologically hazardous areas shall be classified based

upon the history or existence of landslides, unstable soils, steep slopes, high erosion potential or seismic hazards. In determining the significance of a geologically hazardous area the following criteria shall be used:

- (1) Potential economic, health, and safety impact related to construction in the area;
- (2) Soil type, slope, vegetative cover, and climate of the area;
- (3) Available documentation of history of soil movement, the presence of mass wastage, debris flow, rapid stream incision, stream bank erosion or undercutting by wave action, or the presence of an alluvial fan which may be subject to inundation, debris flows, or deposition of stream-transported sediments.

(b) The different types of geologically hazardous areas are defined as follows:

- (1) Erosion hazard areas are as defined by the USDA Soil Conservation Service, United States Geologic Survey, or by the Department of Ecology Coastal Zone Atlas. The following classes are high erosion hazard areas.
 - (i) Class 3, class U (unstable) includes severe erosion hazards and rapid surface runoff areas;
 - (ii) Class 4, class UOS (unstable old slides) includes areas having severe limitations due to slope; and
 - (iii) Class 5, class URS (unstable recent slides).
- (2) Landslide hazard areas shall include areas subject to severe risk of landslide based on a combination of geologic, topographic and hydrologic factors. Some of these areas may be identified in the Department of Ecology Coastal Zone Atlas, or through site-specific criteria. Landslide hazard areas include the following:
 - (i) Areas characterized by slopes greater than 15 percent; and impermeable soils (typically silt and clay) frequently interbedded with permeable granular soils (predominantly sand and gravel) or impermeable soils overlain with permeable soils; and springs or groundwater seepage;
 - (ii) Any area which has exhibited movement during the Holocene epoch (from 10,000 years ago to present) or which is underlain by mass wastage debris of that epoch;
 - (iii) Any area potentially unstable due to rapid stream incision, stream bank erosion or undercutting by wave action;

- (iv) Any area located on an alluvial fan presently subject to or potentially subject to inundation by debris flows or deposition of stream-transported sediments;
 - (v) Any area with a slope of 40 percent or greater and with a vertical relief of 10 or more feet except areas composed of consolidated rock;
 - (vi) Any area with slope defined by the United States Department of Agriculture Soil Conservation Service as having a severe limitation for building site development; and
 - (vii) Any shoreline designated or mapped as class U, UOS, or URS by the Department of Ecology Coastal Zone Atlas.
- (3) Slopes.
- (i) Moderate slopes shall include any slope greater than or equal to 15 percent and less than 40 percent.
 - (ii) Steep slopes shall include any slope greater than or equal to 40 percent.
- (4) Seismic hazard areas shall include areas subject to severe risk of earthquake damage as a result of seismic induced settlement, shaking, slope failure or soil liquefaction. These conditions occur in areas underlain by cohesionless soils of low density usually in association with a shallow groundwater table.

5.B Determination of Boundary.

Determination of a boundary of a geologically hazardous area shall be made by the Shoreline Administrator, relying on a geotechnical or similar technical report and other information where available and pertinent. Such reports or information shall be provided by an applicant for an activity or permit at the request of the City.

5.C Allowed Activities.

Except where regulated by other sections of this or any other title or law, the following uses shall be allowed within geologically hazardous areas when the requirements of Section [5.D](#) have been met and mitigation adequate to alleviate any other impacts has been proposed:

- (a) Those activities allowed per this SMP.
- (b) Any other use allowed per the environment designation; provided, that it meets the requirements of Section [5.D](#) and will not have a detrimental impact on the health, safety, and welfare of the public, or will not negatively impact neighboring properties.

(c) No new development or creation of new lots is allowed that would cause foreseeable risk from geological conditions to people or improvements during the life of the development (WAC 173-26-221(2)(c)(ii)(B)).

(d) No new development is allowed that would require structural shoreline stabilization over the life of the development. Exceptions may be made for the limited instances where stabilization is necessary to protect allowed uses where no alternative locations are available and no net loss of ecological functions will result. (WAC 173-26-221(2)(c)(ii)(C)).

5.D Geological Assessment Requirements.

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

(a) The geological assessment shall be submitted with the minimum required content as set forth in subsection (d) of this section and in the format established by the Shoreline Administrator, and shall be consistent with the following:

(1) A geotechnical letter is required when the geologist finds that no active geological hazard area exists on or within 200 feet of the site.

(2) A geotechnical report is required when the geologist finds that an active geological hazard area exists on or within 200 feet of the proposed project area.

(b) The Department shall review the geological assessment and either accept or reject the assessment and require revisions or additional information. When the geological assessment has been accepted, the Department shall issue a decision on the land use permit application.

(c) A geological assessment for a specific site may be valid for a period of up to five years when the proposed land use activity and site conditions affecting the site are unchanged. However, if any surface and subsurface conditions associated with the site change during the five-year period or if there is new information about a geological hazard, the applicant may be required to submit an amendment to the geological assessment.

(d) A geological assessment shall include the following minimum information and analysis:

(1) A field investigation that may include the use of historical air photo analysis, review of public records and documentation, and interviews with adjacent property owners or others knowledgeable about the area, etc.

(2) An evaluation of any areas on the site or within 200 feet of the site that are geologically hazardous as set forth in Section [5.A](#).

- (3) An analysis of the potential impacts of the proposed development activity on any potential geological hazard that could result from the proposed development either on site or off site. For landslide hazard areas, the analysis shall consider the run-out hazard of landslide debris to the proposed development that starts upslope whether the slope is part of the subject property or starts off site.
 - (4) Identification of any mitigation measures required to eliminate potentially significant geological hazards both on the proposed development site and any potentially impacted off-site properties. When hazard mitigation is required, the mitigation plan shall specifically address how the proposed activity maintains or reduces the pre-existing level of risk to the site and adjacent properties on a long term basis. The mitigation plan shall include recommendations regarding any long term maintenance activities that may be required to mitigate potential hazards.
 - (5) The geological assessment shall document the field investigations, published data and references, data and conclusions from past geological assessments, or geotechnical investigations of the site, site-specific measurements, tests, investigations, or studies, as well as the methods of data analysis and calculations that support the results, conclusions, and recommendations.
 - (6) The geological assessment shall contain a summary of any other information the geologist identifies as relevant to the assessment and mitigation of geological hazards.
- (e) Geological assessments shall be prepared under the responsible charge of a geologist, and shall be signed, sealed, and dated by the geologist.

5.E Setback Buffer Requirements.

- (a) The setback buffer width shall be based upon information contained in a geological assessment, and shall be measured on a horizontal plane from a vertical line established at the edge of the geologically hazardous area limits (both from the top and toe of slope). In the event that a specific setback buffer is not included in the recommendation of the geological assessment, the setback buffer shall be based upon the standards contained in Chapter 18 of the International Building Code (IBC), or as the IBC is updated and amended.
- (1) If the geological assessment recommends setback buffers that are less than the standard buffers that would result from application of Chapter 18 of the IBC, the specific rationale and basis for the reduced buffers shall be clearly articulated in the geological assessment.
 - (2) The City may require increased setback buffer widths under any of the following circumstances:

- (i) The land is susceptible to severe erosion and erosion control measures will not effectively prevent adverse impacts.
- (ii) The area has a severe risk of slope failure or downslope stormwater drainage impacts.
- (iii) The increased buffer is necessary to protect public health, safety and welfare based upon findings and recommendations of geological assessment.

(b) Unless otherwise permitted as part of an approved alteration, the setback buffers required by this subsection shall be maintained in native vegetation to provide additional soil stability and erosion control. If the buffer area has been cleared, it shall be replanted with native vegetation in conjunction with any proposed development activity.

(c) The City may impose seasonal restrictions on clearing and grading within 200 feet of any geologically hazardous areas.

5.F Allowed Alterations.

Unless associated with another critical area, the alterations of an area may be allowed if identified as a geologically hazardous area or the setback buffers specified in the IBC if an approved geotechnical report demonstrates the following and the request is made through a shoreline variance process:

- (a) The proposed development will not create a hazard to the subject property, surrounding properties or rights-of-way, or erosion or sedimentation to off-site properties or bodies of water;
- (b) The proposal addresses the existing geological constraints of the site, including an assessment of soils and hydrology;
- (c) The proposed method of construction will reduce erosion potential, landslide and seismic hazard potential, and will improve or not adversely affect the stability of slopes;
- (d) The proposal uses construction techniques which minimize disruption of existing topography and natural vegetation;
- (e) The proposal is consistent with the purposes and provisions of this appendix and mitigates any permitted impacts to critical areas in the vicinity of the proposal;
- (f) The proposal mitigates all impacts identified in the geotechnical letter or geotechnical report;
- (g) All utilities and access roads or driveways to and within the site are located so as to require the minimum amount of modification to slopes, vegetation or geologically hazardous areas; and

(h) The improvements are certified as safe as designed and under anticipated conditions by a geologist.

5.G Prohibited Alterations.

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

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

5.H Mitigation.

(a) In addition to the other requirements of this SMP, as part of any approval of development on or adjacent to geologically hazardous areas or within the setback buffers required by this section:

(1) The City shall require:

- (i) Geologically hazardous areas not approved for alteration and their buffers shall be placed in a native growth protection area as set forth in Section [2.M](#).
- (ii) Any geologically hazardous area or required setback buffer that is allowed to be altered subject to the provisions of this appendix shall be subject to a covenant of notification and indemnification/hold harmless agreement in a form acceptable to the City Attorney. Such document shall identify any limitation placed on the approved alterations.

(2) The City may require:

- (i) The presence of a geologist on the site to supervise during clearing, grading, filling, and construction activities which may affect geologically hazardous areas, and provide the City with certification that the construction is in compliance with the geologist's recommendations and has met approval of the geologist, and other relevant information concerning the geologically hazardous conditions of the site.

- (ii) Vegetation and other soil stabilizing structures or materials be retained or provided.
- (iii) Long term maintenance of slopes and on-site drainage systems.

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

Part 6. Wetlands

~~PLACEHOLDER—Subcommittee recommended language will be provided under separate cover.~~

6.A Classification.

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

- (a) Sources used to identify designated wetlands include, but are not limited to:
 - (1) United States Department of the Interior, Fish and Wildlife Service, National Wetlands Inventory.
 - (2) Areas identified as hydric soils, soils with significant soil inclusions and wet spots with the United States Department of Agriculture/Soil Conservation Service Soil Survey for Snohomish County.
 - (3) Washington State Department of Natural Resources, Geographic Information System, Hydrography and Soils Survey Layers.
 - (4) City of Lake Stevens Critical Areas Inventory Maps.
- (b) Category I Criteria.
 - (1) Wetlands that represent a unique or rare wetland type; or
 - (2) Are more sensitive to disturbance than most wetlands; or
 - (3) Are relatively undisturbed and contain ecological attributes that are impossible to replace within a human lifetime; or

- (4) Provide a high level of functions.
- (5) Category I wetlands include:
 - (i) Natural heritage wetlands as identified by the Natural Heritage Program of the Natural Resources.
 - (ii) Bogs.
 - (iii) Mature and old-growth forested wetlands over one acre in area.
 - (iv) Wetlands that score 70 or more points out of 100 using the Western Washington Rating System.
- (c) Category II Criteria.
 - (1) Category II wetlands are difficult though not impossible to replace and provide high levels of some functions.
 - (2) Category II wetlands criteria. Wetlands that score between 51 and 69 points out of 100 on the Western Washington Rating System.
- (d) Category III Criteria. Wetlands with a moderate level of functions and with rating system scores between 30 and 50 points out of 100.
- (e) Category IV Criteria. Wetlands with a low level of functions and with rating system scores less than 30 points out of 100.

6.B Determination of Boundary.

- (a) The Shoreline Administrator, relying on a field investigation supplied by an applicant and applying the wetland definition provided in this SMP, shall determine the location of the wetland boundary. Qualified professional and technical scientists shall perform wetland delineations as part of a wetland identification report in accordance with WAC 173-22-035. Criteria to be included in a required wetland identification report may be found in Section [2.G](#), Mitigation/Enhancement Plan Requirements. The applicant is required to show the location of the wetland boundary on a scaled drawing as a part of the permit application.
- (b) When the applicant has provided a delineation of the wetland boundary, the Shoreline Administrator shall verify the accuracy of, and may render adjustments to, the boundary delineation. In the event the adjusted boundary delineation is contested by the applicant, the Shoreline Administrator shall, at the applicant's expense, obtain expert services to render a final delineation.

(c) The Shoreline Administrator, when requested by the applicant, may waive the delineation of boundary requirement for the applicant and, in lieu of delineation by the applicant, perform the delineation. The Shoreline Administrator shall consult with qualified professional scientists and technical experts or other experts as needed to perform the delineation. The applicant will be charged for the costs incurred. Where the Shoreline Administrator performs a wetland delineation at the request of the applicant, such delineation shall be considered a final determination.

6.C Allowed Activities.

Except where regulated by other sections of this appendix, SMP or any other title or law, and provided they are conducted using best management practices, the following uses and activities shall be allowed and regulated within wetlands and their buffers when the requirements of Sections [6.D](#) and [6.E](#) have been met and mitigation adequate to alleviate any other impacts has been proposed:

- (a) Those uses listed in Section [2.C](#).
- (b) In Category IV wetlands only, access to developable portions of legal lots using the shoreline variance process, where:
 - (1) There is no other reasonable method of accessing the property;
 - (2) Altering the terrain would not cause drainage impacts to neighboring properties; and
 - (3) Not more than 2,500 square feet of wetland is impacted.

6.D Requirements.

PLACEHOLDER FOR WETLAND BUFFER REDUCTION LANGUAGE IF APPROVED

(~~a~~**b**) Buffers. Wetland buffers shall be required for all regulated activities adjacent to regulated wetlands as provided in Table 6-1, unless modified per subsection (b) or (c) of this section. Any wetland created, restored, or enhanced as compensation for approved wetland alterations shall also include the standard buffer required for the category of the created, restored, or enhanced wetland. All buffers shall be measured from the wetland boundary as surveyed in the field. The width of the wetland buffer zone shall be determined according to wetland category and the proposed land use.

- (1) These buffers require the implementation of the measures in Table 6.2, where applicable, to minimize the impacts of the adjacent uses.
- (2) If an applicant chooses not to apply the mitigation measures in Table 6.2, then a 33 percent increase in the width of all buffers is required.

Table 6-1Wetland Buffer Requirements

Category	Sub-Category	HS 30-36	HS 21-29	HS <21
I	Based on Total Score	225	165	105
	Bogs	225	190	190
	Forested	225	165	105
II		225	165	105
III		60	165	105
IV		40	40	40

Table 6-2: Required Measures to Minimize Impacts to Wetlands

Disturbance	Required Measures to Minimize Impacts
Lights	• Direct lights away from wetland
Noise	• Locate activity that generates noise away from wetland • If warranted, enhance existing buffer with native vegetation plantings adjacent to noise source • For activities that generate relatively continuous, potentially disruptive noise, such as certain heavy industry or mining, establish an additional 10 foot heavily vegetated wetland buffer strip immediately adjacent to the outer wetland buffer
Toxic runoff	• Route all new, untreated runoff away from wetland while ensuring wetland is not dewatered • Establish covenants limiting use of pesticides within 150 feet of wetland • Apply integrated pest management
Stormwater runoff	• Retrofit stormwater detention and treatment for roads and existing adjacent development • Prevent channelized flow from lawns that directly enters the buffer • Use Low Impact Development techniques, where applicable
Change in water regime	• Infiltrate or treat, detain and disperse into buffer new runoff from impervious surfaces and new lawns
Pets and humans	• Use privacy fencing OR plant dense vegetation to delineate buffer edge and to discourage disturbance using vegetation appropriate for the ecoregion • Place wetland and its buffer in a separate tract or protect with a conservation easement
Dust	• Use best management practices to control dust
Disruption of corridors or connections	• Maintain connections to offsite areas that are undisturbed • Restore corridors or connections to offsite habitats by replanting

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

- (1) A larger buffer is necessary to maintain viable populations of existing species; or
- (2) The wetland is used by species proposed or listed by the Federal Government or the State as endangered, threatened, sensitive, critical or outstanding potential habitat for those species or has unusual nesting or resting sites such as heron rookeries or raptor nesting trees. An applicant must consult with the State Department of Fish and Wildlife to confirm any special recommendations for candidate or monitor species as listed for approval by the Shoreline Administrator; or
- (3) The adjacent land is susceptible to severe erosion and erosion control measures will not effectively prevent adverse wetland impacts, or the adjacent land has minimal vegetative cover or slopes greater than 15 percent; or
- (4) The larger buffer is required to meet no net loss of habitat function.

(~~ed~~) Wetland Buffer Width Averaging. Wetland buffer widths may be modified by averaging with the shoreline variance process. In no instance shall the buffer width be reduced by more than 25 percent of the standard buffer. Wetland buffer width averaging shall be allowed only where the applicant demonstrates all of the following:

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

(~~de~~) Buffer Conditions. Except as otherwise specified, wetland buffers shall be retained in their natural condition. Where buffer disturbance has occurred outside of the development footprint during construction, revegetation with native wetland vegetation shall be required.

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

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

(2) Stormwater management facilities are limited to stormwater dispersion outfalls and bioswales. They may be allowed within the outer twenty-five percent of the buffer of Category II, III or IV wetlands only, provided that:

(i) No other location is feasible,

(ii) The location of such facilities will not degrade the function or values or the wetland and

(iii) Stormwater management facilities are not allowed in buffers of Category I wetlands.

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

6.E Mitigation.

The mitigation sequence set forth in WAC 173-26-201(2)(e) should be applied after impact avoidance and minimization measures have been taken. Compensatory mitigation for alterations to wetlands shall be used only for impacts that cannot be avoided or minimized and shall achieve equivalent or greater biologic functions. The design for the compensatory mitigation project needs to be appropriate for its location (i.e., position in the landscape). Therefore, compensatory mitigation should not result in the creation, restoration, or enhancement of an atypical wetland. An atypical wetland refers to a compensation wetland (e.g., created or enhanced) that does not match the type of existing wetland that would be found in the geomorphic setting of the site (i.e., the water source(s) and hydroperiod proposed for the mitigation site are not typical for the geomorphic setting).

(a) Location and Timing of Mitigation.

(1) Restoration, creation, or enhancement actions should be undertaken on or adjacent to the site. If this is shown in the critical areas report not to be feasible, restoration, creation, or enhancement may occur within the same watershed, but preferably as close to the existing wetland as possible. In-kind replacement of the impacted wetland is preferred for creation, restoration, or enhancement actions. The City may accept or recommend

restoration, creation, or enhancement which is off site, if the applicant can demonstrate that on-site or in-kind restoration, creation, or enhancement is unfeasible due to constraints such as parcel size or wetland type, or that a wetland of a different type or location is justified based on regional needs or functions. A watershed plan must be submitted if off-site mitigation is proposed;

- (2) Whether occurring on site or off site, the mitigation project shall occur near an adequate water supply with a hydrologic connection to the wetland to ensure a successful wetlands development or restoration;
- (3) Any approved mitigation proposal shall be completed before initiation of other permitted activities, unless a phased or concurrent schedule has also been approved by the Shoreline Administrator;
- (4) Wetland acreage replacement ratios shall be as specified in Table 6-3;
- (5) Credits from a wetland mitigation bank may be approved for use as compensation for unavoidable impacts to wetlands.

(i) This provision may be used when:

- a. The bank is certified under Chapter [173-700](#) WAC;
- b. The Shoreline Administrator determines that the wetland mitigation bank provides appropriate compensation for the authorized impacts; and
- c. The proposed use of credits is consistent with the terms and conditions of the bank's certification.

(ii) Replacement ratios for projects using bank credits shall be consistent with replacement ratios specified in the bank's certification.

(iii) Credits from a certified wetland mitigation bank may be used to compensate for impacts located within the service area specified in the bank's certification. In some cases, the service area of the bank may include portions of more than one adjacent drainage basin for specific wetland functions.

- (6) Fees are paid to an approved in-lieu fee program to compensate for the impacts.

(b) Mitigation Performance Standards.

- (1) All reasonable measures shall be taken to avoid and reduce impacts. When such avoidance and reduction is not reasonable, adverse impacts to wetland functions and values shall be mitigated. Mitigation actions shall be implemented in the preferred sequence

identified in Section [1.A\(a\)](#). Proposals which include less preferred or compensatory mitigation shall demonstrate that:

- (i) All reasonable measures will be taken to reduce impacts and losses to the original wetland;
- (ii) No overall net loss will occur in wetland functions, values and acreage; and
- (iii) The restored, created or enhanced wetland will be as persistent and sustainable as the wetland it replaces.

(c) Wetland Replacement Ratios.

- (1) Where wetland alterations are permitted by this appendix and SMP, the applicant shall restore or create equivalent areas of wetlands in order to compensate for wetland losses. Equivalent areas shall be determined according to size, function, category, location, timing factors, and projected success of restoration or creation.
- (2) Where wetland creation is proposed, all required buffers for the creation site shall be located on the proposed creation site. Properties adjacent to or abutting wetland creation projects shall not be responsible for providing any additional buffer requirements.
- (3) Mitigation ratios for the replacement of impacted wetlands shall be as listed in Table 6-3. The Shoreline Administrator may vary these standards if the applicant can demonstrate in the wetlands report and the Shoreline Administrator agrees that the variation will provide adequate compensation for lost wetland area, functions and values, or if other circumstances as determined by the Shoreline Administrator justify the variation. The shoreline variance process shall be used to review any changes in recommended replacement ratios
- (4) The qualified scientific professional in the wetlands report may, where feasible, recommend that restored or created wetlands shall be a higher wetland category than the altered wetland.

(d) The Shoreline Administrator may increase the ratios under the following circumstances:

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

(e) All wetland restoration, creation and/or enhancement projects required pursuant to this appendix shall follow a mitigation plan prepared in conformance to the requirements of Section [2.G](#), Mitigation/Enhancement Plan Requirements.

(f) Mitigation ratios for the replacement of impacted wetlands shall be as listed in Table 6-3.

6-3: Wetland Mitigation Ratios

Affected Wetland	Mitigation Type and Ratio				
	Re-establishment or Wetland Creation	Rehabilitation	Re-establishment or Creation (R/C) and Enhancement (E)	Enhancement Only	Preservation
Category IV	1.5:1	3:1	1:1 R/C and 2:1 E	6:1	10:1
Category III	2:1	4:1	1:1 R/C and 2:1 E	8:1	15:1
Category II	3:1	6:1	1:1 R/C and 4:1 E	12:1	20:1
Category I – Forested	6:1	12:1	1:1 R/C and 10:1 E	24:1	24:1
Category I – Score Based	4:1	8:1	1:1 R/C and 10:1 E	16:1	20:1
Category I – Bog, Natural Heritage Site	Not considered possible	6:1	N/A	N/A	10:1

**CITY COUNCIL FINAL DRAFT FOR ECOLOGY REVIEW
NOVEMBER 28, 2011**

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

CUMULATIVE IMPACTS ANALYSIS

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

Supporting Document for Lake Stevens 2011 Shoreline Master Program

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CUMULATIVE IMPACTS ANALYSIS

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

1 INTRODUCTION

1.1 Shoreline Management Act Requirements

The Shoreline Management Act guidelines (Guidelines) require local shoreline master programs (SMPs) to regulate new development to “achieve no net loss of ecological function.” The Guidelines (WAC 173-26-186(8)(d)) state that, “To ensure no net loss of ecological functions and protection of other shoreline functions and/or uses, master programs shall contain policies, programs, and regulations that address adverse cumulative impacts and fairly allocate the burden of addressing cumulative impacts.”

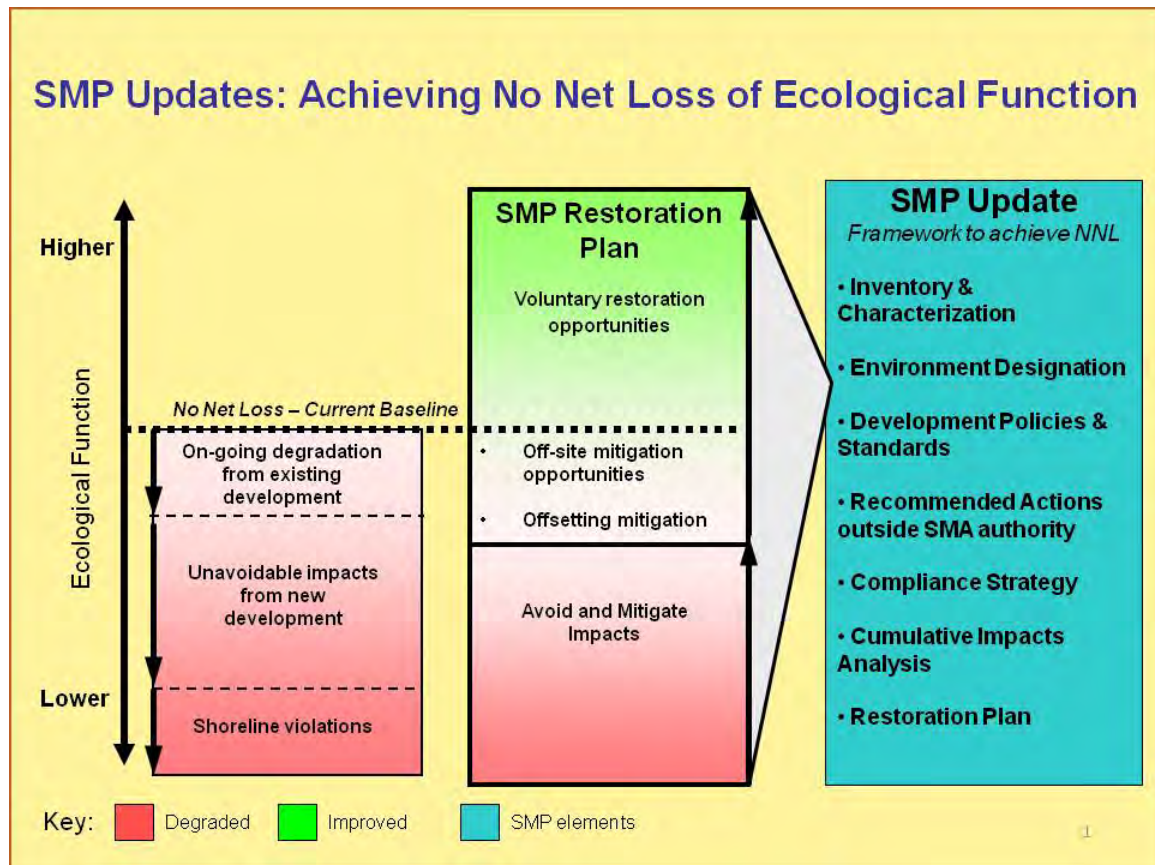
The Guidelines further elaborate on the concept of net loss as follows:

“When based on the inventory and analysis requirements and completed consistent with the specific provisions of these guidelines, the master program should ensure that development will be protective of ecological functions necessary to sustain existing shoreline natural resources and meet the standard. The concept of “net” as used herein, recognizes that any development has potential or actual, short-term or long-term impacts and that through application of appropriate development standards and employment of mitigation measures in accordance with the mitigation sequence, those impacts will be addressed in a manner necessary to assure that the end result will not diminish the shoreline resources and values as they currently exist. Where uses or development that impact ecological functions are necessary to achieve other objectives of RCW 90.58.020, master program provisions shall, to the greatest extent feasible, protect existing ecological functions and avoid new impacts to habitat and ecological functions before implementing other measures designed to achieve no net loss of ecological functions.” [WAC 173-206-201(2)(c)]

In short, updated SMPs shall contain goals, policies and regulations that prevent degradation of ecological functions relative to the existing conditions as documented in that jurisdiction’s characterization and analysis report. For those projects that result in degradation of ecological functions, the required mitigation must return the resultant ecological function back to the baseline. This is illustrated in the figure below. The jurisdiction must be able to demonstrate that it has accomplished that goal through an

analysis of cumulative impacts that might occur through implementation of the updated SMP. WAC 173-26-186(8)(d) states “[e]valuation of such cumulative impacts should consider:

- (i) current circumstances affecting the shorelines and relevant natural processes;
- (ii) reasonably foreseeable future development and use of the shoreline; and
- (iii) beneficial effects of any established regulatory programs under other local, state, and federal laws.”



Source: Department of Ecology

As outlined in the *Shoreline Restoration Plan* (Appendix B of the SMP) prepared as part of this SMP update, the SMA also seeks to restore ecological functions in degraded shorelines. This cannot be required by the SMP at a project level, but Section 173-26-201(2)(f) of the Guidelines says: “master programs shall include goals and policies that provide for restoration of such impaired ecological functions.” See the *Shoreline Restoration Plan* for additional discussion of SMP policies and other programs and activities in the City that contribute to the long-term restoration of ecological functions relative to the baseline condition.

1.2 Methodology

Using the textual, numerical and graphical information developed and presented in the *Shoreline Analysis Report*, this cumulative impacts analysis was prepared consistent with direction provided in the Guidelines as described above. To the extent that existing information was sufficiently detailed and assumptions about possible new or re-development could be made with reasonable certainty, the following analysis is quantitative. However, in many cases information about existing conditions and/or redevelopment potential was not available at a level that could be assessed quantitatively or the analysis would be unnecessarily complex to reach a conclusion that could be derived more simply. Further, ecological function does not have an easy metric. For these reasons, much of the following analysis is more qualitative.

2 EXISTING CONDITIONS

The following summary of existing conditions is based on the *Shoreline Analysis Report*. This discussion has been divided by waterbody and by proposed shoreline environment designations (see Appendix A of the SMP for a map of environment designations). Environment designations include Natural, Urban Conservancy, Shoreline Residential, High Intensity, and Aquatic. The *Shoreline Analysis Report* includes an in-depth discussion of the topics below, as well as information about transportation, stormwater and wastewater utilities, impervious surfaces, and historical/archaeological sites, among others.

2.1 Lake Stevens

The Lake Stevens shoreline in the City of Lake Stevens is primarily dominated by residential uses, although a number of parks are also present. Residential uses consist almost exclusively of single-family residences, with a smaller amount of multi-family residences currently present. Residential and parks uses are designated Shoreline Residential and Urban Conservancy, respectively. In addition, there are two separate areas of wetland complexes associated with Lake Stevens (Stevens Creek and Stitch Lake wetland complexes). Both complexes are almost completely undeveloped and are designated Natural.

The City's Lake Steven's shoreline (including wetland complexes) has been divided into three assessment units based on variations in land use and shore topography. Land use conditions in each assessment unit can be found in Table 8 of the *Shoreline Analysis Report*. Detailed information about existing functions, including a performance rating of individual reach functions, can be found in the *Shoreline Analysis Report*, Section 4.3.

2.2 Catherine Creek and Little Pilchuck Creek

Shoreline jurisdiction in the City of Lake Stevens includes portions of Catherine Creek and Little Pilchuck Creek. Land uses along both streams include a mix of residential, light industrial and open space. Public access to the shoreline includes mostly passive recreation trails, with the Centennial Trail passing through the Little Pilchuck shoreline. No shoreline armoring exists and vegetative cover is over 90% in most cases, while the shoreline areas show signs of alteration and channel modification. The collective performance of functions in these shoreline areas is Moderate (see Tables 5 through 7 of the *Shoreline Analysis Report*) because of their limited vegetation, lack of significant pools, and erosion problems. Based on the planned land use and the moderate function level, these freshwater shorelines are designated as High Intensity, Shoreline Residential or Urban Conservancy.

3 DEVELOPMENT POTENTIAL

Each waterbody was divided into assessment units (see Section 3.2 of the *Shoreline Analysis Report*) based upon biological character, dominant land use, and location within City limits or the UGA. Assessment units were then assigned environment designations based upon the performance of biological functions and anticipated future land uses.

3.1 Lake Stevens

The following table is an excerpt of material included in Chapter 5 of the *Shoreline Analysis Report*.

Table 1. Likely changes in land use along the Lake Stevens shoreline.

Assessment Unit	Likely Changes in Land Use
Lake Stevens: Residential Areas – City Limits	A majority of this reach is designated Waterfront Residential, which allows single-family housing at a density of 4 dwelling units per acre. There are a few areas that are designated Medium Density Residential which allows 4 – 12 dwelling units per acre. A majority of these parcels are built out and are not likely to change use. Some redevelopment of existing housing stock may occur, but a majority of the housing stock has been built in the last few decades. There are a few vacant lots in Waterfront Residential that may develop and some areas designated Medium Density Residential that have been subdivided but have not yet been developed. For the area that was recently annexed into the City, the zoning and land use classification names changed from the County's names to the City's names, but little changed in regards to development potential.
Lake Stevens: Residential Areas – UGA	This area is currently designated Urban Low Density Residential and is zoned R-9600. Many of the single-family residences in this reach are separated from the shoreline by Lake Stevens Road. A majority of these parcels are built out and are not likely to change use, but there are a few vacant lots that have the potential to develop. Some redevelopment of existing housing stock may occur, but a majority of the housing stock has been built in the last few decades.
Lake Stevens: Open Space Areas – City Limits	There are a number of parks that are designated as Public/ Semi-Public along the Lake Stevens shoreline. (See discussion of public access sites in Section 5). These uses are not likely to change, although the Parks Department may further develop some parks. The City Hall site is also designated Public/ Semi-Public and has open space in shoreline jurisdiction. There also appears to be private community access sites along the lake (Stevens Cove Homeowners Association, Cedar Cove Homeowners Association, Sandy Beach Community Club).
Lake Stevens: Open Space Areas – UGA	There are a number of parks that are designated as public within the UGA boundary (see public access map in Appendix D). These uses are not likely to change, although the existing parks may be further developed in the future.
Lake Stevens: Commercial Areas – City Limits	There are a few areas along the lake that are designated Mixed Use or Downtown/Local Commercial. (approx. 350 linear feet on the shoreline). A small portion of this is within "Old Town" or Downtown Lake Stevens. These parcels are likely to be redeveloped or developed in accordance with the City's Downtown Plan. There is also a parcel on the west side of the lake that is designated Downtown/Local Commercial that also has the potential for redevelopment. It is approximately 195 linear feet along the shoreline.
Lake Stevens: Stevens Creek Wetland Complex	A majority of this area is designated Medium Density Residential, which allows 4 – 12 dwelling units per acre. A very small portion of jurisdiction is designated High Density Residential, which allows any form of single-family, two-family, and multi-family residential uses with no density limits. It also allows limited public/semi-public, community, recreational, and commercial uses. The area is largely undeveloped, with houses surrounding the wetland area.
Lake Stevens: Stitch Lake Wetland Complex	This area is designated Medium Density Residential, but the majority of the area is undeveloped or low density development. This area should be protected and new development should be limited. There also appears to be a parcel that is in agricultural use in this area.

3.2 Catherine Creek and Little Pilchuck Creek.

The following table is an excerpt of material included in Chapter 5 of the *Shoreline Analysis Report*.

Table 2. Likely changes in land use along the Catherine and Little Pilchuck Creek shorelines.

Assessment Unit	Likely Changes in Land Use
Catherine Creek: Residential Areas – City Limits	The residential areas along Catherine Creek are designated Medium Density Residential and are primarily built-out. Some redevelopment of existing housing stock may occur, but a majority of the houses were built within the last few decades.
Catherine Creek: Industrial – City Limits	This area is designated Light Industrial. The parcel has the potential to be developed at a higher intensity, but redevelopment will be constrained by the lack of an existing sewer system and the 150' buffer requirement.
Catherine Creek: Open Space – City Limits	This area is designated Public/ Semi-Public and consists of Catherine Creek Park. The land is currently owned by the Lake Stevens School District but is leased by the City. If the lease expires, the School District has the potential to further develop this property. The City needs to continue to work with the School District to ensure this property remains in public use.
Catherine Creek: Residential Areas – UGA	This area is designated Urban Low Density Residential and is zoned R-20,000. It has the potential to be developed at a higher intensity.
Catherine Creek: Utilities – UGA	These parcels are designated Residential, but are currently used as utility sites. These parcels could be further developed in the future, so it is important to maintain required vegetated buffers.
Little Pilchuck Creek: Residential Areas	This area is designated Urban Low Density Residential and is zoned R-20,000. The area is largely under developed and has the potential to be developed at a higher intensity.
Little Pilchuck Creek: Industrial Areas	This area is designated and zoned General Industrial, but the area in shoreline jurisdiction is largely undeveloped. This area might see new industrial uses or redevelopment of existing uses.

4 PROTECTIVE SMP PROVISIONS

4.1 Environment Designations

The first line of protection of the City's shorelines is the environment designation assignments (see Appendix A of the SMP). The Natural environment is the most restrictive, followed by the Urban Conservancy environment. Only agriculture, in-stream structures, roads, and utilities are potentially allowed through a Conditional Use process in the Natural environment, while water-dependent and water-enjoyment uses

are allowed outright. In addition, the Urban Conservancy environment allows boating and parking facilities, signage, and in some cases multi-family residential uses. In some respects, the Shoreline Residential environment is as restrictive as or more restrictive than the Urban Conservancy environment considering specific limitations to other uses. The most permissive environment is the High Intensity environment, which has been assigned to those areas that are already developed with commercial or industrial uses or prepared (cleared) for such development.

Table 3 (Tables 4 and 5 in the SMP) below identifies the prohibited and allowed uses and modifications in each of the shoreline environments, and clearly shows a hierarchy of higher-impacting uses and modifications being allowed in the already highly altered shoreline environments, with uses more limited in the less developed areas. This strategy helps to minimize cumulative impacts by concentrating development activity in lower functioning areas that are not likely to experience function degradation with incremental increases in new development.

Table 3. Shoreline Use and Modification Matrix (from Tables 4 and 5 of the Shoreline Master Program)

The chart is coded according to the following legend. P = May be permitted C = May be permitted as a conditional use only X = Prohibited; the use is not eligible for a variance or conditional use permit¹⁰	Natural	High Intensity	Urban Conservancy ¹⁰	Shoreline Residential	Aquatic ^{11, 18}
Shoreline Uses					
Agriculture	C ⁹	X	P	X	X
Aquaculture	X	X	X	X	X
Boating Facilities ¹⁴	X	P	P	P	P
Commercial:					
Water-dependent	X	P	P ¹	X	X
Water-related, -enjoyment	X	P	P ¹	X	X
Non-water-oriented	X	C ⁴	X	X	X
Flood Hazard Management	X	P	P	P	C
Forest Practices	X	X	X	P ⁸	X
Industrial					
Water-dependent	X	P	X	X	X
Water-related, -enjoyment	X	P	X	X	X

The chart is coded according to the following legend. P = May be permitted C = May be permitted as a conditional use only X = Prohibited; the use is not eligible for a variance or conditional use permit¹⁰					
	Natural	High Intensity	Urban Conservancy¹⁰	Shoreline Residential	Aquatic^{11, 18}
Non-water-oriented	X	P ⁴	X	X	X
In-stream structures	C	C	C	C	C
Mining	X	X	X	X	X
Parking (accessory)	X	P ²	P ²	P ²	X
Parking (primary, including paid)	X	X	X	X	X
Recreation:					
Water-dependent	P ³	P	P	P	P
Water-enjoyment	P ³	P	P	P	X
Nonwater-oriented	X	P ⁴	P ⁴	P	X
Single-Family residential	X	X	X	P	X
Multi-family residential	X	P	C ¹³	P	X
Land subdivision	P	P	P ⁵	P	X
Signs:					
On premises	X	P	P ⁶	X	X
Off premise	X	X	X	X	X
Public, highway	X	P	P	X	X
Solid waste disposal	X	X	X	X	X
Transportation:					
Water-dependent	X	P	P	C	P
Nonwater-dependent	X	P	C	C	C [/]
Roads, railroads	C [/]	P	P [/]	P	C [/]
Private non-commercial float plane landing and mooring facilities on Lake Stevens	X	X	X	X	p
Utilities (primary)	C [/]	C ¹⁵	C [/]	P [/]	C ^{/, 16}
Uses not otherwise listed	C	C	C	C	C
Shoreline Modifications					
Shoreline stabilization:					
Environmental restoration	P	P	P	P	P
Bioengineering	C	P	P	P	C
Revetments	X	P	C	P	C/P ¹⁹
Bulkheads	X	P	C	P	C/P ¹⁹
Breakwaters/jetties/weirs/groins	X	X	X	X	X
Dikes, levees	X	C	C	C	C
Clearing and grading	N/A	P	P	P	NA

The chart is coded according to the following legend. P = May be permitted C = May be permitted as a conditional use only X = Prohibited; the use is not eligible for a variance or conditional use permit¹⁰					
	Natural	High Intensity	Urban Conservancy ¹⁰	Shoreline Residential	Aquatic ^{11, 18}
Dredging	NA	NA	NA	NA	C
Hazardous waste cleanup	P	P	P	P	P
Fill ¹⁴	X	P	P	P	C ¹⁵
Piers, docks ¹⁶	X	P	P	P	P
Moorage piles, mooring buoys, swimming floats	X	X	X	X	X
Boardwalks, public	C	P	P	P	X

1. Park concessions, such as small food stands, cafes, and restaurants with views and seating oriented to the water, and uses that enhance the opportunity to enjoy publicly accessible shorelines are allowed.
2. Accessory parking is allowed in shoreline jurisdiction only if there is no other feasible option, as determined by the City.
3. Passive activities, such as nature watching and trails, that require little development with no significant adverse impacts may be allowed.
4. Nonwater-oriented uses may be allowed as a permitted use where the City determines that water-dependent or water-enjoyment use of the shoreline is not feasible due to the configuration of the shoreline and water body or due to the underlying land use classification in the comprehensive plan.
5. Land division is only allowed where the City determines that it is for a public purpose.
6. Signs are allowed for public facilities only.
7. Roadways and public utilities are allowed if there is no other feasible alternative, as determined by the City, and all significant adverse impacts are mitigated.
8. Agricultural activities existing at the time of adoption of this SMP only.
9. For the treatment of existing nonconforming development, see Chapter 7 Section E.
10. Development in channel migration zones is allowed only by conditional use permit where it can be shown that such development would not prevent natural channel migration.
11. Uses noted as allowed in the Aquatic environment are allowed only if allowed in the adjacent upland environment.
12. Multifamily residences may be allowed as part of a mix of uses, provided public access and ecological restoration are included as part of the project.
13. No new marinas.
14. Fill in the floodplain must meet all federal, state, and local flood hazard reduction regulations.
15. Fill in aquatic areas for the purposes of shoreline ecological restoration may be allowed as a permitted use if the Shoreline Administrator determines that there will be an increase in desired ecological functions.
16. New non-public piers and docks are prohibited on Little Pilchuck Creek and Catherine Creek.
17. Residences are allowed in shoreline jurisdiction only if it is not feasible, as determined by the City, to locate the building on the portion of the property outside shoreline jurisdiction.
18. A shoreline modification may be allowed in the Aquatic Environment if the chart indicates that it is allowed in both the Aquatic Environment and the adjacent upland environment.

5. *New shoreline stabilization structures are not allowed in the Aquatic Designation. Replacement walls or bulkheads shall not encroach waterward of the OHWM or existing structure unless the residence was occupied prior to January 1, 1992, and there are overriding safety or environmental concerns. In such cases, the replacement structure shall abut the existing shoreline stabilization structure (WAC 173-26-231(3)(a)(iii)(4)(C)). All other shoreline stabilization structures in the Aquatic Designation require a conditional use permit.*
6. *A maximum of two mooring piles or buoys per dock in lieu of fingers or ells are allowed only within the envelope of the dock and no farther waterward than the end of the dock. Also a maximum of two piles or buoys are allowed in lieu of dock if it includes markings for navigational safety where it shall be colored white and shall have a horizontal blue band around the circumference of the buoy centered midway between the top of the buoy and the water line (WAC 352-66-100).*

4.2 General Goals, Policies and Regulations

The SMP contains numerous general policies, with supporting regulations (see SMP), intended to protect the ecological functions of the shoreline and prevent adverse cumulative impacts. These policies are summarized below.

- Policy 4.b.2: All significant adverse impacts to the shoreline should be avoided or, if that is not possible, minimized to the extent feasible and provide mitigation to ensure no net loss of ecological function.
- Policy 8.b.4.a: All shoreline development should be located, designed, constructed and managed to avoid disturbance of and minimize adverse impacts to wildlife resources, including spawning, nesting, rearing and habitat areas and migratory routes.
- Policy 8.b.2.c: Protect and restore existing diversity of vegetation and habitat values, wetlands and riparian corridors associated with shoreline areas.
- Policy 11.b.2: This SMP in conjunction with other City development regulations should establish a coordinated and effective set of provisions and programs to protect and restore those functions provided by shoreline vegetation.
- SMP Table 6: All new development should provide adequate setbacks to protect or restore ecological functions and ecosystem-wide processes. Setbacks have been established by environment designation and for specific uses as follows:

Table 4. Shoreline Development Setbacks (from Table 6 of the Shoreline Master Program)

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

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

4.3 Shoreline Restoration Plan

As discussed above, one of the key objectives that the SMP must address is “no net loss of ecological shoreline functions necessary to sustain shoreline natural resources” (Ecology 2004). However, SMP updates seek not only to maintain conditions, but to improve them:

“...[shoreline master programs] include planning elements that when implemented, serve to improve the overall condition of habitat and resources within the shoreline area of each city and county (WAC 173-26-201(c)).”

The guidelines state that “master programs shall include goals, policies and actions for restoration of impaired shoreline ecological functions. These master program provisions should be designed to achieve overall improvements in shoreline ecological functions over time, when compared to the status upon adoption of the master program” (WAC 173-26-201(2)(f)). Pursuant to that direction, the City has prepared a *Shoreline Restoration Plan*, which is a non-regulatory part of the SMP (Appendix B).

Practically, it is not always feasible for shoreline developments and redevelopments to achieve no net loss at the site scale, particularly for those developments on currently undeveloped properties or a new pier or bulkhead. The *Shoreline Restoration Plan*, therefore, can be an important component in making up that difference in ecological function that would otherwise result just from implementation of the SMP. The *Shoreline Restoration Plan* represents a long-term vision for restoration that will be implemented over time, resulting in incremental improvement over the existing conditions.

The *Shoreline Restoration Plan* identifies a number of project-specific opportunities for restoration on both public and private properties inside and outside of shoreline jurisdiction, and also identifies ongoing City programs and activities, non-governmental organization programs and activities, and other recommended actions consistent with a variety of watershed-level efforts.

4.4 General Cumulative Impacts Assessment

The following table (Table 5) summarizes for each environment designation and corresponding waterbody the existing conditions, anticipated development, relevant

Shoreline Master Program (SMP) and other regulatory provisions, and the expected net impact on ecological function. Certain special topics are discussed and analyzed in greater detail in Chapter 5 following the table. The discussion of existing conditions is based on the *Shoreline Analysis Report*, and additional analysis needed to perform this assessment. The *Shoreline Analysis Report* includes a more in-depth discussion of the topics below, as well as information about transportation, stormwater and wastewater utilities, impervious surfaces, and historical/archaeological sites, *among others*.

In addition to the environment designations discussed in the following tables, the Aquatic designation will apply to those applicable areas of shoreline jurisdiction:

“Aquatic” Environment - The purpose of the “Aquatic” environment is to protect, restore and manage the unique characteristics and resources of marine waters, including habitat, ecology, navigation and public enjoyment. An “Aquatic” environment designation will be assigned to shoreline areas waterward of the ordinary high-water mark.

Table 5. General Cumulative Impacts Assessment.

Shoreline Segment	Existing Conditions	Likely Development / Functions or Processes Potentially Impacted	Effect of SMP Provisions	Effect of Other Development and Restoration Activities / Programs	Net Effect
High Intensity					
Lake Stevens	The High Intensity area along Lake Stevens consists of one parcel with approximately 195 feet of shoreline. The parcel is developed with a commercial office building (currently vacant) and associated paved parking area and pier.	Future Development: It is likely that the High Intensity area along the Lake Stevens shoreline could redevelop with commercial uses. Functions/Processes Impacted: Water Quantity: No changes to water quantity are expected, as the site is nearly 100 percent impervious. Stormwater management requirements will be necessary to help alleviate water quantity impacts. Water Quality: Future redevelopment would likely provide improvements to water quality by improving shoreline vegetation and surface water management. Vegetation and Habitat: Given the cleared and very developed nature of the parcel, future degradation of shoreline vegetation is not anticipated. Future redevelopment should include enhancement of shoreline vegetation.	SMP policies for the “High Intensity” environment (SMP Section 2.C.2.c) include: • “In regulating uses in the “High-Intensity” environment, first priority should be given to water-dependent uses. Second priority should be given to water-related and water-enjoyment uses.” • “Developments in the “High-Intensity” environment should be managed so that they enhance and maintain the shorelines for a variety of urban uses, with priority given to water-dependent, water-related, and water-enjoyment uses.” • “Existing public access ways should not be blocked or diminished.” • “Aesthetic objectives should be actively implemented by means such as sign control regulations, appropriate development siting, screening and architectural standards, and maintenance of natural vegetative buffers. These objectives may be implemented either through this SMP or other City ordinances.” • “In order to make maximum use of the available shoreline resource and to accommodate future water-oriented uses, shoreline restoration and/or public access, the redevelopment and renewal of substandard, degraded, obsolete urban shoreline areas should be encouraged.” SMP development regulations include, for Commercial uses (SMP Section 5.C.4.c): • “Commercial development shall be designed to avoid or minimize ecological impacts, to protect human health and safety, and to avoid significant adverse impacts to surrounding uses and the shoreline’s visual qualities, such as views to the waterfront and the natural appearance of the shoreline.” • “All commercial loading and service areas shall be located or screened to minimize adverse impacts to the shoreline environment.” • “Commercial development and accessory uses must conform to the setback and height standards established in Section B “Development Standards Matrix” in this	Any in- or over-water proposals would require review not only by the City of Lake Stevens, but also by the Washington Department of Fish and Wildlife (WDFW). A project that includes in-water fill would require review and permitting from the U.S. Army Corps of Engineers (Corps), and the Washington Department of Ecology. Each of these agencies is charged with regulating and/or protecting shorelines and the waters of Lake Stevens, and would impose certain design or mitigation requirements on applicants. Restoration opportunities available at the site include enhancement of native shoreline vegetation for both terrestrial and aquatic habitat, removal of small amount of shoreline armoring, reduction in surface water runoff and improvement in infiltration capacity.	Unmitigated new development in this area has the potential to further degrade the baseline condition. Strict implementation of the SMP will be needed to minimize impacts, and is expected to result in the long-term improvement in ecological function.

Shoreline Segment	Existing Conditions	Likely Development / Functions or Processes Potentially Impacted	Effect of SMP Provisions	Effect of Other Development and Restoration Activities / Programs	Net Effect
			Chapter.” “Low Impact Development (LID) techniques shall be incorporated where appropriate.” Commercial development shall be setback 60-feet from the Lake Stevens shoreline (SMP Section 5.B). For Industrial uses (SMP Section 5.C.5.2): “The amount of impervious surface shall be the minimum necessary to provide for the intended use. The remaining land area shall be landscaped with native plants according to Chapter 3 Section B.11.c.5.” “Water-dependent industry shall be located and designed to minimize the need for initial and/or continual dredging, filling, spoil disposal, and other harbor and channel maintenance activities.” “Storage and disposal of industrial wastes is prohibited within shoreline jurisdiction; PROVIDED, that wastewater treatment systems may be allowed in shoreline jurisdiction if alternate, inland areas have been adequately proven infeasible.” “Display and other exterior lighting shall be designed, shielded, and operated to avoid illuminating the water surface.” “All industrial loading and service areas shall be located or screened to minimize adverse impacts to the shoreline environment (including visual impacts) and public access facilities.” “Low Impact Development (LID) techniques shall be incorporated where appropriate. Industrial development shall be setback 60-feet from the Lake Stevens shoreline (SMP Section 5.B).		
Catherine Creek	One parcel along Catherine Creek makes up the High Intensity environment. The parcel is owned by the City of Lake Stevens and is primarily undeveloped, with the exception of a paved parking area associated with the Hartford Industrial Park.	<u>Future Development:</u> It is likely that the High Intensity area along Catherine Creek could, over time, develop into commercial or light industrial uses. <u>Functions/Processes Impacted:</u> Water Quantity: Slight changes to water quantity related to surface runoff may increase with more commercial/industrial development. However, all future development would adhere to stormwater management requirements.	Same policies and regulations as above for High Intensity – Lake Stevens. Further, the commercial and industrial building setback in these areas is 160 feet. The accessory parking setback is 70 feet. (SMP Section 5.B).	Same State and Federal implications as outlined above for High Intensity – Lake Stevens. As identified in the Shoreline Restoration Plan (Appendix B of the SMP), several opportunities for improvements to shoreline ecological function exist: - Enhancing large woody debris (LWD) recruitment; promoting natural LWD recruitment; - Promoting pool, riffle and gravel bar development; - Evaluating and enhancing hydrologic conditions; - Following Planning and Community Development	New development has the potential to degrade the baseline condition in these areas. This may include loss of vegetation and increase in impervious surfaces. Strict adherence to the SMP and critical areas regulations are necessary to ensure no net loss of functions in this area.

Shoreline Segment	Existing Conditions	Likely Development / Functions or Processes Potentially Impacted	Effect of SMP Provisions	Effect of Other Development and Restoration Activities / Programs	Net Effect
		Water Quality: Future development of commercial/industrial uses may impact water quality increasing the likely application of chemicals, fertilizers and pesticides. Vegetation and Habitat: Preservation and enhancement of vegetation in this and other areas will ensure protection of existing functions.		Department design guidelines in Catherine Creek Park; - Restoring degraded wetlands; and - Restoring and enhancing riparian vegetation. These actions address the ecological functions assessed in the Restoration Plan, as well as the continuation of ongoing studies, projects and other efforts on the Catherine Creek shoreline.	
Little Pilchuck Creek	This area is largely undeveloped.	Future Development: It is likely that undeveloped areas along Little Pilchuck Creek could, over time, develop into commercial or light industrial uses. Functions/Processes Impacted: Water Quantity: Slight changes to water quantity related to surface runoff may increase with more commercial/industrial development. However, all future development would adhere to stormwater management requirements. Water Quality: Future development of commercial/industrial uses may impact water quality increasing the likely application of chemicals, fertilizers and pesticides. Vegetation and Habitat: Preservation and enhancement of vegetation in this and other areas will ensure protection of existing functions.	Same policies and regulations as above for High Intensity – Lake Stevens. Further, the commercial and industrial building setback in these areas is 160 feet. The accessory parking setback is 70 feet. (SMP Section 5.B).	Same State and Federal implications as outlined above for High Intensity – Lake Stevens. As identified in the Shoreline Restoration Plan (Appendix B of the SMP), several opportunities for improvements to shoreline ecological function exist: - Evaluating and enhancing hydrologic conditions; - Restoring degraded wetlands; - Restoring riparian vegetation; - Enhancing habitat with LWD; promoting natural LWD recruitment; and - Implement projects to fill data gaps identified in the 2002 Snohomish River Basin Salmonid Habitat Conditions Review. These actions address the ecological functions assessed in the Restoration Plan, as well as the continuation of ongoing studies, projects and other efforts on the Little Pilchuck Creek shoreline.	New development has the potential to degrade the baseline condition in these areas. This may include loss of vegetation and increase in impervious surfaces. Strict adherence to the SMP and critical areas regulations are necessary to ensure no net loss of functions in this area.
Shoreline Residential					
Lake Stevens	The residential areas along Lake Stevens are dominated by single-family residences. Most waterfront property is developed. Nearly half of all residential parcels are bisected by roads running parallel to the shoreline. Approximately three-quarters of the shoreline is armored. Nearly all properties have either single- or	Future Development: Currently only a few lots on Lake Stevens are undeveloped. Otherwise, no new development is expected along the shoreline. Functions/Processes Impacted: Water Quantity: Slight changes to water quantity related to surface runoff may increase with more residential development. However, all future development would adhere to stormwater management requirements. Water Quality: Future development of residential uses may impact water quality	SMP policies for the “Shoreline Residential” environment (SMP Section 2.C.4) include: “Allow development only in those areas where impacts and hazards to or caused by the proposed development can be effectively mitigated and where the environment is capable of supporting the proposed use in a manner that protects ecological functions.” “Commercial development should be limited to water-oriented uses and not conflict with the residential character of lands in the “Shoreline Residential” environment. “Water-oriented recreational uses should be allowed.”	Any in- or over-water proposals would require review not only by the City of Lake Stevens, but also by the Washington Department of Fish and Wildlife (WDFW). A project that includes in-water fill would require review and permitting from the U.S. Army Corps of Engineers (Corps), and the Washington Department of Ecology. Each of these agencies is charged with regulating and/or protecting shorelines and the waters of Lake Stevens, and would impose certain design or mitigation requirements on applicants. As identified in the Shoreline Restoration Plan (Appendix B of the SMP), several opportunities for improvements to shoreline ecological function exist.	Limited new and redevelopment pressure as little waterfront property is undeveloped. New and redevelopment has the potential to degrade the baseline condition. Strict implementation of the SMP and the critical areas regulations should minimize impacts. If mitigation for potential setback reductions includes removal of

Shoreline Segment	Existing Conditions	Likely Development / Functions or Processes Potentially Impacted	Effect of SMP Provisions	Effect of Other Development and Restoration Activities / Programs	Net Effect
	joint-use pier access.	increasing the likely application of chemicals, fertilizers and pesticides. Slight improvements in water quality may occur upon development or redevelopment in areas devoid of shoreline vegetation through revegetation standards. Vegetation and Habitat: Preservation and enhancement of vegetation in this and other areas will ensure protection of existing functions. Improvements to vegetation coverage may also occur through implementation of development regulations which require shoreline planting areas.	• “New residential development should be supported by adequate land area and services.” • “Land division and development should be permitted only 1) when adequate setbacks or buffers are provided to protect ecological functions and 2) where there is adequate access, water, sewage disposal, and utilities systems, and public services available and 3) where the environment can support the proposed use in a manner which protects or restores the ecological functions.” • “Development standards for setbacks or buffers, shoreline stabilization, vegetation conservation, critical area protection, and water quality should be established to protect and, where significant ecological degradation has occurred, restore ecological functions over time.” • “Multi-family development and subdivisions of land into more than four parcels should provide community access for residents of that development.” • “New residential development should be located and designed so that future shoreline stabilization is not needed.” Additional policies in the Residential Development uses section (SMP Section 5.8.b) include: • “No net loss of ecological functions must be assured with specific standards for setback of structures sufficient to avoid problems with future soil stabilization, buffers, density, shoreline stabilization, and on-site sewage disposal” • “The overall density of development, lot coverage, and height of structures should be appropriate to the physical capabilities of the site and consistent with the comprehensive plan.” • “Adequate provisions should be made for protection of groundwater supplies, erosion control, stormwater drainage systems, aquatic and wildlife habitat, ecosystem-wide processes, and open space.” • “Sewage disposal facilities, as well as water supply facilities, shall be provided in accordance with appropriate state and local health regulations.” • “New residences should be designed and located so that shoreline armoring will not be necessary to protect the structure.”	These include: • Evaluating habitat conditions and current/potential fish use in the lake; • Restoring degraded wetlands; • Restoring shoreline vegetation; • Enhancing shorelines with LWD; promoting natural LWD recruitment; • Improving floodplain connectivity; • Monitoring and improving water quality in the lake; • Following Planning and Community Development Department design guidelines in North Cove, Lundeen, Sunset, and Wyatt Parks; and • Implementing projects to fill data gaps identified in the 2002 Snohomish River Basin Salmonid Habitat Conditions Review. These actions address the ecological functions assessed in the Restoration Plan, as well as the continuation of ongoing studies, projects and other efforts on the Lake Stevens shoreline	substantial shoreline hardening and/or supplementation of native shoreline plantings, ecological function in developed residential areas could improve in the long term. Given the above potential impacts and mitigation measures, no net loss of ecological functions is expected.

Shoreline Segment	Existing Conditions	Likely Development / Functions or Processes Potentially Impacted	Effect of SMP Provisions	Effect of Other Development and Restoration Activities / Programs	Net Effect
			A detailed discussion of effects of SMP provisions related to residential setbacks is presented in Section 5.1. The regulations in SMP Section 5.C.8.c.1 provide for a protective setback of 60 feet in areas along the Lake Stevens shoreline and allowances for reductions of the 60-foot setback that could occur only when paired with mitigation elements for restoration and enhancement of functions. Further, vegetation conservation regulations include, “For new development on previously undeveloped lots, any existing native vegetation shall be retained along the shoreline to 20 feet from the OHWM. If little or no native vegetation exists on the previously undeveloped lot, native vegetation shall be planted along the shoreline to 20 feet from the OHWM.” (SMP Section 5.C.8.c.3) A detailed discussion of effects of SMP provisions related to residential overwater structures is presented in Section 5.2. The regulations in SMP Section 4.C.3 contain strict dimensional and materials standards. A detailed discussion of effects of SMP provisions related to new and replacement shoreline stabilization is presented in Section 5.3. The regulations contained within SMP Section 4.C.2 will considerably reduce the potential for new hard shoreline stabilization, and will likely result over time in conversions of existing hard structural stabilization to soft structural stabilization.		
Catherine Creek	The residential areas along Catherine Creek are primarily built-out, with a majority of the housing built within the last few decades.	Future Development: Currently only a few residential lots on Catherine Creek are undeveloped. Otherwise, no new development is expected along the shoreline. Functions/Processes Impacted: Water Quantity: Slight changes to water quantity related to surface runoff may increase with more residential development. However, all future development would adhere to stormwater management requirements. Water Quality: Future development of residential uses may impact water quality increasing the likely application of chemicals, fertilizers and pesticides. Slight improvements	Same policies and regulations as above for Shoreline Residential – Lake Stevens. Further, the residential setback in these areas is 160 feet (SMP Section 5.B).	Same State and Federal implications as outlined above for Shoreline Residential – Lake Stevens. As identified in the Shoreline Restoration Plan (Appendix B of the SMP), several opportunities for improvements to shoreline ecological function exist: • Enhancing LWD recruitment; promoting natural LWD recruitment; • Promoting pool, riffle and gravel bar development; • Evaluating and enhancing hydrologic conditions; • Following Planning and Community Development Department design guidelines in Catherine Creek Park; • Restoring degraded wetlands; and • Restoring and enhancing riparian vegetation.	Limited new and redevelopment pressure, critical areas regulations, and SMP provisions ensure that any development in the Shoreline Residential jurisdiction would not result in net loss of ecological function.

Shoreline Segment	Existing Conditions	Likely Development / Functions or Processes Potentially Impacted	Effect of SMP Provisions	Effect of Other Development and Restoration Activities / Programs	Net Effect
		in water quality may occur upon development or redevelopment in areas devoid of shoreline vegetation through revegetation standards. Vegetation and Habitat: Preservation and enhancement of vegetation in this and other areas will ensure protection of existing functions. Improvements to vegetation coverage may also occur through implementation of development regulations which require shoreline planting areas.		These actions address the ecological functions assessed in the Restoration Plan, as well as the continuation of ongoing studies, projects and other efforts on the Catherine Creek shoreline.	
Little Pilchuck Creek	Residential designated areas along Little Pilchuck Creek are largely undeveloped.	Future Development: The area is largely under developed and has the potential to be developed at a higher intensity. There are approximately six residential parcels within this area. Functions/Processes Impacted: Water Quantity: Slight changes to water quantity related to surface runoff may increase with more residential development. However, all future development would adhere to stormwater management requirements. Water Quality: Future development of residential uses may impact water quality increasing the likely application of chemicals, fertilizers and pesticides. Slight improvements in water quality may occur upon development or redevelopment in areas devoid of shoreline vegetation through revegetation standards. Vegetation and Habitat: Preservation and enhancement of vegetation in this and other areas will ensure protection of existing functions. Improvements to vegetation coverage may also occur through implementation of development regulations which require shoreline planting areas.	Same policies and regulations as above for Shoreline Residential – Lake Stevens. Further, the residential setback in these areas is 160 feet (SMP Section 5.B).	Same State and Federal implications as outlined above for Shoreline Residential – Lake Stevens. As identified in the Shoreline Restoration Plan (Appendix B of the SMP), several opportunities for improvements to shoreline ecological function exist: • Evaluating and enhancing hydrologic conditions; • Restoring degraded wetlands; • Restoring riparian vegetation; • Enhancing habitat with LWD; promoting natural LWD recruitment; and • Implement projects to fill data gaps identified in the 2002 Snohomish River Basin Salmonid Habitat Conditions Review. These actions address the ecological functions assessed in the Restoration Plan, as well as the continuation of ongoing studies, projects and other efforts on the Little Pilchuck Creek shoreline.	Limited new and redevelopment pressure, critical areas regulations, and SMP provisions ensure that any development in the Shoreline Residential jurisdiction would not result in net loss of ecological function.
Urban Conservancy					
Lake Stevens	The Urban Conservancy designation along the Lake Stevens shoreline includes County-owned Wyatt Park and Sunset Park, and City-owned Lundeen Park, Swim Beach, and North Cove	Future Development: There is little likelihood of future changes through these shoreline areas with the exception of the expansion and redevelopment of North Cove Park. Functions/Processes Impacted: Water Quantity: With little to no expansion of impervious surface coverage planned, no	SMP policies for the “Urban Conservancy” environment (SMP Section 2.C.3.c) include: • “Water-oriented recreational uses should be given priority over nonwater oriented uses. Water-dependent recreational uses should be given highest priority.” • “Public access and public recreation objectives should be implemented whenever feasible and	Any in- or over-water proposals would require review not only by the City of Lake Stevens, but also by the Washington Department of Fish and Wildlife (WDFW). A project that includes in-water fill would require review and permitting from the U.S. Army Corps of Engineers (Corps), and the Washington Department of Ecology. Each of these agencies is charged with regulating and/or protecting shorelines and the waters of Lake	SMP provisions, including setbacks and Restoration Plan implementation, ensure that environmental conditions in this environment will not be degraded relative to existing baseline over the long term.

Shoreline Segment	Existing Conditions	Likely Development / Functions or Processes Potentially Impacted	Effect of SMP Provisions	Effect of Other Development and Restoration Activities / Programs	Net Effect
	Park. Existing conditions include the following: Wyatt Park: Facilities include a public boat launch, a dock (for boats), a fishing pier, a lifeguard-monitored swimming area, restrooms, picnic tables, and 80 parking spaces. Sunset Park: Facilities include a public dock, picnic tables, and six parking spaces Lundeen Park: Facilities include a public pier, 500 feet of shoreline, a swimming area, sports courts and 98 parking spaces. Swim Beach: Facilities include 560 square feet of useable beach, a 600 square foot municipal swimming dock, a portable restroom, and 10 parking spaces. North Cove Park: The park has a 250 foot municipal boardwalk/pier (interpretation, fishing & picnicking, but no public boat access), picnic tables, and two horseshoe pits. Also a small dock for Police Department boats.	significant change to water quantity is expected. All future development would adhere to stormwater management requirements. Water Quality: Future development of residential uses may impact water quality by decreasing vegetative cover and increasing the likely application of chemicals, fertilizers and pesticides. Vegetation and Habitat: Future redevelopment and/or restoration activities at the various parks are likely to result in improved vegetation and habitat conditions through the addition of native plantings.	significant ecological impacts can be mitigated.” “Standards should be established for shoreline stabilization measures, vegetation conservation, water quality, and shoreline modifications within the “Urban Conservancy” designation to ensure that new development does not further degrade the shoreline and is consistent with an overall goal to improve ecological functions and habitat.” “Water-dependent and water-enjoyment recreation facilities that do not deplete the resource over time, such as boating facilities, angling, wildlife viewing trails, and swimming beaches, are preferred uses, provided significant ecological impacts to the shoreline are avoided or mitigated.” Development regulations within the Urban Conservancy environment state, “Nonwater-oriented structures, such as restrooms, recreation halls and gymnasiums, recreational buildings and fields, access roads, and parking areas, shall be set back from the OHWM at least 70 feet unless it can be shown that there is no feasible alternative.” (SMP Section 5.7.c.4)	Stevens, and would impose certain design or mitigation requirements on applicants. As identified in the Shoreline Restoration Plan (Appendix B of the SMP), several opportunities for improvements to shoreline ecological function exist. These include: - Evaluating habitat conditions and current/potential fish use in the lake; - Restoring degraded wetlands; - Restoring shoreline vegetation; - Enhancing shorelines with LWD; promoting natural LWD recruitment; - Improving floodplain connectivity; - Monitoring and improving water quality in the lake; - Following Planning and Community Development Department design guidelines in North Cove, Lundeen County, Sunset, and Wyatt Parks; and - Implementing projects to fill data gaps identified in the 2002 Snohomish River Basin Salmonid Habitat Conditions Review. These actions address the ecological functions assessed in the Restoration Plan, as well as the continuation of ongoing studies, projects and other efforts on the Lake Stevens shoreline.	It will be critical to evaluate projects on a site-specific and project-specific basis, however, and utilize the available impact minimization and protective provisions of the SMP. Given strict adherence to the SMP policies and regulations, no net loss of ecological functions is expected as no detrimental or un-mitigated alterations to the existing conditions are likely to occur along the Urban Conservancy designated shorelines.
Catherine Creek	The Urban Conservancy designation along the Catherine Creek shoreline includes Catherine Creek Park. The park is an 8-acre	Future Development: There is little likelihood of future changes through this shoreline area. Functions/Processes Impacted: Water Quantity: With little to no expansion of impervious surface coverage planned, no	SMP policies same as above for Urban Conservancy – Lake Stevens.	Same State and Federal implications as outlined above for Urban Conservancy – Lake Stevens. As identified in the Shoreline Restoration Plan (Appendix B of the SMP), several opportunities for	Net effect same as above for Urban Conservancy – Lake Stevens.

Shoreline Segment	Existing Conditions	Likely Development / Functions or Processes Potentially Impacted	Effect of SMP Provisions	Effect of Other Development and Restoration Activities / Programs	Net Effect
	community park that is maintained primarily as a "natural" park with a network of trails (2 miles), access to Catherine Creek, picnic facilities, and a disc golf course.	significant change to water quantity is expected. All future development would adhere to stormwater management requirements. Water Quality: Future development of recreational uses may impact water quality by decreasing vegetative cover and increasing the likely application of chemicals, fertilizers and pesticides. Vegetation and Habitat: Future redevelopment and/or restoration activities are likely to result in improved vegetation and habitat conditions.		improvements to shoreline ecological function exist: • Enhancing LWD recruitment; promoting natural LWD recruitment; • Promoting pool, riffle and gravel bar development; • Evaluating and enhancing hydrologic conditions; • Following Planning and Community Development Department design guidelines in Catherine Creek Park; • Restoring degraded wetlands; and • Restoring and enhancing riparian vegetation. These actions address the ecological functions assessed in the Restoration Plan, as well as the continuation of ongoing studies, projects and other efforts on the Catherine Creek shoreline.	
Little Pilchuck Creek	The Urban Conservancy designation along the Little Pilchuck Creek shoreline includes the Centennial Trail. The 17-mile recreational trail runs from Snohomish to Arlington.	Future Development: There is little likelihood of future changes through this shoreline area. Functions/Processes Impacted: Water Quantity: With little to no expansion of impervious surface coverage planned, no significant change to water quantity is expected. All future development would adhere to stormwater management requirements. Water Quality: Future development of residential uses may impact water quality by decreasing vegetative cover and increasing the likely application of chemicals, fertilizers and pesticides. Vegetation and Habitat: Future redevelopment and/or restoration activities are likely to result in improved vegetation and habitat conditions.	SMP policies same as above for Urban Conservancy – Lake Stevens.	Same State and Federal implications as outlined above for Urban Conservancy – Lake Stevens. As identified in the Shoreline Restoration Plan (Appendix B of the SMP), several opportunities for improvements to shoreline ecological function exist: • Evaluating and enhancing hydrologic conditions; • Restoring degraded wetlands; • Restoring riparian vegetation; • Enhancing habitat with LWD; promoting natural LWD recruitment; and • Implement projects to fill data gaps identified in the 2002 Snohomish River Basin Salmonid Habitat Conditions Review. These actions address the ecological functions assessed in the Restoration Plan, as well as the continuation of ongoing studies, projects and other efforts on the Little Pilchuck Creek shoreline.	Net effect same as above for Urban Conservancy – Lake Stevens.
Natural					
Lake Stevens	The Stevens Creek and Stitch Lake wetland complexes are primarily in a naturally forested state, with an abundance of ponded areas that included both emergent and aquatic vegetation.	Future Development: No future development is anticipated. The only anticipated activity would be restoration. Functions/Processes Impacted: No adverse impacts to function/processes are anticipated in the future. Habitat enhancement may occur at some point in the future.	SMP policies for the “Natural” environment (SMP Section 5.7) include: • “Any use that would substantially degrade the ecological functions or natural character of the designated wetland area should be prohibited.” • “Uses that are consumptive of physical, visual, and biological resources should be prohibited.” Development regulations within the Natural	While areas designated as Natural shoreline environments typically have properly functioning shoreline conditions that provide a variety of ecological functions, portions of these shoreline areas may also be in need of improvements. While no specific restoration opportunities are identified in the Shoreline Restoration Plan, preservation of the wetland areas in their present state, through the City’s	No net loss of ecological functions is expected as no detrimental alterations to the existing conditions in this environment are likely to occur.

Shoreline Segment	Existing Conditions	Likely Development / Functions or Processes Potentially Impacted	Effect of SMP Provisions	Effect of Other Development and Restoration Activities / Programs	Net Effect
		No adverse impacts to function/processes associated with the wetland complexes are anticipated in the future.	environment state that, “[t]he ecological resources in the Natural-Wetlands environment should be protected through the provisions in the Critical Areas section of this SMP.” (SMP Section 2.C.1.c.6)	SMP and critical areas regulations, should ensure adequate protection.	

5 DEVELOPMENT IMPLICATIONS

In addition to the general cumulative impacts analysis presented in the table in Section 4, this section will expand on several key areas of functions and impacts associated with new and redevelopment within the “Shoreline Residential” environment designation on Lake Stevens.

5.1 Residential Setbacks on Lake Stevens

With the possible exception of limited additional residential-zoned lands being acquired for public open space, planned land use in the Shoreline Residential environment is not expected to change over the next 20 years, although new residential development and substantial remodels are anticipated. Typically, development of vacant lots into residential uses would result in replacement of pervious, vegetated areas with impervious surfaces and a landscape management regime that often includes chemical treatments of lawn and landscaping. These actions can have multiple effects on shoreline ecological functions, including:

- Reduction in ability of site to improve quality of waters passing through the untreated vegetation and healthy soils.
- Potential contamination of surface water from chemical and nutrient applications.
- Increase in surface water runoff due to reduced infiltration area and increased impervious surfaces, which can lead to excessive soil erosion and subsequent in-water sediment deposition.
- Elimination of upland habitat occupied by wildlife that use riparian areas.

Under the City’s existing critical areas regulations, structures must be set back 50 feet from the Lake Stevens shoreline as part of the Fish and Wildlife Conservation Area Buffer (LSMC 14.88.430). Under the proposed SMP (SMP **Section 8.c**), the minimum standard residential shoreline setback will be 60 feet (50 foot standard with an additional 10 foot building setback). A setback of greater than 60 feet will apply to those parcels with adjacent properties that have setbacks greater than 60 feet. As per LSMC 14.88.430(f), setbacks to shorelines of state-wide significance are regulated under the SMP and the City’s Critical Areas regulations. Accordingly, the setbacks in LSMC 14.88.430(a) shall apply when no setbacks are specified in the SMP. If setbacks are specified in both Critical Areas regulations and SMP, the more restrictive setbacks shall apply.

City of Lake Stevens Cumulative Impacts Analysis

According to a sampling of the City's GIS data, the average residential setback for three areas of the lake are listed in Table 6.

Table 6. Breakdown of average building setbacks in the Shoreline Residential environment.

Location	# of parcels sampled	Average Setback
Western Shoreline	50	64-feet
Eastern Shoreline	50	103-feet
Northern Shoreline	50	98-feet

While the amount of space between the shoreline and a structure is an excellent quick evaluation of shoreline condition, for most urban residential shorelines, the condition of nearshore environments (including extent of native vegetation, amount of impervious surfaces, and extent of chemical usage on lawns and landscaping) is a more precise indicator of shoreline health. For the case of Lake Stevens, shoreline conditions allow for waterward development up to 50 feet from shore with most of that space used as mowed lawn with some ornamental landscaping, much of it presumably treated routinely or occasionally with pesticides, herbicides or fertilizers. Shoreline setbacks in conjunction with impervious surface cover restrictions and revegetation standards are an excellent means to improve overall shoreline ecological functions in developed areas.

The significance of impervious surfaces on a shoreline environment where surface water quantity is not really a factor (as the lake is primarily fed by groundwater) is very diminished given the residential uses. Single-family or multi-family homes generally have clean roof and sidewalk runoff, and driveways, whether 50 square feet or 5,000 square feet, are typically pollution-generating surfaces only to the extent that vehicle-related pollutants are deposited on them. Most single-family homes have between two and four vehicles, regardless of the driveway area and thus the correlation between driveway area and amount of pollution is not strong. Garages and pavement for motorized vehicles are to be set back at least 75 feet from the lake (SMP **Section 5.8.c.4**). An impervious surface standard has been set at 40 percent (SMP **Section 5.8.c.2.b**) for single-family lots, with incentives for an increase up to 50 percent (SMP **Section 5.8.c.2.c**). On newly developed lots, vegetation shall be retained along the shoreline to 20 feet from the OHWM (SMP **Section 5.8.c.3**). Those properties with a 60-foot total setback that choose to reduce their setback would be required to mitigate impacts through various shoreline enhancement

mechanisms such as native revegetation, shoreline armoring removal or softening, impervious surface reductions, and stormwater controls.

Per SMP Section 5.8.c.3.b, a reduced setback may be allowed when a lot size is less than 50% of the minimum lot size. These lots may develop up to 60% impervious cover. Upon further review by City staff, approximately 20-30 lots around the lake (primarily along Vernon Road south of Lundeen Parkway and along S. Davies Road) meet this minimum lot size threshold. However, of those lots, only approximately 5 lots are below the 60% impervious cover threshold. Therefore, the application of this provision is expected to be relatively rare over the next 20 years. Cumulative impacts of this provision are considered negligible.

Upon redevelopment an existing structure which currently extends into the existing building setback may expand one-time up to 200 square feet laterally (no closer to the OHWM) along the face of the existing structure (SMP Section 5.8.c.3.b). Such a proposal must also provide mitigation proportional (1:1) to the setback area impacted through planting of vegetation along the shoreline in conformance with all other regulations including side setbacks and impervious surface requirements. Additional expansion may occur landward of the standard setback in conformance with all other regulations. Overall, based on a review of current house footprints around the lake, it is unlikely that a substantial number of properties would qualify for such a 200 foot expansion. Regardless, providing shoreline planting enhancements is expected to offset the increase impervious surfaces and loss of potential habitat areas.

Vegetation conservation standards for clearing and grading associated with residential development within shoreline jurisdiction include the implementation of a detailed landscape revegetation and monitoring plan (SMP **Section 5.8.c.3**).

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

City of Lake Stevens Cumulative Impacts Analysis

It is important that the impervious surfaces be separated from the waterbody to the extent that those surfaces replace vegetation, which can have a variety of ecological benefits. The setback provisions described above continue to maintain separation between the homes and the water, leaving the nearshore area available for vegetation.

In summary, new residences and substantial remodels/additions are expected in the Shoreline Residential environment over the next 20 years. The protective setbacks and other measures in the SMP, including a requirement for shoreline vegetation and impervious surface limits, will maintain or improve ecological functions of the shoreline over the long term, thereby resulting in no net loss of shoreline ecological function within the environment.

5.2 Overwater Structures

Overwater structures encompass a variety of uses, from in-water structures, such as fixed-pile piers, floating docks and platforms, to moorage covers, such as canopies and boathouses. Within the City, all overwater structures directly associated with a single-family residential use are located on Lake Stevens. It is difficult to determine exactly how many waterfront properties on Lake Stevens do not have a pier or pier access, particularly as many piers are located near property lines and thus it is possible that those may be shared with the adjacent property.

The proposed SMP prohibits docks, piers, and floats for single-family residential use outside of Lake Stevens. Therefore, it is not anticipated that new structures will be developed outside of this area.

Piers and docks can adversely affect ecological functions and habitat in the following ways:

- Alter patterns of light transmission to the water column, affecting macrophyte growth and altering habitat for and behavior of aquatic organisms, including juvenile salmon.
- Interfere with long-shore movement of sediments, altering substrate composition and development.
- Contribute to contamination of surface water from chemical treatments of structural materials.

The current SMP does not include specifications for the width or overall size of piers and docks. Under the proposed SMP, dimensional criteria for new, expansion, and replacement structures is included (Chapter 4.C.3) in order to reduce potential impacts.

Under the proposed SMP, these criteria will include: 1) pier width of 6 feet or less; 2) grated decking at least in the first 30 feet from shore; 3) float/ell width of 8 feet or less; and 4) pier and float orientation designed to minimize light impacts.

Table 7 outlines some of the primary differences between the original and proposed SMP (see SMP Chapter 4, Over-Water Structures) provisions for piers.

Under the proposed SMP, new piers will be smaller and narrower than piers approved under the original SMP. New and replacement piers will also include light-transmitting decking material for at least the first 30 feet from shore, which will reduce the effect of the overwater cover. Nevertheless, if new piers were the only pier-related activity in Lake Stevens, ecological function would still marginally decline. The decline would be due to an unavoidable net increase in in-water structures and overwater cover that cannot be mitigated.

However, pier repair and pier maintenance activities are more common, and it is anticipated that pier replacement proposals may become even more common as existing piers degrade or do not meet the property owner's needs in their current configuration or location. Under the proposed SMP, existing piers could be replaced at the same size as the existing pier, as long as the immediate nearshore section of the pier contained light-transmitting decking material.

Table 7. Comparison of key differences between original and proposed SMP provisions for new over-water structures.

Pier Feature	Original SMP	Proposed SMP
Length	No longer than adjacent piers or 50-ft maximum	Length to reach a 5.5 foot water depth, maximum 200-ft
Width	No specification	4-ft walkway ¹ 6-ft remainder of pier 8-ft ells/float 2-ft finger 4-ft ramp connecting to pier
Deck Material	No specification	All new and replacement piers must be grated at least the first 30 feet from shore

¹Exceptions: 1) 6 foot wide allowed if the dock remains entirely linear with no ell, float, or other configuration or if the dock is grated for the entire portion.

The Washington Department of Fish and Wildlife (WDFW) is typically requiring piers that are both smaller in overall size than average existing piers and also narrower in the nearshore area. However, WDFW will, on a case-by-case basis, consider replacement piers at the same size as the original pier if it can be thoroughly shown that the applicant has demonstrated a need for the pier, and that proper mitigation sequencing has been followed (avoidance, minimization,

and mitigation). Grated decking is a mitigating factor that WDFW encourages. Any new or replacement pier would require a Hydraulic Project Approval (HPA) from WDFW, on whose guidelines the proposed SMP pier provisions are partially based. The combined effects of the City's proposed SMP and permit approvals from WDFW will likely result in a reduction over time of the net amount of overwater coverage and an increase in the amount of light-transmitting decking.

A quantitative analysis is provided below (Table 8), based partially on Lake Stevens lake-wide trends and assumptions. This analysis assumes that 19 of the estimated 41 properties on Lake Stevens without piers will add piers within the next 20 years. Also assumed is that 15 percent of all existing piers will need replacement over the same time period. Assuming that all new and replacement pier structures will be grated at least in the first 30 feet from shore and that replacement pier structures can be replaced at the same size as the existing pier, the total area of overwater structure is not anticipated to significantly increase over this time period. Based on the calculations provided in Table 8, a net decrease of approximately 216 (0.0%) square feet of new cover is anticipated. As improvements will be made to nearshore conditions through the addition of grated decking within the first 30 feet from shore associated with most pier projects, net improvements in nearshore functions are anticipated.

Table 8. Comparison of build-out conditions for overwater structures.

	Existing	Build-Out	Net Change	% Change
Number of Piers	398	417 ¹	+19	+4.6
Average Area of piers (sq. ft.)	1,232	1,192 ²	-40.0	-3.2
Total area of piers (sq. ft.)	490,215	489,999 ³	-216	0.0

¹ Assumes that 19 of 41 existing properties without piers will construct a new pier over the next 20 years.

² Assumes 19 new piers at 436 ft² each (based upon proposed SMP width provisions and average length of existing piers – 64 ft) and 15 percent replacement of existing piers over 20 years (assumes replacement piers to be replaced at the same size – 1,231.7 ft² average).

³ Assumes 19 new piers and 15 percent replacement piers are grated at least the first 30 feet from shore (grating is calculated to have 60 percent open space).

Covered moorage has been an allowed modification along most of the Lake Stevens shoreline while under Snohomish County jurisdiction and as such, many properties around the southern and eastern lake shore have existing moorage covers. The proposed SMP would allow for new covered moorage up to 240 square feet. In assessing potential impacts, covered moorage should be looked at differently than pier/dock cover. Covered moorage is much higher above the water and thus would allow more light to reach the water surface than a pier of similar square footage. Per the City's proposed code, these structures would be

located at least 30 feet from shore, in relatively deep water. As well, the majority of boats moored on Lake Stevens tend to stay moored year-round, thereby already shading the aquatic area covered by the moorage cover. Based on a review of lots around the lake and past permit history within the County, the City anticipates between 20-30 new covered moorages over the next 20 years (~7,200 square feet in cover). However, it is not anticipated that these structures will lead to a net loss based on the incorporation of nearshore improvements regarding replacement dock structures.

5.3 Shoreline Stabilization

New shoreline armoring typically has the following effects on ecological functions:

- Reduction in nearshore habitat quality for both aquatic and terrestrial species. Specifically, shoreline complexity and native emergent vegetation that provide forage and cover may be reduced or eliminated. Elimination of shallow-water habitat may also increase vulnerability of juvenile salmonids to aquatic predators.
- Reduction of natural sediment recruitment from the shoreline. This recruitment is necessary to replenish substrate and preserve shallow water conditions.
- Increase in wave energy at the shoreline if shallow water is eliminated, resulting in increased nearshore turbulence that can be disruptive to aquatic resources.

Under the proposed SMP (Chapter 4.C.2), new shoreline stabilization (using hard or soft methods) would only be allowed “to protect or support an existing or approved development, as necessary for human safety, for the restoration of ecological functions, or for hazardous substance remediation pursuant to Chapter 70.105D RCW.” It must be demonstrated in a study prepared by a qualified professional (e.g. geotechnical engineer) that the proposed stabilization is the least harmful method to the environment and the project will mitigate adverse impacts.

Proposals for hard stabilization methods (e.g. rock revetments, concrete walls, groins, etc.) must first demonstrate that softer methods using natural materials and non-structural solutions, including relocation or reconstruction of existing structures, are not feasible. Proposals for hard shoreline stabilization must show that the cumulative effect would have no net loss of shoreline ecological functions.

City of Lake Stevens Cumulative Impacts Analysis

Replacement bulkheads may be permitted if there is a demonstrated need to protect principal uses or structures from erosion provided the proposed replacement structure does not encroach further waterward of the OHWM, all impacts are mitigated, and no net loss of shoreline ecological functions is assured.

Independent of regulations by other regulatory agencies, the proposed SMP ensures that shoreline stabilization projects will not degrade the baseline condition.

The Army Corps of Engineers and WDFW have jurisdiction over new shoreline stabilization projects, and repairs or modifications to existing shoreline stabilization. As part of their efforts to minimize and compensate for shoreline stabilization-related impacts, both agencies encourage implementation of native shoreline enhancement for new shoreline stabilization projects. Further, they also strongly promote shoreline restoration and additional impact compensation measures for many shoreline armoring modification projects, including placement of gravel at the toe of the armoring to create shallow-water habitat, angling the armored face landward to reduce wave turbulence, and shifting the armoring as far landward as feasible.

Based on an evaluation of the City's GIS data, approximately 80 percent of developed properties within the Shoreline Residential environment along the Lake Stevens shoreline currently contain shoreline armoring. Therefore, the need for new shoreline stabilization is expected to be limited. As mentioned above, it must be demonstrated that there is a need to protect a proposed development from damage due to erosion caused by natural processes, such as currents, waves, or boat wakes. The proposed SMP includes incentives for the removal of existing bulkheads under the residential setback reduction alternatives.

Over time, the combined effects of the City's proposed SMP, and permit approvals from the WDFW and the Corps will likely result in a reduction over time of the net amount of hardened shoreline at the ordinary high water mark, an increase in shallow-water habitat, and an increase in shoreline vegetation within the Shoreline Residential environment.

6 NET EFFECT ON ECOLOGICAL FUNCTION

As described above in Sections 4 and 5, the proposed SMP provides a substantially increased level of protection to shoreline ecological functions

relative to the existing SMP. On its own, the proposed SMP, which includes the Shoreline Restoration Plan, is expected to protect and improve shorelines within the City of Lake Stevens while accommodating the reasonably foreseeable future shoreline development, resulting in no net loss of shoreline ecological function. State and federal regulations, acting in concert with this SMP, will provide further assurances of improved shoreline ecological functions over time.

As discussed above, major elements of the SMP that ensure no net loss of ecological functions fall into generally five categories: 1) environment designations (Chapter 2), 2) general provisions (Chapter 3), 3) shoreline use provisions (Chapter 5), 4) shoreline modification provisions (Chapter 4), and 5) Shoreline Restoration Plan (Appendix B).

Environment designations: The *Shoreline Analysis Report* provided the information necessary to assign environment designations for the City's shorelines. Shoreline uses and modifications were then individually determined to be either permitted (as substantial developments or conditional uses) or prohibited in each of those environment designations. The most uses and modifications are allowed in descending order of potential impact in the High Intensity, Shoreline Residential, Urban Conservancy, and Natural environments. The only uses allowed in the Natural environment are related generally to restoration, scientific studies, and passive recreation.

General provisions: **Chapter 3** contains a number of regulations on a variety of topics that contribute to protection and restoration of ecological functions, including **Section 3.B.3** (Critical Areas).

Shoreline use provisions: Regulations in **Chapter 5** focus on exclusion of uses that are incompatible with the existing land use and ecological conditions, and emphasize appropriate location and design of the various uses. These regulations also emphasize avoidance and minimization of ecological impacts via appropriate setbacks, protection and enhancement of vegetation, reduction of impervious surfaces, and use of innovative designs (such as LID techniques) that do not degrade and may even enhance shoreline functions. These factors are balanced with uses that are essential to the City's waterfront use and development. While allowing water-dependent uses and developments to continue along the shoreline, the proposed SMP emphasizes protection and enhancement of shoreline resources such that no net loss of ecological functions will be achieved over time.

Shoreline modification provisions: **Chapter 4** contains a number of regulations on a variety of topics that contribute to protection and restoration of ecological functions, including **Section 4.C.3** (Over-water Structures), **Section 4.C.6** (Shoreline Restoration and Ecological Enhancement), and **Section 4.C.2**

City of Lake Stevens Cumulative Impacts Analysis

(Shoreline Stabilization). All of these shoreline modification regulations emphasize minimization of size of structures, and use of designs that do not degrade and may even enhance shoreline functions.

Shoreline Restoration Plan: The City follows a set of restoration goals and policies set forth in the Comprehensive Plan Critical Areas Element. The general goals are to protect all critical areas; policies include preventing any net loss of ecological function and value. Compensatory mitigation, which may include restoration, is called for in the Plan when new development would impact critical areas. As well, providing long-term protection for non-critical-area habitat is a goal. Both regulatory and non-regulatory approaches are supported in the Comprehensive Plan. A number of restoration projects and programs already in place are outlined in the *Shoreline Restoration Plan (Appendix B)*. Specific opportunities and/or implementation strategies for restoration on both public and private properties inside and outside of shoreline jurisdiction are proposed by various groups; these efforts are summarized in the Restoration Plan and include the Snohomish Basin Salmon Recovery Program, Shared Strategy for Puget Sound, Puget Sound Partnership, Snohomish County Public Works, and Snohomish Conservation District, as well as ongoing City programs and activities. All of these programs and organizations share restoration goals of protecting and restoring ecological function and value within the watershed.

Summary: The following are some of the key features identified in the proposed SMP and this evaluation which protect and enhance shoreline ecological functions.

- Only nineteen new residential piers/docks are anticipated. Repair and reconstruction of existing structures is most likely and would include mechanisms to reduce overall impacts.
- Reductions or softening of hard shorelines through development incentives.
- Retention and revegetation along shorelines as part of future development.
- Protection of all large associated wetlands, and City parks and open spaces through Urban Conservancy or Natural environment designations.
- Residential development setbacks which are variable depending upon location throughout the City, with larger setbacks in areas with higher need for protection of shoreline resources and incentives to improve shoreline conditions through setback reductions.

- Emphasis on achieving no net loss of shoreline ecological functions throughout shoreline jurisdiction, including development of water-dependent uses.

Given the above provisions of the SMP, including the *Shoreline Restoration Plan* and the key features listed above, implementation of the proposed SMP is anticipated to achieve **no net loss of ecological functions in the City of Lake Stevens' shorelines.**

CITY COUNCIL FINAL DRAFT FOR ECOLOGY REVIEW
NOVEMBER 28, 2011

CITY OF LAKE STEVENS
GRANT NO. G1000027
ORDINANCE NO. 856

No Net Loss Report Summary

Shoreline Master Program Update

Supporting Document for Lake Stevens 2011 Shoreline Master Program

Background:

This No Net Loss (NNL) Summary provides an overall review of how the City of Lake Stevens meets the NNL requirement per Washington Department of Ecology Guidelines and should be used in conjunction with the other supporting documents produced during the City’s Shoreline Master Program (SMP) Update. This summary focuses on reporting how Ecological functions, as well as Public Access and Shoreline Use objectives have been met through the development of the SMP and will not be degraded or minimized over time as the SMP is implemented. Other products developed in support of the SMP include:

- Shoreline Analysis Report
- Cumulative Impacts Analysis
- Shoreline Restoration Plan

Lake Stevens is 1,014 acres, and is therefore included in a classification of unique shorelines known as Shorelines of Statewide Significance. The City’s shoreline planning area has grown extensively due to multiple annexations around Lake Stevens, and eastward to also encompass the shorelines of Catherine Creek (downstream of Hartford Drive) and Little Pilchuck Creek. Careful consideration of the hydrologic associations of known wetlands around Lake Stevens also resulted in significant expansions of shoreline jurisdiction from what had previously been understood.

The Lake Stevens shoreline is highly developed, primarily with single-family residential uses (>90 percent) combined with local public parks. Only a small portion of shoreline is zoned for commercial use. The residential and recreational use of Lake Stevens has significantly altered the historical ecological functions supporting the shoreline. This includes the five public parks located at various locations around the lake. The result is a baseline condition of ecological functions that are highly degraded in the residential areas. Nearly 80 percent of the shoreline is armored and over 80 percent of the vegetation has been altered.

As provided in the table below and further supported in the Cumulative Impacts Analysis, future implementation of the City’s proposed SMP is believed to result in no net loss of ecological functions. Potential restoration actions, as described in the Shoreline Restoration Plan, may help improve ecological functions in the future. As well, public access to the shoreline and shoreline uses are preserved, and where possible, enhanced.

FUNCTION/OBJECTIVE	LOSS OF FUNCTION OR OBJECTIVE	GAIN IN FUNCTION OR VALUE	NET IMPACT ON FUNCTION OR OBJECTIVE
Ecological			
Hydrologic Functions	Lake Stevens As most of the residential shoreline is already developed (approximately 80% of shoreline is armored and over 80% of vegetation has been altered), future new development is likely to have only a moderate affect on existing baseline hydrologic functions. These may include: • Degradation of water quality through the application of additional chemicals, fertilizers and pesticides. • Decrease in natural shorelines to attenuate wave energy as new and modified shoreline armoring is constructed.	Lake Stevens Vegetation standards for new shoreline developments and re-development of existing property has the potential to improve water quality by removing chemical, fertilizers and pesticides from surface water runoff. New armoring is only allowed when necessary to protect existing primary structures. When new, expanded or replaced armoring is proposed, soft armoring techniques must be explored first. The application of soft armoring techniques will likely be the most widely used form of shoreline armoring in the future due to the combined regulations of the City’s SMP and WA State Department of Fish and Wildlife.	Lake Stevens Limited new development is expected in the future. While generally, new and redevelopment has the potential to degrade the baseline condition, strict implementation of the SMP and the critical areas regulations for jurisdictional wetlands should minimize impacts. Redevelopment of existing shoreline property will be the most prevalent shoreline development activity in future years. As such, mitigation for potential expansions and setback reductions, which includes removal of substantial shoreline hardening and/or supplementation of native shoreline plantings, should improve hydrologic functions in developed residential areas over the long term.
	Creeks Slight changes to water quantity related to surface runoff may increase with more commercial/industrial development. This may negatively impact stream habitat (loss of channel roughness) and the ability of the corridor to remove contaminants. Future development of commercial/industrial uses may impact water quality by increasing the likely application of chemicals, fertilizers and pesticides.	Creeks Future development would adhere to stormwater management requirements to mitigate loss of function (i.e. account for expanded impervious surfaces via detention and infiltration mechanisms).	Creeks New development has the potential to degrade the baseline condition in these areas. This may include loss of vegetation and increase in impervious surfaces. Strict adherence to the SMP and critical areas regulations (specifically stream buffers) are necessary to ensure no net loss of functions in this area.
Hyporheic Functions	Lake Stevens N/A	Lake Stevens N/A	Lake Stevens N/A
	Creeks Future development may increase impervious surface cover which in turn will reduce infiltration and the ability of hyporheic areas to remove excess nutrients and contaminants. However, the soils within these shoreline streams are largely fine-grained and not as conducive to hyporheic flow as a coarser substrate would be, thereby limiting the natural potential for hyporheic removal of excess nutrients and toxic compounds.	Creeks Very little loss or gain in hyporheic function is anticipated over time as the soils in the vicinity are not very conducive to hyporheic flow.	Creeks No significant change in function is expected as the soils in the vicinity are not very conducive to hyporheic flow.
Vegetative Functions	Lake Stevens As stated above, most of the residential shoreline is already developed. Therefore, future new development is likely to have only a moderate affect on existing baseline vegetative functions. For instance, on newly developed lots, the SMP will require vegetation to be retained along the shoreline within 20 feet from the OHWM. Redevelopment of existing residential uses, especially those that expand existing building footprints, has the potential to reduce vegetative cover. This, along with the potential increase in chemical, fertilizer, and pesticide applications associated with enhanced landscapes, could potentially lead to further water quality degradation. It should be noted that the City has a maximum impervious surface requirement on single-family	Lake Stevens Increased vegetation coverage may occur through implementation of development regulations which require shoreline planting areas for new development and the potential enhancement of vegetation for redevelopments which involve setback reductions. Some pier replacement projects may also include revegetation standards. Enhancements to vegetative cover, specifically those adjacent to the shoreline, will have beneficial effects to water quality functions.	Lake Stevens Revegetation standards adjacent to shore are likely to provide net overall improvements to vegetative water quality functions and off-set potential negative impacts from new or expanded development footprints and loss of existing vegetation. This may occur through redevelopment or expansion of single-family residences (up to 200 square foot expansion within setback allowed if mitigated with 1:1 native nearshore plantings).

FUNCTION/OBJECTIVE	LOSS OF FUNCTION OR OBJECTIVE	GAIN IN FUNCTION OR VALUE	NET IMPACT ON FUNCTION OR OBJECTIVE
	residential lots. Other vegetative functions, such as attenuation of wave energy, temperature regulation, and LWD recruitment, are not likely to have a significant change from the baseline condition.		
	Creeks Potential development or redevelopment within established 150-foot buffer zones has the potential to negatively affect vegetative functions. Most likely, these negative effects would include a potential reduction in the ability of vegetation to remove contaminants. Future development is unlikely to affect the riparian areas immediately adjacent to the streams and thus other vegetative functions, including streambank stability and flow attenuation, should not experience further degradation.	Creeks Enhancement of vegetative conditions (i.e. invasive removal, native replanting with trees and shrubs) along both stream corridors through implementation of the critical areas regulations, including mitigation for development impacts, may improve native vegetative cover in the immediate riparian area. This may have several beneficial effects, but in terms of vegetative functions, these actions may improve shading conditions (temperature regulation), stabilize streambanks, and provide recruitment of in-stream material (woody debris and food sources).	Creeks New development has the potential to degrade the baseline condition in these areas. This may include loss of vegetation and increase in impervious surfaces. Strict adherence to the SMP and critical areas regulations would ensure no net loss of functions in this area.
Habitat Functions	Lake Stevens Aquatic habitats may be affected over time by the continued degradation of water quality (loss of condition), the proliferation of invasive aquatic weeds such as milfoil (loss of space), and the continued degradation of nearshore environments through the presence of shoreline armoring. Terrestrial environments would mainly be affected through the loss of vegetation as described above under Vegetative Functions.	Lake Stevens Future planned restoration measures (e.g., Aquatic Plant Management Plan) to remove milfoil have the potential to vastly improve nearshore habitat conditions for aquatic species. Improvements to vegetative cover along shore as described above has the potential to improve both aquatic habitats (improved water quality – i.e. condition) and terrestrial habitats (improved space and food sources).	Lake Stevens Although continued degradation of aquatic and terrestrial habitats may occur through existing and ongoing uses, planned improvements to aquatic nearshore environments (milfoil removal) and required enhancements (revegetation and soft shoreline armoring) are likely to improve the overall habitat functions in Lake Stevens.
	Creeks As discussed above under Vegetative Functions, future development is unlikely to affect the riparian areas immediately adjacent to the streams but rather more likely to affect vegetated areas setback from the stream. Therefore, loss of physical habitat space and negative impacts to overall habitat conditions, including food production and delivery, would likely affect terrestrial species more than aquatics.	Creeks Enhancement of native vegetation as described under Vegetative Functions above, would likely improve habitat functions for both terrestrial and aquatic species by providing additional habitat niches (e.g. accumulated wood/snags, pools and off-channel areas) and food resources.	Creeks New development has the potential to degrade the baseline condition in these areas. This may include loss of vegetation and increase in impervious surfaces. Strict adherence to the SMP and critical areas regulations would ensure no net loss of functions in this area.
Public Access			
Recreation Opportunities	No loss of access is allowed in the SMP with additional access required on plats of more than four lots and new commercial or public development. Public access is not required along the creeks unless there is already a park because no other opportunities exist that would not create unavoidable safety and security problems.	City is undertaking a study that may add waterfront park improvements. There may be some improvements to an existing marina that will include water-enjoyment uses.	In the future, if there are any changes in the City’s public access opportunities it will likely be an increase in the size and attractiveness of existing parks and public access.
Visual	SMP maintains current height and bulk limits	Building setbacks, limitations on floating elements (including inflatable structures) and incentives for more natural shoreline edge should reduce the “visual clutter” on the shoreline	No significant changes are expected but a general reduction of over water elements is expected.
Miscellaneous	Water enjoyment uses (e.g.: food concessions, etc.) are allowed in the parks with a 60’ total shoreline setback.	The City is considering a future downtown subarea plan that will likely result in greater intensity of activities near (but not necessarily within) shoreline jurisdiction. Currently, two rowing clubs and	The City’s planning efforts point to the Lake taking a more prominent recreational and civic role.

FUNCTION/OBJECTIVE	LOSS OF FUNCTION OR OBJECTIVE	GAIN IN FUNCTION OR VALUE	NET IMPACT ON FUNCTION OR OBJECTIVE
		many triathlons use Lake Stevens to hold competitions, some are national and international events. This will accentuate the downtown waterfront park's prominence as a destination.	
Shoreline Use			
Water-Dependent	There is very little opportunity for changes in water dependent uses. Non-water oriented uses are allowed on creeks, where there is a 160' setback and no navigability. Also, non-water oriented uses are allowed	New marinas are prohibited but provisions for existing marinas encourage the enhancement of boating activities.	While single family residential uses will continue to be the overwhelming use on the lake. Water oriented uses, if anything will increase. Preservation of ecological functions will be the primary focus on the City's creeks. In general, the objectives of RCW 90.58.020 will be more effectively addressed due to SMP regulations and other planning/community development activities.
Water-Related	Future use of a developed, but unused marina could add new water-related uses such as gas sales, small store, or restaurant. Future development of downtown may also include similar types of water-related uses.	Future development of the downtown subarea and an existing, unused commercial marina could enhance water-related uses.	Future development of the downtown subarea and an existing, unused commercial marina could enhance water-related uses.
Water-Enjoyment	Most of the City is within views of the lake and four public parks exist on the lake. Water-enjoyment is available on many roads surrounding the lake with views to the lake.	Lake activities occur throughout the year with more occurring in warmer months. Two rowing clubs use the lake. Public access points around the lake allow for public enjoyment. Additional development in the downtown and commercial properties could increase water-enjoyment uses. Many yearly events actively use the lake (e.g., Aquafest, triathlons, rowing competitions, etc.).	Water enjoyment uses will continue to be a strong emphasis for the City and should increase.

Council Final Draft Document for November 28, 2011

**City of Lake Stevens
Grant No. G1000027
Ordinance No. 856**

**Shoreline Restoration Plan Component of the Shoreline
Master Program for the City of Lake Stevens Shorelines:
Lake Stevens, Catherine**

Supporting Document for Lake Stevens 2011 Shoreline Master Program

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SHORELINE RESTORATION PLAN

CITY OF LAKE STEVENS

1.0 INTRODUCTION

Lake Stevens' Shoreline Master Program applies to activities in the shoreline jurisdiction zone. Activities that have adverse affects on the ecological functions and values of the shoreline must be mitigated. By law, the proponent of that activity is required to return the subject shoreline to a condition equivalent to the baseline level at the time the activity takes place. It is understood that some uses and developments cannot always be mitigated fully, resulting in incremental and unavoidable degradation of the baseline condition. The subsequent challenge is to improve the shoreline over time in areas where the baseline condition is degraded, severely or marginally.

WAC Section 173-26-201(2)(f) of the Shoreline Master Program Guidelines (Guidelines)¹ says:

“master programs shall include goals and policies that provide for restoration of such impaired ecological functions. These master program provisions shall identify existing policies and programs that contribute to planned restoration goals and identify any additional policies and programs that local government will implement to achieve its goals. These master program elements regarding restoration should make real and meaningful use of established or funded nonregulatory policies and programs that contribute to restoration of ecological functions, and should appropriately consider the direct or indirect effects of other regulatory or nonregulatory programs under other local, state, and federal laws, as well as any restoration effects that may flow indirectly from shoreline development regulations and mitigation standards.”

Degraded shorelines are not just a result of pre-Shoreline Master Program activities, but also of unregulated activities and exempt development. The new Guidelines also require that “[l]ocal master programs shall include regulations ensuring that exempt development in the aggregate will not cause a net loss of ecological functions of the shoreline.” While some actions within shoreline jurisdiction are exempt from a permit, the Shoreline Master Program should clearly state that those actions are not exempt from compliance with the Shoreline Management Act or the local Shoreline Master Program. Because the shoreline environment is also affected by activities taking place outside of a specific local master program's jurisdiction (e.g., outside of city limits,

¹ The Shoreline Master Program Guidelines were prepared by the Washington Department of Ecology and codified as WAC 173-26. The Guidelines translate the broad policies of the Shoreline Management Act (RCW 90.58.020) into standards for regulation of shoreline uses. See <http://www.ecy.wa.gov/programs/sea/sma/guidelines/index.html> for more background.

outside of the shoreline area within the city), assembly of out-of-jurisdiction actions, programs and policies can be essential for understanding how the City fits into the larger watershed context. The latter is critical when establishing realistic goals and objectives for dynamic and highly interconnected environments.

Restoration of shoreline areas, in relation to shoreline processes and functions, commonly refers to methods such as re-vegetation, removal of invasive species or toxic materials and removal of bulkhead structures, piers, and docks. Consistent with Ecology's definition, use of the word "restore," or any variations, in this document is not intended to encompass actions that reestablish historic conditions. Instead, it encompasses a suite of strategies that can be approximately delineated into four categories:

- Creation (of a new resource)
- Restoration (of a converted or substantially degraded resource)
- Enhancement (of an existing degraded resource)
- Protection (of an existing high-quality resource).

As directed by the Guidelines, the following discussions provide a summary of baseline shoreline conditions, list restoration goals and objectives, and discuss existing or potential programs and projects that positively impact the shoreline environment. In total, implementation of the Shoreline Master Program (with mitigation of project-related impacts) in combination with this Restoration Plan (for restoration of lost ecological functions that occurred prior to a specific project) should result in a net improvement in the City of Lake Stevens' shoreline environment in the long term.

In addition to meeting the requirements of the Guidelines, this Restoration Plan is also intended to support the City's or other non-governmental organizations' applications for grant funding, and to provide the interested public with contact information for the various entities working within the City to enhance the environment.

2.0 SHORELINE INVENTORY SUMMARY

2.1 Introduction

The City recently completed a comprehensive inventory and analysis of its shorelines (February 2010) as an element of its Shoreline Master Program update. The purpose of the shoreline inventory and analysis was to gain a greater understanding of the existing condition of Lake Stevens' shoreline environment to ensure the updated Shoreline Master Program policies and regulations are well-suited in protecting ecological processes and functions. The inventory describes existing physical and biological conditions in the shoreline zones within City limits and includes recommendations for

restoration of ecological functions where they are degraded. The *Shoreline Analysis Report for the City of Lake Stevens' Shorelines: Lake Stevens, Catherine Creek, and Little Pilchuck Creek* (The Watershed Company and Makers 2010) is summarized below.

2.2 Shoreline Boundary

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

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

The City adopted Snohomish County's Shoreline Master Program in 1974, the program is presently in the process of being updated (Makers Architecture/Urban Design and The Watershed Company 2010). This SMP consists of the goals and policies in the City's Comprehensive Plan and provisions in the City's Municipal Code.

Lake Stevens is 1,014 acres and is therefore included in a classification of unique shorelines known as Shorelines of Statewide Significance. The City's shoreline planning area has grown extensively due to multiple annexations around Lake Stevens, and eastward to also encompass the shorelines of Catherine Creek and Little Pilchuck Creek (Figure 1). The 20 cfs cutoff point for Catherine Creek is located at Hartford Drive NE in the City limits. The 20 cfs cutoff point for Little Pilchuck Creek is some distance upstream of the City and the UGA, and wanders in and out of the UGA along the eastern City boundary. Careful consideration of the hydrologic associations of known wetlands around Lake Stevens also resulted in significant expansions of shoreline jurisdiction from what had previously been understood. The entire jurisdiction assessment and determination process can be reviewed in great detail in Appendix C of the Draft City of Lake Stevens Shoreline Master Program (Makers Architecture/Urban Design and The Watershed Company 2010).



The City of Lake Stevens' shoreline inventory includes all land within the City's proposed shoreline jurisdiction [see Appendix D, Figure 1 of the Final Draft City of Lake Stevens Shoreline Analysis Report (The Watershed Company and Makers 2010)]. Not including aquatic area, the shoreline jurisdiction totals approximately 362 acres (0.57 square miles) in area and encompasses about 9.2 miles of shoreline.

4

units based on biological characteristics, dominant land use, and locations within City limits or the Urban Growth Area (UGA) (Figure 2).

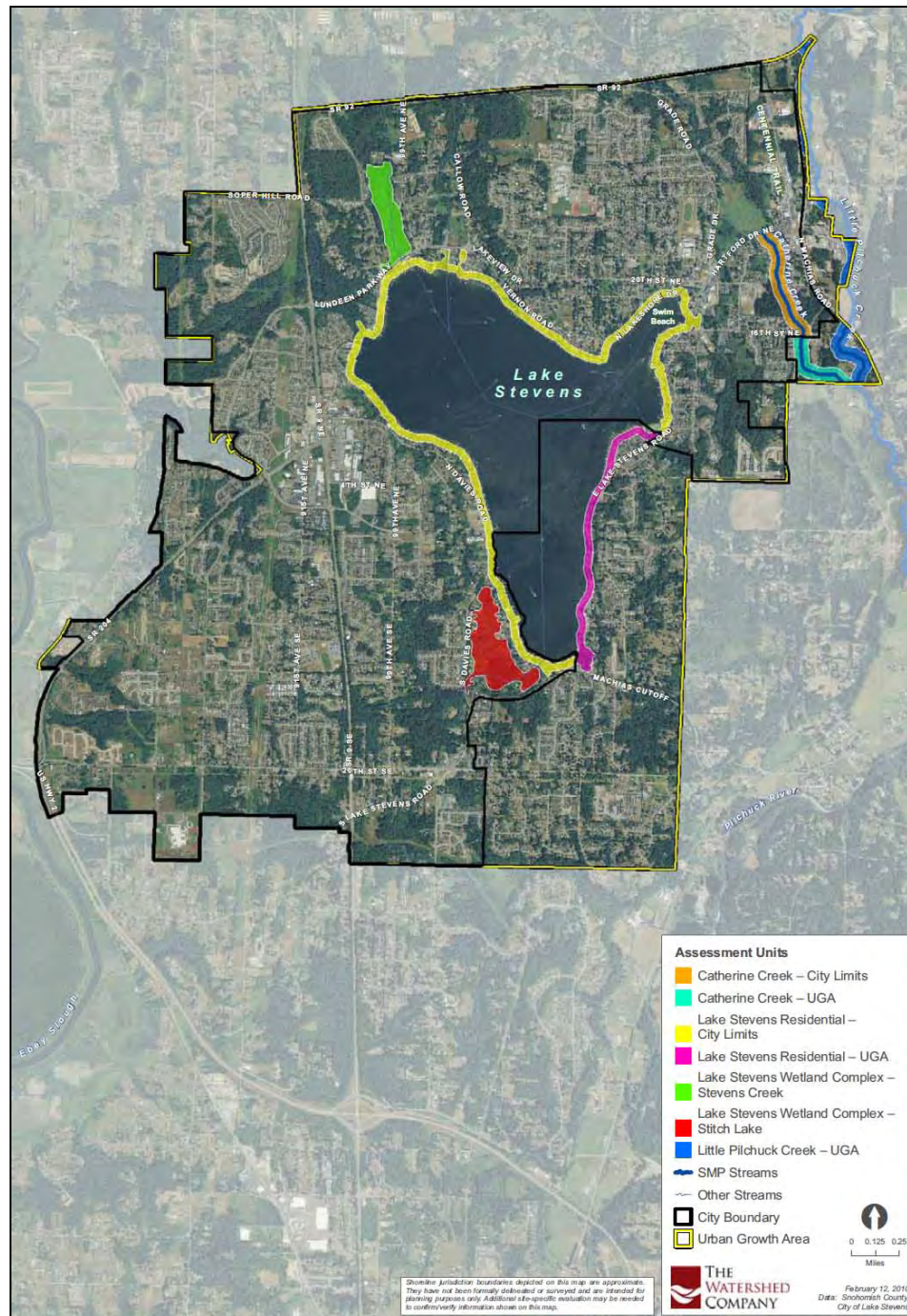


Figure 2. City of Lake Stevens shoreline assessment units.

Table 1 shows the shoreline frontage and acreage of each assessment unit. A summary of inventory and analysis information from the Shoreline Analysis Report (The Watershed Company and Makers 2010) is presented in the following sections.

Table 1. Dimensions of Lake Stevens shoreline assessment units.

Assessment Unit		Shoreline frontage (lineal feet)	Land Area (acres)
Lake Stevens	Residential – City Limits	29,818	144.5
	Residential – UGA	7,557	39.3
	Wetland Complexes ¹	N/A	94.5
Catherine Creek	City Limits	3,212	30.4
	UGA	2,165	19.9
Little Pilchuck Creek	UGA	3,353	33.6
TOTAL		46,105	362.2

¹ Stevens Creek and Stitch Lake

2.3.1 Land Use and Physical Conditions

The City of Lake Stevens and its UGA are located in west Snohomish County, WA, about midway between the north and south County boundaries. Shoreline jurisdiction includes all area within the City's UGA, whether or not it is within City limits. The entire area is within Washington State's Water Resource Inventory Area (WRIA) 7. Land uses in shoreline jurisdiction are summarized in Table 2 and consist primarily of residential, commercial, industrial, open space, and utilities. Current zoning is used to estimate the relative amounts of each kind of development.

Land cover in shoreline jurisdiction varies among the assessment units. The Lake Stevens Residential units (City Limits and UGA) include the entirety of Lake Stevens, and land use is almost entirely residential, with scattered park properties. The Lake Stevens Wetland Complexes unit is, by comparison, predominantly wetland. It is composed of two large wetland complexes, the northernmost one associated with Stevens Creek and the southern one with Stitch Creek and Stitch Lake. Waterfront residential use in this unit refers to Stitch Lake, as the unit is not contiguous with Lake Stevens.

The Catherine Creek units differ somewhat from one another in land use; City Limits unit consists of more urban residential use, while the UGA unit is zoned residential and has considerably less development overall. The Little Pilchuck Creek assessment unit is a mix of residential and heavy industrial zoning, but current use includes pasture for livestock as well.

The general elements of impervious surface, vegetated (terrestrial) cover, aquatic vegetation, overwater cover, shoreline armoring, and parks are summarized in Table 2 for each assessment unit.

Table 2. Summary of shoreline inventory land use analysis by assessment unit.

Land Use	Shoreline Assessment Unit					
	Lake Stevens			Catherine Creek		Little Pilchuck Creek
	Residential – City Limits	Residential – UGA	Wetland Complexes – Stevens Creek and Stitch Lake	City Limits	UGA	UGA
Development (Current Zoning)	• Waterfront residential - 84% • Suburban residential - 6% • Public/semi-Public - 5% • No zone - 2% • Urban residential - 1% • Mixed use - 1% • Local business - 1% • Central business district - 1% • High urban residential - <1%	• Residential 9,600 – 100%	• Suburban residential - 88% • No zone - 5% • Multi-family residential - 4% • Waterfront residential - 2%	• Urban residential - 71% • Public/semi-public - 13% • Light industrial – 9% • Suburban residential - 3% • No zone - 3%	• Residential 20,000 - 98% • No zone - 1% • Suburban residential - 1%	• Residential 20,000 - 59% • Heavy industrial - 25% • Business park - 6% • Residential 9,600 - 5% • Public/semi-public - 3% • No zone - 2% • General industrial - <1%
Impervious Surface	37%	28%	4%	24%	9%	8%

Land Use	Shoreline Assessment Unit					
	Lake Stevens			Catherine Creek		Little Pilchuck Creek
	Residential – City Limits	Residential – UGA	Wetland Complexes – Stevens Creek and Stitch Lake	City Limits	UGA	UGA
Terrestrial Vegetation	- Coniferous forest - 4% - Shrubland/swamp/riparian forest - <1% - Unconsolidated shore - <1% - Regenerating forest - <1% - Emergent wetland - <1%	- Coniferous forest - 2% - Unconsolidated shore - 7% - Regenerating forest - 3% - Shrubland/swamp/riparian forest - 3%	- Shrubland/swamp/riparian forest - 29% - Coniferous forest - 22% - Open Water - 7% - Emergent wetland - 3% - Regenerating forest - 2% - Pasture - <1%	- Coniferous forest - 31% - Shrubland/riparian forest - 2% - Regenerating forest - 2% - Emergent wetland - <1%	- Shrubland/swamp/riparian - 57% - Regenerating forest - Pasture - 1% - Madrone forest - <1% - Emergent wetland - <1%	- Shrubland/swamp/riparian 48% - Coniferous forest - 14% - Regenerating forest - 14% - Madrone forest - 4% - Pasture - 3%
Aquatic Vegetation	125 ac	25 ac	NA	NA	NA	NA
Overwater Cover	9.9 ac	2.3 acres	NA	NA	NA	NA
Shoreline Armoring	- Bulkhead - 62% - Revetment - 20% - Not armored - 17% - Fill - 1% - Boat ramp - 0.3%	- Bulkhead - 47% - Not armored - 29% - Revetment - 22% - Fill - 1%	NA	NA	NA	NA
Public Access/ Parks	- Wyatt Park - Lundeen County Park - Swim Beach - North Cove Park	Sunset Park	NA	Catherine Creek Park	NA	Centennial Trail

2.3.2 Biological Resources and Critical Areas

The City's shoreline jurisdiction includes Lake Stevens, a designated Shoreline of Statewide Significance based on its size of 1,014 acres. Shoreline jurisdiction also extends eastward to encompass the shorelines of Catherine Creek and portions of Little Pilchuck Creek, where it winds within City limits, north to the Stevens Creek wetland complex, and from the southwest edge of the lake to the Stitch Lake wetland complex (see Figure 2). Biological resources of the Lake Stevens shoreline areas perform hydrologic, vegetative, hyporheic and habitat functions, which are used in the Shoreline Analysis Report to evaluate assessment unit performance, summarized in the following paragraphs and Table 3.

The overall shoreline ecological function of the Lake Stevens Residential – City Limits and UGA units is low. The only functions being performed at a moderate or low-moderate level are wave attenuation, which is in the case of this unit performed by shoreline modifications, and water/sediment storage, performed well by the Lake itself but lacking in surrounding areas.

A previous (2006) assessment of the Stevens Creek (northern component of the Lake Stevens Wetland Complex assessment unit) rated the creek's health as poor to very poor. The Shoreline Analysis Report rates both the north and south complexes together as moderate-high. Habitat functions in particular rate highly, as the wetland complexes provide intact, diverse vegetated areas for reptiles, amphibians, waterfowls, raptors, songbirds and other wildlife.

The Catherine Creek – City Limits assessment unit performs moderate ecological functions. The creek channel lacks woody debris, cover and significant pools, and riparian vegetation is sparse. Bank erosion contributes to poor bed conditions. However, one segment provides a good deal of off-stream refuge during high flow, and water storage and transport, flow attenuation, nutrient removal, and water storage function is moderate in some areas of the floodplain. The Catherine Creek – UGA assessment unit is also of moderate ecological value. Hydrologic functions are performed by the natural and relatively undisturbed floodplain on both sides of the channel, and although the creek lacks woody debris and bedform complexity, riparian vegetation is generally better than in the City Limits unit.

Shoreline functions rate moderately in the Little Pilchuck Creek assessment unit. The stream still flows through fairly wide floodplain, contributing to hydrologic functional value. Much of the UGA portion of the creek is subject to erosion and channel degradation from livestock and associated clearing and channel modifications, however. Timber harvest also contributes to sedimentation issues in the creek. Riparian conditions are mixed, and most active pasture is outside of shoreline jurisdiction, with some large trees still dominating in the unit.

Table 3. Summary of shoreline inventory ecological functions rating by assessment unit

Function	Shoreline Assessment Unit				
	Lake Stevens		Catherine Creek		Little Pilchuck Creek
	Residential – City Limits and Residential – UGA	Wetland Complexes – Stevens Creek and Stitch Lake	City Limits	UGA	UGA
Hydrologic					
Water and sediment storage	Low-Moderate	High	Moderate	Moderate	Moderate
Wave/flow energy attenuation	Moderate	NA	Moderate	Moderate-High	Moderate
Nutrient and toxin removal	Low	Moderate-High	Moderate	Moderate	Moderate
Water and sediment transport	NA	NA	Moderate	Moderate	Moderate
Pool, riffle, gravel bar development	NA	NA	Low-Moderate	Moderate	Low-Moderate
LWD and organics recruitment	Low	Low	Low	Moderate	Moderate
Vegetation					
Temperature regulation	Low	Low	Moderate-Low	Moderate	Low-Moderate
Water quality improvement	Low	Moderate	Moderate	Moderate	Moderate

Function	Shoreline Assessment Unit				
	Lake Stevens		Catherine Creek		Little Pilchuck Creek
	Residential – City Limits and Residential – UGA	Wetland Complexes – Stevens Creek and Stitch Lake	City Limits	UGA	UGA
Wave/flow energy attenuation	Low	NA	Moderate-Low	Moderate-High	Moderate-Low
Sediment removal and bank stabilization	Low	High (sediment storage) NA (bank stabilization)	Moderate	Moderate	Moderate
LWD and organics recruitment	Low	Low (no recruitment to Lake Stevens) High (within the complexes)	Low	Moderate	Moderate
Hyporheic					
Nutrient and toxin removal	NA	NA	Moderate	Moderate	Moderate
Water storage and base flow maintenance	NA	NA	Moderate	Moderate	Moderate
Vegetation support	NA	NA	Moderate	Moderate	Moderate
Habitat					
Area and conditions for species support	Low	High	Moderate-Low	Moderate	Moderate-Low
Food production and delivery	Low	High	Moderate	Moderate	Moderate

Washington Department of Fish and Wildlife (WDFW) Priority Habitats and Species (PHS) maps obtained for this analysis depict state recognized PHS habitat and species occurrences in all assessment units [see the Shoreline Analysis Report, Appendix D, Figure 11 (The Watershed Company and Makers 2010)]. PHS wetlands occur in the Catherine Creek UGA, Lake Stevens Residential and UGA, and the lower (Stitch Lake) Lake Stevens Wetland Complex units. Both Catherine Creek assessment units and the Little Pilchuck Creek unit contain PHS riparian zones. Known PHS wildlife species occurrences are limited to a great blue heron colony in the Stitch Lake Wetland Complex, but two bald eagle nests outside of shoreline jurisdiction have associated shoreline buffer zones that extend to the Lake Stevens City Limits and northern Lake Stevens Wetland Complex units. In addition, steep slopes are present in all assessment units [see the Shoreline Analysis Report, Appendix D, Figure 10 (The Watershed Company and Makers 2010)].

3.0 RESTORATION GOALS AND OBJECTIVES

Goals of the Lake Stevens shoreline restoration plan are designed to promote the recovery of degraded areas and impaired ecological function through restoration strategies and policy. The City of Lake Stevens Comprehensive Plan Critical Areas Element (City of Lake Stevens 2006) developed a list of goals and policies that generally refer to the protection of shorelines, critical areas, vegetation, and water resources, all of which occur within lake Stevens shoreline jurisdiction, and subsequently are applicable to this restoration plan. Goals and policies in the Comprehensive Plan are as follows:

GOAL 10.1 Protect the natural environment and conserve all critical areas, including wetlands, shoreline, creeks/streams, geological hazard areas and wildlife habitat.

POLICIES

10.1.1 Update critical areas regulations which reflect the Best Available Science (BAS) pursuant to the GMA. These regulations must protect the functions and values of these areas and not unduly reduce property rights by requiring greater protection measures which offer diminishing beneficial returns.

10.1.2 Ensure compatibility of land uses with topography, geology, soil suitability, surface water, ground water, frequently flooded areas, wetlands, climate, and vegetation and wildlife.

10.1.3 Prevent a net loss of ecological functions and values. Require mitigation for impacts from new development within critical areas.

10.1.4 Encourage flexibility in design, development such as Conservation Design to utilize cluster development to conserve open space and protect critical areas.

10.1.5 Promote and encourage sustainable development through efficient land use, green building design, and water conservation.

10.1.6 Encourage and support local community programs to enhance natural resources.

10.1.7 The City of Lake Stevens should protect native plant communities by encouraging management and control of non-native invasive plants, including aquatic plants. Environmentally sound methods of vegetation control should be used to control noxious weeds.

10.1.8 Incorporate the use of innovative design provisions allowing design of new development to take advantage of such standards as Low Impact Development surface water techniques that employ inventive proposals ensuring the same or better critical area protection.

GOAL 10.2 Protect habitat areas for fish and wildlife.

POLICIES

10.2.1 Recognize the value of maintaining corridors for fish and wildlife and consider appropriate means of protecting significant corridors.

10.2.2 Protect Lake Stevens' priority habitats, habitats of local importance, and listed species habitats.

10.2.3 Support actions that protect other non-listed threatened species from becoming listed and endangered.

GOAL 10.3 Provide for long-term protection and no net loss of wetland ecological functions and values.

POLICIES

10.3.1 Protect existing wetlands from the impacts of new development to the greatest extent possible.

10.3.2 Protect functions and values of wetlands.

10.3.3 Protect existing wetlands with size greater than one acre that are valuable for wildlife habitat or are not artificially created from non-wetland sites (drainage ditches, grass-lined swales, detention ponds, landscape amenities, etc.).

10.3.4 Require wetland buffers and building setbacks around regulated wetlands to preserve vital wetland functions and values.

10.3.5 Require mitigation for any activity, which alters regulated wetlands and their buffers.

10.3.6 Support wetlands protection through non-regulatory approaches such as the adoption-a-wetland conservation program and low impact development.

10.3.7 Work with the land trust and other similar organizations to protect wetlands and other critical areas.

GOAL 10.4 Enhance the quality of surface water.

POLICIES

10.4.1 Protect water quality from the adverse impacts associated with erosion and sedimentation.

10.4.2 Protect water resources, including surface water, groundwater and critical aquifer recharge areas.

10.4.3 Protect the water quality of the City's creeks and its lake.

10.4.4 Require the use of drainage, erosion and sediment control practices for all construction or development activities.

10.4.5 Protect and preserve vegetation located along creek/stream corridors.

10.4.6 Provide buffers for new development along creeks and streams.

10.4.7 Consider creating a new staff position – "Watershed Seward" to inventory and educate the public on the importance of preserving the surface waters.

GOAL 10.5 Decrease potential for flooding from storm water runoff.

POLICIES

10.5.1 Promote retention of storm water. Encourage regional stormwater treatment solutions.

10.5.2 Preserve natural drainage courses.

10.5.3 Minimize adverse storm water impacts generated by the removal of vegetation and alteration of landforms.

10.5.4 Adopt and encourage incentive programs for new development to use best management practices such as reduction of impervious surfaces and provisions for filtering pollutants.

10.5.5 Encourage and support the retention of natural open spaces or land uses, which maintain hydrologic function and are at low risk to property damage from floodwaters within frequently flooded areas.

GOAL 10.6 Implement the State Shorelines Management Act along shorelines of statewide significance in the current or ultimate city limits of Lake Stevens.

POLICIES

10.6.1 Protect Shorelines by limiting uses and activities, which are incompatible with the shoreline environment.

10.6.2 New development within shoreline jurisdiction shall meet the policy requirements adopted within the City Shoreline Master Program.

10.6.3 Maintain native riparian vegetation encouraging the use of native species for landscaping and mitigation along rivers, creeks/streams and wetlands and discourage the use of invasive plants that threaten native vegetative communities.

10.6.4 Encourage shoreline dependent economic activities along City shorelines that will enhance the economic viability near commercial centers.

10.6.5 Promote development of diverse, convenient recreational opportunities along public shorelines within the City that are consistent with the character and physical limitations of the land.

10.6.6 Extend the Waterfront Residential Zone to shoreline areas as they annex to the City.

10.6.7 Encourage development of pedestrian access along the shoreline where practical.

10.6.8 Require developers to indicate how they plan to preserve shore vegetation and control erosion.

10.6.9 Encourage cluster development wherever feasible to maximize use of the shorelines by residents, maximizing both on-site and off-site aesthetic appeal, and minimizing disruption of the natural shorelines.

10.6.10 Encourage cluster development wherever feasible to maximize use of the shorelines by residents, maximizing both on-site and off-site aesthetic appeal, and minimizing disruption of the natural shoreline.

GOAL 10.7 Promote policies and development standards that minimize the threat of flooding.

POLICIES

10.7.1 Protect natural drainage systems associated with floodways, floodplains or other areas subject to flooding.

10.7.2 Emphasize flood prevention and damage reduction.

GOAL 10.8 Locate development within the most geologically suitable and naturally stable portions of a development.

POLICIES

10.8.1 Classify and designate areas on which development should be prohibited, conditioned, or otherwise controlled because of danger from geologic hazards.

10.8.2 Require geotechnical studies and special engineering or design as necessary for new developments in potential geologically hazardous areas.

10.8.3 Encourage cluster development for new residential development in areas of geologic hazards.

4.0 EXISTING AND ONGOING PROJECTS AND PROGRAMS

The following series of existing projects and programs are generally organized from the larger watershed scale to City-scale, including government-led and non-profit/private organizations active in the Lake Stevens area.

4.1 Washington State Conservation Commission

The completion of the 2002 Salmonid Habitat Limiting Factors Analysis for the Snohomish River Watershed (WRIA) 7) was a collaborative effort of the Washington State Conservation Commission and the Snohomish County Public Works Surface Water Management Division's Snohomish Basin Salmon Recovery Forum. The document identifies areas in the Snohomish watershed in need of protection , as well as data gaps.

4.2 Washington State Department of Ecology

The Draft Initial Watershed Assessment: Water Resource Inventory Area 7, Snohomish River Watershed (Pacific Groundwater Group 1995), guides monitoring and data collection pertaining to water rights and use, water quality, hydrology and fisheries in the watershed.

4.3 Snohomish County Public Works: Surface Water Management

The Snohomish County Public Works Department Surface Water Management Division encompasses several programs that incorporate restoration goals and recovery plans and strategies. These are described in the following sections.

4.3.1 Snohomish Basin Salmon Recovery Forum

The City of Lake Stevens is a member of the Snohomish Basin Salmon Recovery Forum (Forum). Formed in 1998, the Forum completed the 2001 Snohomish River Basin Chinook Salmon Near Term Action Agenda and promotes implementation of the June 2005 Snohomish River Basin Salmon Conservation Plan (Snohomish Basin Salmon Recovery Forum 2005), a guide to protection and restoration actions in the Snohomish River Basin. The Plan is a multi-salmonid strategy emphasizing Chinook, bull trout and coho salmon, using them as proxies for other species as well. Recovery strategies in the Plan are:

1. Protection efforts – this involves acquisitions, regulations, incentives, education and outreach.
2. Restoration efforts – evaluate current/potential fish use, habitat conditions, and watershed conditions; use results to develop an overall basin restoration strategy, identify limiting factors in sub-basins, and develop hypotheses and strategies for each sub-basin group; develop alternatives for focusing efforts, including specific restoration sites; and model Plan alternatives.
3. Harvest and hatchery – this is an ongoing multi-entity effort.
4. Integrated recovery plan – the Plan was developed in a coordinated fashion, addressing habitat, harvest and hatchery together.
5. Adaptive management – governed by monitoring efforts.

The Snohomish River Basin Chinook Salmon Near Term Action Agenda (Snohomish Basin Salmon Recovery Forum 2001) lists the following actions toward protection and restoration of habitat in the basin:

1. Preservation and restoration capital projects
2. Guidance for policies and regulations
3. Education and public outreach
4. Information and research
5. Monitoring and adaptive management

Guiding principles for planning and sequencing the actions are as follows:

- Conserve important habitat areas
- Protect and restore linkages between important habitat areas
- Protect functioning habitat within each sub-watershed
- Conserve areas that contribute to ecosystem processes, which support salmon habitat
- Identify and address risks and time sensitive opportunities
- Focus efforts in sub-watersheds that can support proposed restoration projects

The Near Term Action Agenda includes guidance for prioritizing restoration projects, as well as a protection and restoration strategy. These are described in Section 5.1.2, below.

The 2002 Snohomish River Basin Salmonid Habitat Conditions Review (Snohomish River Basin Salmonid Recovery Technical Committee 2002) rated the condition of habitat elements important to salmon and, while the report does not make restoration recommendations, it identifies data gaps the Lake Stevens and Little Pilchuck Creek drainages. Table 4 summarizes the results of the review.

4.3.2 Critical Areas Monitoring and Adaptive Management Program

The goal of this program is to determine the effectiveness of Snohomish County's critical area regulations in protecting critical areas in the County. The program assesses changes in land cover, shoreline conditions, and chemical and biological conditions in small catchments using remote sensing and other methods.

4.3.3 State of the Lakes Update

The Surface Water Management Division updated its 2003 State of the Lakes Report in 2008 with a report specific to Lake Stevens. The report classifies the Lake Stevens shoreline as the most highly developed in Snohomish County, with more than 8.3 ac of dock coverage and 78 percent shoreline modification. Productivity was categorized as low to moderate, and a trend toward increasing phosphorus concentration in bottom waters was identified. The overall rating of the lake was satisfactory, with future risk as water quality declines.

Table 4. Habitat conditions summary for Lake Stevens and Pilchuck Creek drainages
(Snohomish River Basin Salmonid Recovery Technical Committee 2002)

Habitat Element	Habitat Condition Rating	
	Lake Stevens	Little Pilchuck Creek
Instream artificial barriers	Moderately degraded	<i>Data gap</i>
Sediment	Degraded	<i>Data gap</i>
Hydrology	Degraded	Moderately degraded
Water quality	Moderately degraded	<i>Data gap</i>
Wetlands/riparian and shoreline vegetation/LWD	Degraded	Degraded
Shoreline condition and floodplain connectivity	Moderately degraded	<i>Data gap</i>

4.4 City of Lake Stevens Critical Areas Regulations

The City of Lake Stevens' critical areas regulations are found in Lake Stevens Municipal Code Chapter 14.88. The City completed its last critical areas regulations update in September 2008. The updated regulations are based on best available science, and provide protection to critical areas in the City, including streams, lakes, wetlands, steep slopes, and fish and wildlife conservation areas. Some of the basic components of the critical areas regulations include a six-level stream typing system with standard buffers ranging between 0 and 115 feet, and Ecology's four-tiered wetland rating system with standard buffers ranging from 10 to 150 feet. Management of the City's critical areas using these regulations should help ensure that ecological functions and values are not degraded and impacts to critical areas are mitigated. These critical areas regulations are important tools that will help the City meet its restoration goals.

4.5 City of Lake Stevens Six-Year Transportation Improvement Plan: 2011 to 2016

A number of transportation projects include actions and construction designed to address stormwater runoff in streams draining to Lake Stevens. Minor arterial improvement projects on Hartford Road, Lundeen Parkway, and 20th Street SE incorporated drainage improvements near streams in or adjacent to shoreline jurisdiction.

4.6 City of Lake Stevens Public Works Department

The City's Public Works Department protects wetlands through native growth protection area (NGPA) rules that govern new development adjacent to these critical areas. Rules address grading, structures and non-natural planting, vehicle activity, grazing, vegetation removal, and dumping.

The Department completed a Surface Water Management Program (SWMP), pursuant to the requirements of the City of Lake Stevens NPDES Phase II Municipal Stormwater Permit. The SWMP is designed to protect water quality by reducing discharge of pollutants from the City's storm sewer system. Components of the SWMP include:

1. Public education and outreach to reduce or eliminate behaviors causing adverse water impacts.
2. Public involvement, including roles in stewardship programs and environmental activities.
3. Illicit discharge and elimination detection and removal.
4. Runoff control from new development, redevelopment and construction sites.
5. Pollution prevention and operation and maintenance for municipal operations to reduce or prevent runoff.

The Public Works Department completed a Quality Assurance Project Plan for Lake Stevens and its tributaries in 2008 (City of Lake Stevens Public Works Department 2008), including total maximum daily load (TMDL) monitoring. The plan included the City's goal *"to produce accurate, credible analytical data representative of water bodies from which the data and samples are taken"* and *"to determine areas with highest bacteria concentrations (high priority areas)."*

4.7 City of Lake Stevens Integrated Aquatic Vegetation Management Program

The City of Lake Stevens recently approved an effort to control Eurasian watermilfoil (*Myriophyllum spicatum*) from Lake Stevens through the development of an Integrated Aquatic Vegetation Management Program (IAVMP) in October 2010 (City of Lake Stevens 2010). The IAVMP will attempt to address the aggressive growth of milfoil around the littoral zone of the lake. Per a recent survey conducted in July 2010, milfoil was found to cover over 135 acres of the lake (>10 percent). The City applied for a planning grant from Ecology to develop the IAVMP in the hopes of beginning control and eventually eradicate milfoil from Lake Stevens. The following are basic recommendations from the IAVMP for aquatic plant control in the lake:

- Apply one large scale triclopyr treatment to eliminate the majority of milfoil from the lake.
- Make targeted, small-scale applications of triclopyr to manage small patches of milfoil.
- Conduct ongoing hand-pulling or bottom barrier installation to combat small and recurrent patches of milfoil.

- Conduct annual diver surveys of the littoral zone and quantitative reporting of the acres and locations of identified invasive plants.
- Establish an Aquatic Plant Control Advisory Committee for the lake whose function is to make recommendations annually about controls needed and to review aquatic plant management goals.

4.8 Snohomish Conservation District

Snohomish Conservation District's mission is *"to work cooperatively with others to promote and encourage conservation and responsible use of natural resources."* The District includes Lake Stevens and surrounding areas.

5.0 INVOLVEMENT OF OTHER AGENCIES AND ENTITIES

5.1 Snohomish Basin Salmon Recovery Forum

5.1.1 Snohomish River Basin Recovery Plan

The Snohomish River Basin Salmon Recovery Plan (Snohomish Basin Salmon Recovery Forum 2005), in addition to the general recovery strategies outlined in Section 4.3.1, details recommended actions for sub-basins, including Lake Stevens drainages, which is categorized in the "urban streams" group. The recommended recovery focus for urban streams is *"Habitat restoration and reconnection to maintain current habitat conditions and functions, while accommodating additional urban growth within urban growth areas."* The ecological actions that would contribute to recovery are listed as:

1. Preserve and protect the remaining and best habitat along critical reaches; protect riparian forest, wetlands, floodplains, and inner gorges; maintain opportunity for streams to migrate.
2. Remove human-made instream barriers along or adjacent to priority stream reaches.
3. Restore shorelines by removing riprap and utilizing large woody debris to protect property where necessary.
4. Enhance riparian zones to improve habitat and protect streams from urban impacts.
5. Improve water quality by preventing illegal discharge, bio-filtering surface water, and educating property owners about the impacts of excess fertilizer and pesticide use.

5.1.2 Snohomish River Basin Chinook Salmon Near Term Action Agenda

The Near Term Action Agenda lists six guidance points for prioritizing and implementing important protection and restoration capital projects. These are repeated verbatim below:

CAPITAL PROJECT GUIDANCE 1.

The Forum should continue to develop prioritized project lists for state Salmon Recovery Funding Board funding. It should also create a scientifically-based, prioritized list of projects that can guide the efforts of all organizations in the basin and be suited for a variety of funding sources.

CAPITAL PROJECT GUIDANCE 2.

Where regulations alone are not adequate to achieve habitat protection goals, local governments and non-governmental organizations should preserve and protect habitat using tools such as fee simple acquisitions, conservation easements, purchase or transfer of development rights, and purchase of timber rights where there is a willing seller. Sites should be selected based on the guidance in this document and the watershed priorities established by the Forum.

CAPITAL PROJECT GUIDANCE 3.

Federal, state, and local governments, tribes, and non-governmental organizations should commit resources to restoring and enhancing salmon habitat, based on the guidance in this document and the watershed priorities established by the Forum.

CAPITAL PROJECT GUIDANCE 4.

Project sponsors should provide information about and seek input on proposed acquisition and restoration projects from residents, business interests, community groups, and landowners. Opportunities for public input should be provided throughout project selection, design, and implementation to help gain knowledge about local conditions and concerns.

CAPITAL PROJECT GUIDANCE 5.

Restoration projects, especially dike and levee removal and installation of large woody debris projects, should be scoped and designed using both standard engineering practices and ecological expertise. Methods, effectiveness, and the evaluation of impacts should be monitored and used to inform future decisions about these types of projects.

CAPITAL PROJECT GUIDANCE 6.

Each spring, the Forum should annually review new science and tribal traditional knowledge that may be available, as well as what has been learned about the functioning of existing projects. This information can be used to evaluate the boundaries of the focus areas, the project list, and

any new project ideas that have been suggested in the focus areas. Potential project sponsors should be notified of the review and encouraged to participate. An updated project idea list should be made available to potential project sponsors.

The guidance goes on to outline a four-component means of approaching restoration capital projects, based on methods used by the Skagit Watershed Council for identifying and prioritizing restoration projects. Briefly, it consists of:

1. A protection and restoration strategy that uses a “focus area concept” of identifying areas with concentrated Chinook spawning, rearing, and/or refugia and identifying appropriate habitat projects in these areas.
2. Project development guidelines for specific projects as they are developed. This may include guiding feasibility studies, permitting, funding accrual, regulation compliance, and other needed steps.
3. A focus areas and project idea list of projects in stages of conceptual development.
4. General guidance for other projects, including acquiring sensitive areas, restoring riparian zones, eliminating fish passage barriers, restoring floodplain migration and wetlands, installing woody debris, relocating or decommissioning roads, and stabilizing human-caused landslides.

5.2 Lake Stevens Planning and Community Development Department

The City’s Planning and Community Development Department contracted the completion of a Best Available Science document (URS 2008). This report was to ensure that the best information available is used to guide policy and recommendations pertaining to salmonid habitat and critical areas. The Department also oversees parks in the City, including Catherine Creek Park, North Cove Park, Lundeen County Park, and Wyatt Park, which occur fully or partially within shoreline jurisdiction.

The Planning and Community Development Department adopted the City of Lake Stevens Design Guidelines in April 1995 (Makers 1992). The following Guidelines elements are intended to protect the natural environment:

1. Sensitive areas
 - a. Protecting sensitive areas from development
 - b. Reducing impacts on steep slopes
 - c. Encouraging appropriate stormwater management
 - d. Minimizing damaging surface grading
2. Stormwater Management

- a. Reducing stormwater runoff using natural infiltration methods
3. Significant Trees
 - a. Retaining visual character of the landscape
 - b. Preserving physical and aesthetic character
 - c. Minimizing surface runoff to prevent erosion

5.3 Shared Strategy for Puget Sound

Shared Strategy for Puget Sound is a collaborate effort supported by state and federal agencies, local governments and non-government organizations, and legislators, aimed at encouraging recovery plans to protect and restore salmon runs in Puget Sound. Policies and actions put forth by the group for the Snohomish River Basin are to:

1. Coordinate critical areas regulation and SMP updates to better integrate salmon recovery planning in areas most likely to be affected by growth and development.
2. Focus efforts on mainstem rivers, building on implemented restoration efforts and working with farmers and other landowners.
3. Protect estuary habitat and, specifically, reconnect blind tidal channel sloughs and restore edge complexity along mainstems and sloughs.

5.4 Puget Sound Partnership

The Puget Sound Partnership consists of representatives from a variety of interests from the Puget Sound region including business, agriculture, the shellfish industry, environmental organizations, local governments, tribal governments, and the Washington state legislature. Some of the Partnership's key tasks are as follows:

- Develop a set of recommendations for the Governor, the Legislature and Congress to preserve the health of Puget Sound by 2020 and ensure that marine and freshwaters support healthy populations of native species as well as water quality and quantity to support both human needs and ecosystem functions.
- Engage citizens, watershed groups, local governments, tribes, state and federal agencies, businesses and the environmental community in the development of recommendations.
- Review current and potential funding sources for protection and restoration of the ecosystem and, where possible, make recommendations for the priority of expenditures to achieve the desired 2020 outcomes.

The Partnership through the Leadership Council released an Action Agenda in December 2008. Implementation of this Action Agenda has resulted in State and Federal

funding of restoration and protection initiatives and projects. This includes integrating the work of the Puget Sound Nearshore Restoration Project to increase focus on completing work necessary to request Puget Sound restoration funds under the Water Resources Development Act slated for 2012.

6.0 STRATEGIES TO ACHIEVE LOCAL RESTORATION GOALS

This section discusses programmatic measures for the City of Lake Stevens designed to foster shoreline restoration and achieve a net improvement in shoreline ecological processes, functions, and habitats. With projected budget and staff limitations, the City of Lake Stevens does not anticipate leading most restoration projects or programs. However, the City's SMP represents an important vehicle for facilitating and encouraging restoration projects and programs that could be led by private and/or non-profit entities. The discussion of restoration mechanisms and strategies below highlights programmatic measures that the City may potentially implement as part of the proposed SMP, as well as parallel activities that would be led by other governmental and non-governmental organizations.

6.1 Implementation of the Snohomish River Basin Near Term Action Agenda

This document includes recommended preservation and restoration projects, as well as detailed guidance for implementation. It provides guidance for employing policies and regulations, education and public outreach, information and research, and monitoring and adaptive management in protecting and restoring salmon habitat in the Snohomish Basin. Additionally, it includes potential funding sources and a long-term oversight strategy.

6.2 Capital Facilities Plans

The City could incorporate a shoreline restoration goal in capital facilities plans and improvement projects. Some projects in the current six-year transportation plan include improvements in and near streams, making them candidates for restoration components (see also Section 4.4).

6.3 Development Opportunities

When shoreline development occurs, the City has the ability to look for opportunities to conduct restoration in addition to minimum mitigation requirements as part of the SMP. Development may present timing opportunities for restoration that would not otherwise occur and may not be available in the future. Mitigation may also allow for "banking"

opportunities. In certain cases, on-site mitigation opportunities are limited due to building site constraints, limited potential ecological gains, or other site-specific factors. In these instances, the City shoreline administrator could identify an off-site mitigation opportunity that could be restored in lieu of on-site mitigation.

6.4 Development Incentives

Through the SMP, the City may provide development incentives for restoration, including the waiving of some or all of the development application fees, infrastructure improvement fees, or stormwater fees. This may serve to encourage developers to try to be more imaginative or innovative in their development designs to include more access and preservation.

6.5 Tax Relief / Fee System

A tax relief/fee system to directly fund shoreline restoration measures is being investigated under the SMP. One possibility is to have the City work with the county to craft a preferential tax incentive through the Public Benefit Rating System administered by the County under the Open Space Taxation Act (RCW 84.34) to encourage private landowners to preserve natural shore-zone features for "open space" tax relief. Ecology has published a technical guidance document for local governments who wish to use this tool to improve landowner stewardship of natural resources. More information about this program can be found at <http://www.ecy.wa.gov/biblio/99108.html>. The guidance in this report provides technically based property selection criteria designed to augment existing open space efforts with protection of key natural resource features that directly benefit the watershed. Communities can choose to use any portion, or all, of these criteria when tailoring a Public Benefit Rating System to address the specific watershed issues they are facing.

A second possibility is a Shoreline Restoration Fund. A chief limitation to implementing restoration is local funding, which is often required as a match for State and federal grant sources. To foster ecological restoration of the City's shorelines, the City may establish an account that may serve as a source of local match monies for non-profit organizations implementing restoration of the City's shorelines. This fund may be administered by the City shoreline administrator and be supported by a levy on new shoreline development proportional to the size or cost of the new development project. Monies drawn from the fund would be used as a local match for restoration grant funds, such as the Salmon Recovery Funding Board (SRFB), Aquatic Lands Enhancement Account (ALEA), or another source.

6.6 Shore Stewards Education

Shore Stewards is a volunteer program in which shoreline property owners and residents of waterfront communities with shared beach access voluntarily follow ten

wildlife-friendly guidelines in caring for their beaches, bluffs, gardens and homes. These guidelines help them create and preserve a healthy shoreline environment for fish, wildlife, birds and people. This program was created to help shoreline residents feel more connected to the nearshore ecosystem because it is found that when people understand the natural processes at work on their beaches, they may play a more active, positive role in the preservation of healthy, fish-friendly wildlife habitats.

The ten Shore Stewards guidelines for shoreline living are:

1. Use water wisely.
2. Maintain your septic or sewer system.
3. Limit pesticide and fertilizer usage.
4. Manage upland water runoff.
5. Encourage native plants and trees.
6. Know permit procedures for shoreline development.
7. Develop on bluffs with care.
8. Minimize bulkheads, docks and other structures.
9. Respect intertidal life.
10. Preserve eelgrass beds and forage fish spawning habitat.

Shore Stewards was created in 2002 with grant funding by the Island County Marine Resources Committee. The pilot program was launched on Camano Island by a dedicated group of Washington State University (WSU) Beach Watchers, who wrote the resource-packed Shore Stewards Guide. Shore Stewards is now expanding to other counties of Puget Sound.

6.7 Stewardship Certification Process

The Shore Stewards program sets up guidelines for shoreline residents to preserve and enhance the shoreline environment. With a verification component, Shore Stewards could provide certification and tracking. This could be implemented as a Shoreline Tax Incentives program when someone participates in the WDFW backyard sanctuary program. Since the City recognizes that there are important opportunities to improve shoreline ecological conditions and functions through non-regulatory, volunteer actions by shoreline residents and property owners, it might examine the potential for property tax breaks for shoreline property owners who actively manage their property for habitat protection or enhancement. To encourage volunteer actions that improve shoreline ecological functions, shoreline property owners actively participating in the WDFW backyard sanctuary program or some similar program could receive, for example, a 5% credit on their City property taxes.

A small demonstration restoration project that included a variety of techniques could be completed by the City as an example for others. The City could also identify a set of demonstration restoration projects (which have broad public support), then actively solicit entities to implement one or more of them. The City should also encourage participation in WDFW backyard sanctuary program and other citizen-oriented conservation programs.

6.8 Resource Directory

Development of a resource list would be helpful in aiding property owners who want to be involved in restoration. Examples of grant programs that could be included are:

Landowner Incentive Program (LIP): This is a competitive grant process to provide financial assistance to private individual landowners for the protection, enhancement, or restoration of habitat to benefit species-at-risk on privately owned lands.

Salmon Recovery Funding Board (SRFB) Grant Programs: SRFB administers two grant programs for protection and/or restoration of salmon habitat. Eligible applicants can include municipal subdivisions (cities, towns, and counties, or port, conservation districts, utility, park and recreation, and school districts), tribal governments, state agencies, nonprofit organizations, and private landowners.

6.9 Volunteer Coordination

The City will continue to emphasize and accomplish restoration projects by using community volunteers, as has been achieved for Parks projects and is called for in the Parks and Recreation Element of the Comprehensive Plan. The City can also coordinate with groups such as EarthCorps, Washington Conservation Corps, Washington Native Plant Society, and the Snohomish County Surface Water Management Division, which already have volunteer programs in place.

6.10 Regional Coordination

The City will continue its association and active involvement with the Snohomish Basin Salmon Recovery Forum. The City may also look for other opportunities for involvement in regional restoration planning and implementation.

7.0 PROPOSED IMPLEMENTATION TARGETS AND MONITORING METHODS

7.1 Project Evaluation

When a restoration project is proposed for implementation by the City, other agency, or by a private party, the project should be evaluated to ensure that the project's objectives are consistent with those of this Restoration Plan of the SMP and, if applicable, that the project warrants implementation above other candidate projects. It is recognized that, due to funding sources or other constraints, the range of any individual project may be narrow. It is also expected that the list of potential projects may change over time, that new projects will be identified and existing opportunities will become less relevant as restoration occurs and as other environmental conditions, or our knowledge of them, change.

When evaluating potential projects, priority should be given to projects most meeting the following criteria:

- Restoration meets the goals and objectives for shoreline restoration.
- Restoration of processes is generally of greater importance than restoration of functions.
- Restoration avoids residual impacts to other functions or processes.
- Projects address a known degraded condition.
- Conditions that are progressively worsening are of greater priority.
- Restoration has a high benefit to cost ratio.
- Restoration has a high probability of success.
- Restoration is feasible, such as being located on and accessed by public property or private property that is cooperatively available for restoration. Restoration should avoid conflicts with adjacent property owners.
- There is public support for the project.
- The project is supported by and consistent with other restoration plans.

The City should consider developing a project "score card" as a tool to evaluate projects consistent with these criteria.

7.2 Monitoring and Adaptive Management

In addition to project monitoring required for individual restoration and mitigation projects, the City should conduct system-wide monitoring of shoreline conditions and development activity, to the degree practical, recognizing that individual project

monitoring does not provide an assessment of overall shoreline ecological health. The following three-prong approach is suggested:

1. Track information using the City's permit system as activities occur (development, conservation, restoration and mitigation), such as:
 - a. New shoreline development
 - b. Shoreline variances and the nature of the variance
 - c. Compliance issues
 - d. New impervious surface areas
 - e. Number of pilings
 - f. Removal of fill
 - g. Vegetation retention/loss
 - h. Bulkheads/armoring

The City may require project proponents to monitor as part of project mitigation, which may be incorporated into this process. Regardless, as development and restoration activities occur in the shoreline area, the City should seek to monitor shoreline conditions to determine whether both project specific and SMP overall goals are being achieved.

2. Re-review status of environmental processes and functions at the time of periodic SMP updates to, at a minimum, validate the effectiveness of the SMP. Re-review should consider what restoration activities actually occurred compared to stated goals, objectives and priorities, and whether restoration projects resulted in a net improvement of shoreline resources.

Under the Shoreline Management Act, the SMP is required to result in no net loss of shoreline ecological functions. If this standard is found to not be met at the time of review, the City will be required to take corrective actions. The goal for restoration is to achieve a net improvement. The cumulative effect of restoration over time between reviews should be evaluated along with an assessment of impacts of development that is not fully mitigated to determine effectiveness at achieving a net improvement to shoreline ecological functions.

Evaluation of shoreline conditions, permit activity, policy, and regulatory effectiveness should occur at varying levels of detail consistent with the Comprehensive Plan update cycle. A complete reassessment of conditions, policies and regulations should be considered every seven years. To conduct a valid reassessment of the shoreline conditions every seven years, it is necessary to monitor, record and maintain key environmental metrics to allow a comparison with

baseline conditions. As monitoring occurs, the City should reassess environmental conditions and restoration objectives. Those ecological processes and functions that are found to be worsening may need to become elevated in priority to prevent loss of critical resources. Alternatively, successful restoration may reduce the importance of some restoration objectives in the future.

7.3 Reporting

The restoration opportunities presented in this document are based upon a detailed inventory and analysis of shoreline conditions by many sources. Nonetheless, exhaustive scientific information about shoreline conditions and restoration options is cost prohibitive at this stage. Additionally, restoration is at times experimental. Monitoring must be an aspect of all restoration projects. Information from monitoring studies will help demonstrate what restoration is most successful. Generally, conservation of existing natural areas is the least likely to result in failure.

This Restoration Plan does not provide a comprehensive scientific index of restoration opportunities that allows the City to objectively compare opportunities against each other. If funding was available, restoration opportunities could be ranked by which opportunities are expected to have the highest likelihood of success, which address the most pressing needs, and other factors. Funding could also support a long-term monitoring program that evaluates restoration over the life of the SMP (as opposed to independent monitoring for each project). However, the following table (Table 5) outlines a possible schedule and funding sources for implementation of a variety of efforts that could improve shoreline ecological function, and are described in previous sections of this report.

Table 5. Implementation Schedule and Funding for Restoration Projects, Programs and Plans

Restoration Project/Program	Schedule	Funding Source or Commitment
Snohomish Basin Salmon Recovery Forum	Ongoing	The City is an active member of the Forum and promotes implementation of the 2005 Snohomish River Basin Salmon Conservation Plan and the 2001 Snohomish River basin Chinook Salmon Near Term Action Agenda.
Washington Department of Ecology	Ongoing	The City has adopted the latest edition of the State Department of Ecology's Stormwater Management Manual for the Puget Sound Basin.
Snohomish County Public Works: Surface Water Management	Ongoing	The City has met NPDES Phase II Municipal Stormwater Permit requirement for development of a Surface Water Storm Management Program (SWMP). The SWMP commits the City to education and outreach, public involvement, detection and enforcement, stormwater control, and pollution prevention.

Restoration Project/Program	Schedule	Funding Source or Commitment
Comprehensive Plan	Ongoing	The City makes a substantial commitment of staff time in the course of project and program reviews to determine consistency and compliance with the recently updated Comprehensive Plan.
Critical Areas Regulations	Revised in September 2008	The City makes a substantial commitment of staff time in the course of project and program reviews to determine consistency and compliance with their recently updated Critical Areas Regulations.
City of Lake Stevens 6-Year Transportation Improvement Plan	Completed in 2009	Most projects are in process or have had state (WSDOT) and/or local funds committed; federal funding is also possible in some cases.

City planning staff is encouraged to track all land use and development activity, including exemptions, within shoreline jurisdiction, and may incorporate actions and programs of the other departments as well. A report may be assembled that provides basic project information, including location, permit type issued, project description, impacts, mitigation (if any), and monitoring outcomes as appropriate. Examples of data categories might include square feet of non-native vegetation removed, square feet of native vegetation planted or maintained, reductions in chemical usage to maintain turf, linear feet of eroding stream bank stabilized through plantings, or linear feet of shoreline armoring removed. The report would also outline implementation of various programs and restoration actions (by the City or other groups) that relate to watershed health.

The staff report may be assembled to coincide with Comprehensive Plan updates and may be used, in light of the goals and objectives of the Shoreline Master Program, to determine whether implementation of the SMP is meeting the basic goal of no net loss of ecological functions relative to the baseline condition established in the *Inventory and Analysis Report*. In the long term, the City should be able to demonstrate a net improvement in the City of Lake Stevens' shoreline environment.

8.0 REFERENCES

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***CITY COUNCIL FINAL DRAFT FOR LOCAL ADOPTION
November 28, 2011***

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

SHORELINE ANALYSIS REPORT

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

Supporting Document for Lake Stevens 2011 Shoreline Master Program

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SHORELINE ANALYSIS REPORT

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

1 INTRODUCTION

1.1 Background and Purpose

The City of Lake Stevens (City) obtained a grant from the Washington Department of Ecology (Ecology) in 2009 to complete a comprehensive Shoreline Master Program (SMP) update. One of the first steps of the update process is to inventory and characterize the City's shorelines as defined by the state's Shoreline Management Act (SMA) (RCW 90.58). This inventory was conducted in accordance with the Shoreline Master Program Guidelines (Guidelines, Chapter 173-26 WAC) and project Scope of Work promulgated by Ecology, and includes all areas within current City limits and the Urban Growth Area (UGA). Under these Guidelines, the City must identify and assemble the most current, accurate and complete scientific and technical information available that is applicable. This shoreline inventory and analysis will describe existing conditions and characterize ecological functions in the shoreline jurisdiction. This will serve as the baseline against which the impacts of future development actions in the shoreline will be measured. The Guidelines require that the City demonstrate that its updated SMP yields "no net loss" in shoreline ecological functions relative to the baseline due to its implementation.

A list of potential information sources was compiled (Appendix A) and an information request letter was distributed to potential interested parties and agencies that may have relevant information (Appendix B). Collected information was supplemented with other resources such as City documents, scientific literature, personal communications, aerial photographs, internet data, and a brief physical inventory of the City's shorelines.

1.2 Shoreline Jurisdiction

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

"those lands extending landward for 200 feet in all directions as measured on a horizontal plane from the ordinary high water mark; floodways and contiguous floodplain areas landward 200 feet from such floodways; and all

wetlands and river deltas associated with the streams, lakes, and tidal waters which are subject to the provisions of this chapter...Any county or city may determine that portion of a one-hundred-year-floodplain to be included in its master program as long as such portion includes, as a minimum, the floodway and the adjacent land extending landward two hundred feet therefrom... Any city or county may also include in its master program land necessary for buffers for critical areas (RCW 90.58.030)"

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

1.3 Study Area

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

2 CURRENT REGULATORY FRAMEWORK SUMMARY

2.1 City of Lake Stevens

The Shoreline Management Act of 1971 brought about many changes for local jurisdictions, including the City of Lake Stevens. The legislative findings and policy intent of the SMA states:

“There is, therefore, a clear and urgent demand for a planned, rational, and concerted effort, jointly performed by federal, state, and local governments, to prevent the inherent harm in an uncoordinated and piecemeal development of the state's shorelines (RCW 90.58.020).”

While protecting shoreline resources by regulating development, the SMA is also intended to provide balance by encouraging water-dependent or water-oriented uses while also conserving or enhancing shoreline ecological functions and values. The SMP will be based on state guidelines, but tailored to the specific conditions and needs of individual communities.

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

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

2.2 State and Federal Regulations

State and federal regulations most pertinent to development in the City's shorelines include the federal Endangered Species Act, the federal Clean Water Act, the state

Shoreline Management Act, and the State Hydraulic Code. Other relevant federal laws include the National Environmental Policy Act, Anadromous Fish Conservation Act, Clean Air Act, and the Migratory Bird Treaty Act. State laws which address shoreline issues include the Growth Management Act, State Environmental Policy Act, tribal agreements and case law, Watershed Planning Act, Water Resources Act, Salmon Recovery Act, and the Water Quality Protection Act. A variety of agencies (e.g., U.S. Army Corps of Engineers, National Marine Fisheries Service, U.S. Fish and Wildlife Service, Washington Department of Ecology, Washington Department of Fish and Wildlife) are involved in implementing these regulations, but review by these agencies of shoreline development in most cases would be triggered by in- or over-water work, discharges of fill or pollutants into the water, or substantial land clearing. Depending on the nature of the proposed development, state and federal regulations can play an important role in the design and implementation of a shoreline project, ensuring that impacts to shoreline functions and values are avoided, minimized, and/or mitigated. With the comprehensive SMP update, the City will strive to ensure that Lake Stevens' SMP regulations are consistent with other State and Federal requirements and explore ways to streamline the shoreline permitting process. A summary of some of the key regulations and agency responsibilities follows.

Section 404: Section 404 of the federal Clean Water Act provides the Corps, under the oversight of the U.S. Environmental Protection Agency, with authority to regulate “discharge of dredged or fill material into waters of the United States, including wetlands” (http://www.epa.gov/owow/wetlands/pdf/reg_authority_pr.pdf). The extent of the Corps' authority and the definition of fill have been the subject of considerable legal activity. As applicable to the City of Lake Stevens' shoreline jurisdiction, however, it generally means that the Corps must review and approve most activities in streams, wetlands, and lakes. These activities may include lake or wetland fills, stream and wetland restoration, and culvert installation or replacement, among others. Similar to SEPA requirements, the Corps is interested in avoidance, minimization, restoration, and compensation of impacts.

Federal Endangered Species Act (ESA): Section 9 of the ESA prohibits “take” of listed species. Take has been defined in Section 3 as: “harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct.” The take prohibitions of the ESA apply to everyone, so any action of the City that results in a take of listed fish or wildlife would be a violation of the ESA and exposes the City to risk of lawsuit. Per Section 7 of the ESA, activities with potential to affect federally listed or proposed species and that either require federal approval, receive federal funding, or occur on federal land must be reviewed by the National Marine Fisheries Service (NOAA Fisheries) and/or U.S. Fish and Wildlife Service (USFWS) via a process called “consultation.” Currently, only the shoreline streams have known presence of ESA-listed species (bull trout and steelhead). However, coho, found in Lake Stevens and the shoreline streams, may eventually be listed.

Section 401 Water Quality Certification: Section 401 of the federal Clean Water Act allows states to review, condition, and approve or deny certain federal permitted actions that result in discharges to state waters, including wetlands. In Washington, the Department of Ecology is the state agency responsible for conducting that review, with their primary review criteria of ensuring that state water quality standards are met. Actions within streams, lakes or wetlands within the shoreline zone that require a Section 404 permit (see above), will also need to be reviewed by Ecology.

Hydraulic Code: Chapter 77.55 RCW (the Hydraulic Code) gives the Washington Department of Fish and Wildlife (WDFW) the authority to review, condition, and approve or deny “any construction activity that will use, divert, obstruct, or change the bed or flow of state waters.” As applicable to the City of Lake Stevens’ shoreline jurisdiction, however, it generally means that WDFW must review and approve most activities in any of the shoreline waterbodies. These activities may include pier and bulkhead repair or construction, stream alteration, and culvert installation or replacement, among others. WDFW can condition projects to avoid, minimize, restore, and compensate adverse impacts.

3 ELEMENTS OF THE SHORELINE INVENTORY & SPECIFIC CONDITIONS

3.1 Introduction

Development of a shoreline inventory is intended to record the existing or baseline conditions upon which the development of shoreline master program provisions will be examined to ensure the adopted regulations provide no net loss of shoreline ecological functions. At a minimum, local jurisdictions shall gather the inventory elements listed in the Guidelines, to the extent information is relevant and readily available. Table 1 lists those relevant inventory elements in which data is available for the City’s shorelines. Areas of data gaps are listed in section 3.4. The table also describes the information collected for each of the required inventory elements. A list of inventory elements and the various data sources that were utilized for each element are provided in Appendix A. Figures depicting the various inventory pieces listed in Table 1 are provided in Appendix D (Figures 1-14).

Table 1. Shoreline Inventory Elements and Information Sources.

Inventory Element	Information Gathered	Data Sources	Appendix D Map
Land Use Patterns	Zoning, current land use, and future land use	City and County	Figures 2 and 3

Inventory Element	Information Gathered	Data Sources	Appendix D Map
Utilities	Surface/stormwater facilities	City and County	Figure 4
Impervious Surfaces	Roads, parking lots, & buildings (2001 aerial photo interpretation)	USGS	Figure 5
Shoreline Modifications	- Docks and other overwater structures - Armoring	WA Department of Natural Resources and Snohomish County SWM	Figure 6
Public Access Areas	Waterfront parks and open spaces	City and County	Figure 7
Soils	Soil types	USDA NRCS (SSURGO)	Figure 8
Floodplains & Channel Migration Zones	Floodplains; CMZ not applicable in City of Lake Stevens shoreline	County, FEMA	Figure 9
Transportation	Highways, arterials, local streets	City and County	various
Critical Areas	Wetlands, geologically hazardous areas, & fish and wildlife habitat conservation areas	City, County, USDA NRCS, WDFW	Figure 9-11
Vegetation	Vegetation type and land cover	NOAA CCAP	Figure 12
Water quality impairment	303(d)/305(b) waters and regulated sites	Ecology	Figure 13

3.2 Assessment Unit Conditions

In order to break down the shoreline into manageable units and to help evaluate differences between discrete shoreline areas, the shorelines have been divided into assessment units based on biological character, dominant land use, and location within City limits or the UGA as follows and as illustrated on Figure 14 in Appendix D.

- Lake Stevens Residential – City limits
- Lake Stevens Residential – UGA
- Lake Stevens Wetland Complexes – Stevens Creek and Stitch Lake
- Catherine Creek – City limits
- Catherine Creek – UGA
- Little Pilchuck Creek - UGA

Lake Stevens shoreline jurisdiction (not including the associated wetlands of Stitch Lake and Stevens Creek) was labeled with the term “residential” to note the predominance of residential uses along the shoreline even though both the City Limits and UGA assessment units contain some limited parks, commercial and business district uses.

Table 2 expands upon the relevant above required inventory elements, providing specific detail and data for each of the assessment units.

Table 2. Summary of Inventory by Assessment Unit.

Inventory Element	Shoreline Assessment Unit					
	Lake Stevens			Catherine Creek		Little Pilchuck Creek
	Residential – City Limits	Residential – UGA	Wetland Complexes – Stevens Creek and Stitch Lake	City Limits	UGA	UGA
Assessment Unit Dimensions	• 29,818 linear feet of shoreline frontage • 144.5 acres	• 7,557 linear feet of shoreline frontage • 39.3 acres	• 94.5 acres	• 3,212 linear feet of shoreline frontage • 30.4 acres	• 2,165 linear feet of shoreline frontage • 19.9 acres	• 3,353 linear feet of shoreline frontage • 33.6 acres
Zoning	• Waterfront Residential - 84% • Suburban Residential - 6% • Public / Semi-Public - 5% • No Zone - 2% • Urban Residential - 1% • Mixed Use - 1% • Local Business - 1% • Central Business District - 1% • High Urban Residential - <1%	• Residential 9,600 – 100%	• Suburban Residential - 88% • No Zone - 5% • Multi-Family Residential - 4% • Waterfront Residential - 2%	• Urban Residential - 71% • Public / Semi-Public - 13% • Light Industrial – 9% • Suburban Residential - 3% • No Zone - 3%	• Residential 20,000 - 98% • No Zone - 1% • Suburban Residential - 1%	• Residential 20,000 - 59% • Heavy Industrial - 25% • Business Park - 6% • Residential 9,600 - 5% • Public / Semi-Public - 3% • No Zone - 2% • General Industrial - <1%
Comprehensive Plan	• Waterfront Residential - 83% • Med Density Residential - 8% • Public / Semi-Public - 5% • Downtown / Local Commerce - 1% • No Land Use - 1% • Mixed Use - 1% • High Density Residential - 1% • Urban Low Density Residential (4 DU/Acre) - <1%	• Urban Low Density Residential (4 DU/Acre) - 85% • No Land Use - 15% • Waterfront Residential - <1%	• High Density Residential - 58% • Med Density Residential - 35% • Urban Low Density Residential (4 DU/Acre) - 5% • Waterfront Residential - 2% • No Land Use - <1%	• Med Density Residential - 75% • Public / Semi-Public - 14% • Light Industrial - 9% • Urban Low Density Residential (4 DU/Acre) - 2% • No Land Use - 1%	• Urban Low Density Residential (4 DU/Acre) - 99% • Med Density Residential - 1% • No Land Use - <1%	• Urban Low Density Residential (4 DU/Acre) - 47% • Urban Industrial - 33% • Public/Institutional Use - 18% • General Industrial - 3% • No Land Use - <1%
Impervious Surface	37%	28%	4%	24%	9%	8%
Terrestrial Vegetation	• Developed, Low Intensity - 78% • North Pacific Maritime Mesic-Wet Douglas-fir-Western Hemlock Forest - 13% • North Pacific Shrub Swamp - 3% • Unconsolidated Shore - 2% • North Pacific Lowland Riparian Forest and Shrubland - 2% • Harvested forest-grass regeneration - 1% • Developed, High Intensity - 1% • Temperate Pacific Freshwater Emergent Marsh - <1% • North Pacific Maritime Dry-Mesic Douglas-fir-Western	• North Pacific Maritime Mesic-Wet Douglas-fir-Western Hemlock Forest - 59% • North Pacific Maritime Dry-Mesic Douglas-fir-Western Hemlock Forest - 24% • Developed, High Intensity - 11% • Unconsolidated Shore - 4% • Harvested forest-grass regeneration - 3% • Developed, Low Intensity - <1% • North Pacific Shrub Swamp - <1% • North Pacific Lowland Riparian Forest and Shrubland - <1% • Temperate Pacific	• North Pacific Shrub Swamp - 31% • North Pacific Lowland Riparian Forest and Shrubland - 29% • North Pacific Maritime Mesic-Wet Douglas-fir-Western Hemlock Forest - 18% • Developed, Low Intensity - 7% • Open Water - 7% • North Pacific Maritime Dry-Mesic Douglas-fir-Western Hemlock Forest - 4% • Temperate Pacific Freshwater Emergent Marsh - 3% • Harvested forest-shrub regeneration - 1%	• Developed, Low Intensity - 66% • North Pacific Maritime Dry-Mesic Douglas-fir-Western Hemlock Forest - 18% • North Pacific Maritime Mesic-Wet Douglas-fir-Western Hemlock Forest - 12% • North Pacific Lowland Riparian Forest and Shrubland - 2% • Harvested forest-shrub regeneration - 1% • Harvested forest-grass regeneration - <1% • Temperate Pacific Freshwater Emergent Marsh - <1% • North Pacific Dry Douglas-fir-(Madrone) Forest - <1%	• North Pacific Lowland Riparian Forest and Shrubland - 54% • Developed, Low Intensity - 20% • Harvested forest-shrub regeneration - 16% • Harvested forest-grass regeneration - 5% • North Pacific Shrub Swamp - 3% • Pasture/Hay - 1% • North Pacific Dry Douglas-fir-(Madrone) Forest - <1% • Temperate Pacific Freshwater Emergent Marsh - <1%	• North Pacific Lowland Riparian Forest and Shrubland - 46% • Developed, Low Intensity - 18% • North Pacific Maritime Mesic-Wet Douglas-fir-Western Hemlock Forest - 11% • Harvested forest-shrub regeneration - 10% • North Pacific Dry Douglas-fir-(Madrone) Forest - 4% • Harvested forest-grass regeneration - 4% • North Pacific Maritime Dry-Mesic Douglas-fir-Western Hemlock Forest - 3% • Pasture/Hay - 3% • North Pacific Shrub Swamp - 2%

Inventory Element	Shoreline Assessment Unit					
	Lake Stevens			Catherine Creek		Little Pilchuck Creek
	Residential – City Limits	Residential – UGA	Wetland Complexes – Stevens Creek and Stitch Lake	City Limits	UGA	UGA
	Hemlock Forest - <1%	Freshwater Emergent Marsh - <1%	- Pasture/Hay - <1% - Harvested forest-grass regeneration - <1%			
Aquatic Vegetation	- Eurasian Watermilfoil - 42 acres - Thin-leaf pondweed/Grassy pondweed - 38 acres - Common elodea/Thin-leaf pondweed/Grassy pondweed/Naiad - 27 acres - Thin-leaf pondweed/Grassy pondweed/Brittlewort – 18 acres	- Thin-leaf pondweed/Grassy pondweed - 15 acres - Common elodea/Thin-leaf pondweed/Grassy pondweed/Naiad - 6 acres - Eurasian Watermilfoil - 4 acres	NA	NA	NA	NA
Overwater Cover	430,072 SF (9.9 acres) 14 SF/linear foot of shoreline	100,170 SF (2.3 acres) 13 SF/linear foot of shoreline	NA	NA	NA	NA
Shoreline Armoring	- Bulkhead - 62% - Revetment - 20% - Not Armored - 17% - Fill - 1% - Boat Ramp - 0.3%	- Bulkhead - 47% - Not Armored - 29% - Revetment - 22% - Fill - 1%	NA	NA	NA	NA
Public Access	- Wyatt Park - Lundeen County Park - Swim Beach - North Cove Park	Sunset Park	No formal physical access, visual access from private properties and roadways	Lake Stevens School District Property (Catherine Creek Park)	No formal physical access, visual access from roadway	Centennial Trail
Critical Areas	- Floodplain – 18% - Priority Habitats: bald eagle buffer - 26% - Priority Species – coho salmon - Steep slopes – 11 % - Wetlands – 23%	- Floodplain – 30% - Priority Habitats: wetlands - 9% - Priority Species – coho salmon - Wetlands – 35%	- Priority Habitats: bald eagle buffer - 3%, wetlands - 54% - Priority Species – coho salmon, great blue heron colony - Wetlands – 100%	- Floodplains – 38 % - Priority Habitats: wetlands - 29%, riparian zones -17% - Priority Species – coho salmon, bull trout, steelhead, resident coast cutthroat - Wetlands – 3%	- Floodplains – 57 % - Priority Habitats: riparian zones - 64% - Priority Species – coho salmon, bull trout, steelhead, resident coast cutthroat - Wetlands – 5%	- Floodplains – 46 % - Priority Habitats: riparian zones - 52% - Priority Species – coho salmon, bull trout, steelhead, resident coast cutthroat - Wetlands – 8%
Impaired Waters (303d/305b)	- Invasive exotic species - Total phosphorus	- Invasive exotic species - Total phosphorus	None	None	- Fecal coliform - pH - Temperature	- Bioassessment - Dissolved oxygen - Fecal coliform - pH

3.3 Opportunity Areas

Ecology's *Shoreline Master Program Guidelines* (173-26 WAC) includes the following definition:

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

Consistent with Ecology's definition, use of the word "restore," or any variations, in this document is not intended to encompass actions that re-establish historic conditions. Instead, it encompasses a suite of strategies that can be approximately delineated into four categories: creation (of a new resource), restoration (of a converted or substantially degraded resource), enhancement (of an existing degraded resource), and protection (of an existing high-quality resource).

There is a critical distinction between restoration and mitigation. Mitigation will require applicants whose shoreline proposals will have adverse impacts to complete actions to mitigate those impacts or provide compensation in other ways for losses of ecological function. Degraded wetland buffers are required to be restored under the City's CAO. The City can encourage applicants to implement restoration actions that will improve ecological functions relative to the applicant's pre-project condition. As stated in WAC 173-26-201(2)(c):

It is intended that local government, through the master program, along with other regulatory and nonregulatory programs, contribute to restoration by planning for and fostering restoration and that such restoration occur through a combination of public and private programs and actions. Local government should identify restoration opportunities through the shoreline inventory process and authorize, coordinate and facilitate appropriate publicly and privately initiated restoration projects within their master programs. The goal of this effort is master programs which include planning elements that, when implemented, serve to improve the overall condition of habitat and resources within the shoreline area of each city and county."

The Opportunity Areas discussions below present options for "restoration" that would improve ecological functions. For example, enhancement of riparian vegetation, reductions or modifications to shoreline hardening, minimization of in- and over-water structures, and improvements to fish passage would each increase one or more ecological parameters of the City's shoreline. The City or City residents could implement these options voluntarily or, depending on specific project details, they could be required measures to mitigate adverse impacts of new shoreline projects.

3.3.1 Snohomish River Basin Salmon Conservation Plan

The City's Little Pilchuck Creek Sub-Basin area (which includes Catherine Creek) is contained within the *Snohomish River Basin Salmon Conservation Plan's* "Rural Streams Secondary Restoration Strategy Group" (SBSRF 2005). Watershed processes are identified as "moderately degraded," the recovery need as "minor improvement," and the recovery focus as "process restoration." The following specific "first-tier" actions are identified as supportive of recovery:

- **"Preservation to support hydrologic and sediment processes**-Large-scale actions to retain wetlands, floodplains, and forest cover.
- **Restoring hydrologic and sediment processes (for peak flow and base flow)** - Restore wetland functions and values, support reforestation, and remove impervious surface."

Third-tier actions include:

- **"Preservation** (along focus reaches) - Protect intact riparian forest, floodplains, and inner gorges, and maintain opportunities for rivers to migrate within their channel migration zones.
- **Removing human-made in-stream barriers along or adjacent to priority reaches** - Fix blocking culverts.
- **Restoring shoreline conditions** - Remove riprap and incorporate large woody debris into armored banks.
- **Riparian enhancement.**
- **Addressing water quality impacts** - Prevent illicit discharges, implement agricultural best management practices and farm plans."

The City's Lake Stevens Sub-Basin area is contained within the *Conservation Plan's* "Urban Streams Restoration Strategy Group" (SBSRF 2005). Watershed processes are identified as "degraded," the recovery need as "Maintain current habitat level and functions," and the recovery focus as "Habitat restoration and reconnection to maintain current habitat conditions and functions, while accommodating additional urban growth within urban growth areas." The following specific "third-tier" actions are identified as supportive of recovery:

- **"Preservation (along focus reaches)** - Preserve to protect the last and best habitat remaining along the most critical reaches in the basin; protect intact riparian forest, wetlands, floodplains, and inner gorges; and maintain opportunities for streams to migrate within their channel migration zones.

- **Remove human-made in-stream barriers along or adjacent to priority reaches -** Prioritize and fix blocking culverts and tide gates. Quilceda Creek and Lake Stevens sub-basins are the biggest coho producers within this sub-basin strategy group.
- **Restore shoreline conditions -** Remove riprap and incorporate large woody debris into banks that must be armored to protect property.
- **Riparian enhancement to increase shade, large woody debris recruitment, and to buffer streams against water quality and urban impacts.**
- **Address water quality impacts -** Prevent illicit discharges, bio-filter surface water runoff from impervious surfaces, and educate homeowners regarding the importance of protecting streams from excess fertilizer and pesticide use.”

3.3.2 Recommendations

- Partner with Snohomish County Surface Water Management, Snohomish Conservation District, the Stilly-Snohomish Fisheries Enhancement Task Force, and Drainage District 8 to implement restoration projects, particularly those supportive of actions listed in Section 3.3.1.
- Placement of additional in-stream large woody debris in Little Pilchuck and Catherine Creeks would serve to enhance in-stream fish habitat. Fish habitat would benefit from the placement of various configurations of larger, longer-lasting conifer logs to scour substantive pools and provide complex cover habitat for fish within those pools.
- Work with Snohomish County to develop a plan for control of Eurasian watermilfoil in Lake Stevens through chemical, mechanical or biological control methods.
- Many residential (and some park) shoreline properties on Lake Stevens have the potential for improvement of ecological functions through: 1) reduction or modification of shoreline armoring, 2) reduction of overwater cover and in-water structures (grated pier decking, pier size reduction, pile size and quantity reduction, moorage cover removal), 3) improvements to nearshore native vegetative cover, and/or 4) reductions in impervious surface coverage.

3.4 Data Gaps

GIS information was not located or incomplete for the following parameters:

- Sewer/wastewater lines and facilities not provided
- Surface water data within the northeast portion of the City is incomplete

Although information about each of the above items might help develop a fuller picture of shoreline conditions and processes, it is not expected that the absence of these items would have significant impacts on the selection of environment designations or the development of the SMP. The presence/absence in shoreline jurisdiction of other environmental conditions for which data is available is expected to be more relevant to decision making.

4 ANALYSIS OF ECOLOGICAL FUNCTIONS AND ECOSYSTEM WIDE PROCESSES

4.1 Geographic and Ecosystem Context (WRIA 7)

The City of Lake Stevens is located in Snohomish County in the Puget Sound Region, and contains freshwater shorelines associated with Washington State's Water Resource Inventory Area (WRIA) 07 - Snohomish (Exhibit 1). The City's shorelines are more specifically located in the Lake Stevens Sub-basin and the Little Pilchuck Creek Sub-basin.

Lake Stevens is the largest and deepest lake in Snohomish County, totaling 1,013 acres (Snohomish County Public Works 2005, Snohomish County SWM 2009). The lake penetrates the generally impermeable glacial till layer, providing the lake with a direct source of groundwater supply (Snohomish County Public Works 2005). The City and its UGA includes 7.1 miles of Lake Stevens shoreline frontage, resulting in 279 acres of shoreline jurisdiction area associated with the lake (includes the associated wetland complexes). Major tributaries to Lake Stevens include Stevens Creek, Lundeen Creek, Kokanee Creek, and Stitch Creek.

Within the City and UGA, the Little Pilchuck basin includes an approximately 1.0-mile shoreline segment of Catherine Creek, and six separate, small shoreline segments of Little Pilchuck Creek, totaling 0.64 mile, as it meanders near the UGA border. The shoreline area for each of these two streams is 50.3 acres and 33.6 acres, respectively. The Little Pilchuck is itself a tributary to the Pilchuck River, and drains a total of 22,035 acres, 8,511 of which is the Catherine Creek basin. According to Snohomish County Public Works (2005), "groundwater supplies much of the flow" in Catherine Creek and Little Pilchuck Creek.

The Little Pilchuck originates in headwater wetlands that also feed Quilceda and Portage Creeks to the north. It is generally a low gradient stream, in most places bordered by broad wetlands, with numerous beaver dams and ponds, limiting the potential for development adjacent to the stream.

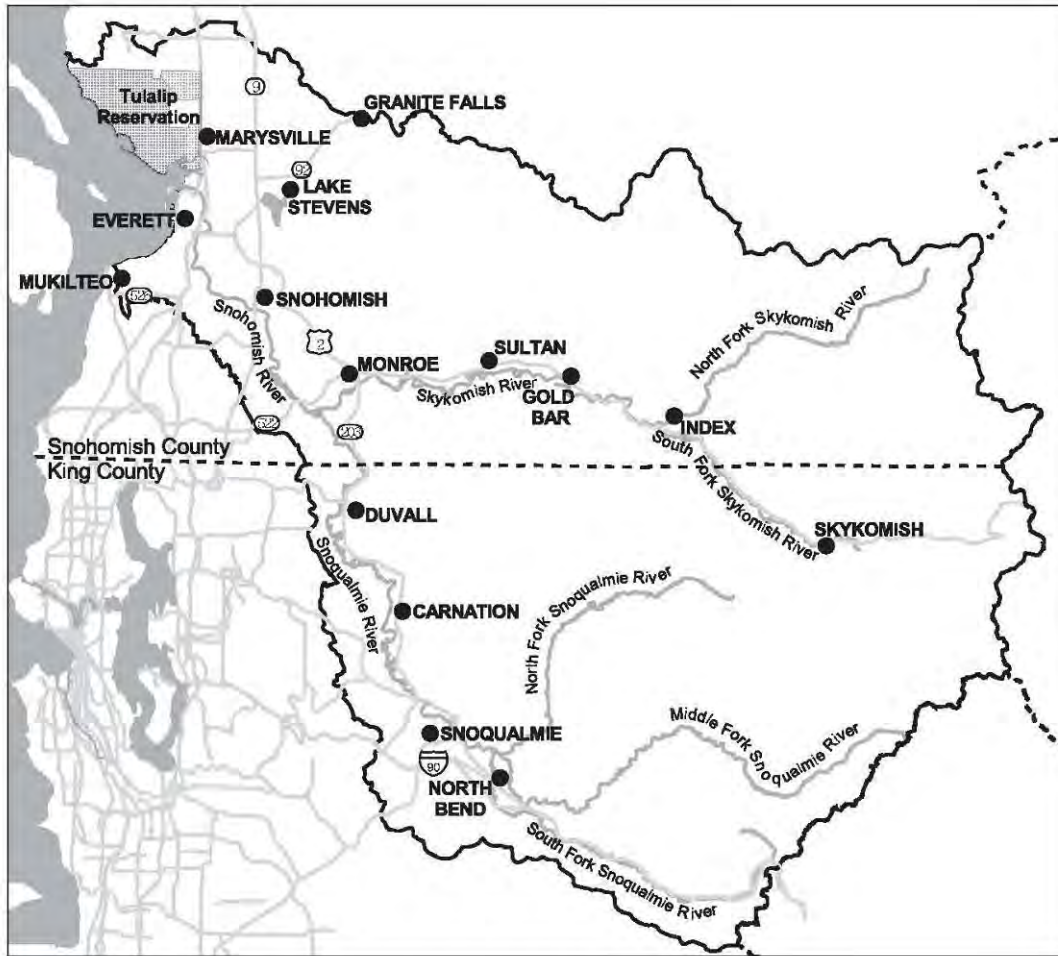


Exhibit 1. Snohomish Water Resource Inventory Area (WRIA) #7 (excerpted from the 2005 *Snohomish River Basin Salmon Conservation Plan*).

Catherine Creek originates at Lake Cassidy and flows in a low-gradient channel towards the south-east, where it eventually joins with the unnamed outlet channel that drains Lake Stevens. Just over a mile below the confluence with the outlet channel, Catherine Creek joins Little Pilchuck Creek. Like Little Pilchuck Creek, Catherine Creek is generally a low-gradient stream bounded by wetlands, especially in the upper reaches, though it becomes more channelized as it flows through the City and its UGA.

4.2 Major Land Use Changes and Current Shoreline Condition

Lake Stevens incorporated as a City in 1960 with a population of 900. Soon, its popularity and natural beauty, combined with changing commuter habits, attracted more and more residents, changing its character from that of a resort community to that of a suburban community. By 2008 the City had grown to a population of 14,554 and an urban growth area of approximately 17,000 people.

In the November 3, 2009 General Election, the electorate voted to annex a sizeable portion of the Urban Growth Area on the west side of Lake Stevens. The effective date of the annexation was December 31, 2009.

Single-family residences are the predominant land use within shoreline jurisdiction, as well as in the City as a whole. The housing stock is relatively new, with significant portions of the housing having been built in each of the subsequent decades since incorporation in 1960. Neighborhoods have developed at comparatively low densities, with typical lot sizes in excess of 9,600 square feet.

There are two areas in which single-family residences do not predominate. The first is the Central Business District (CBD) and vicinity located near the northeast portion of the lake. This area is characterized by retail, offices, civic, parks and multi-family uses. A small portion of the CBD is within shoreline jurisdiction. The second is the industrial/planned district areas which encompass two planned business districts and industrial districts in the north and east portions of the City. Catherine Creek runs through a small area designated Light Industrial, and Little Pilchuck Creek runs through an area that is designated General Industrial.

4.3 Analysis of Ecological Functions

Ecological processes and functions of the City of Lake Stevens' shoreline areas are summarized in Tables 3 through 7. These tables are organized around the Department of Ecology's list of processes and functions for freshwater lakes and streams. The list includes the evaluation of three major processes: 1) hydrologic; 2) vegetation; and 3) habitat. These are further broken down into the following functions which are in turn used to evaluate assessment unit performance:

Lake Functions	Stream Functions
1. Hydrologic Functions - Storing water and sediment - Attenuating wave energy - Removing excess nutrients and toxic compounds - Recruitment of large woody debris (LWD) and other organic material	1. Hydrologic Functions - Storing water and sediment - Transport of water and sediment - Attenuating flow energy - Developing pools, riffles, and gravel bars - Removing excess nutrients and toxic compounds - Recruitment of LWD and other organic material
2. Vegetative Functions - Temperature regulation - Water quality improvement - Attenuating wave energy - Sediment removal and bank stabilization - LWD and organic matter recruitment	2. Vegetative Functions - Temperature regulation - Water quality improvement - Slowing riverbank erosion; bank stabilization - Attenuating of flow energy - Sediment removal - Provision of LWD and organic matter

Lake Functions	Stream Functions
3. Habitat Functions - Physical space and conditions for life history - Food production and delivery	3. Hyporheic Functions - Removing excess nutrients and toxic compounds - Water storage and maintenance of base flows - Support of vegetation - Sediment storage
	4. Habitat Functions - Physical space and conditions for life history - Food production and delivery

Assessment of each function is based upon both quantitative data results derived from the GIS inventory information described in Chapter 3; a qualitative assessment based on aerial photography, field inventory (where possible); and existing assessment information prepared by such entities as the Snohomish Basin Salmon Recovery Forum (SBSRF) or Snohomish County's Surface Water Management Division. As described in Chapter 3, the shoreline has been divided into broad assessment units based on City or County jurisdiction, waterbody, general land use, and ecological condition. In the ensuing tables, each assessment unit has been given an overall "rating" for ecological functions based on the available and relevant GIS information and the corresponding quantitative and qualitative evaluation. Rating was completed using a "low" to "high" function scale. The level categories are:

- Low
- Low/Moderate
- Moderate
- Moderate/High
- High

4.3.1 Lake Stevens Residential – City Limits and UGA

The Lake Stevens Residential – City Limits and Lake Stevens Residential - UGA assessment units consist of the entire body of Lake Stevens. As indicated by the name of the units, the land use is almost entirely residential (primarily single-family) (see Exhibit 2), although there are a few scattered park properties of widely differing characters (see Exhibits 3 and 4). The units include approximately 29,818 linear feet and 7,557 linear feet of shoreline, respectively.



Exhibit 2. Typical view of Lake Stevens shoreline (NE quadrant in City limits) – note high degree of armoring, moderate to high pier density, and sparseness of shoreline vegetation. (Image source: bing)



Exhibit 3. View of Lundeen Park surrounded by residential properties – note absence of armoring, abundant shoreline vegetation, and extensive aquatic vegetation. (Image source: bing)



Exhibit 4. View of a more developed park - Wyatt Park - surrounded by residential properties – note presence of armoring, absence of shoreline vegetation, and extensive aquatic vegetation. (Image source: bing)

Table 3. Function Summary of Lake Stevens Residential – City Limits and UGA

Lake Stevens Residential – City Limits and UGA	
Shoreline Processes and Functions within Assessment Unit	Alterations and Assessment of Functions
Hydrologic	
Storing water and sediment	LOW-MODERATE: The lake of course provides excellent water and sediment storage functions. However, the uplands surrounding the lake within Shoreline jurisdiction have low water and sediment storage functions. Impervious surfaces and compact managed lawns interfere with infiltration of precipitation and rapidly send water “downstream.” Wetlands and other natural water and sediment storage features are generally lacking (see Table 4 for summary of the Lake Stevens Wetland Complexes – Stevens Creek and Stitch Lake assessment unit).
Attenuating wave energy	MODERATE: Bulkheading and other shoreline modifications have replaced native vegetation and natural woody debris as the features attenuating wave energy. Shoreline erosion is therefore not known to be a serious problem on the lake.
Removing excess nutrients and toxic compounds	LOW: The lake is surrounded by intensively landscaped lakefront homes. The upland shoreline areas are more often a source of nutrients and toxic compounds, via lawn treatment runoff (pesticides, fertilizers, herbicides), pet wastes, road and construction site runoff (hydrocarbons, metals, sediment), and septic systems. The lake is on Ecology’s 303d list for total phosphorus (Category 2). An aeration system (the world’s largest at the time) installed in 1994 cycles oxygen into the deeper layers of the lake, which would otherwise be depleted of oxygen and thereby initiating a chemical reaction that releases the phosphorus bound to sediments. However, iron in the system appears to be the new limiting factor affecting the capacity of the sediments to bind phosphorus. Phosphorus levels in deep water are now rising with the continued inputs of phosphorus (Snohomish County SWM 2009).
Recruitment of LWD and other organic material	LOW: Dense residential development and other upland modifications restrict the ability of the lake to recruit LWD and organic material.
Vegetation	
Temperature regulation	LOW: Lack of dense shoreline vegetation nearly eliminates potential for some shading of the shallow-water nearshore area. Vegetation is less effective at shading west- and south-facing shoreline areas due to afternoon sun from the southwest.
Water quality improvement	LOW: Residential areas surround the lake and are dominated by lawn and landscaping rather than dense buffers of native lakeside vegetation. These residential landscapes are sources of water quality contaminants such as fertilizers, herbicides and pesticides. In addition to the typical residential landscaping pollutants,

Lake Stevens Residential – City Limits and UGA	
Shoreline Processes and Functions within Assessment Unit	Alterations and Assessment of Functions
	runoff from surrounding urban areas carries hydrocarbons, metals, sediments, and other pollutants to the lake from roads, parking lots, and other developed areas. The increasing community of aquatic macrophytes may help reduce the rate of increase of in-lake phosphorus that feeds algal blooms (SCSWM 2009).
Attenuating wave energy	LOW: In its pre-development condition, the lake was ringed with emergent wetlands and mature mixed-forest communities. Those communities are now almost entirely absent around the lakeshore, so vegetation does not provide any significant wave attenuation function. As mentioned above, bulkheading and other shoreline modifications have replaced native vegetation and natural woody debris as the features in place to reduce the effects of wave energy on uplands. The increasingly dense aquatic vegetation communities in the nearshore areas may, however, be moderating some of the wave energy.
Sediment removal and bank stabilization	LOW: Under natural conditions, there would be an ongoing, underlying rate of shoreline erosion, which would contribute to maintaining substrate conditions. This rate would be partially determined and moderated by the presence of shoreline vegetation whose root systems would tend to hold bank material in place. Instead, the lake shore now has little shoreline vegetation and a large proportion of it is armored. While this “stabilizes” the banks, it limits natural recruitment of lakebed materials.
LWD and organic matter recruitment	LOW: Again, the loss of natural, forested shoreline vegetation and its replacement primarily with lawn and other types of landscaping has nearly eliminated LWD and organic matter recruitment potential along the lake shore. Any trees or LWD that enter the lake are likely to be quickly removed out of concern for safety or to reduce the risk of property damage. The vegetated portion of Lundeen Park is a notable exception.
Habitat	
Physical space and conditions for life history	LOW: Under natural conditions, the lake bottom would gradually rise in a shallow wedge such that incoming waves would roll up the bottom and onto the shore, losing energy. This reduced energy environment would be more hospitable to emergent vegetation, which further attenuates wave energy and provides a refuge for small fish and amphibians. Shallow nearshore areas in lakes typically provide rearing, foraging and migration habitat for fish. Shoreline armoring, however, generally reduces this low-energy shallow-water environment, creating a deeper, more turbulent nearshore area that is less hospitable to small fish and amphibians, as well as to emergent vegetation. The deeper water may also allow larger fish predators to prey on small fish. The absence of dense shoreline vegetation is a limiting factor in terrestrial species’ (birds, mammals, amphibians) use of the shoreline, since cover, food, nesting sites, travel corridors, etc. are limited or largely absent.
Food production and delivery	LOW: Food production from the uplands is limited by the lack of native seed- and fruit-bearing vegetation. This may be made up for, in part, by fruit trees and other non-native vegetation in yards which supplies some

Lake Stevens Residential – City Limits and UGA	
Shoreline Processes and Functions within Assessment Unit	Alterations and Assessment of Functions
	food for wildlife. Not only does native upland vegetation provide food directly for terrestrial wildlife, but it is a source of insects and other organic matter that drop into the water to provide food for fish and other aquatic life. The historical emergent wetland areas that are now reduced or absent also provided productive foraging areas for small mammals, wading birds and waterfowl.
Summary	Accounting for the existing hydrologic, vegetative, and habitat conditions within the shoreline surrounding Lake Stevens (not including the associated wetlands of Stevens Creek and Stitch Lake), the overall shoreline ecological function is considered LOW.

4.3.2 Lake Stevens Wetland Complexes – Stevens Creek and Stitch Lake

There are two large and important wetland complexes that are associated with Lake Stevens, but are not contiguous with the lake itself. The northern complex (Exhibits 5 and 6) is associated with Stevens Creek, a tributary of Lake Stevens, and is separated from the body of Lake Stevens by roadways (Lundeen Parkway and Vernon Road) and residential development. A 2006 assessment of Stevens Creek's Benthic Index of Biotic Integrity (sampled just inside of City Limits), a quantitative measure of stream health, resulted in an overall score categorized as "Poor/Very Poor - Very Poor"

(<http://www.pugetsoundstreambenthos.org/Biotic-Integrity-Scores.aspx?Stream-Area=Stevens%20Creek>). Although one study reported a mean annual flow for Stevens Creek of 27 cfs, this analysis was based on only four years of data collected before 1970 (Snohomish County Public Works 2005). The USGS modeling of mean annual flows utilized by the Department of Ecology in assessing whether a stream is a shoreline did not indicate a flow greater than or equal to 20 cfs. The *Conservation Plan* (SBSRF 2005) noted that the Lake Stevens drainages (including Stevens Creek) may have seasonal low-flow problems that arise from exempt wells and general development in the basin.

The southern complex (Exhibit 7) is associated with Stitch Lake and Stitch Creek, a tributary of Lake Stevens, and is also separated from Lake Stevens by a roadway (Stitch Road) and some residential development. The Stevens Creek and Stitch Lake assessment units total 94.5 acres of shoreline-associated wetland.



Exhibit 5. View of a portion of the wetland complex along Stevens Creek (Image source: bing)



Exhibit 6. View of Stevens Creek, note the carcasses and spawning kokanee salmon (The Watershed Company, Photo taken 12.2.09).



Exhibit 7. View of a portion of the wetland complex along Stitch Lake (Image source: bing)

Table 4. Function Summary of Lake Stevens Wetland Complexes – Stevens Creek and Stitch Lake

Lake Stevens Wetland Complexes – Stevens Creek and Stitch Lake	
Shoreline Processes and Functions Occurring within Assessment Unit	Alterations and Assessment of Functions
Hydrologic	
Storing water and sediment	HIGH: The wetland complexes provide excellent water and sediment storage functions. Stitch Lake provides water storage from Lake Stevens during periods of very high water.
Attenuating wave energy	N/A: The complexes are separated from the main body of Lake Stevens and so do not have the opportunity to attenuate lake wave energy.
Removing excess nutrients and toxic compounds	MODERATE/HIGH: Overland surface water runoff and stream flow (Stevens Creek) carries typical pollutants from roadways, residential developments, and some agricultural uses farther upstream – such as hydrocarbons, metals, sediments, fecal coliform, and other pollutants. Slow passage of water through the densely vegetated wetland complexes (outside of the stream channel) allows for settling of sediments (with bound metals) as well as biofiltration and capture of other pollutants, helping to reduce inputs into Lake Stevens. Stitch Lake may provide a sink function for storing excess nutrients and toxic compounds.
Recruitment of LWD and other organic material	LOW: Because of the channel configurations exiting the wetland complexes (culverts, narrow armored canals), any large wood recruited to the streams from the wetlands cannot find its way into Lake Stevens. Very small woody debris, such as small branches and twigs, would likely be recruited from the wetlands into the streams and then into the lake. The hydrologic regimes of the wetland complex appear to facilitate growth of emergent and/or aquatic vegetation that contributes ample organic material to the lake.
Vegetation	
Temperature regulation	LOW: The need for temperature regulation of Stevens Creek and Lake Stevens is low, as is the ability of the Stevens Creek or Stitch Creek inputs to affect the temperature of a large lake with a naturally warm summer surface water layer. Stevens Creek is supplied by 86% - 100% groundwater depending on the time of year (Snohomish County Public Works 2005). Specific information about Stitch Creek and its wetland complex could not be located, but again, the need/ability for temperature regulation of Lake Stevens is believed low – temperature was not identified as a problem.

Lake Stevens Wetland Complexes – Stevens Creek and Stitch Lake	
Shoreline Processes and Functions Occurring within Assessment Unit	Alterations and Assessment of Functions
Water quality improvement	MODERATE: As discussed above under Hydrologic/Removing excess nutrients and toxic compounds, the densely vegetated wetlands, which include a mix of vegetation strata, likely provide a high level of water treatment. Some residential development around Stitch Lake decreases this wetland's ability to provide for water quality improvement by reducing available vegetation.
Attenuating wave energy	N/A: As discussed above under Hydrologic/Attenuating wave energy, the separation between the wetland complexes and Lake Stevens eliminates potential for the wetlands to moderate wave energy.
Sediment removal and bank stabilization	HIGH – N/A: As discussed above under Hydrologic/Storing water and sediment, the densely vegetated wetlands likely provide a high level of sediment storage. However, there is no potential for bank stabilization of Lake Stevens given the location of the wetland complexes.
LWD and organic matter recruitment	LOW - HIGH: Stevens Creek upstream of the lake does contain a variety of LWD and an abundance of smaller material, and the same may be true of Stitch Creek. Recruitment potential from the wetlands is high, and does include some conifer material. However, as mentioned previously, the connections between the complexes and the Lake Stevens precludes entry of the large material into the lake.
Habitat	
Physical space and conditions for life history	HIGH: The structural and habitat type diversity found in the wetland complexes provides abundant space for a large variety of birds, mammals, reptiles and amphibians to carry out most or all life history stages. The abundance of shallow pond areas include both emergent and aquatic vegetation, which attenuates wave energy and provides a refuge and breeding/rearing areas for small fish and amphibians. Both streams are used by salmonids, including anadromous species.
Food production and delivery	HIGH: Food production for a variety of wildlife is high in the wetland complexes. For example, swallows and other insect-eating birds, reptiles and raptors that prey on small mammals, and waterfowl and larval amphibians that feed on aquatic vegetation or aquatic invertebrates have ample food supplies.
Summary	Accounting for the existing hydrologic, vegetative, and habitat conditions within the associated wetlands of Stevens Creek and Stitch Lake, the overall shoreline ecological function is considered MODERATE-HIGH.

4.3.3 Catherine Creek – City Limits

The Catherine Creek – City Limits segment extends from Highway 92 to 16th Street NE, and includes approximately 3,212 feet of channel. Between Highway 92 at the City Limits and Hartford Road, Catherine Creek is primarily channelized through open fields, with a broad floodway. The exceptions are the segment between SR 92 and NE 36th, and a nearly 2,000-foot-long segment near Catherine Drive, which have a more naturally sinuous path (SBSRF 2005). Below NE 20th, the channel shows the least historic disturbance, with small floodplains on both sides of the channel providing a good deal of off-stream refuge at higher flows (see Exhibits 8 and 9).

Overall, the channel of Catherine Creek – City Limits is lacking in LWD, which contributes to a lack of significant pools, and a lack of cover in the pools that do exist (SBSRF 2005). Riparian vegetation is also sparse, with little potential for recruitment of future LWD. Channel substrate is primarily gravel in the upper portions, grading to sands and fine silt in the lower portions. Bank material is primarily fine sands and silt, so bank erosion contributes to the poor bed conditions.



Exhibit 8. View of the upstream limits of Catherine Creek shoreline jurisdiction, facing west (downstream is to the left, upstream to the right) (Image source: bing)



Exhibit 9. View of Catherine Creek shoreline jurisdiction facing (south) downstream from Hartford Drive NE (The Watershed Company, Photo taken 12.2.09)

Table 5. Function Summary of Catherine Creek – City Limits.

Catherine Creek – City Limits	
Shoreline Processes and Functions Occurring within Assessment Unit	Alterations and Assessment of Functions
Hydrologic	
Storage of water and sediment	MODERATE: The creek still flows through fairly wide floodplain along much of its length in the City. During high flows, the creek is still able to spread out across its floodplain, and so the floodplain is still able to store and attenuate flood flows and trap and store fine sediments. These fine sediments are incorporated into the floodplain topsoil to nourish vegetative growth, in turn supporting wildlife habitat.
Transport of water and sediment	MODERATE: The stream has been channelized through much of this reach. Paired with increased development in the basin, the flow regime and the sediment transport capacity have likely been altered. This system may be less sensitive to such alterations, given that it originates from a lake and wetland complex with a relatively stable discharge.
Attenuating flow energy	MODERATE: As mentioned above, some sections of broad floodplain remain even in the areas that have been channelized. These are effective at attenuating streamflow energy during flood events. However, the recruitment of woody debris, especially LWD, is impaired due to clearing and the small size of the streambank trees remaining. To its benefit, the basin includes a system of lakes and associated wetland areas which serve to dampen and moderate stream flow fluctuations. Still, the decrease in channel roughness brought on by a reduction in accumulated woody debris and bank vegetation has reduced the stream channel's ability to absorb and dissipate stream flow energy.
Developing pools, riffles, and gravel bars	LOW/MODERATE: Reduction in roughness elements, via channelization and removal of LWD has resulted in a simpler channel form which is less conducive to the formation and maintenance of the basic habitat elements, including pools, riffles, and gravel point bars.
Removing excess nutrients and toxic compounds	MODERATE: Remaining broad floodplain areas provide a competent biofiltration function. However, upland shoreline areas and developed, former floodplain areas now functioning essentially as upland are more often a source of nutrients and toxic compounds than a sink, due to lawn and landscaping runoff (pesticides, fertilizers, herbicides) and road runoff (hydrocarbons, metals). Segments of Catherine Creek has exceeded standards for fecal coliform 73% of the time, according to a study in 2000 (Snohomish County Public Works), likely as a result of livestock use. Livestock use of the creek was noted outside the City boundaries.
Recruitment and transport of LWD and other organic material	LOW: Streambank forest vegetation, particularly large trees, has been reduced, reducing the recruitment of large logs and some other vegetative material as well. Remaining trees along the creek are typically small

Catherine Creek – City Limits	
Shoreline Processes and Functions Occurring within Assessment Unit	Alterations and Assessment of Functions
	in size, such as the stands of willow lining the banks even where the floodplain is relatively intact, so opportunities for recruiting large wood are reduced. Furthermore, channel migration has been curtailed by channelization. Laterally migrating channels recruit the forest materials in their paths and also recruit and recycle riverbank gravels laid down along previous channel alignments.
Vegetation	
Temperature regulation	MODERATE/LOW: Well-vegetated banks and buffers improve shading conditions, in turn benefiting both temperature and dissolved oxygen. Segments of Catherine Creek within the City have been converted to pasture. Low density and small size of shoreline vegetation greatly reduces the level of shading afforded the creek. However, smaller vegetation is needed to provide shade to a narrower creek as opposed to a wider river.
Water quality improvement	MODERATE: Where wide floodplain areas remain and are densely vegetated with willows, grasses, emergent vegetation, and other riparian vegetation types, an effective level of biofiltration can still occur. However, urbanizing areas in the basin are dominated by roads and other impervious surfaces, lawns, and landscaping, and lack densely vegetated buffers of sufficient width. These urban areas are sources, rather than sinks, of water quality contaminants such as fertilizers, herbicides, pesticides, hydrocarbons, metals, and eroded soils. As noted by Snohomish County Public Works (2008), water quality “degrades significantly” between an upstream point assessed for fecal coliform and the downstream point.
Slowing riverbank erosion; bank stabilization	MODERATE: The dense grasses and shrubby vegetation such as willows that line much of Catherine Creek are fairly effective at stabilizing soils and slowing the rate of erosion. However, the function of slowing the rate of bank erosion formerly provided by bank vegetation has now been taken over by artificial armoring in some areas, such as at the road crossings. Prior to settlement and clearing, the creek was lined with mature, mixed-forest communities.
Attenuation of flow energy	MODERATE/LOW: (As stated above), the decrease in channel roughness due to a reduction in accumulated woody debris, channel straightening, and reduction in bank vegetation has reduced the channel’s ability to absorb and dissipate stream flow energy.
Sediment removal	MODERATE: As stated above, remaining densely vegetated floodplain areas are effective filters for the filtering and retention of fine sediments.
Provision of LWD and organic matter	LOW: Streambank vegetation now consists primarily of grasses along much of this reach, and includes only smaller tree sizes in the remaining areas, so there is little opportunity for the recruitment of LWD. There is some opportunity for the recruitment of small woody debris, leaf litter, etc. in the non-pasture portions of the

Catherine Creek – City Limits	
Shoreline Processes and Functions Occurring within Assessment Unit	Alterations and Assessment of Functions
	reach that would contribute to a decomposition-based food chain.
Hyporheic	
Removing excess nutrients and toxic compounds	MODERATE: The soils in this portion of the stream are largely fine-grained and not as conducive to hyporheic flow as a coarser substrate would be, limiting the natural potential for hyporheic removal of excess nutrients and toxic compounds. The conversion from trees to pasture in much of the riparian zone has likely reduced hyporheic function.
Water storage and maintenance of base flows	MODERATE: As above, the existing soils are not likely conducive to significant hyporheic flow, limiting the potential for water storage and base-flow maintenance.
Support of vegetation	MODERATE: Though hyporheic flow is limited, the vegetation supported by such flow has been altered significantly in much of this reach, having been converted to pasture.
Habitat	
Physical space and conditions for life history	MODERATE/LOW: Habitat in and along Catherine Creek has been reduced in quality, quantity, and complexity compared to its original condition. The vegetative community is now much sparser and with a much lower level of accumulated downed wood and snags, resulting in fewer places for various wildlife species to find cover or suitable nesting and rearing sites. The diminishment of dense shoreline vegetation is a limiting factor for terrestrial species' (birds, mammals, amphibians) use of the shoreline, since cover, food, nesting sites, travel corridors, etc. are absent. Within the channel itself, fewer log jams and less wood overall similarly results in less available protective cover, and diminishes the creation of pool/riffle sequences as well. A reduction in side channels backwaters and sinuosity has reduced the amount of valuable edge habitat available, and further reduced overall complexity.
Food production and delivery	MODERATE: Food production from developed floodplain and upland areas is limited by a reduction in native seed- and fruit-bearing vegetation. Not only does such vegetation provide food directly for terrestrial wildlife, but it is a source of insects and other organic matter that drop into the water and provide food, either directly or indirectly, for fish and other aquatic life. The historic, but now reduced, emergent wetland areas that were associated with side channels, backwaters, and extensive floodplain wetlands also provided productive foraging areas for juvenile fish, small mammals, wading birds, and waterfowl.
Summary	Accounting for the existing hydrologic, vegetative, hyporheic, and habitat conditions within the Catherine Creek – City Limits, the overall shoreline ecological function is considered MODERATE.

4.3.4 Catherine Creek – UGA

The Catherine Creek – UGA assessment unit extends from the City limits at the crossing by 16th Street NE south to the boundary of the UGA, located close to the confluence of the Catherine Creek with Little Pilchuck Creek. The land use in this assessment unit is almost entirely residential (primarily single-family), although there are a few scattered park properties of widely differing characters. This reach includes approximately 2,165 linear feet of shoreline. This channel segment is similar to the lowest portion of the City Limits segment, with little disturbance and natural floodplain on both sides of the channel providing high flow refuge.

According to the WRIA 7 analysis (SBSRF 2005), riparian conditions on the Catherine Creek – UGA segment are somewhat improved, with thick willow and a few conifers providing some canopy over the channel. However, like the City Limits section, the channel is lacking in LWD and the bedform complexity and habitat that it provides. The bed and banks consist primarily of fines sand and silt. A 2006 assessment of Catherine Creek's Benthic Index of Biotic Integrity (sampled in the UGA, just upstream of the confluence with Little Pilchuck Creek) resulted in an overall score categorized as "Fair/Poor - Poor"

(<http://www.pugetsoundstreambenthos.org/Biotic-Integrity-Scores.aspx?Stream-Area=Catherine%20Creek>).

Table 6. Function Summary of Catherine Creek – UGA.

Catherine Creek – UGA	
Shoreline Processes and Functions Occurring within Assessment Unit	Alterations and Assessment of Functions
Hydrologic	
Storage of water and sediment	MODERATE: The creek still flows through fairly wide floodplain along much of its length in and near the City, typically vegetated with willows and other scrub-shrub vegetation. During high flows, the creek is able to spread out across its floodplain, and so the floodplain is still able to store and attenuate flood flows and trap and store fine sediments. These fine sediments are incorporated into the floodplain topsoil to nourish vegetative growth, in turn supporting wildlife habitat.
Transport of water and sediment	MODERATE: The stream has largely been undisturbed in this reach. However, increased development in the basin, has likely altered the flow regime and the sediment transport capacity through this reach. This system may be less sensitive to such alterations, given that it originates from a lake and wetland complex with a relatively stable discharge.
Attenuating flow energy	MODERATE/HIGH: As mentioned above, this reach has largely remained undisturbed, with little floodplain encroachment. Riparian vegetation is well-established and generally abundant, providing energy attenuation during overbank flows.
Developing pools, riffles, and gravel bars	MODERATE: While riparian vegetation is generally good, and includes some conifers, this reach is lacking in LWD in the channel. Given the fine-grained texture of the soils and bed, and the excessive fine sediment reaching this area from above, the development of pools and riffles is limited.
Removing excess nutrients and toxic compounds	MODERATE: Remaining broad floodplain areas provide a competent biofiltration function. However upland shoreline areas and developed, former floodplain areas now functioning essentially as upland are more often a source of nutrients and toxic compounds than a sink, due to lawn and landscaping runoff (pesticides, fertilizers, herbicides) and road runoff (hydrocarbons, metals).
Recruitment and transport of LWD and other organic material	MODERATE: Riparian vegetation has been reduced to a relatively narrow swath along the stream channel, compared to likely natural conditions, reducing the recruitment of large logs and some other vegetative material as well. Remaining trees along the creek are typically smaller deciduous trees, with few conifers.
Vegetation	
Temperature regulation	MODERATE: Well-vegetated banks and buffers improve shading conditions, in turn benefiting both temperature and dissolved oxygen. The buffer width along this reach of Catherine Creek has been reduced. Low density and small size of shoreline vegetation greatly reduces the level of shading afforded the creek. However, smaller vegetation is needed to provide shade to a narrower creek as opposed to a

Catherine Creek – UGA	
Shoreline Processes and Functions Occurring within Assessment Unit	Alterations and Assessment of Functions
	wider river.
Water quality improvement	MODERATE: Where wide floodplain areas remain and are densely vegetated with trees, shrubs,, grasses, emergent vegetation, and other riparian vegetation types, an effective level of biofiltration can occur. However, in this predominately single-family residential reach, lawns and landscaping have reduced the width of densely vegetated buffers. Lawns and landscaping are often sources, rather than sinks, of water quality contaminants such as fertilizers, herbicides, pesticides, hydrocarbons, metals, and eroded soils.
Slowing riverbank erosion; bank stabilization	MODERATE: The shrubs and trees that line much of Catherine Creek - UGA are relatively effective at stabilizing soils and slowing the rate of bank erosion.
Attenuation of flow energy	MODERATE/HIGH: As mentioned above, this reach has largely remained undisturbed, with little floodplain encroachment. Riparian vegetation is well-established and generally abundant, providing energy attenuation during overbank flows.
Sediment removal	MODERATE: As stated above, remaining densely vegetated floodplain areas are effective filters for the filtering and retention of fine sediments.
Provision of LWD and organic matter	MODERATE: Streambank vegetation now includes primarily only smaller tree sizes, so there is little opportunity for the recruitment of LWD. There is better opportunity for the recruitment of small woody debris, leaf litter, etc. that would contribute to a decomposition-based food chain. An increase in coniferous trees would greatly improve the potential for LWD recruitment.
Hyporheic	
Removing excess nutrients and toxic compounds	MODERATE: The soils in this portion of the stream are largely fine-grained and not as conducive to hyporheic flow as a coarser substrate would be, limiting the natural potential for hyporheic removal of excess nutrients and toxic compounds. The conversion from trees to pasture in much of the riparian zone has likely reduced hyporheic function.
Water storage and maintenance of base flows	MODERATE: As above, the existing soils are not likely conducive to significant hyporheic flow, limiting the potential for water storage and base-flow maintenance.
Support of vegetation	MODERATE: Though hyporheic flow is limited, the vegetation supported by such flow has been altered significantly in much of this reach, having been converted to pasture.
Habitat	
Physical space and conditions for life history	MODERATE: Habitat in and along Catherine Creek has been reduced in quality, quantity, and complexity compared to its original condition. The vegetative community has been reduced in scale, with less accumulated downed wood and snags, resulting in fewer places for various wildlife species to find cover or

Catherine Creek – UGA	
Shoreline Processes and Functions Occurring within Assessment Unit	Alterations and Assessment of Functions
	suitable nesting and rearing sites. The reduction of dense riparian vegetation is a limiting factor for terrestrial species' (birds, mammals, amphibians) use of the shoreline, since cover, food, nesting sites, travel corridors, etc. are more restricted. Within the channel itself, fewer log jams and less wood overall similarly results in less available protective cover, and diminishes the creation of pool/riffle sequences as well.
Food production and delivery	MODERATE: Food production from developed floodplain and upland areas is limited by a reduction in native seed- and fruit-bearing vegetation. Not only does such vegetation provide food directly for terrestrial wildlife, but it is a source of insects and other organic matter that drop into the water and provide food, either directly or indirectly, for fish and other aquatic life.
Summary	Accounting for the existing hydrologic, vegetative, hyporheic, and habitat conditions within the Catherine Creek – UGA, the overall shoreline ecological function is considered MODERATE.

4.3.5 Little Pilchuck Creek – UGA

Little Pilchuck Creek – UGA consists of six separate small segments of shoreline stretching from SR 92 in the north to approximately 12th Street NE. While conditions in the watershed as a whole are considered to be generally good, much of the UGA portion of Little Pilchuck Creek is subject to erosion and channel degradation related to livestock access to the creek and related clearing and channel modifications (SBSRF 2005). A 2008 assessment of Little Pilchuck Creek's Benthic Index of Biotic Integrity (sampled upstream of Lake Stevens, just downstream of Woodland Farm Reservoir), a quantitative measure of stream health, resulted in an overall score categorized as "Poor/Very Poor - Very Poor" (<http://www.pugetsoundstreambenthos.org/Biotic-Integrity-Scores.aspx?Stream-Area=Little+Pilchuck+Creek>). The most severe channel modifications, erosion problems, and livestock access issues occur in areas just outside of the City's shoreline jurisdiction – in some cases as close as the opposite bank.

Bank erosion and downcutting were identified by Snohomish County as problems throughout the UGA portions of Little Pilchuck Creek. Timber harvest in the upper basin, combined with erosion in the UGA portion, contribute to an excess of fine sediment in the system, resulting in cementation of gravels (Snohomish County SWM 1995, cited in SBSRF 2005). Riparian conditions in the UGA segments are mixed, with some areas of highly altered vegetation (dominated by Himalayan blackberry) and some areas where trees dominate the riparian zone. Most of the active pasture land is in the upper segments, and on the left, or eastern, bank and therefore outside the City's jurisdiction.



Exhibit 10. View of the Little Pilchuck Creek at the southern end of the UGA, facing north (upstream is to the left, downstream to the right) (Image source: bing)

Table 7. Function Summary of Little Pilchuck Creek - UGA.

Little Pilchuck Creek – UGA	
Shoreline Processes and Functions Occurring within Assessment Unit	Alterations and Assessment of Functions
Hydrologic	
Storage of water and sediment	MODERATE: The creek flows through fairly wide floodplain along much of its length in and near the City,. During high flows, the creek is able to spread out across its floodplain, and so the floodplain is able to store and attenuate flood flows and trap and store fine sediments. These fine sediments are incorporated into the floodplain topsoil to nourish vegetative growth, in turn supporting wildlife habitat where it still exists.
Transport of water and sediment	MODERATE: Some deforestation and urban growth pressures have occurred throughout the basin, likely contributing to a slight increase in stream flows, flow volatility, erosion, and sedimentation over time. However, the section of Little Pilchuck Creek that flows in and out of the City's UGA, does contain some mature riparian vegetation and a small intact floodplain in certain areas. As for most streams in the region, the stream channel and floodplain have formed in response to a lower flow and sediment regime and are not entirely suited to carry the increased flows and sediment loads.
Attenuating flow energy	MODERATE: The most significant alterations in the stream channel and riparian vegetation have occurred just outside the UGA boundary, in several cases immediately adjacent to the City's shoreline jurisdiction. Therefore, while the ability of the stream to attenuate flow energy has been compromised, the most problematic areas tend to be just outside of the City's jurisdiction. In some cases, the right bank, within the City's shoreline jurisdiction, is largely unaltered, while the left bank, outside the City's jurisdiction, has been converted to pasture. .
Developing pools, riffles, and gravel bars	LOW/MODERATE: Reduction in roughness elements and increased sedimentation has resulted in a simpler channel form which is less conducive to the formation and maintenance of the basic habitat elements, including pools, riffles, and gravel point bars.
Removing excess nutrients and toxic compounds	MODERATE: Remaining broad floodplain areas within the UGA provide a competent biofiltration function. However, the proximity to residential landscaping may cause the floodplain area to act more as a source than a sink for nutrients and toxic compounds, via fertilization and pest control products.
Recruitment and transport of LWD and other organic material	MODERATE: Streambank forest vegetation, particularly large conifers, has been reduced, reducing the recruitment of large logs and some other vegetative material as well. Remaining trees along the creek are typically small in size, so opportunities for recruiting large wood are reduced.
Vegetation	
Temperature regulation	MODERATE/LOW: Well-vegetated banks and buffers improve shading conditions, in turn benefiting both

Little Pilchuck Creek – UGA	
Shoreline Processes and Functions Occurring within Assessment Unit	Alterations and Assessment of Functions
	temperature and dissolved oxygen. In several areas, most notably under the powerlines that cross the creek near 16 th Street, the trees that could shade the creek have largely been removed and, and low-lying vegetation has been allowed to replace the trees.
Water quality improvement	MODERATE: Where wide floodplain areas remain and are densely vegetated with willows, grasses, emergent vegetation, and other riparian vegetation types, an effective level of biofiltration can still occur. However, urbanizing areas in the basin are dominated by roads and other impervious surfaces, lawns, and landscaping, and lack densely vegetated buffers of sufficient width. These urban areas are sources, rather than sinks, of water quality contaminants such as fertilizers, herbicides, pesticides, hydrocarbons, metals, and eroded soils.
Slowing riverbank erosion; bank stabilization	MODERATE: Large woody species remain along the banks in much of the shoreline jurisdiction area, and these species are effective at preventing bank erosion by both consolidating bank materials and by creating hydraulic roughness at higher flows which reduces stream velocity and stream energy. However, in those area where the larger woody species have been removed, the potential for erosion and bank destabilizations has increased
Attenuation of flow energy	MODERATE/LOW: As stated above, the decrease in channel roughness due to a reduction in accumulated woody debris and reduction in bank vegetation has reduced the channel's ability to absorb and dissipate stream flow energy.
Sediment removal	MODERATE: As stated above, remaining densely vegetated floodplain areas are effective filters for the filtering and retention of fine sediments.
Provision of LWD and organic matter	MODERATE: Large woody species remain along the banks in much of the shoreline jurisdiction area, and these species provide both organic matter and potential LWD recruitment. However, in those area where the larger woody species have been removed, the vegetation that has been allowed to take the place of the trees cannot provide LWD recruitment and is less effective at providing organic material to the stream.
Hyporheic	
Removing excess nutrients and toxic compounds	MODERATE: The soils in this portion of the stream are largely fine-grained and not as conducive to hyporheic flow as a coarser substrate would be, limiting the natural potential for hyporheic removal of excess nutrients and toxic compounds.
Water storage and maintenance of base flows	MODERATE: As above, the existing soils are not likely conducive to significant hyporheic flow, limiting the potential for water storage and base-flow maintenance.
Support of vegetation	MODERATE: Though hyporheic flow is limited, the vegetation supported by such flow has been altered

Little Pilchuck Creek – UGA	
Shoreline Processes and Functions Occurring within Assessment Unit	Alterations and Assessment of Functions
	significantly in much of this reach, having been converted to pasture.
Habitat	
Physical space and conditions for life history	MODERATE/LOW: Habitat has been reduced in quality, quantity, and complexity compared to its original condition. The vegetative community is now much sparser and with a much lower level of accumulated downed wood and snags, resulting in fewer places for various wildlife species to find cover or suitable nesting and rearing sites. The diminishment of dense shoreline vegetation is a limiting factor for terrestrial species' (birds, mammals, amphibians) use of the shoreline, since cover, food, nesting sites, travel corridors, etc. are absent. Within the channel itself, fewer log jams and less wood overall similarly results in less available protective cover, and diminishes the creation of pool/riffle sequences as well. Excessive fine sediment has cemented gravels (WRIA 7) reducing the habitat potential of the stream bed.
Food production and delivery	MODERATE: Food production from developed floodplain and upland areas is limited by a reduction in native seed- and fruit-bearing vegetation. Not only does such vegetation provide food directly for terrestrial wildlife, but it is a source of insects and other organic matter that drop into the water and provide food, either directly or indirectly, for fish and other aquatic life.
Summary	Accounting for the existing hydrologic, vegetative, hyporheic, and habitat conditions within the Little Pilchuck Creek – UGA, the overall shoreline ecological function is considered MODERATE.

5 LAND USE ANALYSIS AND IMPLICATIONS

5.1 Introduction

Land use patterns are an important consideration in SMP analysis because such analysis can identify opportunities for “preferred uses”, especially water-dependent, water-related and water-enjoyment uses. Land uses adjacent to the water are also a determinant in assigning environment designations to specific sections of the shoreline. Additionally, an analysis of land use conditions is necessary to determine potential land use changes and their effect on shorelines with respect to SMA objectives. Finally, the existing land uses and proposed environment designation boundaries and provisions must be mutually consistent with the City’s comprehensive plan.

As part of SMP development, the shoreline is to be classified into specific shoreline environment designations based upon existing land use patterns, baseline inventory results, goals stipulated in the City’s Comprehensive Plan, and Ecology criteria. Ecology Guidelines include six recommendations for shoreline environment designations (listed below). However, each jurisdiction may use alternate or parallel environment designations, as appropriate, as long as they provide equal or better protection than the standard.

Ecology Recommendations

- Natural
- Urban Conservancy
- Rural Conservancy
- Aquatic
- High Intensity
- Shoreline Residential

5.2 Assessment Unit Conditions

This section examines the data gathered in the inventory and describes for each assessment unit the (1) likely future land uses and activities, and (2) implications for shoreline management (Table 8). Likely or appropriate environment designations are listed for each assessment unit.

Table 8. Likely changes in land use and implications for shoreline management.

Reaches	Likely Changes in Land Use	Implications for Shoreline Management
Lake Stevens Residential – City Limits		
Residential Areas – City Limits	A majority of this reach is designated Waterfront Residential, which allows single-family housing at a density of 4 dwelling units per acre. There are a few areas that are designated Medium Density Residential which allows 4 – 12 dwelling units per acre. A majority of these parcels are built out and are not likely to change use. Some redevelopment of existing housing stock may occur, but a majority of the housing stock has been built in the last few decades. There are a few vacant lots in Waterfront Residential that may develop and some areas designated Medium Density Residential that have been subdivided but have not yet been developed. For the area that was recently annexed into the City, the zoning and land use classification names changed from the County's names to the City's names, but little changed in regards to development potential.	Shoreline Residential appears to be the most appropriate environment designation for this segment.
Residential Areas – UGA	This area is currently designated Urban Low Density Residential and is zoned R-9600. Many of the single-family residences in this reach are separated from the shoreline by Lake Stevens Road. A majority of these parcels are built out and are not likely to change use, but there are a few vacant lots that have the potential to develop. Some redevelopment of existing housing stock may occur, but a majority of the housing stock has been built in the last few decades.	Shoreline Residential appears to be the most appropriate environment designation for this segment.
Open Space Areas – City Limits	There are a number of parks that are designated as Public/ Semi-Public along the Lake Stevens shoreline. (See discussion of public access sites in Section 5). These uses are not likely to change, although the Parks Department may further develop some parks. The City Hall site is also designated Public/ Semi-	Urban Conservancy appears to be the most appropriate environment designation for these areas. Consider alternatives for how to designate the City Hall site depending on the long term goals of the City.

Reaches	Likely Changes in Land Use	Implications for Shoreline Management
	Public and has open space in shoreline jurisdiction There also appears to be private community access sites along the lake (Stevens Cove Homeowners Association, Cedar Cove Homeowners Association, Sandy Beach Community Club).	
Open Space Areas – UGA	There are a number of parks that are designated as public within the UGA boundary (see public access map in Appendix D). These uses are not likely to change, although the existing parks may be further developed in the future.	Urban Conservancy appears to be the most appropriate environment designation for these areas.
Commercial Areas – City Limits	There are a few areas along the lake that are designated Mixed Use or Downtown/Local Commercial. (approx. 350 linear feet on the shoreline). A small portion of this is within “Old Town” or Downtown Lake Stevens. These parcels are likely to be redeveloped or developed in accordance with the City’s Downtown Plan. There is also a parcel on the west side of the lake that is designated Downtown/Local Commercial that also has the potential for redevelopment. It is approximately 195 linear feet along the shoreline.	High Intensity appears to be the most appropriate environment designation for these areas. Consider requiring public access for all non-water-dependent uses.
Lake Stevens Wetland Complexes – Stevens Creek and Stitch Lake		
Stevens Creek	A majority of this area is designated Medium Density Residential, which allows 4 – 12 dwelling units per acre. A very small portion of jurisdiction is designated High Density Residential, which allows any form of single-family, two-family, and multi-family residential uses with no density limits. It also allows limited public/semi-public, community, recreational, and commercial uses. The area is largely undeveloped, with houses surrounding the wetland area.	Natural appears to be the most appropriate environment designation for this wetland area.
Stitch Lake	This area is designated Medium Density Residential, but the majority of the area is undeveloped or low density development. This area should be protected and new development should be limited.	Natural appears to be the most appropriate environment designation for this area. Urban Conservancy could be considered for the existing

Reaches	Likely Changes in Land Use	Implications for Shoreline Management
	There also appears to be a parcel that is in agricultural use in this area.	developed lots along the western shore. However, it should be noted that only the wetland itself (i.e. not 200 feet landward) is proposed for inclusion as shoreline jurisdiction.
Catherine Creek – City Limits		
Residential Areas – City Limits	The residential areas along Catherine Creek are designated Medium Density Residential and are primarily built-out. Some redevelopment of existing housing stock may occur, but a majority of the houses were built within the last few decades.	Shoreline Residential appears to be the most appropriate designation for this area, with special provisions for development along a stream and requirements to maintain a 150' buffer from the Creek where feasible.
Industrial – City Limits	This area is designated Light Industrial. The parcel has the potential to be developed at a higher intensity, but redevelopment will be constrained by the 150' buffer requirement.	High Intensity appears to be the most appropriate environment designation with special provisions for development along the stream that preserves a vegetated 150' buffer.
Open Space – City Limits	This area is designated Public/ Semi-Public and consists of Catherine Creek Park. The land is currently owned by the Lake Stevens School District but is leased by the City. If the lease expires, the School District has the potential to further develop this property. The City needs to continue to work with the School District to ensure this property remains in public use.	Urban Conservancy appears to be the most appropriate designation for this area.
Catherine Creek - UGA		
Residential Areas	This area is designated Urban Low Density Residential and is zoned R-20,000. It has the potential to be developed at a higher intensity.	Either Shoreline Residential with specific standards for streams or Urban Conservancy with allowances for housing are two alternatives for environment designations for this area.
Utilities	These parcels are designated Residential, but are currently used as utility sites. These parcels could be further developed in the future, so it is important to maintain required vegetated buffers.	Urban Conservancy appears to be the most appropriate environment designation with special provisions for development along a stream and special allowances for utility uses.
Little Pilchuck Creek - UGA		
Residential Areas	This area is designated Urban Low Density Residential and is zoned R-20,000. The area is largely	Either Shoreline Residential with specific standards for streams or Urban Conservancy with

Reaches	Likely Changes in Land Use	Implications for Shoreline Management
	under developed and has the potential to be developed at a higher intensity.	allowances for housing are two alternatives for environment designations for this area.
Industrial Areas	This area is designated and zoned General Industrial, but the area in shoreline jurisdiction is largely undeveloped. This area might see new industrial uses or redevelopment of existing uses.	This area could be designated High Intensity with specific standards for development along a stream corridor. Alternatively, consider parallel designations, with an inner designation of either Natural or Urban Conservancy and an outer designation of High Intensity.

6 PUBLIC ACCESS ANALYSIS AND IMPLICATIONS

6.1 Introduction

Public access includes the ability of the general public to reach, touch, and enjoy the water's edge, to travel on the waters of the state, and to view the water and the shoreline from adjacent locations.

WAC 173-26-221(4)(c) states that:

"Local governments should plan for an integrated shoreline area public access system that identifies specific public needs and opportunities to provide public access... This planning should be integrated with other relevant comprehensive plan elements, especially transportation and recreation."

To support this planning, WAC 173-26-201(3)(c) calls for local governments to inventory existing and potential shoreline public access sites, including public rights-of-way and utility corridors. Because shoreline access includes visual access, important views of the water from shoreline areas were also identified.

Information about public access sites in the City was drawn from site visits, aerial photographs, the City's Comprehensive Plan Parks and Recreation Element, the City's Park and Recreation Department staff and websites, and the City's and County's land use and parks maps.

6.2 City Parks

6.2.1 North Cove Park

North Cove Park is a 4-acre waterfront community park located at the extreme northeast end of Lake Stevens. Access to the park is available from downtown Lake Stevens, next to the City Hall complex. The park has a 250 foot municipal boardwalk/pier (interpretation, fishing & picnicking, but no boat access), picnic tables, and two horseshoe pits. Parking facilities are shared with the Civic Center complex. The City is currently planning for future expansion and development of the park.

6.2.2 North Lakeshore Swimming Beach

North Lakeshore Swimming Beach is a 0.5-acre waterfront community park whose primary use is Lake Stevens access for swimmers. It is located approximately 0.2 miles west of downtown on North Lakeshore Drive, on the north side of North Cove. Facilities include 560 square feet of useable beach, a 600 square foot municipal swimming dock, a portable restroom, and 10 parking spaces. The park is used by an estimated 250 people per month, most users being kids and their mothers during the hot summer months.

6.2.3 Lundeen Park

Lundeen Park is a 9-acre regional multi-use park located south of Lundeen Parkway at 99th Avenue NE. Facilities include a public pier, 500 feet of shoreline, a swimming area, 2 basketball courts, a children's playground and a tot lot (Sarita's Playground), interpretive stations along a salmon spawning creek, a caretaker's residence, public restrooms, a rinse-off shower, a covered picnic area, and 98 parking spaces.

6.2.4 City Boat Launch

City Boat Launch is a 1-acre regional waterfront boat ramp and parking lot (30 spaces) located on the eastern shore of North Cove along Lake Stevens. Access is from 17th Place NE, off of 124th Avenue NE. The site is owned by the Washington State Department of Game, which leases it and its operations to the City. The lease is a perpetual 25-year lease, which commenced June 15, 1984. The boat launch is used by an estimated 350 people per month (average throughout the year). Most users are boaters, fishermen, and jet-skiers launching their craft. Use is heaviest on summer weekends. In 2000, a new dock capable of mooring up to 12 boats at one time, and a low profile dock for non-motorized craft were installed.

6.2.5 Mill Cove Reserve Park

Mill Cove Reserve Park is a 1 acre passive recreation park purchased in 1997 through the Snohomish County Conservation Futures grant program. The site is

at the location of the historic Rucker Mill and is wooded, contains wetlands and shorelands. From the site, one can see the pilings that supported the old mill over Lake Stevens. The City will continue to seek grant opportunities to finance trails, signage, and other passive recreation amenities.

6.2.6 Wyatt County Park

Wyatt County Park is a 3-acre regional park located four miles from downtown, across Lake Stevens, on Davies Road. Facilities include a public boat launch, a dock (for boats), a fishing pier, a lifeguard-monitored swimming area, restrooms, picnic tables, and 80 parking spaces.

6.2.7 Catherine Creek Park

Catherine Creek Park is an 8-acre community park which the City leases from the Lake Stevens School District. It is located adjacent and to the east of Mt. Pilchuck Elementary School, between 20th Street NE and 16th Street NE. The lease expires in 2010. The park is maintained primarily as a "natural" park with a network of trails (2 miles), access to Catherine Creek, and picnic facilities. A disc golf course, installed and maintained by the community, began operating in 2000.

6.3 County Parks

Sunset Beach is a 0.25-acre, County-owned, Lake Stevens waterfront neighborhood/pocket park whose primary use is water access and picnicking. It is located 0.3 miles south of downtown on East Lake Stevens Road. Facilities include a public dock, picnic tables, and six parking spaces. The park is used by an estimated 30 people per month.

6.4 Public Access Implications

The City provides a number of public access and recreation sites along its shorelines, but should continue to improve existing sites and pursue opportunities to add new public access and recreation sites.

Lake Stevens has a number of parks and public access sites, but the newly annexed area and the UGA portion of the lake are underserved compared to the rest of the lake. The City should continue to work on opportunities for providing public access and recreation on Lake Stevens, particularly in the recently annexed portion of the lake and eventually in the UGA portion of the lake.

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

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

7 SHORELINE MANAGEMENT RECOMMENDATIONS

The following are recommended actions for translating inventory and characterization findings into the draft SMP policies, regulations, environment designations, and restoration strategies for areas within shoreline jurisdiction.

7.1 Shoreline Master Program

7.1.1 Shoreline Environment Designation Provisions

- Recommendations for specific shoreline segments are discussed in section 4.0.
- It may be useful to define two different Urban Conservancy (UC) environments to address different concerns in the parks, natural areas, and the low-density residential developments within shoreline jurisdiction.
- Pre-assign environment designations within the UGA. Coordinate with Snohomish County to identify the differences between County environment designations and the City's future designations.

7.1.2 General Policies and Regulations

Critical Areas

- Consider whether the City's critical areas regulations should be incorporated into the SMP by reference or through direct inclusion.
- Maintain a 150-foot buffer on Catherine and Little Pilchuck Creeks to the extent consistent with existing conditions and the objectives of the Shoreline Management Act.

Flood Hazard Reduction

- Consider how to incorporate the various options developed by FEMA and others during development of the strategy for responding to National Marine Fisheries Service Biological Opinion evaluating FEMA's National Flood Insurance Program.

Public Access

- Work with the City and County Parks Department to identify potential locations for new public access sites and to identify improvements to increase the quality of existing public access to shorelines throughout the City.
- The City needs to continue to partner with the Lake Stevens School District to ensure that a long term lease is secured for Catherine Creek Park.

Vegetation Conservation

- Establish appropriate residential setbacks on Lake Stevens, recognizing the existing conditions and potential for providing improved shoreline vegetation as part of setback modification options.
- Encourage through policy and regulation the control of invasive or noxious vegetation, including aquatic vegetation found in Lake Stevens. Coordinate with Snohomish County Surface Water Management and Washington Department of Fish and Wildlife regarding preferred and effective aquatic vegetation removal mechanisms.

Water Quality, Stormwater, and Nonpoint Pollution

- Include policies and regulations that appropriately incorporate recommendations of the City's and County's water quality-related studies, particularly as related to impaired parameters listed by Ecology or outcomes of the NPDES Municipal Stormwater Permit requirements.
- Ensure that regulations allow for placement of any water quality-related structures or facilities in shoreline jurisdiction, including in the Aquatic environment (e.g., aeration or other devices in Lake Stevens).
- Consider whether special stormwater management provisions may be necessary beyond the standard City requirements contained in the adopted Ecology Stormwater Management Manual for Western Washington.

7.1.3 Shoreline Modification Provisions

Shoreline Stabilization

- Ensure "replacement" and "repair" definitions and standards are consistent with WAC 173-26-231(3)(a). Repair activities should be defined to include a replacement threshold so that applicants and staff will know when "replacement" requirements need to be met.

Piers and Docks

- Provide clear dimensional standards for new piers and replacement/modified piers for private residential use. Coordinate with Washington Department of Fish and Wildlife to ensure that standards are consistent with current agency practice on the lake.

Fill

- Restoration fills should be encouraged, including improvements to shoreline habitats, material to anchor LWD placements, and as needed to implement shoreline restoration.

Breakwaters, Jetties, Groins and Weirs

- Except for purposes of shoreline restoration (or possibly as part of flood hazard reduction), consider prohibiting these modifications.

Shoreline Habitat and Natural Systems Enhancement Projects

- The SMP should include incentives to encourage restoration projects, particularly in areas identified as having lower function. Emphasize that certain fills can be an important component of some restoration projects.

7.1.4 Shoreline Uses**Agriculture**

- Consider provisions for agriculture even though the shorelines are all within the Urban Growth Boundary. There does appear to be one parcel that is agricultural use within shoreline jurisdiction near Stitch Lake.

Aquaculture

- Consider prohibiting this use and removing it from this section.

Boating Facilities

- Develop appropriate standards for community and public-access related overwater structures.

Commercial Development

- Coordinate policies and regulations for commercial development with the Lake Stevens Downtown Subarea Plan, while ensuring that new commercial development will achieve no net loss of shoreline ecological functions.

Forest Practices

- Provide general policies and regulations for forest practices according to the WAC Guidelines.

Industry

- Consider requiring significant vegetated setbacks for new industrial development to preserve existing vegetation along Little Pilchuck Creek and Catherine Creek.

Mining

- Consider prohibiting this use and removing it from this section.

Recreational Development

- Work with the City Parks Department, the County Parks Department, and other public agencies that may own park land to identify issues related to park development. Park lands provide many opportunities for shoreline restoration and can serve as demonstration projects to the greater public. Policies and regulations related to parks management should provide clear preferences for shoreline restoration consistent with public access needs and uses. Existing natural parks should be protected and enhanced.
- In addition, ensure that water-dependent and water-oriented uses are given priority in parks over other uses.
- The City needs to continue to partner with the Lake Stevens School District to ensure that a long term lease is secured for Catherine Creek Park.

Residential Development

- Address building setbacks, shoreline armoring, piers and docks, and vegetation conservation for residential properties. Developed lakes, such as Lake Stevens, have been impacted by nearshore vegetation removal, shoreline armoring, and piers. The SMP should consider developing regulations that encourage or require shoreline restoration when specific new development or redevelopment activities are proposed. A standard buffer and/or setback should be developed, with an aggressive but practical list of buffer/setback reduction options that would result in a net improvement in shoreline functions. These might include removal of bulkheads, shoreline plantings, landscape chemical reduction or elimination, and removal of other nearshore impervious surfaces, among others.
- Include a policy to educate waterfront homeowners about the use of fertilizers and chemicals and encourage natural lawn care and landscaping methods to reduce chemical output into surrounding shorelines.

- Encourage low impact development techniques that reduce impervious surface areas and use of ecologically responsible stormwater management.

Transportation/Parking and Utilities

- Include provisions for public transportation and utilities development in the shoreline jurisdiction. There are stream crossings and some roadways in SMA jurisdiction. Goals, policies and regulations for these activity types should require careful consideration of short-term and long-term impacts on shoreline functions and processes, particularly in their management of stormwater runoff, shoreline hardening and potential for generating a later need for shoreline hardening, and placement of in-water structures which can affect flows and substrates, among others.

7.2 Restoration Plan

A Restoration Plan document will be prepared as a later phase of the Shoreline Master Program update process, consistent with WAC 173-26-201(2)(f). The Shoreline Restoration Plan must address the following six subjects (WAC 173-26-201(2)(f)(i-vi)) and incorporated findings from this analysis report:

- (i) *Identify degraded areas, impaired ecological functions, and sites with potential for ecological restoration;*
- (ii) *Establish overall goals and priorities for restoration of degraded areas and impaired ecological functions;*
- (iii) *Identify existing and ongoing projects and programs that are currently being implemented, or are reasonably assured of being implemented (based on an evaluation of funding likely in the foreseeable future), which are designed to contribute to local restoration goals;*
- (iv) *Identify additional projects and programs needed to achieve local restoration goals, and implementation strategies including identifying prospective funding sources for those projects and programs;*
- (v) *Identify timelines and benchmarks for implementing restoration projects and programs and achieving local restoration goals; and*
- (vi) *Provide for mechanisms or strategies to ensure that restoration projects and programs will be implemented according to plans and to appropriately review the effectiveness of the projects and programs in meeting the overall restoration goals.*

The Restoration Plan will “include goals, policies and actions for restoration of impaired shoreline ecological functions. These master program provisions

should be designed to achieve overall improvements in shoreline ecological functions over time, when compared to the status upon adoption of the master program.” The Restoration Plan will mesh potential projects identified in this report with additional projects, regional or City-wide efforts, and programs of the City, watershed groups, and environmental organizations that contribute or could potentially contribute to improved ecological functions of the shoreline. The City’s *Six Year Capital Improvement Program 2009-2014* report also includes some projects that will be discussed in greater detail in the Shoreline Restoration Plan.

8 REFERENCES

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9 LIST OF ACRONYMS AND ABBREVIATIONS

CAO	Critical Areas Ordinance
Corps	U.S. Army Corps of Engineers
Ecology	Washington Department of Ecology
GMA	Growth Management Act
HPA	Hydraulic Project Approval
LWD.....	Large Woody Debris
NRCS	Natural Resources Conservation Service
PHS	Priority Habitats and Species
SMA	Shoreline Management Act
SMP	Shoreline Master Program
USFWS.....	U.S. Fish and Wildlife Service
USGS.....	U.S. Geological Service
WDFW	Washington Department of Fish and Wildlife

APPENDIX A

List of Data Sources

APPENDIX B

Information Request Letter and Distribution List

APPENDIX C

Assessment of Shoreline Jurisdiction

APPENDIX D

Inventory and Analysis Map Folio

PROPOSED AMENDMENTS BASED ON ECOLOGY'S 11/21/11 EMAIL

Ecology's Comment (Summarized)	Proposed Revision
Covered Moorage - Related to the Councils consideration of 'covered moorage', in addition to appropriate size and location criteria to minimize aesthetic impacts and satisfy no net loss requirements, Ecology suggest that the City check-in with Washington Department of Fish and Wildlife (WDFW) to make sure that they can approve covered moorage proposals as envisioned by your council. A check-in with WDFW would ensure consistent with a recommendation from the City's Shoreline Inventory/Characterization Report (Watershed & Makers, 2010a; 47), which recommends that SMP Pier/Dock standards provide; "...clear dimensional standards for new piers and replacement/modified piers, that are consistent with Washington Department of Fish & Wildlife (WDFW) practices on the lake".	1. F&W's response by email: As far as the boathouses below, we support the language as written. 2. The Watershed Company: add language that entire moorage must be a minimum of 30 feet from OHWM. 3. Public Hearing Comments: instead of only a peaked roof, allow any type roof except flat.
Side-yard additions - The Councils request to allow up to 200 square foot additions to the side-yard of "existing residential" structure located within a setback or buffer, is understood to not create significant impacts... With this said, we do recommend that the City include in this provision appropriate mitigation sequencing steps to require applicants to first consider locating the expansion outside of applicable setbacks/buffers. If because of lot constraints, the expansion cannot be located outside of setback/buffer areas, then the limited additions to side-yard areas seem appropriate with appropriate mitigation and within other limits of the SMP, such as maximum impervious surface ratios.	Add reference to mitigation sequencing in Chapter 3 Section B.4.c.4

PROPOSED AMENDMENTS BASED ON ECOLOGY'S 11/21/11 EMAIL

Ecology's Comment (Summarized)	Proposed Revision
. Policies and Regulations 2. Shoreline Stabilization (Including Bulkheads) Page 55, a. Applicability (Maintenance Repair, and Replacement) – In addition to the reference to WAC 173-27-040(2)(b), it is equally important for the SMP to also recognize other relevant subsection, including; (1) <i>“Application and Interpretation of exemptions”</i> (a) <i>“Exemptions shall be construed narrowly...”</i> and (b) <i>“An exemption from the substantial development permit process is not an exemption from compliance with the act or the local master program, nor from any other regulatory requirements...”</i>	Add summary language consistent with WAC 173-27-040(1) and also reference that section of the WAC.
Page 55, b. Policies – Policy #1 as written, is not consistent with Shoreline Stabilization provisions within WAC 173-26-231(3)(a) of the SMP-Guidelines. To ensure consistency with the SMP-Guidelines the City should incorporate the following amendments: 1. <i>“Soft stabilization”</i> measures should be listed as <i>“preferred”</i> over <i>“hybrid”</i> (structural measures) and; 2. References to protection of an <i>“allowed primary structure or a legally existing structure”</i> are not consistent with the SMP-Guidelines and should be amended to use the same language as the WAC 173-26-231(3)(a) allowing for consideration of new shoreline stabilization only to protect <i>“existing primary structures”</i>, or for replacement when there is a demonstrated need to protect <i>“principle uses or structures”</i>. The existing language in the City's SMP is too broad and will not be approved by Ecology.	1. Add language that soft is preferred over hybrid. 2. Modify language consistent with WAC 173-26-231(3)(a).
Page 58, c. Regulations (Repair, Maintenance and Replacement) – Standard #13 as written is not consistent with the SMP-Guidelines as a ‘demonstrated need’ to protect principle uses or structures is required in order to justify either replacement or expansion of an existing stabilization structure.	1. #12 was added after it was sent to Ecology for their quick review, so with the new 12, this should be met. 2. Council discussion and request for the subsection regarding saltwater habitats be removed from #12.

PROPOSED AMENDMENTS BASED ON ECOLOGY'S 11/21/11 EMAIL

Ecology's Comment (Summarized)	Proposed Revision
3. Over-Water Structures – Including Piers and Docks, Floats, and Boardwalks Page 63 & 64, c. Regulations (General Regulations for Private and Public Structures) - Please see Ecology previous comments (email dated April 20, 2011 ... More specifically; 1. Regulation #19 (ADA provisions) – Based on a 2003 U.S Access Board publication titled <i>Accessible Boating Facilities</i>, five feet of pier width is shown to be sufficient to support ADA needs. However, Ecology has allowed other jurisdictions the flexibility to increase pier widths up to six feet to accommodate ADA access. Therefore, the City should identify a specific limit to overwater structure width that is less than six feet to accommodate ADA access.	Add clarifying language to allow a maximum of 6 ft width to accommodate ADA.
1. Regulation #20 (Alternative Compliance) – similar to the ADA-comments provided above, the “<i>Alternative Compliance</i>” provision within the SMP cannot allow for unlimited flexibility related to overwater structure width. Ecology has allowed other jurisdictions to build-in limited (well defined) administrative flexibility into pier/dock widths for replacement of existing overwater structures. Within the City of Kirkland, Sammamish and Renton’s approved SMP’s, administrative ‘alternative compliance’ limits pier/dock width to no wider than six-feet for components of a overwater structure that is located more than 30-feet water-ward of the shoreline edge. To protect critical nearshore areas, these SMP’s restrict pier/dock width to four feet for components of the overwater structure located within 30-feet of the shoreline edge. In other words, the alternative compliance flexibility should not apply to the critical nearshore areas within 30-feet of the shoreline edge...	Remove entire alternative design because what was approved in other jurisdictions as an alternative design (allowing 6 ft outside first 30 ft) is already allowed by SMP.
Page 68, c. Regulations (New Private, Non-Commercial Piers) - SMP standard #24.d (width) “<i>Exception</i>” allowing for expansion of the width of a new pier from four feet to six feet within the first 30-feet water-ward of the shoreline	This is a standard for new docks only (~19 docks). Propose to remove the exception.

PROPOSED AMENDMENTS BASED ON ECOLOGY'S 11/21/11 EMAIL

Ecology's Comment (Summarized)	Proposed Revision
edge, is not consistent with the SMP Guidelines and cannot be approved as written. The SMP Guidelines require that the size of new and replacement overwater structures be reduced to the minimum necessary to serve the moorage use of the structure, for which Ecology is not aware of a justification supporting the need for wider structures (i.e., more than four feet) necessary to provide (private single-family) access to boat moorage, with one exception described above related to ADA accommodation.	
Page 68, c. Regulations (Replacement of Existing Pier or Dock) - SMP standard #25 (as amended 11-21-2011) to allow 100% replacement for <i>"square footage and dimensions"</i> is not consistent with the SMP Guidelines and cannot be approved as written. As referenced above (Regulation #20 Alternative Compliance), Ecology has allowed for limited flexibility to be applied to pier/dock replacements to allow a property owner to maintain the same overwater structure area, but cannot support allowing the same pier/dock <i>"dimensions"</i> when the structure is going to be completely replaced. It is important to recognize that Ecology is supportive of on-going 'repair' of existing overwater structures, as long as a clear threshold is identified within the SMP to trigger compliance with 'replacement' standards when cumulative repairs reach a point where the existing structure is in all practical purposes being replaced. Many jurisdictions' utilize a percentage of decking or pile replacement as a threshold to distinguish between 'repair' and 'replacement'.	Staff will discuss with Council at the Public Hearing the phone conference with Ecology on Wednesday. Joe Burcar of Ecology will be present at the hearing.

PROPOSED AMENDMENTS BASED ON ECOLOGY'S 11/21/11 EMAIL

Ecology's Comment (Summarized)	Proposed Revision
Chapter 5 Shoreline Use Provisions <i>C. Shoreline Use Policies and Regulations - 8. Residential Development</i> Page 95, b. Policies – Policy #1 as written is not consistent with the Shoreline Management Act (RCW 90.58.020) or the SMP-Guidelines (WAC 173-26-241(3)(j)) and will need to be amended to include <u>all</u> relevant components of the policy statement. The reference in the current SMP to single-family residences as a “<i>preferred use</i>” is incomplete and does not include all relevant language from the SMA qualifying that a single-family residential use is only considered a priority use, when developed in a manner consistent with the control of pollution and prevention of damage to the natural environment. See WAC 173-26-241(3)(j) stating: <i>Single-family residences are the most common form of shoreline development and are identified as a priority use when developed in a manner consistent with control of pollution and prevention of damage to the natural environment. Without proper management, single-family residential use can cause significant damage to the shoreline area through cumulative impacts from shoreline armoring, storm water runoff, septic systems, introduction of pollutants, and vegetation modification and removal.</i>	Replace current Policy #1 with the exact language from WAC provided by Ecology.
Chapter 6 Definitions (Page 109) The definition of “Accessory Use” is inappropriate in that it includes reference to “<i>lawns associated with residential development</i>”. “<i>Lawns</i>” are not ‘structures’, they are not intrinsic to the ‘primary use’, and they are not a ‘normal appurtenances’ to a single family use. Therefore, “<i>Lawns</i>” cannot be protected or exempted from review and are not preferred under the SMA. This definition should either be removed or amended to distinguish an “Accessory use” from structures or appurtenances which are intrinsic to a residential shoreline use.	Revise as shown below: <i>Accessory use.</i> Any structure or use incidental and subordinate to a primary use or development. ~~Examples include docks, patios, decks, and lawns associated with residential development, or a use other than the primary use to a commercial development.~~
(Page 115) The definition of “Existing Uses” is also inappropriate, in that it includes “Accessory uses”, for which inconsistency with the SMA is described above. Similar to the comment above related to the “Accessory uses” definition, the “Existing Uses” definition, should also be removed or revised	Definition was deleted when the current proposal to separate Existing Development from Nonconforming Uses and Lots.

PROPOSED AMENDMENTS BASED ON ECOLOGY'S 11/21/11 EMAIL

Ecology's Comment (Summarized)	Proposed Revision
and cannot be approved as part of the SMP as currently written. (Page 127) The “Water-Dependent Use” definition includes the following qualifying statement; <i>“but not limited to”</i>. This change to the definition is not consistent with the <i>“Water-Dependent Use”</i> definition provided in the SMP-Guidelines at WAC 173-26-020(39) and cannot be approved within the SMP as written.	Revise as shown below: <i>Water-dependent use.</i> A use or a portion of a use which cannot exist in any other location and is dependent on the water by reason of the intrinsic nature of its operations. Examples of water-dependent uses may include, ~~but are not limited to,~~ fishing, boat launching, swimming, float planes, and stormwater discharges.

Wetland Buffer Reduction Proposed Language for Appendix B, Section 6.D

(a) Based upon an applicant's request for development on the lake shoreline, the Shoreline Administrator or designee may administratively approve a reduction in the standard wetland buffer widths in the High Intensity and Shoreline Residential environment designations upon making written findings demonstrating compliance with the following:

(1) A site-specific report by a qualified professional confirms that the proposal, with width reduction, will result in no net loss of ecological functions. The report shall, at a minimum, address the following:

(i) The wetland classification and boundary consistent with Sections 6.A and 6.B of this appendix;

(ii) Existing vegetation impacted by the proposal, including native and non-native vegetation, such as lawns, planting areas, etc.;

(iii) Existing site conditions, including improvements, that may make it impractical and/or infeasible to apply standard wetland buffers to the proposal;

(iv) Observations of reported fish and/or wildlife that may make use of the project site including, but not limited to salmonids, mammals, bird nesting, breeding, and feeding/foraging areas, including the impacts of the proposal on any identified fish and wildlife;

(v) Existing ecological functions currently provided by the wetland and standard wetland buffer, and the impacts of the proposal, with reduced buffer width, on the identified ecological functions.

(vi) Analysis of any mitigation measures necessary to achieve no net loss of existing ecological functions.

(2) The proposed project, with width reduction, will not result in any significant unmitigated adverse impacts to adjoining properties.



Mayor Vern Little
Lake Stevens City Council
1812 Main Street
Lake Stevens, WA 98258

November 21, 2011

Re: Shoreline Master Plan Update Public Hearing

Dear Mayor Little and Council members,

Thank you for the opportunity to comment on the latest amendments being proposed for the city's Shoreline Master Program. Futurewise is a statewide nonprofit organization that promotes healthy communities while protecting farmland, forests and shorelines. Pilchuck Audubon Society's Smart Growth program works hard to stem the consequences of irresponsible development, and to ensure that sensitive areas and wildlife habitat maintain a high profile in growth management debates. Both organizations represent thousands of members in Snohomish County.

Below are our concerns and recommendations:

On Page B-13 in Appendix B, Section 2.D(g) and on Page B-41—Appendix B, Section 6.D(e)(2)—Planning commission recommending to change last sentence to allow stormwater management facilities in the outer 25 percent of Category II Wetlands also. We are opposed to this amendments. The City needs to prevent all stormwater facilities in any of the categories of wetland buffers based on best available science to protect the functions and value of wetlands. It would be acceptable only for outfalls of stormwater facilities to be allowed in the buffers.

On Page B-31, regarding the language of Lake Stevens as a Fish and Wildlife Conservation Area, we want to ensure that the City's SMP has compensatory mitigation described specifically using enhancement requirements, that will ensure the best protection of the lake and its shorelines. We recommend at a minimum that new development must enhance the nearest 10 feet from the water for 75 percent of its width.

On Page 43—Vegetation Conservation—Section B.11.c.3—We recommend the following language:

Vegetation restoration of any shoreline that has been disturbed or degraded shall use native plant materials with a diversity and type similar to that which occurs naturally in the Puget Sound on undeveloped lots unless the Shoreline Administrator finds that native plant materials are inappropriate or not hardy in the particular situation. In addition, there should be a list of which native plants should be used so there is no question at the administration level of decision making.

On Page 51, 53, 54, Section 2.a regarding Hybrid Structural Shoreline Stabilization, we

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Mayor Vern Little
Lake Stevens City Council
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recommend stronger language to ensure that soft methods are first considered before hybrid or hard structures are used.

On Pages 57, 58, 59, 62 and 64 and throughout, Section #.c, number 7, regarding the exception for shorter docks, there is no criteria for what a short dock is. We recommend that any exception be a variance request that must meet hardship criteria as part of the variance. The regulation as written is more like an “ask and ye shall receive” exception and not based on any solid criteria.

In Section 3.c—regarding Alternative Design, again this regulation is written as an “ask and ye shall receive.” Washington Department of Fish and Wildlife does not have any distinct regulations and standards for docks, nor can they deny the HPA permit if they don’t like the alternative design. We recommend this regulation be eliminated.

In Section 3.c.2 regarding modifying depth language and length of docks, we are opposed to this regulation. While the second half of the regulation is in the form of a real “minimization” standard that should be used, the first part of the regulation is really a “maximization” regulation to get more than is needed to float a boat rather than the minimum needed. In addition, the regulation has a problem because 5.5 feet is much more than is needed to float a boat, and 200 feet is not a real limit. We used Google Earth to view the lake and docks and did not find one single family residence dock that was 200 feet long. The vast majority were 100 feet or less. The remainder were less than 150 feet, except for a half dozen or so that were around 170 feet or less. We have not seen any city in Washington State using 200 feet for lakes, instead using 100 feet is the standard. Excessive docks need to be prohibited as they are a huge environmental impact on the shoreline. If a person can’t float a boat using a 125 foot dock, then other alternative forms of moorage, like buoys or mooring piers should be used.

In Section 3.c.23.d. regarding dock width, elss and floats, the Department of Ecology has been very strict about using 4 feet for the main dock width, so we recommend 4 feet be the standard width for docks.

In Section 3.c. regarding Public, Community and Commercial Overwater Structures, we are opposed to this regulation unless the following language is added: “Such community docks must be reviewed as boating facilities unless all lots have water frontage, and the dock is for four or fewer single family residences.”

Throughout Section 3 and other parts of the SMP regarding change references for all decking materials from 60 percent light transmittance to 40 percent open space decking, we are opposed to this change. Again, the Department of Ecology has been very strict on using the higher percentages, and we agree with the Department of Ecology.

In Section C.8.c.2.b regarding residential development setbacks, we recommend that new development not encroach any more than the existing setback for each lot. More importantly, we want to ensnre the SMP regulations mandate vegetation enhancement of the shoreline for any new development.

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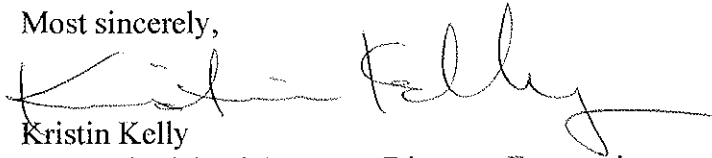
Pages 104, 110, 112, 117—Definitions.

Decking: Again, the Department of Ecology has been strict about using the 60 percent for dock coverage, and recommend the definition be changed to reflect that.

Low Water Mark: Not sure why this definition is needed because the law states that regulations must use the OHWM. We suggest the City make this change in the SMP where appropriate.

Thank you for consideration of our recommendations.

Most sincerely,

A handwritten signature in black ink, appearing to read "Kristin Kelly", with a long horizontal flourish extending to the right.

Kristin Kelly
Snohomish/Skagit Program Director, Futurewise
Smart Growth Director, Pilchuck Audubon Society
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Snohomish, WA 98290
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PC Recommendation Public Hearing Changes Subcommittee Proposal Other Changes

Regulation:

Standard Minimum Building Setback from OHWM	50 ft lake setback + 10 ft building setback 60 feet
Standard Minimum Deck Setback from OHWM	50 feet
Maximum Impervious Surface of Lot Area Above OHWM	40%

As an alternative to the above standard lake and building setbacks, these setbacks may be established as set forth in Section 3.a.ii below.

See exception in Section C.8.c.3.b for lots smaller than half the minimum size. Standard 2.a.i. discussed below requires the averaging of the setbacks of adjacent dwelling units with a minimum setback of 60 feet.

3. Legally-constructed single-family residences and appurtenant structures used for a conforming use, but that do not meet the regulations of this SMP for setbacks, buffers, yards, areas, bulk, height, or density shall be considered conforming structures.

23. New residential development, including new structures, new pavement, and additions, within shoreline jurisdiction on lakes shall adhere to the following standards: **PLACEHOLDER FOR POTENTIAL LANGUAGE OPTIONS FOR SETBACK OF EXISTING STRUCTURES**

a. Setbacks:

- i. **New Buildings:** Set back all covered or enclosed structures with a minimum of the standard setback, which is a lake setback of 50 feet from the OHWM plus an additional 10 foot building setback. Where the Shoreline Administrator finds that an existing site does not provide sufficient area to locate the residence entirely landward of this setback, the Shoreline Administrator may allow the residence to be located closer to the OHWM, provided all other provisions of this SMP are met and impacts are mitigated.
- ii. **Existing Buildings:** As an alternative to the standard 50-foot lake setback and 10-foot building setback, the building setback may be established at a line parallel to the face of an existing single-family residence and, in such case, the lake setback is established 10 feet waterward of the alternative building setback. The allowances below for building overhangs and patios and decks shall apply to such alternative setbacks.
 - ii. **Building overhangs** are allowed to extend no more than 18 inches into the building setback.
 - iii. **Patios and decks:** Uncovered patios made with porous materials or above-grade decks that are no higher than 2 feet above-grade may extend a maximum of 10 feet into the building setback, up to within 50

PC Recommendation Public Hearing Changes Subcommittee Proposal Other Changes

4. Environmental Impacts

a. Applicability

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

b. Policies

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

c. Regulations

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

Where applicable. When when applying mitigation to avoid or minimize significant adverse effects and significant ecological impacts, the City will apply the following sequence of steps in order of priority, with (a) being top priority:
 - a. Avoiding the impact altogether by not taking a certain action or parts of an action;

PC Recommendation Public Hearing Changes Subcommittee Proposal Other Changes

- water-dependent uses may use a dock constructed for a water-dependent use as long as they do not impede the water-dependent use. Over-water structures built solely for the purpose of a non-water-dependent use are prohibited.
2. All moorage and other over-water structures shall be designed and located so as not to constitute a hazard to navigation or other public uses of the water.
 3. Proposed private over-water structures which do not comply with the dimensional standards contained in this chapter may only be approved if they obtain a shoreline variance. (See Chapter 7 Section D.)
 4. No portion of the deck of a pier shall, during the course of the normal fluctuations of the elevation of the waterbody, protrude more than three (3) feet above the OHWM. Temporary cabanas without a permanent frame and diving boards over 3 feet in height may be allowed. Temporary structures are allowed for only five months of the year (May 1 – September 30).
 5. Docks, piers, and other developments for water-dependent uses shall be located at least ten (10) feet from the extended side property lines (extended at the same angle as the property line on shore), except for joint use structures. Where a ten (10) foot setback is not feasible, as determined by the Shoreline Administrator, a five (5) foot setback from the side property line may be permitted. All over-water structures shall be configured to minimize interference with rights of navigation.
 6. No residential use may occur over water, including houseboats, live-aboards, or other single- or multi-family dwelling units.
 7. **Only piers and ramps are permitted in the first 30 feet of the OHWM. All floats, ells, and fingers, and lifts must be at least 30 feet waterward of the OHWM.**
~~Exception for deeper docks: The Shoreline Administrator may make an administrative exception to allow lifts within the first 30 feet if the applicant submits a specific request, reason for the request and documentation of the dock dimensions and proposed locations for lifts.~~
 8. All pier and dock dimensions shall be minimized to the maximum extent feasible. The proposed length must be the minimum necessary to support the intended use.
 9. Skirting that extends to the water is not permitted on any structure except to contain or protect floatation material.
 10. All piers, docks, and similar structures shall at no time rest on the lake substrate.
 11. All over-water structures and other water-dependent use developments shall be constructed and maintained in a safe and sound condition. Abandoned or unsafe structures shall be removed or repaired promptly by the owner.
 12. Lighting associated with over-water structures shall be beamed, hooded or directed to avoid causing glare on adjacent properties or waterbodies.

A Safe Depth for Docks for a Water Dependant Use Swimming and Diving in Lake Stevens

It is estimated that approximately 800 spinal cord injuries resulting from diving into a body of water occur each year in the United States.¹ Approximately ¾ occur in the natural aquatic environment (lakes, ponds, streams, etc.) while the remaining amount occur in swimming pools. It is estimated that ninety percent of these incidents occur in water depths **less than 6 feet**.^{1,2}

Diving Safety Recommendations:

WAC 246-260-131 Operation of water recreation facilities

(1) Operation plan. Owners shall ensure proper operation to protect the public health, safety, and water quality by establishing standard practices and developing a written operations manual addressing each of the following:

(e) Diving during supervised swimming instruction into water depths recognized as adequate by the organization certifying the activity, **such as ARC**; (*emphasis added*)

- The American Red Cross (**ARC**) recommends a minimum of 8 feet of water depth for head first dives.³

References:

1. **Diving Injuries: The Etiology of 486 Case Studies with Recommendations for Needed Actions.** M. Alexander Gabrielsen, Ph.D.
2. **Diving Safety in Swimming Pools. A Report to the National Swimming Pool Foundation.** Richard Stone.
3. **American Red Cross Basic Water Safety**, Washington, D.C.,

My name is W. Neal Karman. My wife and I have lived at 1725 Vernon Rd on the lake since 1987. We raised two, now grown children on the lake and have three grand children enjoying activities here at the lake also.

I think you could word the section about "LIFTS" better.

"WATERCRAFT" by Washington Department of Ecology, US Army Corps of Engineers RGP 1, and other Departments is defined as "includes but not limited to—MOTORIZED BOATS, KAYAKS, CANOES, JET SKIES, FLOAT PLANES, ETC." On this Lake we also have rowboats, rowing shells, hobie cats, sailboats, paddle boats, and others.

The Section on LIFTS should address WATERCRAFT LIFTS and NOT micro manage the types of lifts. All of the above need to be out of the water on this lake because of the weather and the constant destruction from the Wake Board and Surfing Boat huge wakes.

Single Family Residents should be able to choose the TYPE of lift or lifts needed for their activities on the lake. Most people only need one or two WATERCRAFT LIFTS, but some need more. This should be controlled by the PERMIT process, not by a limiting number in the SMP. Some people have a boat & jet ski, others have two boats, others have seaplane and boat. Others have boats, seaplane and hobie cat, etc.

Your micro management of ONLY ALLOWING one boat lift and two jet ski does not address the needs of the other watercraft. Your proposed requirement would be like requiring all future single family residents in Lake Stevens have only a one gas automobile single garage, two motorcycle pads, and no parking in driveways or on the street because of pollution. No allowance for second car, kids cars, electric cars, trucks etc that are needed in our different stages of our family life cycle.

If we have to be limited by a number, THREE WATERCRAFT LIFTS would allow the single family residence to select the ones required for their personal water use!

Thank you for reading and listening.



W. Neal Karman

C 425 418 4299

wkarman@frontier.com

W.Neal Karman
1725 Vernon Rd
425 334 3983
wkarman@frontier.com

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Watercraft Lifts, Canopies, and Covered Moorage (see also regulation C.3.c.5)

30. Watercraft lifts **and** Watercraft canopies may be permitted as an accessory to residential development provided that:

- a. Watercraft lifts are movable equipment employed to temporarily lift watercraft above the water for protection and storage. Residential piers may have up to three watercraft lifts per single-family lot having legal ownership of the structure.
- b. Watercraft lift canopies (covers over the raised watercraft) must not be constructed of permanent structural material. The bottom of a watercraft lift canopy is elevated above the boatlift to the maximum extent practicable, the lowest edge of the canopy must be at least 4 feet above the ordinary high water mark, and the top of the canopy must not extend more than 8 ½ feet above the adjacent pier.
- c. Watercraft lift canopies must be made of fabric material.
- d. Any platform lifts are fully grated or open allowing light transmittance.
- e. The lifts and canopies comply with all other regulations as stipulated by State and Federal agencies.

Watercraft Launching Facilities

31. The maximum waterward intrusion of any portion of any launching ramp or lift station shall be the point where the water depth is six (6) feet below the ordinary high water mark.

32. Watercraft ramps are only permitted for public access, public or joint recreational uses, and emergency access. Any asphalt or concrete launch that solidly covers the substrate below the ordinary high water mark are not permitted accessory to private residential uses.

33. Launching rails are prohibited

ALL REFERENCE SHOULD SAY WATERCRAFT UNLESS DEFINING THE USE OF A PARTICULAR TYPE OF WATERCRAFT.

Definitions

Watercraft- is defined as “includes but not limited to—MOTORIZED BOATS, KAYAKS, CANOES, JET SKIES, FLOAT PLANES, ETC. for use in, on, or under the water.

Karen E. Watkins

From: Bruce Morton [bruce@byu.net]
Sent: Tuesday, November 22, 2011 10:01 AM
To: Becky Ableman; Karen E. Watkins
Subject: Proposed change to SMP

Becky and Karen,

I spoke last night at the City Council meeting about my objections to a part of the SMP. This email gives more details about my request and addresses a second issue that I did not have time to speak on. Please forward this to the City Council so they have time to review and consider it before the 4th reading next week.

I ask you to please change paragraph 15 on page 63 to state: ..."Covered moorage with no sides up to one per dock with dimensions no larger than a total of 240 square feet and maximum height of peaked roof at 8 1/2 feet above dock is allowed. ~~The structure shall have a peaked roof and flat roofs are prohibited.~~"

Specifying the shape of the roof is an aesthetic regulation and serves no ecological function whatsoever. The fish don't care about the shape of the roof. Homeowners should be free to design their covered moorage as they wish and within reasonable ecological guidelines.

My understanding is that there are two basic reasons for the prohibition of flat roofs.

1. Flat roofs can have extensions that go more vertical and can block views.
2. Flat roofs facilitate jumping into the water from high heights and that is not safe.

As I stated above, these are not ecological issues at all and don't belong in the SMP. If you wish to regulate blockage of views and safety concerns, do it in separate legislation. Also, both these reasons for restricting flat roofs are weak, and if you spend more than a couple of seconds thinking about it, you're actually making the situation worse.

I have 5 brief arguments against item 1 above. If your goal is to not block views, a flat roof is the best option. It doesn't take a rocket scientist to realize that a flat roof will block a lot less than a peaked roof...especially when you don't specify the maximum pitch. (A-frame boathouses will be all the rage on Lake Stevens :-). Second, it already states in paragraph 15 that the maximum height is 8 1/2 feet. If you're worried about railings or other extensions, the 8 1/2 foot limit takes care of that. Third, I heard some are concerned about chairs and tables on the flat roof. Anyone who is foolish enough to put furniture on their boat cover will soon find it blown into the lake. Mother nature will take care of that for you. Fourth, concerns about blocked views are self regulating because the person whose view is most affected, is the homeowner themselves. Why would someone build a monster boat cover and block their own view? Finally, I believe that disputes between neighbors about blocked views are best handled between the neighbors themselves. Having the city step in and force a one size fits all solution will not help.

With regard to jumping in the water from a flat roof...what makes you think people can't jump from a peaked roof? Isn't it **more** dangerous to jump off a peaked roof into the water? If the maximum height is only 8 1/2 feet above the dock, the eaves will not be lower than 6 feet. If the ridge line is down the middle and the roof is 10 feet wide, you're looking at a pretty standard pitch. That will not discourage anyone from climbing up and jumping off.

I can imagine homeowners will get around the flat roof restriction by making the pitch very shallow. Then, in 10-20 years, people will wonder why the boat covers on Lake Stevens look so funny. Answer: ill conceived city regulations.

If you're so concerned about safety, why not make it illegal to jump off boat covers into the water? You **know** that would not go over well. Then why are you trying to sneak it into an obscure provision of this environmental regulation?

Over water lighting

I have another issue that I didn't have time to mention. It has to do with paragraph 12 of page 62. I would like to request a minor change: "Continuous lighting associated with over-water structures shall be beamed, hooded or directed to avoid causing glare on adjacent properties or waterbodies. Illumination levels shall be the minimum necessary for safety. All

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continuous lights shall be shielded and light directed to prevent directly lighting the water surface and light shining toward the uplands."

I would like to make this regulation only apply for lights that are on continuously. Motion sensor lighting is very useful for safety, security, and pest control. I have a motion sensor light on my dock and it only activates for 1-2 minutes. I have it there primarily to scare off otters that tend to use my boat and dock as a latrine. Ever since I have installed the light, the problem is almost completely gone. Also, we have had things stolen from our boat at night. A motion sensor light helps prevent theft.

Thank you for taking the time to consider these minor changes.

Bruce Morton
11222 Vernon Rd, Lake Stevens
425-232-2222

Karen E. Watkins

From: Becky Ableman
Sent: Tuesday, November 22, 2011 10:34 AM
To: Karen E. Watkins
Subject: Fw: Property concerns that need to be addressed

Fyi- we can include this in the packet as public comment.

Rebecca Ableman
City of Lake Stevens
Planning Director
(425) 377-3229

From: lake22@comcast.net [mailto:lake22@comcast.net]
Sent: Tuesday, November 22, 2011 10:26 AM
To: Becky Ableman
Subject: Re: Property concerns that need to be addressed

Thank you for your timely reply and for the information that was given at the public meeting last night. I am concerned with the non-conforming area of the SMP. It appears to be vague and leave a huge black hole for interpretation depending on who is reading the document. I would like to make sure there is specific language included to protect the property owner who has followed the regulations, who has permitted structures; the property owners who have followed the rules that were in place at the time of construction, and completion should not be penalized in this SMP. It will place an undue financial burden to those property owners, is that the purpose of this document?

I am very concerned is there a potential conflict with two departments in the DOE that oversee my water rights. What specific language will protect my rights; or the rights of other property owners that have complied to the regulations that were in place at the time of construction and completion. I am concerned that there seems to be a penalty for the law abiding lake owners. I know there are many structures that have not been permitted and I agree that if that is the case they should comply with the current rules and permits in place at the time of upgrade or new construction.

If the attorney General is aware of this issue and has not found there to be a concern I request that you outline what information was used in reaching this conclusion? Is there other potential language in this SMP that may negate that conclusion? Will the non-conforming section affect the future of my property in any way? If I understand the information you have provided me is it true that my rights will be addressed under the Utilities (Accessory) section that you included in your e-mail. It states that "Accessory utilities do not carry significant capacity to serve other users and are considered a part of primary use. They are addressed in this section because they concern all types of development and have the potential to impact the quality of the shoreline and its waters." If that is true is there another section in the SMP that will affect a future non-conforming section for the individual property owner? I request that you include specific language in the SMP to protect the possibility of future repair to my property and my future property rights as well as other property owners that have permitted projects. Where in this document are my specific rights outlined and considered? Can you please specifically outline them for me? Should I be concerned that there are 2 departments and the Attorney General; that will be over seeing those individual property rights, along with the City and the DOF? I would request that the future rights of the citizens that have complied with the permits, rules, and the limitations in place at the time of project completion be protected with specific language in this SMP and that those potential non conforming applications be protected. I would request that the parties involved in the language of this SMP, address those possible non-conforming issues in this SMP document?

Thank you for you assistance with the concerns of potential non-conforming property owners. Those

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that have complied with regulations, permits, etc. which were in place at the time of permitted construction, I request that language be included to protect the so called grand-fathered property owners in this document.

We love the lake and want to be good stewards of the lake, however we should not be penalized for complying with all codes in affect at the time our projects were completed.

Thank you for addressing my concerns.

Respectfully yours;

Karol Kottsick

From: bableman@lakestevenswa.gov

To: lake22@comcast.net

Cc: kdaughtry@lakestevenswa.gov, ndooley@lakestevenswa.gov, jspencer@lakestevenswa.gov, msomers@lakestevenswa.gov, squigley@lakestevenswa.gov, kholder@lakestevenswa.gov, mtageant@lakestevenswa.gov, vlittle@lakestevenswa.gov, kwatkins@lakestevenswa.gov, jberg@lakestevenswa.gov

Sent: Monday, November 21, 2011 12:00:16 PM

Subject: RE: Property concerns that need to be adressed

Dear Karol,

You asked a good question regarding water rights that had not been brought up before. Staff did research of State law and spoke with the Washington Department of Ecology. Water rights are a completely different issue from the Shoreline Management Act. Ecology does oversee both, but they are managed in different departments. Where they cross is that the Shoreline Master Program (SMP) needs to allow a property owner with water rights to get that water from the lake or stream and to their house or other portion of their property. The State Attorney General is aware of these two issues and has not found there to be a concern.

The Proposed SMP has a section on accessory utilities, which would include getting water from the lake to your property. It would be treated the same as any other accessory utility including domestic water, sewer, electricity, etc. I've included the section from the SMP at the bottom of this email. If you need to replace your water pipe in the lake now or after the SMP has been adopted, then you would need a Hydraulic Permit Approval from the Washington Department of Fish and Wildlife, the same as any other type of construction in or over water. From the City, you may need a shoreline permit or an exemption letter based on cost of construction and type of work, and possibly a right-of-way permit if you need to go under the road.

In summary, the proposed SMP does not affect your water rights as you have described them. Under current code and the proposed SMP, you may need permits from the City and/or Fish & Wildlife depending on the type of work you propose, but you retain your rights to use lake water.

10. Utilities (Accessory)

a. Applicability

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

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b. Policies

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

c. Regulations

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

Please let us know if you have any further questions. As you may be aware, the City Council is holding a Public Hearing this evening at 7 pm and another hearing on Monday November 28th also at 7 pm.

Becky

Rebecca Ableman
Planning and Community Development Director
1812 Main St.
PO Box 257
Lake Stevens, WA 98258
Phone (425) 377-3229
Fax (425) 212-3327

From: lake22@comcast.net [mailto:lake22@comcast.net]
Sent: Friday, November 18, 2011 12:26 PM

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To: Becky Ableman

Cc: Kim Daughtry; Neal Dooley; John Spencer; Mark Somers; Suzanne Quigley; Kathy Holder; Marcus Tageant; Vern Little

Subject: Property concerns that need to be addressed

Ms Rebecca Ableman;

This e-mail to alert you and the City of Lake Stevens to my concerns with the draft of the comprehensive plan you are currently working on. I would request that you as a City representative work to protect my property during this process; I would also request that you advise me what I should do to protect our rights before the December dead line please outline in detail.

We have a Geo-thermal heat pump (our only source of heat); and our organic garden is supplied by lake water; we have permitted water rights. Please advise me what specifically is required to protect these rights; please outline in detail the best course of action for me to insure that my specific situation is addressed during this process. I am asking the City to protect my future property rights. I am happy to work with the City and the Council to address my property and look forward to a prompt response in this matter outlining the best course of action. I am also asking that the city council offer their assistance in protecting my property rights.

Thank you in advance for your direction and leadership.

Respectfully yours;

Karol Kottsick

Lake Stevens 2011 Shoreline Master Program Update - Responsiveness Summary

(Questions have been taken from written and verbal testimony. Entire documents are listed at the bottom and attached to Summary)

#	Person/Group	Where	Issue (from Public Testimony)	City Response
A1	Urban Concepts LLC	Letter for Planning Commission Public Hearing 5/4/11	One of the overarching guidelines prescribed by the state is that each jurisdiction needs to define, for itself, “no net loss of ecological function”. This language should be carefully considered with reflection on the way the city wants to utilize and preserve its shoreline areas.	Shoreline Citizen Advisory Committee (CAC) was established to set the parameters for the Lake Stevens SMP under the SMP guidelines and State law. The CAC met six times to guide staff and consultants through the draft stage of the SMP as well as three public open houses were held.
A2	Urban Concepts LLC	Letter for PC PH 5/4/11	We also ask that the city consider whether or not it has been adequately shown that the existing land and shoreline use pattern is negatively affecting the fisheries, aquatic life and wildlife around Lake Stevens.	Studies of similar shorelines have shown certain shoreline modifications (e.g. piers and bulkheads) and uses (e.g. parking), to be detrimental to shoreline ecological functions, including aquatic and terrestrial species. Lake Stevens is an urbanized lake with little existing native vegetation and natural shorelines. The long-term vision is for a healthy lake into the future, so minimizing additional degradation is important.
A3	Urban Concepts LLC	Letter for PC PH 5/4/11	In the case of the SMP updates, the word “should” has been defined to mean “required”. Traditionally, words such as “should” and “may” were discretionary in nature. “Shall”, “will”, “required” were reserved for obligatory items. When the Council is reading through these proposed amendments, it is important to note that things you might have previously considered to be “optional” are now hard and fast requirements. We would recommend revisiting the language on many of the requirements to evaluate whether or not it is the intention of the City to require such a high standard in every case.	The WAC clearly defines ‘should’ and ‘shall’ and the policies and regulations in this SMP have been written based on those definitions.
A4	Urban Concepts LLC	Letter for PC PH 5/4/11	4.C3.c.21.: Neither of the cities of Renton or Redmond’s plans includes the requirement for a “grated” surface on decking materials for docks and piers. They allow for alternative materials that will provide a minimum of 50% light passage. Consider allowing other options rather than a narrowly defined construction standard. The use of the term “grated surface” leads most people to believe that the materials that must be used is some form of metal grating. This is not the intention of the state guidelines. The intention is to allow light penetration to the waters below, without limiting construction material choice in such a narrowly defined way. Broad allowance of material types, as long as they can be shown that they do not adversely affect water quality, aquatic plants and animals over the long	The Lake Stevens SMP documents use a requirement of 60 percent light penetration. Staff has proposed new language to allow for other options that meet the same light penetration requirement rather than limiting it to grating by replacing the “grating” requirement and simply using “Decking shall allow for a minimum of 60 percent ambient light transmission.” The use of “ambient” would be important in this context, as many materials, including etched glass or Plexiglas, may not transmit the full amount of light available.

Lake Stevens 2011 Shoreline Master Program Update - Responsiveness Summary

(Questions have been taken from written and verbal testimony. Entire documents are listed at the bottom and attached to Summary)

#	Person/Group	Where	Issue (from Public Testimony)	City Response
			term, meets the intentions of the state guidelines.	
A5	Urban Concepts LLC	Letter for PC PH 5/4/11	4C. 3.c.21.: The city of Redmond does not require dock widths to be reduced for the first 30' as is proposed in Lake Stevens. Redmond's plan has been accepted and approved by the DOE. Instead, Redmond identifies a maximum "water surface coverage" ranging from 20-25% of the water area as defined by specified "water lot boundaries". Consider an alternative such as this. Redmond allows piers and docks up to 6 feet in width. Floats can be up to 10' in width. There are no "grating" or "planting" provisions required by Redmond (or the DOE) in order to obtain the 6 foot width.	Every jurisdiction must determine the best way to reach No Net Loss for their shorelines. Based on discussions with CAC and public open houses, the 4-ft wide docks with grating in the first 30 feet was selected as one part of the analysis.
A6	Urban Concepts LLC	Letter for PC PH 5/4/11	4C. 3.c.21: The requirement to plant trees a minimum of 15 feet in height is onerous, at best. This is an extremely expensive tree to obtain. It is unduly difficult to move and place a tree of that size, and it can be argued that the impact to the shoreline caused in the digging of an adequately sized hole, using large equipment to locate the tree is disproportionate to the benefits of such a large specimen. Consider requiring evergreens approximately 5-6 feet in height at the time of planting.	This incentive was removed from the SMP in the Final Draft Document posted for review during the Local Adoption Process.
A7	Urban Concepts LLC	Letter for PC PH 5/4/11	4C.3.c.3.: We would like to suggest that language be added to this section relating to repair, maintenance or replacement of existing features that might not comply with the dimensional standards of this updated master program. In a case where a property owner proposed to replace a section of a seven foot wide dock, it could be found that this section would apply and that a formal variance process might be required. The city's intention is not clearly stated with the proposed language.	This section is only for new private docks, so the word "new" is proposed to be added before "private dock."
A8	Urban Concepts LLC	Letter for PC PH 5/4/11	4C. 3.c.7.: It appears that the intention of this language is to require that fingers and ells be located a minimum of 30 feet waterward of the OHWM. The second sentence in this section clearly states that. The first sentence does not add any value to that requirement and only serves to raise questions and inserts	The first sentence will be removed and 'floats' is proposed to be added to the second sentence, so it reads: "All floats, ells, and fingers must be at least 30 feet waterward of the OHWM."

Lake Stevens 2011 Shoreline Master Program Update - Responsiveness Summary

(Questions have been taken from written and verbal testimony. Entire documents are listed at the bottom and attached to Summary)

#	Person/Group	Where	Issue (from Public Testimony)	City Response
			ambiguity into the regulation. Are handrails on piers allowed within 30 feet of the OHWM? Does the first sentence restrict construction to only piers and ramps landward or waterward of the OHWM? We respectfully recommend eliminating this first sentence.	
A9	Urban Concepts LLC	Letter for PC PH 5/4/11	4C.3.c.12.: Is it the intention of the city to require that applicants be required to provide a lighting report or study to show how the proposed lighting meets the maximum requirement of “no more than 1 footcandle measured 10 feet from the source”? Other jurisdictions have received approval from the DOE without including such a specific standard.	Applicants do not have to provide a lighting report. The applicant is required to show that the type of light to be used will meet the requirements. Footcandle specifications are included in the material provided when purchasing a new light.
A10	Urban Concepts LLC	Letter for PC PH 5/4/11	4C. 3.c.18.: In order for a property owner to construct a new private dock, the language proposed requires them to “demonstrate a need for moorage”. What evidence must a property owner provide to meet this standard?	Because the WAC clearly states that “a dock associated with a single family residence is a water-dependent use provided that it is designed and intended as a facility for access to watercraft” (WAC 173-26-231(3)(b)), the property owner must show that the dock is needed to moor a watercraft. The applicant should be able to show that they currently own a watercraft or are intending to purchase a watercraft.
A11	Urban Concepts LLC	Letter for PC PH 5/4/11	4C. 3.c.22.: Consider adding language that allows existing private pier or dock to be “replaced up to 100% of the size (square footage and dimension) of the existing pier or dock”.	Recommended change is proposed to the SMP document with specific requirement added of a maximum of 6 foot width within the first 30 feet.
A12	Urban Concepts LLC	Letter for PC PH 5/4/11	4C. 3.c.23.: Consider allowing the expansion of a non-conforming pier or dock subject to a Shoreline Conditional Use Permit. There might be cases where an applicant can modify a non-conforming dock in a manner that reduces its impact and might warrant allowing an expansion. These situations can be reviewed on a case-by-case basis and will receive a thorough environmental review.	Because this is expanding a nonconforming use, the applicant has to go through a shoreline variance process. Through the shoreline variance process, the applicant would have the opportunity to show how the expansion reduces its impact.
A13	Urban Concepts LLC	Letter for PC PH 5/4/11	4C. 3.c.28.: This section would require any property that currently includes two or more legal piers or docks greater than 6 feet in width to entirely remove one if ANY pier support piles need to be replaced. This seems like an extremely inflexible standard, for existing legal shoreline uses.	This is correct, one dock would need to be removed if one of the docks needed to be repaired, because it would be considered a nonconforming use and is consistent with the vision, goals and policies for the lake.
A14	Urban Concepts LLC	Letter for PC PH 5/4/11	Helipads are specifically allowed in the Single Family Residential shoreline environments in Renton. Renton has generous provisions for “existing non water-dependent uses”	Helipads have been discussed by the CAC and at public open houses. Each jurisdiction determines the uses allowed in each environment designation and zone.

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			including the ability to retain and expand under certain terms and criteria.	
A15	Urban Concepts LLC	Letter for PC PH 5/4/11	4C2 Bulkheads Consider allowing an applicant to provide a biological inventory to support a new bulkhead, even if the geotechnical criteria cannot be met. If an applicant can prove, through scientific evidence, that a proposed bulkhead will not adversely affect fisheries, aquatic life and wildlife, then it should be considered for approval. Fundamentally, the state guideline merely requires no net loss of function and values. If this can be shown by a property owner then the project should be allowed to go forward.	The WAC clearly states that “Structural shoreline modifications are only allowed to protect a primary structure or legally existing shoreline use.” (WAC 173-26-231). If the geotechnical criteria cannot be met, then there should be no need for a new bulkhead.
A16	Urban Concepts LLC	Letter for PC PH 5/4/11	4C2 Bulkheads As we have stated before, one of the fundamental parameters of this shoreline amendment process, as outlined by the state, is to maintain No Net Loss to the shoreline environment. With this being the focus, it is hard to understand why the city would not elect to allow existing bulkheads to be replaced by a new bulkhead built directly adjacent to the existing one. This work, appropriately constructed, is unlikely to result in any net loss of function to the shoreline ecosystem. Consider allowing such replacements to occur on this basis.	The WAC clearly states: “Replacement walls or bulkheads shall not encroach waterward of the ordinary high-water mark or existing structure unless the residence was occupied prior to January 1, 1992, and there are overriding safety or environmental concerns. In such cases, the replacement structure shall abut the existing shoreline stabilization structure.” (WAC 173-26-231(3)(a)(iii))
A17	Urban Concepts LLC	Letter for PC PH 5/4/11	5.c.8.b.1: The definition of “should” within this proposed ordinance means “shall”; therefore, this section prohibits all residential development within critical areas without benefit of any kind of reasonable use process. This provision could result in the city facing situations of takings of private property rights. Consider alternative language and/or the inclusion of a reasonable use allowance.	This is a policy and not a regulation. Ecology’s comments on the SMP reasonable use exception was that it was not consistent with the SMP Guidelines and should require a Shoreline Variance.
A18	Urban Concepts LLC	Letter for PC PH 5/4/11	Redmond has a 35’ residential setback from lakes and 60% lot coverage allowance. Consider allowing a reduced building setback in situations where an applicant is willing to make shoreline improvements that provide a net increase and/or mitigates its impact upon function and value to fisheries, aquatic	No changes are proposed to existing setbacks from the lake or lot coverage of 40 percent per residential lot is consistent with citywide regulations and therefore supports the unique “landscape” of the community and the comprehensive protection approach.

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			life and wildlife.	
A19	Urban Concepts LLC	Letter for PC PH 5/4/11	5.c.8.c.2: This would prohibit a property owner from having a patio within 60 feet of the OHWM. Specifically, it would prohibit an existing homeowner from converting an existing lawn or graveled patio to concrete if it is within 60 feet of the OHWM. Consider language that allows for some kind of mitigation in exchange for work within the 60 foot.	See incentive in SMP section 5.c.8.c.2.c & d and 3 to add native vegetation for increased impervious surface or to add a deck on the lake.
A20	Urban Concepts LLC	Letter for PC PH 5/4/11	What percentage of existing homes on Lake Stevens are currently located a minimum of 60 feet from the OHWM? How many non-conforming uses are created by this setback requirement?	No changes are proposed to the existing critical area buffer or building setback from the lake. They are remaining consistent with current critical areas regulations. Table 6 in the Cumulative Impacts Analysis shows average setbacks for the north shoreline at 98 feet, east shoreline at 103 feet and west shoreline at 64 feet. For our analysis, we looked at three 50-lot sample areas. Within these samples, 54 out of 150 parcels have structures less than 60 feet from OHWM, i.e. 36%.
A21	Urban Concepts LLC	Letter for PC PH 5/4/11	The city of Renton has building setbacks ranging from 25-45 depending upon the lot depth. And a vegetated buffer of 10-20 also depending upon the depth of the lot. They also make provisions to allow a property to make improvements to the site that will reduce the setback to a minimum of 25 feet. Buffer width averaging is also allowed. Consider adding provisions such as these.	See Response A19 above.
A22	Urban Concepts LLC	Letter for PC PH 5/4/11	Nonconforming Uses (Chap 7G) It is clear from the City's Inventory Analysis and Cumulative Impacts Analysis that over 80% of the existing shoreline along Lake Stevens is currently developed. This is an important factor to consider when updating the Master Program and increasing the standards to which development must comply. Consider an analysis of the existing land and shoreline uses to determine what percentage of existing shoreline development will become "Non-conforming" under the proposed plans. With such a significant percentage of properties that may be affected by the nonconforming standards, it is our recommendation that greater attention be given to this particular section.	The SMP is using State nonconforming regulations from Washington Administrative Code 173-27-080 to be consistent with the Shoreline Management Act.

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			Neither Renton nor Redmond include “legally permitted/conforming” language in their updates. This kind of language creates all kinds of difficulties in determining a process or clear standard to “prove” something was legally permitted. The existing language requires that if an existing nonconforming is use is “moved any distance”, it must meet all the current SMP provisions.	
A23	Urban Concepts LLC	Letter for PC PH 5/4/11	Nonconforming Uses (Chap 7G) In the case of a dock/pier, for example, if in the normal maintenance and repair of that structure, you need to install a new pile directly adjacent to an existing pile in order to replace it, it could be interpreted to require that the entire dock/pier now come into full SMP compliance.	See 4.C.3.c.25-29 which allows for repair of existing docks.
A24	Urban Concepts LLC	Letter for PC PH 5/4/11	Public Access 3B Public access has not been required by either the city of Renton or the city of Redmond for projects creating fewer than 10 new residential units. This differs from the city’s proposal to require some form of public access for any project creating three or more residential units (7.b.1.a)	This subsection is policy for these types of units. Regulations are located in 7.c.1 and is for greater than 4 lots, which is consistent with WAC 173-26-221(4)(d) in the Shoreline Management Act.
A25	Urban Concepts LLC	Letter for PC PH 5/4/11	Public Access 3B The regulations allowing mitigation payments in lieu of public access do not define an amount or how that will be determined and by whom. It is my understanding that the only legal mechanism for governments to collect mitigation fee payments is when they have a capital facilities plan that specifically identifies a project and cost for which the mitigation fee is to be collected and assigned. Does the city have a capital facilities plan for public access to shoreline environments? (7.c.3.)	While the City does not currently have a capital facilities plan for public access to shoreline environments, the City would like to keep the flexibility of the fee-in-lieu option. That way, if a capital facilities plan is adopted in the future, applicants would be able to take advantage of this option.
A26	Urban Concepts LLC	Letter for PC PH 5/4/11	Public Access 3B The language contained within regulation number (7.c.4.) is vague and extremely subjective. There is no standard to which this regulation can be applied. “Shoreline substantial development...shall minimize impact to public views	We will remove this as a regulation and add it as a policy.

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			of shoreline waterbodies from public land or substantial numbers of residences.” What constitutes “minimized” impact? How many is a “substantial number” of residences? “Shall minimize” is obligatory language that cannot be quantified.	
A27	Urban Concepts LLC	Letter for PC PH 5/4/11	Public Access 3B Do public access sites have to be connected to public streets or rights-of-way via public easement or via public rights-of-way? (7.c.6.) Can the lands associated with these public access areas still be used in the determination of lot/unit yield within a development? The city should consider allowing the areas set aside for public access to be used in a lot size averaging calculation. This would encourage developers to set aside the best and most useful areas for public access without “losing” lot yields in the process.	Yes, an easement or right-of-way would have to be recorded. The connection would need to meet the requirements of the Engineering Design and Development Standards and the Subdivision code (Chapter 14.18 LSMC). The Lake Stevens Municipal Code allows these easements to be included in determination of lot/unit yield or lot size averaging.
A28	Urban Concepts LLC	Letter for PC PH 5/4/11	Public Access 3B There is no definition of the “minimum width of public access easements. This needs to be clearly defined. (7.c.9.)	Access requirements are covered in the Engineering Design and Development Standards. For public access it requires at a minimum to meet Americans With Disability (ADA) Act requirements of 5 feet width. No change was made to SMP.
B1	Futurewise, People for Puget Sound & Pilchuck Audubon Society	Letter for Planning Commission Public Hearing 5/4/11	Lakes and ponds are designated as a fish and wildlife habitat area under “waters of the state,” and classified using the WAC 222 water typing system (which is not limited to only streams). Please note that “waters of the state” are not defined in WAC 222, so the reference and how it is used needs to be described differently. Also the listing for waters planted with game fish references a WAC that does not exist.	Yes, you are correct and the City will propose updates to the references in state regulations.
B2	Futurewise, et.al.	Letter for PC PH 5/4/11	Streams are classified according to WAC 222 in one standard, but then there are details for each stream type that do not match WAC 222. Presumably the details in the SMP are to replace those of the WAC, but this is not stated. We recommend this be clarified.	Yes, the City will propose clarification.
B3	Futurewise, et.al.	Letter for PC PH 5/4/11	A clear statement that existing native vegetation within the buffer must be protected needs to be included, and is described more in our guidance document. While indirect statements might be construed to accomplish this, it needs to be stated in an	See Response to B9

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			explicitly clear manner. This can be done for individual critical area buffer requirements, or as a general statement for all buffers.	
B4	Futurewise, et.al.	Letter for PC PH 5/4/11	Almost all activities are allowed in fish and wildlife conservation areas, since they include “activities listed in this SMP.” As our guidance document describes, development in a buffer should be limited to uses and activities that are water-dependent and water-related - but not water-enjoyment and non-water-oriented. Specifically, this means those needing a location in or near the water; including some, but not all recreation; and including physical public access to water, but not just walking paths or viewpoints (which don’t need to be immediately on the water).	See Response to B9.
B5	Futurewise, et.al.	Letter for PC PH 5/4/11	There are no buffers for Type 4 wetlands, thus all activities can take place immediately adjacent to them. In addition, the wetland standards allow substantial impacts and elimination of these wetlands. This plans for a loss of ecological functions provided by wetlands. We recommend a 50 foot buffer for Type 4 wetlands.	Buffers are being added in response to Ecology’s comments.
B6	Futurewise, et.al.	Letter for PC PH 5/4/11	Buffers can be reduced based on intervening development. We have observed many cases around the Puget Sound where there is water-front development, but substantial habitat vegetation exists landward of it. These areas still need protection. The standard needs clarification that wildlife habitat functions provided by remaining vegetation shall not be eliminated. Rather, such reductions need to be contingent on absence of intact vegetation.	The proposed standard set forth meet the Washington Department of Ecology’s expectations for regulatory protection as shown by their comments on review of the SMP in the SMP Checklist dated May 7, 2011.
B7	Futurewise, et.al.	Letter for PC PH 5/4/11	Appendix section 3E regarding mitigation only discusses dedication of land or easement as avoidance, but it also seems to be used for compensation. Dedication of land does not compensate for impacts – it only potentially prevents future undefined impacts on certain areas, which should have been required anyway. Compensation for the impacts of the development still needs to be required to ensure no-net-loss of	See Response to B6.

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			functions. In addition, there is no requirement that intact vegetation be present in the dedicated area – thus the dedication is treated as mitigation when no mitigation for impacts is actually happening.	
B8	Futurewise, et.al.	Letter for PC PH 5/4/11	The absence of intact vegetation needs to be addressed more broadly in the buffer system. As our guidance document describes, meeting a buffer that is degraded does not prevent impacts. New development that is adjacent to a degraded buffer needs to enhance that buffer so it is capable of actually performing buffering functions.	See Response to B6.
B9	Futurewise, et.al.	Letter for PC PH 5/4/11	As described in our guidance document, almost all development has impacts – especially development using small buffers. Thus there needs to be explicit compensatory mitigation requirements in the regulations. Mitigation 2G seems to be a good start, but it needs a more explicit statement at the beginning that “compensatory mitigation shall be provided for all projects, except for restoration projects, and similar projects that the administrator determines will have no impacts to ecological functions.”	Amendments will be proposed based on and to meet the expectations of Ecology’s review comments in the SMP Checklist dated May 7, 2011.
B10	Futurewise, et.al.	Letter for PC PH 5/4/11	To provide specifics for compensatory mitigation in the context of buffers, we recommend that a minimum revegetation standard be added. This can take different forms. The City of Kirkland required all new development (including expansions) to plant a 10-foot buffer width on 75% of the shoreline frontage. The City of Issaquah draft SMP provides a detailed method of enhancement triggered by different stages/intensities of new development. Another method that could supplement the incentives (meaning in addition to them) would be a 1 sq. ft. enhancement requirement each sq. ft. of new development, capping the enhancement at the size of the buffer. This kind of provision ensures that impacts will be compensated for so new development can be accounted for correctly in the cumulative impacts analysis.	See Response B9.

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B11	Futurewise, et.al.	Letter for PC PH 5/4/11	While we may have missed it, we could find no description of the scientific basis for the use of the proposed buffer system. The SMA requires the use of current, up-to-date science, similar to the best available science requirement in the Growth Management Act. We recommend justifying the buffer system in the context of buffer science, and recommend using the scientific citations provided in our guidance document. We also recommend providing a policy basis for not using a science-based buffer system, as described in our guidance document.	As guided by Ecology, we are proposing requirements consistent with Ecology's "Wetlands & CAO Updates: Guidance for Small Cities, Western Washington Version" dated January 2010.
B12	Futurewise, et.al.	Letter for PC PH 5/4/11	In reviewing the Cumulative Impacts Analysis, it appears that it does a good job of describing the protection measures, but it is vague in describing the impacts allowed by the gaps in the SMP, and by the special allowances in the SMP. The effective result is a "Cumulative Protection Analysis," but not a "Cumulative Impact Analysis." We recommend supplementing the CIA with a more careful assessment of the <u>impacts</u> that the SMP will allow.	Changes in Land Use per environment designation are detailed in Tables 1 and 2 of the Cumulative Impacts Analysis (CIA), likely development and the corresponding affect on functions is qualitatively discussed in Table 5, and a quantitative assessment impacts from specific shoreline modifications and uses is provided in Section 6.
B13	Futurewise, et.al.	Letter for PC PH 5/4/11	Some of the requirements in the Shoreline Master Program Guides require certain actions. For example, WAC 173-26-186(8)(b) provides that the "shoreline master program shall include policies and regulations designed to achieve no net loss of those ecological functions" within shoreline areas. So the policies implementing this requirement must be shall policies. However, the policies all use should. We recommend that policies implementing mandatory requirements use shall to meet these requirements.	The word should is used in the Policies because a policy is a directive, not a requirement.
C1	Kristin Kelly, Futurewise, People for Puget Sound & Pilchuck Audubon Society	Planning Commission Public Hearing 5/4/11	Policy uses 'should' not 'shall' throughout the document and that needs to be changed to 'shall'.	See Response A3.

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C2	K. Kelly	PC 5/4/11	Small Buffers options should be based on Buffer Science. (Submitted “Recommendations on Shoreline Buffer Options that Work with Buffer Science”)	As guided by Ecology, we are proposing requirements consistent with Ecology’s “Wetlands & CAO Updates: Guidance for Small Cities, Western Washington Version” dated January 2010.
D1	Brad Nysether	Planning Commission Public Hearing 5/4/11	Did not see anything addressing existing structures. If a new homeowner buys a property with existing non-conforming structure are they responsible for restoration and is there a process, a way for new property owners to know that.	Restoration or native vegetation plantings would only be required if the property owner was going to redevelop, expand, or repair beyond a certain threshold. If a homeowner buys a property with existing nonconforming structures, but does not intend to redevelop, expand, or significantly repair the structure, then the restoration requirements of this SMP would not apply.
D2	B. Nysether	PC 5/4/11	I know this is supposed to improve the shoreline but found it contradictory that the goals and policies are to improve economic activity in shoreline, public access; private use by clustering. Somewhat one sided, like planting trees within 20ft to get more dock space but what about the people whose properties already have numerous large trees on it or natural vegetation on it.	The Shoreline Management Act emphasizes accommodation of appropriate uses that require a shoreline location, protection of shoreline environmental resources, and protection of the public's right to access and use the shorelines. The regulation that allows wider docks by planting trees has been removed from the SMP.
D3	B. Nysether	PC 5/4/11	Haven’t seen anything about real public education, like what boat wakes do, how people walking on shoreline effect it, it’s all about the property owner.	Chapter 3 Section B.12.b.7 does address public education in terms of water quality. Public education is very important, however, because this SMP primarily deals with regulating land uses on shorelands, public education is not really in the scope of the SMP. This type of public education and outreach will be provided by the City as implementation of the SMP approved by Ecology.
D4	B. Nysether	PC 5/4/11	Read about short docks and long docks, now docks can be a maximum of 200ft, I had a dock of 110ft long and I thought that was long. I could see that being a potential boating danger, driving around at night and hitting the dock. Doesn’t a dock that long have to be lighted?	The first limit to dock length is to extend to attain 5.5 feet water depth. The second limit is 200 feet in length. Currently, some docks are up to 150 feet or a little longer. However, the SMP is in place for many years, so in the future, if deposits of sand continue in some areas of the lake, some people may need to increase the length of their dock to reach the 5.5 foot depth. A regulation could be added to City land use code in the future requiring docks to be lighted if they reach a certain length if this becomes a safety concern, but it may not need to be in the SMP.
D5	B. Nysether	PC 5/4/11	Want to know how the new rules for floating docks and inflatable will be enforced are there going to be police driving around issuing tickets.	We will be educating the public on the final regulations approved by Ecology and adopted by the City Council. The City works with residents on any issues not meeting code before starting a code enforcement process. If something does not meet new rules, the property owner is contacted and asked to meet the requirements. Often, a property owner isn’t

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				knowledgeable about the regulations.
D6	B. Nysether	PC 5/4/11	It sounds like listening to this tonight based on the information here this document is still not complete so how can you rule on something that is not completed.	The document is complete except for a final decision on whether 8 foot wide docks will be allowed by Ecology and Fish & Wildlife and a few subsections of Appendix B. So the documents in front of the Planning Commission could have a few minor changes based on final discussions with Ecology.
E1	Angela Larsh, Urban Concepts LLC for Rich Mietzner	Planning Commission Public Hearing 5/4/11	Is it necessary to take these huge steps in dock widths and materials and setbacks and all these things in order to maintain the existing conditions? (Submitted four sections of code from other SMPs: 2 sections from Lake Sammamish on Setbacks; and 2 sections from Redmond on Docks and Shoreline Modifications)	Ecology requires dimensional criteria to be clearly described in the SMP. Specifically, Ecology looks for dock dimensions (especially in the nearshore area) and building setbacks. This applies to new development, but also those lots which are already developed with structures and/or shoreline modifications.
E2	Angela Larsh	PC 5/4/11	There is also some semantic issues that happen when putting these documents together, for example when I read grating is required. When I hear the word grating I picture a metal grate. There are lots of things that can meet that, we ask that don't narrow technology don't restrain people to one kind of material. There are lots of things that can be thought of, as long as the function can be met, the goal is for light to meet the water.	See response to A4.
E3	Angela Larsh	PC 5/4/11	Bulkheads, the replacement of bulkheads - If someone already has a bulkhead and they want to simply replace that by putting a new one behind it, I have a really hard time seeing that there is a real net loss impact by doing that. I think there maybe some short term construction mitigation that needs to be done but in the long run there is not a lot of impact overall by replacing that feature.	Existing bulkheads can be replaced if they are needed to protect primary structures from erosion caused by currents or waves and a nonstructural measure is not feasible. Following the mitigation sequencing laid out in Chapter 3 Section B.4, the property owner must first avoid (so if it isn't necessary, then not allowed), then minimize (if it is necessary, make it the minimum size necessary).
E4	Angela Larsh	PC 5/4/11	...new regulations for setbacks, so 114 of those 183 parcels counted did not conform. In my world to create a new regulation that has the majority of properties that already don't comply with it is problematic, that is asking for trouble. All those properties owners are now nonconforming and their properties are being restricted in a very meaningful way.	No change to regulations for current critical area buffers or building setbacks to the lake are proposed, so there will be no new properties becoming nonconforming in regards to setbacks.

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F1	Rich Mietzner, Resident	Planning Commission Public Hearing 5/4/11	60 ft from the water and 20ft from the road leaves you with 20ft, the language is flawed and it effects too much real estate, we must correct it before it moves on. If we are going to create legislative then it needs to work for the majority of the people, we need to put the time in to make it work.	No change to regulations for current critical area buffers or building setbacks to the lake or setbacks from road rights-of-way is proposed, so there will be no new properties becoming nonconforming in regards to setbacks or roads.
F2	R. Mietzner	PC 5/4/11	Small item that keep resurfacing is the first 30ft, it's just nineteen houses. It seems simple to me, we looked at other municipalities and they didn't drop the first 30ft down to 4ft... If you have kids running up and down a dock this is to narrow. If other municipalities recently got it approved by DOE, then we can't allow the Makers guy tell us it that DOE won't let it happen. It must be changed it's a safety issue, all the people in the Advisory Board meeting raised their hands and said this needs to be changed and the document has not been updated.	Ecology has continued to point out that as the lake is a critical area, we must first try to avoid, then minimize and then mitigate impacts to the lake. The four foot width for new docks is minimization. The allowance for existing docks to go to six feet and the requirement for grating in all docks in the first 30 feet is mitigation for the overwater structure. Please see Ecology's comments to the City(attached). The Army Corps of Engineers General Permit #3 (attached) covers new and modified overwater structures and pilings in Lake Washington, Lake Sammamish, Sammamish River and Lake Union. It clearly states 4 ft width on docks as well as grating of 60% open area. The Corps permit is required in these areas like the JARPA is required for over and in-water work in Lake Stevens.
F3	R. Mietzner	PC 5/4/11	Bulkheads – If 80% is already bulkheads, then if the goal of DOE is no net less then we need something more than what is in here. No one changes 50% of their bulkhead over 5 years, if it needs to be repaired then it needs to be done. If the bulkhead is already there and it is damaged then they should be able to replace it.	Existing bulkheads can be replaced if they are needed to protect primary structures from erosion caused by currents or waves and a nonstructural measure is not feasible. Following the mitigation sequencing laid out in Chapter 3 Section B.4, the property owner must first avoid (so if it isn't necessary, then don't know allowed), then minimize (if it is necessary, make it the minimum size necessary).
G1	Douglas Bell, Resident	Planning Commission Public Hearing 5/4/11	Testimony follows submitted materials related to helicopters. Also providing testimony for neighbors Burgoyne, Powell, Kosche, Martin, Molenkamp, and Barnet. Opposed to sections authorizing helicopters landings, takeoffs and storage on docks, piers or other over-water structures...Want prohibition of helicopters utilizing over-water structures...inherently dangerous to public health and safety.	Staff talked with Kris Kern, Federal Aviation Administration (FAA) Inspector, FAA Seattle Flight Standards District Office regarding the use of helicopters on a lake and landing on a private dock. If the helicopter is approaching and departing the dock over water, there are no safety concerns. It would be considered to be flown in a safe manner and is a safe use of a helicopter. In addition, both the helicopter and the pilot are licensed by the FAA.

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G2	D. Bell	PC 5/4/11	FAA has some regulatory authority, but that is not totally preemptive of the city's SMP and zoning jurisdiction.	City could ban helicopters from the lake if there was a rational justification for prohibiting the use. However, float planes are allowed on the lake as a water-dependent use, which require more area for takeoffs and landings, are on the lake for a longer period, and have a higher potential for conflict with other lake uses than a helicopter. So the City may need to make some type of distinction between a float plane and a helicopter use in terms of safety concerns. Float planes and helicopters have a short period of noise, but do not have more noise impacts than jet skis and motor boats and are used less on the lake than boats and jet skis.
G3	D. Bell	PC 5/4/11	The dock is not a principal use, it is a structure with an accessory use to the lakefront lot's residential principal use. There is absolutely nothing in the nature of a dock-based helicopter pad that even remotely relates to boat moorage at a dock. Moreover, an operating, dock-based helicopter does in fact hinder and obstruct ("impede") the water-dependent use of the dock, e.g., boat moorage, fishing and swimming.	The WAC clearly states that "a dock associated with a single family residence is a water-dependent use provided that it is designed and intended as a facility for access to watercraft" (WAC 173-26-231(3)(b)). If the dock is built in support of watercraft and meets the dimensional standards, the SMP neither prohibits nor encourages other uses of the dock.
G4	D. Bell	PC 5/4/11	If private ownership of property is the determining factor regarding the scope of the city's SMP and land use ordinances, then there is no need to process either document any further if one may do what he or she wishes merely based upon private property title.	The FAA regulates aircraft. The City of Lake Stevens does not currently have regulations related to aircraft in the municipal code. The City has regulations, including the SMP that regulate certain issues related to land use and environmental protection.
G5	D. Bell	PC 5/4/11	In conclusion, we respectfully request the Planning Commission condition any approval of both the Draft SMP and Draft Ordinance No. 856 with the express prohibition of helicopter use for any purpose on all existing and future over-water structures.	Planning Commission could consider the request.
H1	Bill Barnet, Resident	Planning Commission Public Hearing 5/4/11	Does anything in the plans address older and newer cabanas and boathouse that are being converted in living space/residences and apartments, with bedrooms and kitchens.	No new boathouses or cabanas are allowed within City jurisdiction on Lake Stevens.
I1	Rose Granda, Resident	Planning Commission Public	Think it interesting that the City can manipulate its idea of proper use of the lake and the shoreline sometimes to its own benefit. Whether its restrictions on the property owner on how	Lake Stevens is a water of the state including the shorelines, and as so is protected for all of Washington's residents. Therefore, the State has the jurisdiction to protect the water and shoreline as necessary. The Shoreline Master Program is mandated by the State of

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#	Person/Group	Where	Issue (from Public Testimony)	City Response
		Hearing 5/4/11	they want to rebuild or maintain structures. Now there is going to be more regulations, money in permits and fees for people trying to improve their homes. If the City had more of a conscience and the best interest of the wetlands and wildlife then they would be spending more time taking care, improving and maintaining their own lake front property.	Washington in the Shoreline Management Act in Revised Code of Washington (RCW 90.58.020) and the Shoreline Master Program Guidelines in the Washington Administrative Code (Chapter 173-26 WAC). The City is following the SMP guidelines in preparing the SMP for Lake Stevens shorelines. The City will need to follow all the regulations in the updated SMP for city property the same as all other property owners.
I2	R. Granda	PC 5/4/11	Now you want all these young people to take tests to drive boats and jet skis, there is nothing about staying away from the shoreline. You want more money and more certification but it is hypocritical.	Washington's boater education law is a statewide law enforced by the state. The City of Lake Stevens does not require additional certification.
J1	Fred Schmidt, Resident	Planning Commission Public Hearing 5/4/11	I live next to a helicopter I don't care, we don't know if it is coming or going. Banning helicopters has no validity.	No response necessary.
K1	Cory Burke, Resident	Planning Commission Public Hearing 5/4/11	My apologies for not knowing all the details of this, but who is supposed to pay for all these new materials and restoration? If it is for the public's benefit then why do I have to pay for all of it?	Project applicants and property owners who are developing their property are expected to pay for improvements to their property as part of the development permit process.
K2	C. Burke	PC 5/4/11	Setbacks – I recently rebuilt our home, because of the setbacks we couldn't build the single large storey home that we wanted so we had to build a tall narrow two storey home. Lots should be looked at and topography should be looked at, each lot should be looked at not just given the 60ft set back. The nature of the intent of a 60ft set back should be looked at.	The SMP states: "Where the City's Shoreline Administrator finds that an existing site does not provide sufficient area to locate the residence entirely landward of this setback, the City's Shoreline Administrator may allow the residence to be located closer to the OHWM, provided all other provisions of this SMP are met and impacts are mitigated." (Chapter 5 Section 8.c.2.a.i)
L1	Rosanne Cowles, Resident	Planning Commission Public Hearing 5/4/11	Does anyone here know what Agenda 21 is? (Submitted article titled, "Assault On Property Rights)	The Shoreline Master Program is mandated by the State of Washington in the Shoreline Management Act in Revised Code of Washington (RCW 90.58.020) and the Shoreline Master Program Guidelines in the Washington Administrative Code (Chapter 173-26 WAC).

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M1	Tom Matlock, Resident	Planning Commission Public Hearing 5/4/11	The 200ft length for a dock is not how long the dock is going to be, it's going to be an average of two docks one to the left and one to the right. So we still need to take out that 200ft language...	The regulation on the length of the two docks on either side is the one in the current SMP. The new SMP restricts dock length to that to reach 5.5 foot depth, but in no way can it go over 200 feet in length. Current docks reach 150 feet and over in areas of the lake where it is shallow. In the future, as these areas continue to collect sediment, the docks may need to be extended. The SMP update will regulate use of the lake for years to come.
M2	T. Matlock	PC 5/4/11	I drove around the lake today and looked at jet ski lifts, and there around three kinds of jet ski lifts and I think one of those is going to be a problem. Those are the self standing on a lever or a wheel by its self, those are going to become a non-conforming use will they not Miss Watkins? If you can wade out to a jet ski lift that is not attached to a dock, it's just in the middle of your clomp of water. Because there is something in the SMP's that states you cannot drive anything into the lake bed except for a pier, boat or a dock.	Jet ski lifts have been discussed at both the Citizen Advisory Committee and public open houses. The Planning Commission could consider amendments to address the concerns in their recommendation to Council.
M3	T. Matlock	PC 5/4/11	Then an unlimited number of the pull up ramp jet ski lifts, if you have a long dock and a lot of friends do we really want 15-20? On a process that even though I was on the Committee I didn't really understand this, we went from no pull up ramps to unlimited. So I think we need to take a look at that again before some people get rich parking jet skis at their dock.	Jet ski lifts have been discussed at both the Citizen Advisory Committee and public open houses. The Planning Commission could consider amendments to address the concerns in their recommendation to Council.
M4	T. Matlock	PC 5/4/11	The helicopter thing just came out of the air so to speak so maybe we should take another look at that.	Planning Commission could consider your request.
N1	Gigi Burke, Resident	Planning Commission PH 5/4/11	I think some of the most valuable and best research and points that have been made tonight by Angela Larsh with Urban Concepts. I believe you have received her document and I strongly hope you take those points into consideration and that we take a closer look at this before we make those decisions.	Thank you for your comments. The City is looking at all the comments. It is noted that all waterbodies have different requirements and therefore different regulations to meet No Net Loss.
O1	Darrell Moore	Planning Commission Public Hearing	I guess my concerns are that all these rules that you are proposing, or that is being proposed....They want to protect it and take care of it but when you put all these cookie cutter rules on it and we have high bank, low bank, short docks long docks,	Throughout the SMP we have incorporated flexibility by allowing the Shoreline Administrator to have some discretion, to ensure that unique characteristics around the lake are taken into account.

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		5/4/11	but now we are going to have all the same rules for everything.	
O2	D. Moore	PC 5/4/11	This needs to be looked at a lot more, things like the language 'shall' and 'should' are we trying to be deceptive?	The SMP Guidelines from the state provide a definition for the terms shall, should and may as used in the SMPs.
P1	Rich Mietzner, Resident	Planning Commission Public Hearing 5/4/11	I am landing a helicopter on the dock, if you to operate a helipad/heliport that is for multiple aircraft and that is not my intention.	No response needed.
Q1	D. Molenkamp, Resident	Planning Commission Public Hearing 5/4/11	On the issue of helicopters... This is not an airport that we live on here, there is a public danger with operating helicopters and they are a nuisance and are certainly not water dependent, they are a danger to the public.	See Responses to G1 and G2.
R1	Douglas Bell, Resident	Planning Commission 5/18/11	Comments regarding helicopters, a non-water dependent use, landing on a private dock. Concerned with safety of residents.	No response needed
S1	Angela Larsh, Urban Concepts LLC	Planning Commission Public Hearing 5/18/11	(Submitted map identifying parcels on lake not meeting 60 ft setback.) If your existing setback is 60ft and more than 60% of the properties subject to that are not meeting that then it needs to be re-evaluated. Maybe it should be something less than that since most people are already not complying with that. If this is an existing condition and the point is to have no net loss then why would make a requirement that all these people already don't meet. They are not meeting it now, then there is no loss to the function or value to the lake if you keep letting people do what they are doing now, so why don't you change the rule to reflect the existing condition.	See Response A20

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#	Person/Group	Where	Issue (from Public Testimony)	City Response
S2	Angela Larsh	PC 5/18/11	With regard to helicopters I personally like to see it remain silent, it seems that this is a small handful of operators. No one seems to be objecting to operators that you have, to regulate a problem that you don't already have makes the issue muddy. No one has an issue right now, no one is abusing their rights so why try to regulate something that's not a problem.	See Response G3
S2	Angela Larsh	PC 5/18/11	I do disagree respectfully with Mr. Bell, that I do not think it is fair to say that somehow a floatplane is without risk and helicopters are. That doesn't make any sense to me, anything that flies away has some risk, they all have risk. To regulate one and not the other based on risk doesn't make sense. I think restrictions on hours are reasonable, early morning hours, late at night, I think that's reasonable, I think people would comply with that.	No response needed
T1	Gigi Burke, Resident	Planning Commission Public Hearing 5/18/11	We rebuilt a very old run down house last year and my house would not be there right now if these regulations had been in effect then... There is a lot of old house that are run down, my dad's house, that need to be remodeled and rebuilt, lot of old house on the lake that are old and need to be re built. I would hate to see this not happening, by softening the language that exactly what that does it takes each individual residence on piece-by-piece basis and helps the people to be able to do what they need to do... I think our fear is to see these restrictions in place where people can't do anything.	The 60 foot setback from the lake, which is a critical area (Fish & Wildlife Conservation Area) has been in effect in Lake Stevens since 2007 when the Critical Areas Regulations were updated. Your house was built with the 60 foot setback requirement from the lake in place. Additionally, the SMP update has a number of requirements that provide flexibility/incentives and non-conforming provisions to existing development.
T2	G. Burke	PC 5/18/11	Back to the helicopter issue, I have several letters of support that I will be bringing to the Council. I understand the safety issues, but we don't see the helicopters as being any unsafe than float planes. Whether existing helicopters are grandfathered in or not, I don't think any of us want unsafe environment for our children or our families and we don't see that as being unsafe at all.	No response needed

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#	Person/Group	Where	Issue (from Public Testimony)	City Response
U1	Tom Matlack	Planning Commission Public Hearing 5/18/11	So what has been the setback from the lake for five or six those years? So, we are in 2011 right now, so you (Gigi Burke) re did a house under the same setbacks that we are talking about for SMP.	See Response T 1
V1	Snohomish County Public Works	Planning Commission Public Hearing 5/18/11	Public Works has reviewed your draft document and, at this time, offers no comments. Thank you for the opportunity to comment.	No response needed
W1	Ted & Linda Boysen, Residents	Planning Commission Public Hearing 5/18/11	Letter about concerns raised over helicopter usage on Lake Stevens. Know current helicopter pilot and he is a safe pilot. Want to continue to allow helicopters, float planes, boating, rowing, fishing and other lake activities.	No response needed
X1	James & Judith Gottschalk	Planning Commission Public Hearing 5/18/11	Letter about concerns raised over helicopter usage on Lake Stevens. Knows current helicopter pilot and has been a float plane pilot himself. Believes helicopters and float planes are a great part of community. Current pilot is a safe pilot. Looks forward to seeing helicopters, sea-planes, boating and other activity on the lake.	No response needed.
Y1	Gigi & Cory Burke, Residents	City Council Public Hearing 5/23/11	Letter to support allowing residents to own helicopters and park them on lake front property on Lake Stevens.	No response needed.
Z1	Jeremy Clites, Resident	City Council Public Hearing	Email in support of Mr. Richard Meitner's use of helicopter on his dock. Commenter lives next door.	No response needed.

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#	Person/Group	Where	Issue (from Public Testimony)	City Response
		5/23/11		
AA1	Robert M. Wade	City Council Public Hearing 5/23/11	Letter in support of storage and operation of a private helicopter owned and operated by Rich Mietzner.	No response needed.
AB1	Ray Granda & Family, Residents	City Council Public Hearing 5/23/11	Letter supporting helicopter use on the lake. Commenter is employed in aviation industry for over 25 years. Helicopters are one of the safest ways to travel. Richard Mietzner is a professional and experienced pilot.	No response needed.
AB2	R. Granda & Family	CC PH 5/23/11	Letter voices caution to limit the rights of other families on the lake. Saddened to see local government increasingly strangulate the property rights of this community by over regulations and costs.	The SMP update is mandated by the State of Washington. Lake Stevens and the shoreline 200 feet landward of the ordinary high water mark is a “water of the state” and under state jurisdiction for the benefit of state residents. Ecology provided the City with SMP Guidelines and an SMP Checklist of what requirements are necessary in the SMP. The overall purpose of the SMP is to meet No Net Loss of Ecological Functions for what exists now. The proposed SMP regulations will do this for future health of the lake.
AC1	The Lee Family, Residents	City Council Public Hearing 5/23/11	Letter supporting helicopters on the lake and current pilot as safe.	No response needed.
AD1	Leif Holmes, Resident	City Council Public Hearing 5/23/11	Letter supporting helicopter use on the lake.	No response needed.
AE1	Earl & Amanda Rotherick, Residents	City Council Public Hearing 5/23/11	Letter supporting the use of a helicopter by Rich and Rhonda Mietzner on the lake.	No response needed.

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#	Person/Group	Where	Issue (from Public Testimony)	City Response
AF1	Michael White, Pacific West Financial Group	City Council Public Hearing 5/23/11	Letter stating Rich Mietzner's professional focus on safety.	No response needed.
AG1	Kathy Nysether, Resident	City Council Public Hearing 5/23/11	Letter from a former helicopter instructor supporting continued use of helicopter by Rich Mietzner.	No response needed.
AH1	The Lee Family, Residents	City Council Public Hearing 5/23/11	Same letter but with signatures.	See Response AC1
AI1	Jon & JoAnn Youngquist, Residents	City Council Public Hearing 5/23/11	Letter stating aviation has been a frequent and important part of the lake for nearly half-a-century. Restricting its activity at this point in history seems like a needless exercise of power and an imposition on those who use the lake for this purpose. The background noise generated by ski boats, jet skis, other personal water craft, and aircraft are part of the culture of the lake.	No response needed.
AJ1	Bill Tsoukalas, Boys & Girls Club	City Council Public Hearing 5/23/11	Letter regarding continued allowance of helicopter take offs and landings from the lake and in support of continued use by Mr. Rich Mietzner.	No response needed.
AK1	Angela Evans, Resident	City Council Public Hearing 5/23/11	Letter from a near neighbor or current helicopter pilot stating it is not noisy or a nuisance.	No response needed.

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AL1	Douglas Bell, Resident	City Council Public Hearing 5/23/11	Read and submitted testimony from Mr. Bell and on behalf of six additional lakefront residents (Burgoyne, Powell, Kosche, Martin, Molenkamp & Barnet families). Comments from both verbal and written testimony. The fourteen of us are strongly opposed to draft Ordinance 856, Section. 2 that adopts the SMP but only add to those provisions that deal with helicopters and Section 5 that amends Title 14 a section of the Lake Stevens Municipal Code that also specifically addresses helicopters. We want the prohibition of helicopters. We want the prohibition of helicopters so that they may not utilize overwater structures to conform to that prohibition that was in your November 2010 draft SMP. We want that reimposed and want it restated in Ordinance 856 particularly Title 14.	No response needed.
AL2	D. Bell	CCPH 5/23/11	Now there have been concerns expressed by others that our request will adversely affect one helicopters use of overwater structure that is not our intent. Our lay understanding of nonconforming use regulations of the City and as explained to us by staff is that a use, land use, helicopter use, established prior to the effective date of the new more restrictive ordinance will not impact that existing use. In other words what is may continue for that residence.	The existing helicopter use is not necessarily grandfathered in. If it is determined by the City to exclude helicopters from the lake, it will depend on the reason for the exclusion, whether the existing helicopter can continue the use.
AL3	D. Bell	CCPH 5/23/11	Helicopters in a residential neighborhood are both very noisy and extremely dangerous. Helicopters are a non-water dependent use.	Helicopters without floats are a non water-dependent use. Helicopters do have a high decibel level (~105 dB) for a short time in one place. Other uses of the lake include personal watercrafts which idle at ~74-85 dB, are at 91-100 dB at 5,000 RPM and 100-105 dB at full throttle. Piloting helicopters requires a federal license and the equipment requires a federal license.
AL4	D. Bell	CCPH 5/23/11	Your draft ordinance states that, the definition in the draft SMP is redundant in that regard as well.	Not sure which definition commenter is referring to, but both “nonconforming development” and “nonwater-oriented uses” are defined in Chapter 6 of the SMP.
AL5	D. Bell	CCPH 5/23/11	Now many if not most existing overwater structures abut or very near adjacent upland shoreline and submerged property lines and in some instances other docks. The placement of helicopter landing pads on docks or other overwater structures may vary	See Response G1

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			but in many instances the helicopter landing area will not be reasonably safe distance from people or adjacent homes.	
AL6	D. Bell	CCPH 5/23/11	Just because the helicopter pad is on a structure over a body of water provides no justification for this unwarranted exposure to harm and injury to occupants of contiguous and adjacent properties. This is not only poor shoreline management and land use planning, but more importantly inherently dangerous to public health and safety. Pilot errors and equipment malfunctions do happen.	See Response G2
AL7	D. Bell	CCPH 5/23/11	We brought up very early on the initial failure of the Draft SMP to address helicopters. The November, 2010 Draft SMP rightly corrected this oversight by then stating: “Over-water structures used for landing helicopters are not considered water-dependent and are therefore prohibited.”...However, the present Draft SMP merely provides that all over-water structures “...conform to...federal requirements...” and also “Non-water-dependent uses may use a dock for a water-dependent use as long as they do not impede the water-dependent use.” Far worse yet, Draft Ordinance No. 856, sec. 4 expressly authorizes a helicopter to use any exiting dock or pier. Why this radical reversal from the prior and proper treatment of non-water-dependent helicopters...and the outright authorization for non-water-dependent helicopter usage...?	In the early SMP documents, helicopter use of a dock was not addressed. When it came up from a resident, the Shoreline Citizen Advisory Committee discussed it and proposed language. At the next public open house, residents who are pilots on the lake discussed the proposed language prohibiting helicopters and asked that it be changed. The language currently proposed is the new language written after the public open house and based on public comments. The Planning Commission discussed the issue at the SMP public hearings, but decided not to make any proposed changes. They discussed their preference that the SMP to be silent on helicopters.
AL8	D. Bell	CCPH 5/23/11	FAA role—The FAA’s regulatory authority is not preemptive of the city’s SMP and zoning jurisdiction. To establish a private-use heliport, one has to comply with FAA regulations. The FAA further requires one “must” also “comply with any local law” or “ordinance.” Ordinance No. 856 can be that “any local law” if the City Council has the will to exercise self-determination.	See Response G2
AL9	D. Bell	CCPH 5/23/11	Contact the FAA—The immediate threats we wish our families protected against are not preventable by contacting the FAA after the fact of suffering harm and injury. The FAA’s assertion	See Response G1

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			that because helicopter approaches and departures are over water there are no safety concerns completely ignores the facts present here of close human proximity to the areas of operation.	
AL10	D. Bell	CCPH 5/23/11	Helicopters as an accessory use to boat moorage at a dock—An accessory use is a use that is customarily associated with and incidental to the principal use of property or structure. There is absolutely nothing in the nature of a dock-based helicopter pad that even remotely relates to boat moorage at a dock, or even a dock. Helicopters are not water-dependent use. Moreover, an operating, dock-based, non-water-dependent helicopter does in fact hinder and obstruct the water-dependent use of the dock, e.g., boat moorage, fishing and swimming, i.e., “impede(s).	See Response G3
AL11	D. Bell	CCPH 5/23/11	Float planes—Unlike helicopters, float planes are a water-dependent use and share time and space on the lake with other water-dependent uses. Water-dependent uses of all character may have conflict in any limited space. Float planes will be regulated as both watercraft and are as aircraft. The potential for conflict between such water-dependent uses on the lake are no rationale to allow helicopters the unmerited benefit of water-dependent status so they may then conflict with shoreline residential uses.	See Response G2
AL12	D. Bell	CCPH 5/23/11	Helicopters and private property—If private ownership of property means those helicopters that can no longer use docks may utilize private backyards and driveways for land and takeoff under current city ordinances, then we suggest the City Council undertake subsequent regulatory action forthwith to similarly protect all citizens as we propose it do now for shoreline citizens. Strict regulation is needed, not merely for time-of-day usage, but most critically, the proximity issue.	See Response G4
AL13	D. Bell	CCPH 5/23/11	City staff advises the City Attorney opines a “rational justification” is first required to regulate the aspects of helicopter use we request and distinguish helicopter from float plane treatment. We suggest ample rationale has been provided and exists in-chief by virtue that helicopters are not water-	See Response G2

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			dependent and their over-water structure use proximity to persons and property pose unacceptable public safety risks.	
AL14	D. Bell	CCPH 5/23/11	We respectfully request the City Council to not adopt either Draft Ordinance No. 856 or the SMP without the addition of express prohibitions on helicopter use for any purpose on all over-water structures. At the very least, we seek City Council action to revise the last sentence of proposed LSMC sec. 14.44.070(a) to read: “Helicopters are not a water-dependent use, and are prohibited from using over-water structures.”	Council could consider your request.
AM1	Angela Larsh, Urban Concepts LLC	City Council Public Hearing 5/23/11	It is important to recognize that under the current shoreline management program that we have right now that there is a very clear division between how critical area regulations apply and how shoreline regulations apply. So under the current rules, there is a House bill out of the State, House Bill 1653 that specifically limits the implication or the application of critical area regulations to properties within shoreline jurisdictions. Okay, so right now as it stands you either are subject to shorelines or you’re subject to critical areas regulations, but not both. Under the amendment process that the State is requiring the City to go through, those things become one. They blend the critical area requirements with the shoreline management master program. And that is a big change and is an important one to understand.	Ms. Larsh’s comments are correct on a separation between SMP and Critical Areas Regulations. Therefore, the City decided to place the critical areas regulations for shoreline jurisdiction into the SMP as Appendix B. Therefore, properties in shoreline jurisdiction will need to meet the requirements of the SMP including the critical areas regulations for shoreline jurisdiction within Appendix B and not Title 14 Land Use Code.
AM2	A Larsh, Urban Concepts	CCPH 5/23/11	Using the City’s current critical areas regulations which will become applicable to shoreline properties once this amendment is accepted. Properties that currently do not comply with that 60 foot setback buffer or whatever you want to call it. The critical area regulations will prohibit you from replacing your structure or any other improvement that does not comply with the 60 foot buffer if it is destroyed by human activity or natural causes. Okay that is your code Section 14.88.330. That is important to	As explained in Response AM1, the current CAR in Chapter 14.88 LSMC are being replaced for critical areas within shoreline jurisdiction by Appendix B of the SMP. In addition, Chapter 7, Section G of the SMP clearly states that “if a nonconforming development is damaged to the extent of one hundred percent of the replacement cost of the original development, it may be reconstructed to those configurations existing immediately prior to the time the development was damaged...” Thus, if a house burned down, you could rebuild it on the current foundation. In regards to the 60 foot buffer/setback on the lake, please see Response A20. [NOTE: the

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			understand because last week at Planning Commission I submitted some aerial photographs that were highlighted all the properties in the City, along the lake, that do not comply with the 60 foot setback currently. It is more than 60% of the properties.	<i>SMP does not change existing setback requirements.</i>] In addition, staff knows of at least one parcel that is marked on the map submitted as less than 60 feet that is definitely farther than 60 feet from the lake because a building permit was approved and the house has been built completely outside the 60 foot buffer/setback.
AM3	A Larsh, Urban Concepts	CCPH 5/23/11	The bulkhead language does not allow for existing structures to be replaced and I have a problem with that for several reasons. When you back what we talked about lots of jurisdictions and what they've got going on. Every jurisdiction in the State is being held to same standard, that's the state guidelines. The state is required to treat every jurisdiction equitable and consistently just like any other regulatory body. It was good for Whatcom County or City of Redmond or Sammamish or Bellevue if those people can build docks six feet wide or don't have to be grated and those regulations were found to be in conformance with the State guidelines then Lake Stevens should be held to the same standard. You shouldn't be held to higher standard than any other jurisdiction.	The City of Redmond and Whatcom County were early adopters, and therefore the SMP Guidelines were not in place when they began their SMP process. Also, Ecology has expressed they are trying to be more consistent with their comments. Ecology recently completed the official review of the City of Sammamish's SMP and provided comments in line with the comments provided to Lake Stevens to date, including the size of docks within the first 30 feet. Ecology's comments can be viewed at http://www.ecy.wa.gov/programs/sea/shorelines/smp/mycomments/sammamish.html .
AM4	A Larsh, Urban Concepts	CCPH 5/23/11	Now that being said, Lake Stevens is a special case to some degree, it is an urban lake, is different than say Puget Sound or Lake Washington where you have a marine environment or you are dealing with anadromous fish and those areas structures are held to a much higher standard they already have to get Army Corps permits, you do not need Army Corps permit to build a dock on Lake Stevens, it's not required they don't have jurisdiction. You need permits from Fish and Wildlife. You need permits from the State. So this four foot grated thing comes from Army Corps of Engineers, they don't apply here. So why are we using those rules that don't apply to the development that occurs on the lake.	See Response F2
AM5	A Larsh, Urban Concepts	CCPH 5/23/11	One more thing helicopters – I do have to say something about helicopters. Rich Mietzner has been using his helicopter and I think he is a responsible citizen he only wants to.	No response necessary

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AN1	Tom Matlack, Resident	City Council Public Hearing 5/23/11	It was a very long process. I would have to thank the committee members, Planning Commission, and especially the planning staff and now you guys 'cause it is now in your lap. We all ran into this bewildering area of jurisdictions ...but I think the Planning Commission has heard much of the same testimony and I would like you to please accept the recommendations that were in the staff report tonight.	Mr. Matlack was a member of the Shoreline Citizen Advisory Committee and has therefore been involved in preparation of the SMP from the beginning. No response necessary.
AO1	Ted Boysen, Resident	City Council Public Hearing 5/23/11	I respectfully disagree with Mr. Bell and I agree with the last lady that spoke. Ladies and gentleman we have to be very careful that we don't pit neighbor against neighbor here on Lake Stevens. Lake Stevens is a big lake, is a preferred recreational lake and there is plenty of room on Lake Stevens for fishing boats, for water-ski boats, for wakeboard boats, for sailboats, for float boats, float planes, and for helicopters and many other activities.	No response necessary
AO2	T. Boysen	CCPH 5/23/11	...we have to be careful that we keep our rights here and there is plenty of room for everybody to have fun and to exercise our rights and I love seeing float planes. I love seeing helicopters and I love seeing boats on Lake Stevens.	No response necessary
AP1	Bruce Morton, Resident	City Council Public Hearing 5/23/11	I want to focus on a very specific regulation that's in the proposed SMP that has to do with the boat lift canopies, that's in Chapter 4, Subsection C, Paragraph 30, Subparagraph d and e found on Page 63 of the SMP. Most of the regulations in the SMP have some sort of foundation and science studies based on helping the ecological function of the lake but this particular regulation having to do with boat lift canopies having to be made of fabric material versus solid material. I don't think the fish care whether the shade comes from fabric or a solid roof. So I don't think there is any rational basis for this. ... I would like to submit this as an amendment to strike the first sentence of that Subsection d and the whole sentence of Subsection e which would essentially allow any type of material to be used on boat	Fabric is required because boat lift canopies are not intended to be permanent overwater structures. If solid materials are allowed, the boatlift canopy becomes a more permanent structure instead of an accessory use to the boatlift. A solid canopy would begin to look more like a boat house, which is not allowed by the SMP.

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			lift canopies.	
AP2	B. Morton	CCPH 5/23/11	In conversations that I have had on previous public meetings that has been brought up that well that the solid boat lift canopies can be flimsy which is kind of a ridiculous argument because I think that fabric is more flimsy than solid wood or that the design or structure of it may be flimsy.	See Response AP1
AP3	B. Morton	CCPH 5/23/11	Other complaints or thoughts about why this regulation is being proposed is that the construction materials for solid roof can fall into the lake and thereby pollute the lake.	See Response AP1
AP4	B. Morton	CCPH 5/23/11	... I like helicopters on the lake.	No response necessary
AQ1	Gigi Burke, Resident	City Council Public Hearing 5/23/11	... this is going to be a change that takes place that's going to last for the next 20 years that's a long time and it scares me and many other homeowners very much.	The SMP is a long-term document, however, it is to be updated every seven years with the Comprehensive Plan. It can also be updated more often.
AQ2	G. Burke	CCPH 5/23/11	My husband and I, we built the house here on the lake within the last couple of years and we could not have built the house that we built under these regulations. We have a bulkhead and we would like to be able to maintain that bulkhead and there is no way we will be able to do that under these regulations.	See Response T1
AQ3	G. Burke	CCPH 5/23/11	I personally feel that some of the remarks that Ms. Larsh has made about the other lakes around the area in Whatcom, in Redmond have taken the regulations and eased the language to allow things to be handled on a local basis on a more case by case basis and I just really hope as a constituent that you take these things into consideration...	See Response AM3
AQ4	G. Burke	CCPH 5/23/11	... the hard costs are going to be put back on the homeowners and it is not just rebuilding our docks or maintaining our bulkheads.	The bulkhead and dock are privately owned and maintained and are located within State shoreline jurisdiction and are therefore required to meet shoreline regulations in the SMP in addition to state permitting agency regulations, which mirror the state WAC.

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AQ5	G. Burke	CCPH 5/23/11	Well the statement that was made today that scares me the most that I didn't even think of is if my house burnt down I wouldn't be able to rebuild it at all.	See Response AM2
AQ6	G. Burke	CCPH 5/23/11	One last thing and this is just on behalf and Rich and Rhonda unsolicited letters were written in support of having helicopters on Lake Stevens and I just wanted to submit them on their behalf.	No response necessary
AR1	Jennifer Soler, Resident	City Council Public Hearing 5/23/11	I bought a home on the lake we were lucky [<i>unable to transcribe</i>] probably one of the smallest pieces of property on the lake and we are so excited to live the lake life but I am really concerned now because it looks like I am not going to be able to do anything to my piece of property.	Unable to respond as details of property is unknown
AR2	J. Soler	CCPH 5/23/11	So I am really concerned that I can't even build a little gravel level flat for a BBQ and I am concerned that I cannot replace my bulkhead and meet the shoreline management. It is the restrictive language, the "shall" and the "should" that basically mean that I'll have to hire some researchers and do mitigation and pay for all of that just to replace my bulkhead. I don't know, to me that doesn't fall under a reasonable use. When you buy a piece of property and a home, don't you have a reasonable use of that piece of property?	The State regulations do not allow for a "reasonable use" provision directly in shoreline areas, which is allowed under the City's critical areas regulations outside shoreline jurisdiction. The SMP however, includes a Shoreline Variance process where a specific property owner can ask for something that is not specifically allowed by the SMP.
AR3	J. Soler	CCPH 5/23/11	...but I would really encourage you to take a look at the nature of how restrictive the language is and think if it was your small piece of property that you were so excited to live on think how you would feel if it burnt down and that was it and that is all I have to say.	See Response AM2
AS1	Paul Olliges, Resident	City Council Public Hearing 5/23/11	So what you are saying here is some of the regulations you are going to force me to spend a lot of money just to maintain my property.	If you have a dock or property within shoreline jurisdiction, you will be required to meet shoreline regulations in the SMP.

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AS2	P. Olliges	CCPH 5/23/11	I've got a bulkhead. I've got an 8 foot dock that was on the property when I bought it. The dock is in need of repair what you're going to tell me is if I am going to have to come in and modify the dock to 4 feet at the 30 foot section that's a burden on me that no one else is going to pay for except my family.	If your dock is already larger than four feet wide in the first 30 feet, you may keep six feet width in the first 30 feet. It is only new docks that require the four feet width in the first 30 feet.
AS3	P. Olliges	CCPH 5/23/11	I have a structure within the 60 feet of the property that is being used today and it needs to be repaired and you're not going to let me repair it. So please read through and understand the impact that you are putting on the people on the lake.	Maintenance of existing structures is allowed if it is legally existing use/structure. For remodels or enlargements, a property owner can request a Shoreline Variance.
AT1	Jim McCord, Resident	City Council Public Hearing 5/23/11	The comments made by Ms. Larsh and that she submitted to you folks in writing are very important to me and I hope you take a clear look at what they say and how they affect the people that live on the lake. Not everybody's properties conforms to the guidelines. Everybody is a little bit different.	The SMP includes Nonconforming Regulations for properties that were legally constructed or a legal use, but do not conform to new regulations. These are located in Chapter 7, Section G. The Shoreline Variance allows a property owner to request a use or structure due to specific lot requirements.
AT2	J. McCord	CCPH 5/23/11	And one other comments that I have to make I also scuba dive a lot and the concerns about lake coverage docks and such just confuses me. Every time I go scuba diving when the suns out you see more fish hiding underneath the docks and in the shade and that you guys are trying to encourage the fish habitat but yet you are limited the dock structures. If you ever dive that's where the bass are that's where the fry are they are sitting underneath the docks.	According to Fish and Wildlife and the City's consultants, scientific studies show bass and other predatory fish like to hid in the shade under docks where Coho salmon fry (a State Priority Species), Kokanee or other fish cannot see them easily. We are required to manage the lake environment to protect the critical fish habitat.
AU1	Patricia Perry, Resident	City Council Public Hearing 5/23/11	... I recall that this lake would have a reputation of for having more restrictions than is necessary or required by the state or by our government that would make us less desirable for future homeowners to purchase our homes when we go to sell them. That would then lower value of our homes but that would also make us not be able to use our property the way we had hoped we would be able to use, just because there is a possible perception that there might be problems that are not really factual...	See Response AB2

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AU2	P. Perry	CCPH 5/23/11	I hope that you all will have time to go over or whoever does these investigations will check thoroughly and make sure that their facts are actually accurate and not just taken as facts and make [<i>not transcribable</i>] our properties less useful.	The City hired The Watershed Company and Makers Architecture which have successfully completed other SMPs. They have followed the SMP Guidelines and well-known scientific review processes to assist the City in the SMP process.
AV1	Bill Tackitt, Resident	City Council Public Hearing 5/23/11	The State DOE is a state agency that is trying to force local governments to impose standards that place the cost of their improvements on the backs of the private property owners. The State of Washington is in its great wisdom is telling the people of Lake Stevens we know what you people need and you should do it the way we say.	See Response I1
AV2	B. Tackitt	CCPH 5/23/11	Property owners should be allowed to replace, repair and maintain their existing property improvements including docks, floats and bulkheads. Can we as a City government help property owners accomplish this in an environmentally improvement. The answer is yes. We can provide that locally. DOE does not give you a set of demands only suggestions because if they did they spend the rest of their entire budget in the court of law.	See Response I1
AV3	B. Tackitt	CCPH 5/23/11	So they give you a set of suggestions and they try to impose their will on local government and say you must do it their way. We all know that those are negotiated points and then we can negotiate each and every one of them. And there should not be a rule that we feel that they were granted to someone else that we shouldn't be entitled to the same privilege.	See Response I1
AV4	B. Tackitt	CCPH 5/23/11	We need to put this program a through and very precise study. Perhaps we need to bring in more expertise, outside expertise.	The City has been working on the SMP updated for almost two years. A Citizen Advisory Committee was created by the City Council. The State gave the City a small grant to hire consultants who are experienced in writing SMPs. The consultants completed an Inventory and Analysis Report of the shorelines within the Lake Stevens Urban Growth Area, based on existing data and documents and actual reconnaissance of the lake environment, which was reviewed and approved by Ecology. This report set the background conditions for the SMP, which was drafted by consultants and City staff with review by the public at three public open houses. Once the SMP was drafted, the consultants ran a Cumulative Impacts Analysis to determine impacts from the proposed regulations. Next, the consultants

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				completed the No Net Loss report based on the cumulative impacts to determine if the SMP would ensure No Net Loss of shoreline functions. The City has coordinated with Ecology and Fish and Wildlife to ensure the proposed SMP will meet SMP Guidelines are required by State law. The SMP is in the final step, the Local Adoption Process. As part of this step, staff met with the Planning Commission and City Council to discuss the proposed SMP at six meetings each. In addition, the Planning Commission to date has held two public hearings and made a recommendation to the Council.
AV5	B. Tackitt	CCPH 5/23/11	And now someone is going to tell me that when my house burns down Bill you can't build that house there anymore.	See Response AM2
AW1	Cory Burke, Resident	City Council Public Hearing 5/23/11	The big issues I have if we need to do certain things to the shoreline to make this a more healthy lake for everybody I am for it. I just don't want to pay for it all myself. I'll pay my share which I think I do through taxes. But if new materials on docks is twice as much as what I have existing I don't really think it's my responsibility to pay that burden entirely on my own if it's benefiting the lake for the public.	The dock is privately owned and maintained and is located within shoreline jurisdiction and must therefore meet the regulations within the SMP.
AW2	C. Burke	CCPH 5/23/11	Most of my house is within that 60 foot buffer. The house has been there for 60 years. If something happens to it what I am suppose to do.	See Response AM2
AW3	C. Burke	CCPH 5/23/11	Our dock does not conform now. I am not opposed to making some changes and stuff, but I guess what I am looking for from you guys is a give and take system and what I am hearing the state trying to put on you is you have to do it this way.	The dock is privately owned and maintained and is located within shoreline jurisdiction and must therefore meet the regulations within the SMP.
AX1	Urban Concepts LLC	Letter for City Council After 5/23/11 Public Hearing	...when the DOE accepts a local government's amendments to their shoreline program they must make a finding that they conform to the adopted State Guidelines. Specifically, since Redmond's plan was approved without the requirement for grated surfacing or any light penetration requirements on new or replacement docks and piers, it had to be found to be in conformance with the State Guidelines.	City staff spoke with both the Ecology reviewer of the Redmond SMP and Redmond staff. The Ecology reviewer gave the following explanation: <i>"Redmond does allow six foot width. Their SMP was one of the earlier ones through the process, and if it was under review now, we would be looking more closely at defining pier/dock walkway width better. Most folks recreate on the platforms at the end of a pier/dock. There is more flexibility for platform sizing because they are usually in deeper water."</i> Redmond staff said it took 10 years to complete their SMP because they were an early

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			The DOE must provide a consistent application of the Guidelines, just as any regulatory body must. If the DOE is going to require something more restrictive of Lake Stevens then I believe they must explain how Redmond's regulation provides for No Net Loss, while Lake Stevens' does not. Or why the condition in Redmond is substantially different than Lake Stevens and therefore can not be compared.	adopter and the SMP Guidelines had not been completed by Ecology. Redmond adopted a first version in 2000. After the SMP Guidelines were adopted in 2003, Redmond revised their SMP and readopted in 2004. Then the City of Everett had discussions with Ecology and SMP requirements changed again. During this same time, the Army Corps of Engineers adopted the Regional General Permit (RGP) #3 for Lake Sammamish and other waterways. They changed their documents to be consistent and then the RGP was modified again. Ms. Beam said each time additional regulations, guidelines or permits were adopted or changed, they tried to update their proposed SMP and Ecology tried to keep up with the reviews. At Redmond, a critical areas study and mitigation plan is required for all in-water structures on the lake. The dock width of 6 feet in the SMP and the requirement in the RGP for 4 foot width in the first 30 feet, created an inconsistency between the two documents. The RGP also requires docks to be no larger than 480 square feet in total area. However, applicants have to get permits from other agencies, so if they are more restrictive than Redmond's SMP, the applicant has to meet the more restrictive requirements. In addition, any in-water structure requires mitigation in the form of protection of existing vegetation and installation of native aquatic plants under and around the structure. In addition, some type of the following mitigation is also required for dock design with grating or light penetration or such and addition of native vegetation on shore. In other words, Redmond is still subject to the RGP dock standards.
AX2	Urban Concepts LLC	Letter for CC After 5/23/11 PH	Another example where "softer" language has been approved by the DOE is in Anacortes. Their approved shoreline program allows for replacement bulkheads landward of the existing bulkhead provided they can prove it meets the No Net Loss provisions. Whatcom County has approved language that is nearly identical to Anacortes'. Again, if such a policy and regulation were found to implement the State Guidelines in Anacortes and Whatcom County, then they should also be considered as possible language for Lake Stevens.	Ecology has commented that SMP section 4C2 Shoreline Stabilization (Including Bulkheads) is in compliance with the WAC and SMP Guidelines. Staff reviewed the proposed SMP with Anacortes' adopted SMP and finds little difference. In a Council Workshop on June 6, 2011, Ecology told the Lake Stevens City Council that the bulkhead requirements in the SMP Guidelines were very specific, so little variation will occur between different jurisdictions. Anacortes requires the property owner to show they meet No Net Loss. In Lake Stevens, you would also be required to show how the project meets No Net Loss in a critical areas study for any shoreline substantial permit, conditional use permit or variance. The Shoreline Administrator may decide a study is not required based on the project description (e.g., dock repair with a value less than \$10,000).

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AX3	Urban Concepts LLC	Letter for CC After 5/23/11 PH	Several other jurisdictions are nearing completion of the amendment process. I have spoken with the Planning Director at the city of Sammamish, regarding their local planning efforts. The regulations they adopted locally are substantially different than those proposed in Lake Stevens. Sammamish has carefully constructed their document to ensure the maximum amount of private property rights are maintained, while meeting the No Net Loss provision and State Guidelines. Unfortunately, the DOE has required significant changes to the locally adopted regulation. Currently, the City is planning to pursue the alternative approval process (appeal) allowed under the State guidelines. It is my understanding that Sammamish might welcome and participate in coordination of local jurisdictions as we all navigate this State mandated process.	Staff talked to Ecology about Sammamish's SMP and has reviewed the latest City Council staff report on the SMP dated June 1, 2011. The Sammamish staff report states the following from the Planning Director: <i>"Under WAC 173-26-120, Sammamish can accept Ecology's required and recommended changes, or consider alternative language. If an alternative is adopted, it needs to be sent back to Ecology for review and approval. Staff recommends that the city take advantage of this opportunity under state guidelines, and recommends that the Council consider alternatives in selected areas (such as the top five areas above) and adopt the rest of Ecology's changes where acceptable."</i> (The five issues are setbacks, mitigation sequencing, vegetation enhancement area, docks, and partial exemptions and non-conforming.) In addition, Lake Stevens staff spoke with the Ecology reviewer for the Sammamish SMP and they said they are working through the recommendations with the City of Sammamish, but that it will take a long time. Neither the Sammamish staff report nor Ecology stated that an appeal of Ecology's review was expected.
AX4	Urban Concepts LLC	Letter for CC After 5/23/11 PH	...if a property owner has a gravel patio within 60 feet of the OHWM and wants to pave it over, the proposed regulations would not allow that to occur. Also, if a property owner has an existing house that is within 60 feet of the OHWM and they would like to add on to the side of their home, but not encroach further into the "setback", this also would not be allowed. Staff has suggested that these owners could pursue a variance...Unfortunately, a quick review of the variance approval criteria shows that such applications are very unlikely to be approved.	SMP section 5.8.c.2 Residential Development – Setbacks in (a) clearly states "Uncovered patios or decks that are no higher than 2 feet above grade may extend a maximum of 10 feet into the building setback, up to within 50 feet of OHWM." In addition, (d) allows a waterfront deck or patio covering less than 25% of shoreline frontage and 400 sq.ft. or less if there is no bulkhead or bulkhead is removed. It does require retaining or planting native vegetation. The patio or deck would count toward total impervious surface calculations of 40% impervious. However, Section (c) allows up to 50% impervious surface by planting native vegetation. If a house is within 60 feet of OHWM it may be expanded if they meet the side setback, impervious surface, height, and other code requirements. THIS IS THE SAME AS EXISTING REGULATIONS. SMP section 7.G.3 allows for "... <i>nonconforming single-family residences that are located landward of the ordinary high water mark may be enlarged or expanded in conformance with applicable bulk and dimensional standards by the addition of space to the main structure or by the addition of normal appurtenances as defined in WAC 173-27-040 (2)(g) upon approval of a conditional use permit.</i>" This is consistent with the Shoreline Management Act.
AX5	Urban Concepts LLC	Letter for CC After	When one considers that over 60% of the properties along Lake Stevens would have existing development that would not meet	The Inventory and Analysis Report completed as part of the SMP Update shows approximately 36%, not 60% of the existing homes are within the 60 foot lake buffer (See

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		5/23/11 PH	the proposed 60 foot setback, these are incredibly difficult standards to meet... The cases where a variance provides a solution are those properties where no development could take place with out one. For those who have existing improvements that they want to upgrade or expand, a variance is very unlikely to be approved.	Response A20). One house shown on the submitted map in the setback is clearly not in the setback as they requested and received a permit for a home remodel and the site plans clearly state the entire residence is outside the 60 foot setback (See Response AM20). The permit required would be a conditional use permit if the applicant does not want to build closer to the OHWM than current nonconforming residence rather than a variance (See Response AX4)
AX6	Urban Concepts LLC	Letter for CC After 5/23/11 PH	Further, as you can see from the criteria for approval, a variance application requires the applicant to prepare substantial technical analysis in support of the request. The requirement for cumulative impact analysis would be very costly to obtain. This is not a reasonable solution for most property owners affected by the proposed language...It is also important to note that shoreline variances must be approved by the State Department of Ecology, not simply the local jurisdiction.	Requiring a critical areas study is a common requirement for development within or near a critical area or buffer whether in a shoreline or not as the applicant needs to show the proposed development would not impact the critical area or if it does have impacts that they are mitigated. See Response AX4 which requires a conditional use permit rather than a variance. It is correct that shoreline conditional use permit or variance require approval by Ecology after a decision by the Hearing Examiner.
AX7	Urban Concepts LLC	Letter for CC After 5/23/11 PH	Under current regulatory status, HB 1653 limits the applicability of Critical Area Regulations on properties subject to shoreline jurisdiction. Specifically, HB 1653 states “until the department of ecology approves a master program or segment of a master program... The above section essentially limits the applicability of the CAR on properties within shoreline jurisdiction <u>until the updated shoreline program is accepted by the DOE</u> . This provision allows for properties that would be precluded from redevelopment or modification due to the applicability of the CAR to go forward with those development plans, subject to compliance with No Net Loss provisions, <u>until the amendments to SMP are complete</u> ... Upon completion of the SMP update, the existing provisions of LSMC 14.88.330 will then apply to all properties within shoreline jurisdiction.	The City’s current Critical Areas Regulations were adopted in 2008 and based on Best Available Science. The City worked closely with Ecology to include appropriate sections of the existing CAR in the SMP. Ecology has reviewed Appendix B – Critical Areas Regulations for Shoreline Jurisdiction and determines it is adequate and with the SMP regulations will result in No Net Loss of Ecological Functions. The SMP critical areas regulations for shoreline jurisdiction in Appendix B will supersede the current CAR in Chapter 14.88 LSMC, including section 14.88.330. SMP section 7.G clearly states nonconforming development damaged to 100% of replacement cost may be reconstructed to configuration existing immediately prior to the time it was damaged.
AX8	Urban Concepts LLC	Letter for CC After 5/23/11 PH	Uses that do not comply with the setback/buffering provisions of CAR are non-conforming. They would be subject to these standards and would not be allowed to be replaced in the prior footprint if “destroyed by human activities or a natural occurrence”. The non-conforming provisions contained within	Once the SMP is adopted, the critical areas regulations for shoreline jurisdiction in Appendix B do supersede the CAR in Chapter 14.88 LSMC for critical areas located in shoreline jurisdiction. The CAR will continue to regulate all other critical areas within the City.

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			the proposed SMP would not supersede this section. They are in conflict. This should be corrected.	SMP section 7.G Nonconforming Uses specifically states: “ <i>Nonconforming development shall be defined and regulated according to the provisions of WAC 173-27-080; excepting that if a nonconforming development is damaged to the extent of one hundred percent of the replacement cost of the original development, it may be reconstructed to those configurations existing immediately prior to the time the development was damaged.</i> In order for this replacement to occur, application must be made for permits within six months of the date the damage occurred, and all restoration must be completed within two years of permit issuance.”
AX9	Urban Concepts LLC	Letter for CC After 5/23/11 PH	I have spoken with the Department of Ecology, Washington State Department of Fish and Wildlife, Army Corps of Engineers, and even the US Department of Fish and Wildlife. What I have found is that this 4’ wide/grated surface standard is the highest regulatory standard currently in use. It originates with the Army Corps of Engineers and is their standard for docks and piers in MARINE waterways. It is important to note that Lake Stevens is a freshwater environment; not a marine waterway. Agencies with jurisdiction in this case would be the city of Lake Stevens, DOE and WSFW. WSFW does not require the narrow 4’ wide/grated surface standard.	City staff and consultants have continually discussed dock dimensions with Ecology and Fish & Wildlife. After a meeting with them on May 6, Ecology provided the following clarification based Shoreline Management Act perspective. “(1) New pier/dock structures: I don't see how Ecology can support 6-foot width for new docks with grating or 4-feet without grating. Based on the information within the City's supporting analysis, the SMP is supposed to work to reduce overwater structure. I did not hear WDFW report that overwater structure is not relevant fish habitat in Lake Stevens, in fact I understood WDFW to report that nearshore areas (within 30-feet of beach) provide important habitat for both kokanee and Coho life history stages. Therefore, the SMP-Guidelines should require that new structures be designed to first avoid impacts to shoreline ecological functions, for which I did not hear a justification for increasing the width of new docks at our meeting last Friday. (2) Replacement pier/dock structures: I did hear WDFW suggest that they would have a hard time justifying a 4-foot (wide) graded walkway for replacement of a much larger existing pier/dock structure. Recognizing the fact that many existing pier/dock structures are wider than 6-feet, I believe Ecology could justify WDFW suggestion to allow replacement structures to be 6-feet wide if they are fully grated within the first 30-feet (waterward of the OHWM). Ecology's justification would be based again on Mitigation Sequencing principles related to minimizing impacts for replacement of existing pier/dock structures. On Lake Washington, pier/dock replacement structures are not allowed to exceed 4-feet in width within this same nearshore area, even if the existing structure is much wider. I did mention that Ecology and the Army Corps of Engineers have been more flexible with pier/dock replacement standards. This flexibility is intended to allow property owners replacing existing structures the ability to preserve the same overall square footage of their existing dock, but is dependent on their agreement to a 4-foot wide

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				walkway (within 30' of OHWM), while allowing for larger structures then would normally be allowed in the deeper water outside of the nearshore areas. Otherwise only 30-50% of the total area of an existing pier/dock structure can be repaired in-kind (within existing footprint), before having to consider the proposal a "replacement". In order to satisfy the no net loss standard, cumulative repair activities need to be also stay below the "replacement" standard. (3) Incentives can only be considered after Avoidance, Minimization: Finally, I want to be clear that the SMP-Guidelines require that Shoreline Modification (bulkheads, Piers, Dredging) standards need to provide for Mitigation Sequencing (i.e. Avoidance, then Minimization, and then Mitigation) for which Ecology could not support an incentive that could not be clearly shown to be consistent with this sequence. As previously referenced, it is not clear why a new Pier/Dock would need to be wider then 4-feet to support moorage of a residential boat on an inland lake? Further, there does not appear to be clear evidence that additional overwater structure (within nearshore areas) will <u>not</u> impact fish habitat. In fact, the City's supporting analysis suggests that overwater coverage is partially responsible for degradation of existing ecological functions and recommends that the SMP work to reduce overwater coverage. Therefore, I don't see how Ecology could support any incentive that might result in increased impacts, especially if the impact could potentially be avoided or minimized and still allow the intended use." City Staff is still working with Ecology and Fish & Wildlife to refine the dock dimensions to meet all three agency's requirements.
AX10	Urban Concepts LLC	Letter for CC After 5/23/11 PH	I question what the scientific basis is for such a high standard in a freshwater environment such as Lake Stevens? How is this standard the only possible option to maintain the existing function and values of Lake Stevens when it is arguably operating at a low-moderate quality at this time? It appears that this higher standard is being forced upon the City in an effort to exceed No Net Loss, which is the standard that the State has prescribed. Why are requirements that are meant to respond to the needs of Endangered, marine species being applied to a freshwater environment that does not contain such Endangered species? It seems appropriate to analyze the existing condition and species within Lake Stevens and develop a recommendation	The Cumulative Impacts Analysis and No Net Loss Report are based on the Inventory and Analysis Report completed by the consultants. As required by the SMP Update Process, this report was completed first and sent to Ecology for their review. Once the review is complete, the SMP policies and regulations were written based on the Inventory and Analysis Report, Shoreline Citizen Advisory Committee, and three public open houses. Then the Cumulative Impacts Analysis and No Net Loss Report were written based on the SMP regulations. Changes to the SMP could require changes to the Critical Areas Analysis and No Net Loss Report. The Cumulative Impacts Analysis clearly shows that we are just barely meeting No Net Loss. Ecology is using the 4 foot width standard with grating for all new docks on all waterbodies. However, discussions are taking place between City staff, Ecology and Fish &

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#	Person/Group	Where	Issue (from Public Testimony)	City Response
			that is responsive to those conditions rather than choosing the most stringent standard and applying it out of simplicity.	Wildlife to see if this standard can be modified for Lake Stevens due to only one priority species (Coho) and no protected species. With or without specific fish species, Lake Stevens is an identified critical area, Fish and Wildlife Habitat Conservation Area, which requires protection. The No Net Loss requirement means we cannot increase current overwater coverage, among other things, without increasing native vegetation. The proposed SMP does not require the addition of native vegetation, so the determination of overwater coverage can only be reduced by requiring additional light penetration through the structures using grating or other methods.
AX11	Urban Concepts LLC	Letter for CC After 5/23/11 PH	My review of the Cumulative Impact Analysis revealed that there is essentially no empirical evidence to outline and quantify the current baseline condition of the lake. This document contains broad language like water quality is low or moderate, with very little analysis as to how this conclusion was reached, to what standard it is being compared or what data was evaluated to come to that conclusion. How can a plan be developed to ensure No Net Loss when the baseline condition is so vague as to provide no guidance about what is to be maintained? The “Existing Conditions” section relating to Lake Stevens are two very simple paragraphs. It refers the reader onto Section 4.3 but those tables merely restate the vague assertions of quality and function. It appears the primary function of the CIA is to outline how the proposed language within the update will provide for higher function and value; rather than to quantify the existing condition to which new development must be compared in order to effectively demonstrate No Net Loss of function.	The Cumulative Impacts Analysis uses both qualitative and quantitative measure to evaluate potential impacts to the baseline condition. While some areas, such as pier/dock overwater cover, is a measurable feature that we can quantify, other factors, such as overall lake water quality or amount/type of vegetative cover, are discussed in more qualitative detail. The basis for these discussions comes from the Shoreline Inventory and Characterization Report which evaluated ecological functions per State requirements.
AX12	Urban Concepts LLC	Letter for CC After 5/23/11 PH	The Shoreline Restoration Plan relies heavily on existing public projects that provide research and inventory of the shoreline condition, but is extremely limited on public sector projects to actually construct enhancements. The vast majority of the shoreline enhancement outlined within the plan to construct shoreline restoration measures will occur at private property owner expense. This seems to be placing an undue burden for	It appears the primary function of the CIA is to outline how the proposed language within the update will provide for higher function and value; rather than to quantify the existing condition to which new development must be compared in order to effectively demonstrate No Net Loss of function.

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			shoreline restoration on those people owning property on the lake, without a like contribution from those that use the lake and its public facilities.	
AX13	Urban Concepts LLC	Letter for CC After 5/23/11 PH	The restoration plan outlines several strategies to achieve restoration goals, but the actual shoreline program is silent with regard to most of these items. Options for achieving the restoration goals outlined in the plan include development incentives, tax relief/fee system, shore stewards education and stewardship certification process. However, the SMP does not seem to include proposals that would incorporate these strategies for restoration.	All but six properties on Lake Stevens are privately owned, allowing for little public restoration as these six parcels are parks and access to the shoreline is the main activity. Restoration is not a direct requirement for private development, although the SMP could have required shoreline restoration on private property for shoreline development. Instead, the SMP gives development incentives such as shoreline deck/patio or increased impervious surface for planting of native vegetation. Once the SMP is adopted by the City and approved by Ecology, the City could look at tax relive/fee system, shore stewards education and stewardship certification process. These would be looked at as part of the Implementation Stage of the SMP.
AX14	Urban Concepts LLC	Letter for CC After 5/23/11 PH	I would like to recommend that the City consider coordinating with other jurisdictions that contain urban shoreline lake environments. These communities are unique in that they have a shoreline lake that has a history and pattern of development that is residential/recreational in nature. These environments are typically heavily developed and broadly used by the community. Many of these lakes have limited hydraulic connection beyond the lake itself. They differ from marine shoreline environments and those lakes that are directly connected to the marine ecosystem, such as Lake Washington. Some jurisdictions with a similar circumstance to Lake Stevens include: city of Sammamish, city of Redmond, Snohomish County, city of Bellingham, Whatcom County and Pierce County.	The City has been coordinating with other jurisdiction throughout the SMP Update process by attending Ecology's Quarterly SMP Meetings with other jurisdictions in the SMP process. In addition, the consultants have assisted over 20 different jurisdictions with their SMPs. City staff have talked with staff from Snohomish County, Redmond, and Sammamish and reviewed numerous SMPs adopted, drafted and in process. The SMP Guidelines have specific regulations that all jurisdictions need to follow (e.g., bulkheads) and other regulations that are more resource specific (e.g., docks). However, there is more consistency in regards to protecting the first 30 feet waterward of the OHWM due to biological studies of fish. In addition, each resource is different, which is why the first document in the SMP Process is an Inventory and Analysis Report completed by each jurisdiction and reviewed by Ecology. This serves as the basis for each SMP.
AX15	Urban Concepts LLC	Letter for CC After 5/23/11 PH	I would also like to note, for Council consideration, that the City has recently submitted an application for a new dock within Lake Stevens. This Shoreline Substantial Development Permit application (file number LS2011-6) is vested to the existing shoreline management master program. My review of the file found that this new dock, proposed by the City, does not comply with the proposed standards for new public docks contained within this SMP update.	Until the SMP is adopted by Council and approved by Ecology, it does not supersede the current SMP adopted in 1974. Under WAC 173-26-120, "(8) A master program or amendment thereto takes effect when and in such form as it is approved or adopted by rule by the department except when appealed to the shorelines board..." Therefore, applicants will need to meet the requirements of the current SMP and land use code until the Council adopts the SMP and it is approved by Ecology.

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AY1	Kevin St. John, Resident	Email for City Council 6/13/11 Public Hearing	Why is it acceptable, given the impact to the property owner in terms of property value, issues with obtaining mortgages, and additional permit challenges, to have an SMP which when adopted will instantly make 60% of the shoreline properties with non-conforming because of homes and structures within buffers and setbacks?	The 60 foot setback from the lake, which is a critical area (Fish & Wildlife Conservation Area) has been in effect in Lake Stevens since 2007 when the Critical Areas Regulations were updated. No change in setback is proposed in the SMP; therefore, the SMP will not increase the number of nonconforming shoreline properties based on the 60 foot setback.
AY2	K. St. John	Email for CC 6/13/11 PH	Is there a reason we should think that the CAR will not also regulate shoreline in addition to the SMP? Under current regulatory status, House Bill 1653 limits the applicability of Critical Area Regulations on properties subject to shoreline jurisdiction only until a SMP is approved by the DOE. However after an SMP is approved, the existing provisions of LSMC 14.88.330 will then apply to all properties within shoreline jurisdiction. <i>HB1653 states that “until the DOC approves a master program or segment of a master program as provided in (b) of this subsections, a use or structure legally located within shorelines of the state that was established or vested on or before the effective date of the local governments development regulations to protect critical areas may continue as a conforming use and may be redeveloped or modified.....</i> This provision seems to very clearly allow for properties that would be precluded from redevelopment or modifications due to the applicability of the CAR to go forward with those development plans, subject to compliance with No Net Loss provisions, until the approval of the SMP is complete.	Yes, Ecology explains why critical areas ordinances are often incorporated into local shoreline program updates in their Frequently Asked Questions on their SMP website: “A recent state Supreme Court decision (<i>Futurewise v. Anacortes</i>) decided that the shoreline master program solely regulates the shorelines and critical areas covered by the program, once Ecology approves it...Rather than repeat the work local governments have already done developing their critical areas ordinances under the state Growth Management Act (GMA), relevant portions of existing critical areas ordinances may be placed in updated shoreline master programs under the Shoreline Management Act.” The SMP critical areas regulations for shoreline jurisdiction in Appendix B will supersede the current CAR in Chapter 14.88 LSMC, including section 14.88.330. SMP section 7.G clearly states nonconforming development damaged to 100% of replacement cost may be reconstructed to configuration existing immediately prior to the time it was damaged.
AY3	K. St. John	Email for CC 6/13/11 PH	If the CAR indeed will regulate shoreline properties in addition to the SMP then will section 14.88.330 Nonconforming Activities apply?	No, see Response AY2 above.
AY4	K. St. John	Email for CC 6/13/11 PH	If the CAR applies to shoreline property, it would appear that docks, bulkheads and all other structures including	No, see Response AY2 above

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			homes would be precluded from being rebuilt if they were destroyed. Is this not correct? See sub section c of the CAR below. Sub section (c) of this regulation states: <i>If a nonconforming use or activity is destroyed by human activities or a natural occurrence, it shall not be resumed except in conformity with the provision of this chapter.</i>	
AY5	K. St. John	Email for CC 6/13/11 PH	How can the proposed SMP ensure No Net Loss when the lake's baseline condition outlined in the Cumulative Impact Analysis is entirely vague and provides almost no empirical evidence relying instead on broad language like "water quality is low, etc.?" Lake Stevens is a highly urbanized, residential and recreational environment. The effects of development are long established. Quantifiable evaluation of the function and value is <u>essential to meaningful No Net Loss</u>.	The baseline condition is in the Inventory and Analysis Report, which is the first document completed in the SMP Update Process and is reviewed by Ecology. See Response AX11.
AY6	K. St. John	Email for CC 6/13/11 PH	Under the proposed SMP the set back for a private home is at the very minimum the 60-foot buffer PLUS an additional 10-building setback for a <u>true minimum setback of 70 feet</u> . Is that correct?	No, the critical area buffer for all development on the lake is 50 feet with a building setback of 10 feet for a total of 60 feet for minimum setback. This is the same as the current setback on the lake.
AY7	K. St. John	Email for CC 6/13/11 PH	Water levels on Lake Stevens are artificial controlled and have risen in the last several years, is the DOE suggesting that Lake Stevens <u>artificial changes</u> to the water level alter the OHWM in contradiction to Washington State Law which permits only natural changes to affect the OHWM?	The lake level is controlled artificially using the weir structure per the City's Hydraulics Approval Permit with the Department of Fish and Wildlife for one reason...to hold an adequate amount of water back in the lake in spring and summer, so that water flows sufficiently through the outflow channel into Catherine Creek in the fall during the dry months for the fish to migrate up into the lake and to spawn in the channel. Due to circumstances beyond the City's control (heavy rains in the spring, groundwater table saturation, dry spells in the summer, etc.), the lake level often fluctuates higher than the targeted ordinary high water mark of the lake with no stop logs in place at all and also often drops well below the targeted low water mark (210.5 feet above sea level) with all of the stop logs in place. It is important for lakefront residents to understand why the lake level is regulated, which is not for recreational purposes or for the benefit of residents along the shoreline, but for sufficient water flows through the outflow channel during salmon spawning. It should be noted that fluctuations in lake level are often beyond the control of the City through

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				artificial means. The City has no authority to control the outflow of the lake other than that authorized by the Washington Department of Fish and Game, Hydraulics Approval Permit.
AY8	K. St. John	Email for CC 6/13/11 PH	Why is it acceptable to property owners and the City of Lake Stevens to have shoreline buffers that in many cases will be far greater than the often sited 60-foot buffer? As currently proposed, the SMP imposes a 60-foot building setback from ordinary high water mark (OHWM) for residential properties OR the setback average of your two adjoining neighbors, WHICHEVER IS GREATER. See SMP 5(c)(8)(c)(1), Table 7. Per the City's Cumulative Impacts Analysis, the average setbacks for existing residences is 64 feet on the western shoreline of Lake Stevens, 103 feet on the eastern shoreline, and 98 feet on the northern shoreline. See Cumulative Impact Analysis, at pg. 24. In other words, instead of having a 60-foot setback, the City is well aware that the average setback will be much greater once you average the setback of your two adjoining neighbors. It may very well be the case that residential property owners prefer a setback based upon their two adjoining neighbors to ensure that a neighbors' remodel does not take away a portion of their views of the water. At the same time, basing your rights upon those of your neighbor is problematic. For example, what if you want to subsequently remodel your kitchen by adding a few hundred square feet on the waterward side of your house? If your existing setback is based upon averaging your neighbors' you might not be allowed to do so, even though you may have a 100-foot setback, and the SMP implies that a 60-foot setback is sufficient to protect the ecological functions of Lake Stevens.	During the early writing of the SMP regulations, the Shoreline Citizen Advisory Committee discussed the setback averaging and decided to keep it to protect views on the skinny lots around Lake Stevens. If a remodel could not meet the average setback of your neighbors, a variance to the averaged setback can be requested. If legal nonconforming structure, then a variance process includes a public process in front of the Hearing Examiner giving your neighbors the ability to state whether they feel the remodel would impact their property. For new development, SMP section 5.8.C.2.a the Shoreline Administrator may allow the residence to be closer if it meets all other provisions of the SMP and any impacts are mitigated.
AY9	K. St. John	Email for CC 6/13/11 PH	In fact does not SMC5(b) footnote 8 clearly state that for some properties a 200 foot buffer may be required?	No, SMP section 5.b footnote 8 states: <i>"8. Residences are allowed in shoreline jurisdiction only if it is not feasible, as determined by the Shoreline Administrator, to locate the building on the portion of the property outside shoreline jurisdiction."</i>

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				The only section where it talks about the potential for a setback of 200 feet is under Residential Properties on Rivers and Streams (SMP section 5.C.8.c.12) related to garages and pavement for motorized vehicles, which is not relevant on the lake: “12. For the purposes of maintaining visual access to the waterfront, the following standards apply to accessory uses, structures, and appurtenances for new and existing residences. b. <u>Garages and pavements for motorized vehicles (drives and parking areas) shall be set back at least 200 feet from the OHWM.</u> If the Shoreline Administrator determines that the property is not sufficiently deep (measured perpendicularly from the shoreline) to allow construction of garages or parking areas outside of shoreline jurisdiction then (s)he may allow such elements to be built closer to the water, provided that the garage or parking area is set back from the water as far as physically possible.”
AY10	K. St. John	Email for CC 6/13/11 PH	Why is the 60-foot setback buffer even required when the city was already determined in its critical areas ordinance (CAO) that a 50-foot setback is sufficient to protect the existing ecological functions of Lake Stevens? What is the justification for significantly increasing the setback in the SMP? SMP 3(B)(1)(c)(7), SMP 3(B)(3) and other provisions in the SMP make it clear that compliance with both the SMP and the CAO is required in shoreline jurisdiction (i.e. because Lake Stevens is also designated under the CAO as a “fish and wildlife habitat conservation area” which independently requires a 50-foot setback from OHWM).	The current CAR also requires the 10 foot building setback for a total of 60 foot setback from the lake. We are not proposing any changes to the current lake setback. The proposed SMP has the exact setback as is currently in place. “14.88.285 Building Setbacks. Unless otherwise provided, buildings and other structures shall be set back a distance of 10 feet from the edges of all critical area buffers or from the edges of all critical areas, if no buffers are required.”
AY11	K. St. John	Email for CC 6/13/11 PH	What are the ecological functions that exist on our already highly developed urban shorelines and which if any of those functions will benefit from a larger setback?	These are described in the Inventory and Analysis Report pages 12-37, which can be found on the City of Lake Stevens website at http://www.ci.lake-stevens.wa.us/documents/FinalDraftLakeStevensInventoryAnalysisReport2_26_10_000.pdf .
AY12	K. St. John	Email for CC 6/13/11 PH	What <u>recent and empirically verified evidence</u> is there of protected salmon living in Lake Stevens?	Several existing environmental documents have been relied on that indicate the presence of Coho Salmon including the City’s adopted Best Available Science Report (March 2008); WSDOT Fish Passage Inventory (June 2008), SMP Inventory and Analysis Report and the Grade Road PBD Master Plan. Additionally, it has been anecdotally reported to the City that Coho have been caught in the Lake in the recent past. These all provide indication that there is a likelihood of Coho in and around Lake Stevens.

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AY13	K. St. John	Email for CC 6/13/11 PH	Is it correct that as proposed in the SMP makes everything waterward of the OHWM a designated as the aquatic environment, and thus due to erosion and shoreline retreat many existing residential bulkheads are essentially the OHWM, even though they may have originally be constructed above the OHWM (outside the aquatic environment)?	The OHWM needs to be determined on-site, with a case by case assessment. It depends on the specific circumstances, location of the bulkhead and designation of the OHWM, but in most normal cases, where part of the bulkhead is in the water (but the whole thing is not submerged or on dry land) everything waterward of the bulkhead would be considered the aquatic environment. It is true that due to erosion or shoreline retreat the OHWM can move, which is why it needs to be determined by a professional.
AY14	K. St. John	Email for CC 6/13/11 PH	If the bulkhead is now the OHWM and thus inside the aquatic environment, does not the SMP make any bulkhead proposed in the aquatic environment a conditional use which will then require both the approval of the City AND Ecology? Conditional use permits impose a higher burden on property owners for approval, and Ecology is not inclined to approve them.	SMP section 4.2.c.12 regarding replacement and repair of shoreline stabilization structures states: <i>“Replacement walls or bulkheads shall not encroach waterward of the OHWM or existing structures unless the residence was occupied prior to January 1, 1992, and there are overriding safety or environmental concerns. In such cases, the replacement structure shall abut the existing shoreline stabilization structure... When a bulkhead has deteriorated such that an OHWM has been established by the presence and action of water landward of the bulkhead, then the replacement bulkhead must be located at or near the actual OHWM.”</i> The exception to bulkheads existing prior to 1992 allows a bulkhead to remain in the Aquatic designation; however, the exception does not exempt the project from a conditional use permit. The Shoreline Administrator can determine whether a conditional use permit is required if a structure is partially in the Aquatic designation.
AY15	K. St. John	Email for CC 6/13/11 PH	According to WAC 173-26-186 enhancement and/or restoration is <u>encouraged</u> , but <u>not required</u> . The required removal of bulkheads and not allowing replacements goes beyond no net loss and become restoration at a substantial cost and loss of value to the property owner, why should we impose that huge burden on private property owners?	Ecology has commented that SMP section 4C2 Shoreline Stabilization (Including Bulkheads) is in compliance with the WAC and SMP Guidelines. In a Council Workshop on June 6, 2011, Ecology told the Lake Stevens City Council that the bulkhead requirements in the SMP Guidelines are very specific, so little variation will occur between different jurisdictions.
AY16	K. St. John	Email for CC 6/13/11 PH	Why is grating decking being mandated when the Shoreline Inventory, Cumulative Impacts Analysis, and Restoration Plan do not report that invasive species even exist in Lake Stevens? A gradual shift to grated decking is usually preferred by Ecology in lakes that have invasive species, which feed under the docks on juvenile salmon. Absent the finding of invasive species, there should be not need to impose rules regarding deck grating.	The lake does have bass that like to hide under the docks in the shade. If there is less shade, then the fry can see the bass and not swim under the dock. In addition, with the requirement by the State to meet No Net Loss of ecological functions, the City must show that over the long-term no new shading occurs from over-water structures. Therefore, the only way to allow for new docks is to replace the decking to allow for 60% light penetration, which decreases over-water structure. Over time, the No Net Loss Report shows that increasing light penetration on existing docks will allow for approximately 19 new docks, which will also have higher light penetration, thus creating No

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				Net Loss from over-water structures.
AY17	K. St. John	Email for CC 6/13/11 PH	How can we ensure that the SMP encompasses a fair proportionality principle and provides for other potential methods of mitigation other than vegetation, which cuts people off from their own shorelines? As currently written, the SMP appears to be mandating enhancement and restoration of shoreline vegetation. While it may be appropriate to require that new development with adverse impacts mitigate for the impact by planting vegetation along the shoreline, any such mitigation must be proportional to the impact of your development. Thus, if I you remodel your kitchen by 100 square feet on the waterward side of your residence, the City should not be allowed to make you replant hundreds of square feet of vegetation on the shoreline. The excessive planting presumably is not proportional to the impact of the development.	The only place in the proposed SMP where shoreline vegetation is required is in SMP section 4.C.2.c.11 for shoreline stabilization projects. It mentions vegetation conservation and restoring the shoreline to pre-project conditions or conditions set by the Shoreline Administrator if required for mitigation of the impact from the shoreline stabilization. As per SMP section 4.C.2.c.9, the applicant provides the necessary environmental information and analysis including proposed mitigation measures to result in No Net Loss. The applicant would hire their own environmental consultant to complete a Critical Areas Study with the proposed ratios. The mitigation may not be vegetation, but could be other types of mitigation. The City would review the proposed mitigation. There are a few incentives (i.e., to increase the impervious surface area up to 50% or to add a small waterfront deck or patio) in the proposed SMP that do require the planting of native vegetation at specific rates. However, these are not required unless the applicant chooses to take the incentive.
AY18	K. St. John	Email for CC 6/13/11 PH	Why should we apply the first step of mitigation sequencing, avoidance, to uses that are expressly preferred under the SMA, such as single-family residences and their appurtenant structures, including protective bulkheads? Many sections of the SMP require the project applicant to comply with mitigation sequencing, specifically to first to try avoiding any adverse environmental impact altogether, and then if not possible, minimize, repair, reduce, and mitigate the impacts in that order of preference. See, e.g., SMP 3(B)(4). Mitigation sequencing is indeed one of the governing principles of Ecology's Guidelines. See WAC 173-26-201(2)(e)). However, it makes little sense to apply it to uses that are expressly preferred under the SMA, such as single-family residences and their appurtenant structures, including protective bulkheads. In other words, if under the SMA a single-family residence is a preferred use, a local jurisdiction should not be	The terms "avoid, minimize, mitigate" as related to environmental resources, including critical areas, is the main tenet of environmental protection. First avoid them; if not possible, then try to minimize the impact; and third, mitigate any impacts that can't be avoided. This sequencing is used in the National Environmental Policy Act, State Environmental Policy Act, Critical Areas Regulations and Shoreline Management Act and would likely take a change in federal and state legislation. It is the sequencing used whether or not a use is permissible if it is in a critical area or buffer.

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			able to say that, under mitigation sequencing you need to “avoid” any impact by not constructing one. Instead, you should be able to skip directly to mitigating any impact of your development.	
AY19	K. St. John	Email for CC 6/13/11 PH	Is there any reason we can not clarify that the policies as separate from the regulations, are not substantive in nature, and will not be applied as substantive review criteria to a specific project? Ordinarily, development regulations are drafted for consistency with comprehensive plan policies. In turn, compliance with the development regulations themselves is deemed to be per se compliance with the comprehensive plan policies. However, as indicated in the SMP, its policies are intended to be “inclusive” (i.e. they are written to be incredibly broad). The WACs recognize that because the SMA’s policies are broad they “harbor potential for conflict.” As currently drafted, a sole member of the City Staff with an anti-development agenda, could read anything he or she wants into the overly broad policies, and use them to deny an otherwise approvable project.	As described in the SMP Guidelines (WAC 173-26-191(a): “<i>The results of shoreline planning are summarized in shoreline master program policies that establish broad shoreline management directives. The policies are the basis for regulations that govern use and development along the shoreline.</i>” Policies set the framework and goals for meeting the requirements of the Shoreline Management Act. The regulations are the procedures to define how the policies will be met. As mentioned, it is similar to the Comprehensive Plan setting the overall vision, goals and policies for planning with the development regulations providing details to guide development that will meet the vision. The reference to “inclusive” is in SMP section 3.A, the Introduction to the General Provisions: “<i>General policies and regulations are applicable to all uses and activities (regardless of shoreline environment designation) that may occur along the City's shorelines. This chapter is divided into twelve different topic headings and is arranged alphabetically. Each topic begins with a discussion of background SMP issues and considerations, followed by general policy statements and regulations. The intent of these provisions is to be <u>inclusive</u>, making them applicable over a wide range of environments as well as particular uses and activities.</i>” Inclusive here means these policies and regulations are for all shoreline modifications, activities and uses and instead of repeating them in Chapters 4 and 5, they are placed in General Provisions. The reference to “harbor potential for conflict” is from WAC 173-26-176 General policy goals of the act and guidelines for shorelines of the state: “(2) <i>The policy goals for the management of shorelines harbor potential for conflict. The act recognizes that the shorelines and the waters they encompass are "among the most valuable and fragile" of the state's natural resources. They are valuable for economically productive industrial and commercial uses, recreation, navigation, residential amenity, scientific research and education. They are fragile because they depend upon balanced</i>

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				<i>physical, biological, and chemical systems that may be adversely altered by natural forces and human conduct. ...Thus, the policy goals of the act relate both to utilization and protection of the extremely valuable and vulnerable shoreline resources of the state. ... The act's policy of achieving both shoreline utilization and protection is reflected in the provision that "permitted uses in the shorelines of the state shall be designed and conducted in a manner to minimize, in so far as practical, any resultant damage to the ecology and environment of the shoreline area and the public's use of the water."</i> In summary, both the policies and the regulations should be met before a project is approved in the shoreline. There is some leeway where the Shoreline Administrator can make a determination if an applicant can show there is a different way to meet the policies rather than strictly using a regulation. This allows for new methods or measures for development to be used in the future that may not be currently known.
AY20	K. St. John	Email for CC 6/13/11 PH	Is it the intent of the City Council to allow the public to come onto the shoreline resident's private property as required in the proposed SMP? The proposed SMP requires that any subdivision of more than 4 lots, will require providing public access to the shoreline (yes, literally allowing the public to come onto a shoreline resident's private property). See SMP 3(B)(7)(c)(1).	Protecting public access to the State's shorelines is one of three major policies of the Shoreline Management Act (SMA). The SMP regulates modifications, activities and uses on "shorelines of the state" which are greater than 20 acres. Thus, the State has jurisdiction over all shorelines identified in the SMP (i.e., Lake Stevens and portions of Catherine Creek and Little Pilchuck Creek). So by requiring public access for subdivisions of more than 4 lots is a requirement of the Shoreline Master Program. However, public access could be physical (path to a dock or waterfront deck) or visual (viewing platform, view from an overpass or between buildings). So providing public access for a subdivision does not mean direct access to the shoreline is required, but it could be as simple as designing the houses with a view corridor from the sidewalk with a bench for the public to sit and look at the lake.
AY21	K. St. John	Email for CC 6/13/11 PH	Why is that tolerable for the city to have a dock that as noted by the independent planner Urban Concepts, has a vested dock application that will fail to comply with the proposed SMP?	See Response AX15
AZ1	Tom Matlack, Resident & Citizen Advisory Committee	Letter for City Council 6/13/11 Public Hearing	I have been following the city's Shoreline Master Plan for many months now. Recently, here in the homestretch of the SMP process, it has become fashionable to sideswipe and ambush the original draft as recommended by the Lake Stevens planning commission. In effect, the complainants are advising	Comments are correct in that the proposed SMP was prepared over 18 months using the SMP Guidelines, State shoreline regulations, consultation with Ecology and Fish and Wildlife, discussions with the Shoreline Citizen Advisory Committee, and three public open houses. Currently, the proposal meets most of the requirements of the SMP Guidelines. City staff is continuing to consult with Ecology and Fish and Wildlife on a few issues.

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			the city staff and council to rewrite the original SMP document. Operating under the constraints of the SMA, as imposed, interpreted, and approved by Department of Ecology and WDFW, the original SMP, as drafted by staff, consultants, and the citizens advisory committee, <u>DID FIND MIDDLE GROUND</u>. Your Lake Stevens Planning Commission approved and recommended that Shoreline Master Plan with whatever flexibility and compromise they could find under the state guidelines of inventory, land use, projected impacts, and no net loss. Lake Stevens City Councilmembers, please approve the Shoreline Master Plan as recommended by your planning commission	Any major changes to the proposed SMP could require additional changes to the Cumulative Impacts Analysis and No Net Loss Report, which will require additional funding and time. In addition, this will require continued consultation with state agencies.
BA1	Ted Boysen, Resident	City Council Public Hearing 6/13/11	I oppose implementation of further restrictions to our shoreline structures. Such restrictions will lower our property values and threaten our enjoyment of the lake. Property owners must be able to easily maintain, repair, rebuild and even improve their dock systems through affordable and attainable processes and not be subjected to unreasonable restrictions or expensive theoretical variances. We must base the facts that excessive government controls and attempts to force the market and landowners to accept the lower substandard use of the lake will result in negative and unintended consequences, such as diminished land values, more unsold properties, a decreased tax base, a diminished enjoyment of the use of our land and lake and a general degradation of the Lake Stevens economy.	Ecology's Frequently Asked Questions has the following: Q: <i>Won't buffers and other shoreline regulations decrease my property values?</i> A: <i>Property values are relatively unaffected by buffers. Waterfront property has skyrocketed in value in the past 30 years despite shoreline buffers of 25 to 125 feet being in place for the same period. Protecting native vegetation along the shoreline actually enhances property values by:</i> • <i>Stabilizing slopes.</i> • <i>Screening adjacent development from view.</i> • <i>Providing attractive landscaping and habitat.</i> • <i>Blocking noise and glare from adjacent properties.</i> In addition, the proposed SMP regulations will assist in protecting the ecological functions of the lake to create a healthy lake environment for future recreation and enjoyment.
BA2	T. Boysen	CCPH 6/13/11	I understand that there are some 30 unsold properties on the lake. Some of which have dock systems in need of repair or updating. I think that fewer of these properties would be unsold if sellers and prospective buyers were more confident in their ability to maintain, repair, rebuild and even improve their dock systems.	Once adopted, the updated SMP will provide more specific details of what is required to get permits and when permits are not required than the existing SMP. It should give property owners and future purchasers a better understanding of when and how they can maintain, repair, rebuild and improve their docks. All legally existing shoreline modifications and uses will be allowed to continue in the new SMP.
BA3	T. Boysen	CCPH	I also wish to comment on the notion of following homeowners	Under the proposed SMP, existing docks will be allowed to remain in their current size.

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		6/13/11	existing 6 foot wide docks down to 4 feet wide towards the shoreline. Not only would this funneling be unsightly and reduce our utility of our dock systems, but would be potentially very dangerous. If such a restriction were imposed, it would be only a matter of time until someone especially children or the elderly falls and gets badly hurt or killed.	Fingers and ells can still be added to an existing dock. Decking replaced in the first 30 feet may require light transmission, but would not required modification of the width of a dock unless the piles are replaced. Only new docks have the four foot width restriction in the first 30 feet and then can expand to six foot width. Hand rails are allowed on docks to provide safety.
BA4	T. Boysen	CCPH 6/13/11	I respectfully urge the Planning Commissioners, City Council and Mayor to use caution and resist over-reaching, to be strong and to help us rather than hurt us. To be on our side, to be our partners, to be our friend and not foe, to recognize that policies are negotiable with environmental entities and not rubber stamp harmful, destructive, extreme mandates.	The City Council will consider all verbal and written comments received during the Local Adoption Process.
BB1	Brad Nysether, Resident	City Council Public Hearing 6/13/11	I have one fear, but based on the first meeting we had here, will someone knock on my door and tell me I need to take my bulkhead down and I was told the answer is no. So I am assuming that is still true.	Bulkheads are still allowed under the proposed SMP. The state made two changes to bulkhead regulations: (1) they are only to protect primary structures, not accessory structures and (2) if they need to be replaced, a softer method of protection is preferred unless the only way to protect the primary structure is by a hard bulkhead, you would be able to replace your bulkhead with hard materials.
BB2	B. Nysether	CCPH 6/13/11	I also feel that this should be an exemption or grandfather clause for existing piers or bulkheads so as not to diminish the private property owners' property value and I am not sure that is properly addressed in the document.	Under the proposed SMP, a property owner may replace an existing pier at the same dimensions or square footage with the one addition of providing light penetration in the first 30 feet. Bulkheads under the new State requirements require a professional to determine if a softer structure could be built to still protect a home. If not, then a hard structure could be replaced.
BB3	B. Nysether	CCPH 6/13/11	I also feel there should be a tax break or credit to replace an existing non-compliant structure. If not, it appears, and I am not a lawyer, that this SMP is approaching eminent domain, which refers to the government taking away private property for public good. Which further goes on to say that when the government is going to take your land they must provide you with just compensation and instead of making us take our docks out and replace them with inferior structures and also given an opportunity to reject to the taking also called condemnations, which otherwise would be a violation of your constitutional rights.	Ecology's Frequently Asked Questions has the following: <i>Q: Aren't requirements for shoreline vegetation buffers a "taking" of private property rights?</i> <i>A: No. The U.S. Constitution allows state and local governments to limit private property activities provided it's for a legitimate public benefit and they do not deprive the landowner of all reasonable use of the property. For example, state and local governments can adopt regulations that prevent sediment from running off private property and entering a salmon-spawning stream. These regulations protect salmon, a public resource.</i> <i>Buffers do not deprive landowners of all reasonable use of their property and, in fact, all property tends to benefit from reasonable setbacks and buffers. In those limited instances where the buffer precludes or significantly interferes with a reasonable use, the property</i>

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				<i>owner may obtain a variance.</i>
BB4	B. Nysether	CCPH 6/13/11	And briefly, I wrote some numbers down and based on the approximation of 400 existing docks, 20 new ones, each dock would have to reduce in size by 60 square feet with the new ones to maintain that. But my bigger concern is that it almost allows smaller docks to become bigger but then forces bigger docks to be larger and I am not quite sure that that is the goal of it. So based on my numbers it kind of appears that the docks that are there can really stay the size they are and still maintain that 489,000 square feet.	The calculations used in the Cumulative Impacts Analysis used an average dock size in the calculations. Some docks are larger and some are smaller. However, it does allow for some docks to increase in size or dimensions outside the first 30 feet. The requirement for increasing light transmission in the first 30 feet allows for up to 19 new docks to be constructed. Existing docks can stay the same dimension and square footage, although they may need to add light transmission to new decking.
BC1	Kevin St. John, Resident	City Council Public Hearing 6/13/11	This Council asked at the May 23 meeting, if they should get environmental attorneys to look at the avoid, minimize and mitigate. The staff responds to that question with a definition of the terms avoid, minimize and mitigate and never address the actual question of legal counsel. I think this Council was very wisely asked if they should get legal advice from an attorney who specializes in the area of shoreline master plans to help give them guidance on what they can and cannot do.	See Response AY18. The City does have experts and legal counsel assisting with the proposed SMP.
BD1	Doug Bell, Resident	City Council Public Hearing 6/13/11	We have proposed language to correct this oversight to the extent that helicopters are not water dependent use and are prohibited from using overwater structures. That's the only section you need to change in Subsection A of the proposed ordinance not delete all of it, it does some good things.	Council could consider the request.
BE1	Steve Miller, Resident	City Council Public Hearing 6/13/11	My house apparently is about 27 feet off the water. It was 35 to 40 feet when I first moved in but now we have significantly higher lake out there, I use to have 18 feet in front of my house at the end of summer where along the shore where the little fish come up and we had rocks and some sand an all of that and that since has gone away we typically maintain about 6 or 8 inches of water on our bulkhead so I have some concern cause I	The City has a Hydraulic Permit Approval (HPA) for the weir on the northeast outflow from the lake. The weir consists of boards that can be placed in the weir to raise it 2.5 feet. Under the HPA from Fish & Wildlife, the weir is required to be used to keep water in the lake during the summer to assist fish passage in the fall.

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			actually helped them put in the weir or clean the outlet stream originally for the weir and in my opinion that has been a total failure. We were told upfront that was going to maintain a certain level. Well it definitely has not been able to do that.	
BE2	S. Miller	CCPH 6/13/11	My particular house is not only close to the lake but I have road right behind the house. So again I would be one of these homeowners that I want to sell the house, anybody looking at some potential regulations they will be looking at absolutely nothing that they can do.	There are many repairs, maintenance and remodeling allowed under the current and proposed SMPs. Neither SMP allows an increase in impervious surface area of more than 40 percent without a variance. However, the proposed SMP has additional allowance up to 50 percent impervious surface if native shoreline vegetation is planted. If setbacks or impervious area is nonconforming, the house could still be remodeled, but not increase into the setback or increase the foundation. However, the house could be increased in height up to 35 feet.
BE3	S. Miller	CCPH 6/13/11	You got the aerator out there, hasn't been turned on and why this year or what time it's suppose to be turned on.	The aerator only addresses nutrients coming from the sediments at the bottom of the lake. It is turned on when dissolved oxygen reaches a certain level. Running the aerator when nutrients are not being released from the sediment would not achieve the intended changes in the lake. The aerator does not treat the pollutants from lawn fertilizers, road and roof runoff, pet wastes, etc. These runoffs into the lake need to be minimized to assist in reducing the algae in the lake.
BF1	Nancy Mitchell, Resident	City Council Public Hearing 6/13/11	Pull this back because now you are telling me that when my bulkhead falls in I have to go back how many feet into my property which is up pretty high.	The State standards for bulkheads are very specific. Replacing bulkhead with like materials is allowed, if it is shown a softer method of protection cannot be used. Replacement bulkheads may be placed waterward of the existing structure whether soft or hard structures.
BF2	N. Mitchell	CCPH 6/13/11	I really feel that I am being told what is the point I can't do anything to repair.	Existing bulkheads can be repaired and replaced under the proposed SMP.
BG1	Cliff Call, Resident	City Council Public Hearing 6/13/11	But my biggest concern is this arbitrary setback number – 60 % of the current homes are not meeting the current setback. It seems to me that it really has nothing to do with the shoreline.	The lake setback of 50 foot with an additional 10 foot buffer to protect a critical area was set with the adoption of the 2007 Critical Areas Regulations based on Best Available Science to protect Fish and Wildlife Conservation Areas such as the lake. The proposed SMP is not changing the current setback from the lake.
BG2	C. Call	CCPH 6/13/11	I also would like to reiterate that my home probably depending on what your definition of this high water mark is. If it's the high water mark that was in existence when I bought the house in 1989 I would probably meet that 65 foot but with the weir you have probably raised the water level at least 2.5 feet right	The Ordinary High Water Mark (OHWM) is a mark that is found by examining the bed and banks and determining the common height of the water. So it could change over a long period of time. However, lake level does go up and down yearly, but because the level stays at a general level for longer periods of time, it marks the soil. But over decades, the OHWM could change if a region starts to receive more or less rain on a regular basis. So

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			now.	the OHWM could have changed since 1989.
BG3	C. Call	CCPH 6/13/11	And I think this arbitrary number if nothing else this 65 foot thing should be abandoned and existing homes should be allowed to stay where they are with no penalties in the future being non-conforming properties.	Existing houses are allowed to stay where they are in the current and proposed SMPs. There are no penalties for being a nonconforming structure. The structure may not be allowed to increase into the nonconformity, but is allowed to stay where it is with no penalties.
BH1	Gigi Burke, Resident	City Council Public Hearing 6/13/11	General comments about what others have said. No questions.	None required
BI1	Rich Mietzner, Resident	City Council Public Hearing 6/13/11	Regarding the bulkhead I just don't understand about 18 or 20 months ago when that Maker's guy was here in this room they talked about the opportunity for people to soften the edges, a different approach for repair/replacement of bulkheads. I think that kind of got thrown out somehow to where they're kinda requiring now to put language in there to be allowed to replace up to 50% of your bulkhead within a five year period.	No changes have been made to the proposed SMP since the beginning of the process. The State specifically regulates the bulkheads, so all jurisdictions have the same regulations for bulkheads in their SMPs. The preference is for a soft structure rather than a hard structure as it is better for the ecological health of the shoreline and lake. However, if a soft structure will not provide the protection required for the primary structure, a hard structure is allowed. The same maintenance and replacement regulations are proposed in the SMP as were discussed by the consultants earlier in the update process.
BI2	R. Mietzner	CCPH 6/13/11	I just have a question as how can the replacement of bulkhead landward of the existing bulkhead be a net impact on the shoreline environment and isn't that activity simply a replacement for like for like which would result in a net equal condition on the lake.	The shoreline extends 200 feet from the water. Therefore, any action within this area could impact the shoreline or the lake. The lake environment has changed over time as development has increased on the shoreline and fertilizers, pet wastes and runoff has entered the water. Lake Stevens has a large drainage basin with a small outflow and no inputs from a large river. So all pollutants that enter the lake tend to stay in the lake and are not diluted.
BI3	R. Mietzner	CCPH 6/13/11	I don't know if it's true, but that Anacortes allow bulkhead replacement. No net loss is the goal, I just don't understand with 80% of the shoreline being hard with rocks or bulkheads that people would have to be required to soften the edge with trees and stumps and boulders. I don't know if anybody has done like a wave analysis (not audible by transcriber) of the shoreline lake, kind of pounding itself with waves coming from and think people will start to take those out, could have a negative impact and we could wash away our little beach.	The Anacortes SMP has the same bulkhead regulations as all jurisdictions. Ecology has written specific bulkhead regulations that all jurisdictions are required to adopt. If there are waves against a property that erode the shoreline, soft structures must be considered, but if that will not provide protection for the primary structure, a hard structure may be allowed.
BI4	R. Mietzner	CCPH 6/13/11	I heard you were talking about this with somebody could rebuild their house and that's if there was damage or fire or whatever	The current SMP does not have a separate critical areas section, so the CAR is used. However, the proposed SMP has a separate appendix (B) which will be used in place of the

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			but I also heard and saw out there providing it was to the CAR. CAR is the critical area regulations setback. And I think that's up there Karen, could you pull that up. So then in my mind then it has to be 60 feet ...so the house is 25-35 feet from the neighbors where they could rebuild that house.	CAR for critical areas in shoreline jurisdiction. This appendix allows a structure to be rebuilt on the current dimensions without having to meet the new requirements in the proposed SMP. The proposed SMP does not propose any changes to the current setback from the lake of 60 feet.
BI5	R. Mietzner	CCPH 6/13/11	The simple thing is that in the first 30 feet that was 4 feet dock width, if it was grated. What's the difference with if its 4 foot or 6 foot or 8 foot if that's existing if it was grated cause light was going through it.	The proposed SMP allows existing docks to be retain in their current dimensions or square footage. However, if replaced, the decking in the first 30 feet will be required to provide light transmission. It is only new docks that require a four foot width in the first 30 feet and require light transmission.
BJ1	Kevin Mulvaney, Resident	City Council Public Hearing 6/13/11	I don't see any rivers coming in and out that the fish could be going up and down so it seems like you know as a constituent if you're rather than taking whatever the Fish & Wildlife say it seems like you should be trying to prove that the fish are in there that actually need protection. It's not the same as Lake Washington or that kind of stuff and one size fits all and taking something that they say is an endangered species and basically making everybody suffer for something that may or may not be there without some proof to us.	The Lake Stevens Basin does not have any major rivers coming into the system; however, the outfall to Catherine Creek and on to the Little Pilchuck Creek and then on to rivers is a connection for Coho salmon. The salmon come into the system and up Stevens Creek, Lundeen Creek and Stitch Lake to spawn. The fry stay in the lake for a while and then head through the outflow and on to the river system to the ocean according to Fish and Wildlife. There are many studies identified in the Inventory and Analysis Report of the presence of Coho fry in the lake from many agencies and statements from fishermen. WSDOT recently completed work on Catherine Creek to get Coho above State Route 92. If they are present in Catherine Creek, they are likely to be present in the lake.
BJ2	K. Mulvaney	CCPH 6/13/11	The only other issue I have was most of the lake, I am not sure of exactly the square footage but how much of the lake was part of the County rather than the City.	About 30,000 linear feet of shoreline is within the City and approximately 7,500 linear feet is within the UGA and under County jurisdiction. The proposed SMP is for the entire UGA, so when new areas are annexed, they are already included in the proposed SMP.
BJ3	K. Mulvaney	CCPH 6/13/11	And you know I don't remember ever getting any notice that this was going on 2½ years ago.	The first notice was sent out in April 2010 with additional mailings later in the year and this year. In addition, many notices of meetings have been published in the Lake Stevens Journal and Everett Herald.
BJ4	K. Mulvaney	CCPH 6/13/11	I think you guys have responsibility to us to prove that there is Coho out there.	See Response BJ1
BK1	Cory Burke, Resident	City Council Public Hearing 6/13/11	The dock length to meet 5.5 feet of water depth again is that ordinary high watermark? What determines that and if it fluctuates does the dock now become non-compliant?	The dock length is tied to the water depth and as the water level does fluctuate, it could be determined using the ordinary high water mark. So a dock could extend out where it is 5.5 feet deeper than the ordinary high water mark.
BK2	C. Burke	CCPH	Then also this 30 feet from shoreline grated 4 feet wide dock	Water depth is not taken into account. The 30 feet from shoreline is the general area where

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		6/13/11	etc. How is that affected by water depth?	the young fry tend to move. Depth could have some affect on movement, but in order to determine general requirements, it isn't used.
BK3	C. Burke	CCPH 6/13/11	I am just curious what studies support this and if you guys have asked that question (not audible by transcriber).	We have hired consultants who have successfully completed 17 SMPs for other jurisdictions and are experts in their field. In addition, Fish and Wildlife responded to this same question at the June 6 City Council Workshop and stated studies show depth may affect some movement, but in general the 30 feet from shore is the area used by fish.
BK4	C. Burke	CCPH 6/13/11	And then last week on the replacement, the 6 months application and the 2 years. I think you have to have some time period in there for maybe a stipulation sometimes. Six months is not enough time to get the insurance company to write you a check.	This section is proposed to be modified to allow for 12 months for application and then completed within two years. Ecology has stated they could accept this change.
BL1	Steve Hobbs, Resident	City Council Public Hearing 6/13/11	And I am also curious about Coho salmon because I've lived here all my life and I've never caught one (not audible by transcriber) I have never seen.	See Response BJ1 and the Inventory and Analysis Report.
BM1	Roger Jobs, Resident	City Council Public Hearing 6/13/11	General comments on water level and past experience with Fish and Wildlife.	None required
BN1	Rose Granda, Resident	City Council Public Hearing 6/13/11	I am just curious how is the City proposing to maintain its own lakeside properties? Are you planning on conforming to all these regulations yourself? Are you going to downsize all your docks to the 3 or 4 feet for the first 30 feet with the grated material?	The City is required to meet all City codes, the same as for the public. However, the proposed SMP provides different regulations for public/commercial facilities providing public access, shared/joint facilities and single-family facilities. Public over-water structures may be constructed up to 12 feet in width, but requires decking to provide light transmission. There are very few public docks (four) on the lake, but any repairs, replacements or new structures will be required to meet the updated SMP after it is approved by Ecology.
BN2	R. Granda	CCPH 6/13/11	Are you going to hire an employee to go around the lake and manage these docks and floating dock and buoys and tied off row boats? Are we going to have to have another wage that we are going to be paying City employees to go out and be checking all these things?	The City does not plan to hire additional staff due to adoption of the proposed SMP. The City does not look for enforcement actions, but instead relies on information from the public.
BN3	R. Granda	CCPH	We have some of the largest floating docks, you have the largest	See Response BN1

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		6/13/11	docks. I am just curious – are you going to be accountable to the same standards? For yourself and what is that going to do to your public properties? And who is going to manage this?	
BO1	Paul Olliges, Resident	City Council Public Hearing 6/13/11	As a property owner I want to make sure I can repair the property that I own. I don't want to be burdened by additional costs that I can't afford.	The proposed SMP allows a property owner to maintain, repair or replace an existing structure and build new structures. The City does not expect to increase any current Shoreline Permit fees due to the proposed SMP.
BP1	Julia McCord, Resident	City Council Public Hearing 6/13/11	Wouldn't it be better instead of spending all the money on this type of thing putting in sewers, we still have people living on the lake that are on septic. So changing your dock is that really going to help the fish. We sure want to look at a bigger picture and stop some of toxic waste that's coming into this lake.	Of the over 400 properties on the lake, only 11 are not currently hooked to sewers. These 11 have access to sewer lines which ring the lake. They are not required to install sewer unless the existing septic system fails. The major contributors to phosphorus in the lake, which increases milfoil growth and affects water quality, is from lawn fertilizers, pet wastes and stormwater runoff from roads and lawns. The aerator only reduces dissolved oxygen from the existing lake bottom, not from the additional inputs. After the proposed SMP is submitted to Ecology for their review, the City will be working on an education/information program for shoreline property owners and City residents on these issues. The shading of overwater structures creates a different ecological impact than the additional phosphorus in the lake, which is why it also needs to be restricted to no additional shading. By providing light transmission, an existing dock will reduce its footprint and allow for new docks to be constructed.
BQ1	Tim McCord, Resident	City Council Public Hearing 6/13/11	My personal experience says having this grating on the docks is based on, from my understanding, on marine requirements and not freshwater requirements.	Studies have shown the same effect on fish behavior and predator-prey relationships from shading in both marine waters and freshwater. The shading allows larger fish to hide from smaller prey fish regardless of the type of water. The smaller fish tend to avoid dark areas so swim around large shaded areas rather than the shorter route through the shade. Adding decking with light transmission, allows less shading for hiding and more light for small fish to go under, rather than around the docks.
BQ2	T. McCord	CCPH 6/13/11	The next issue I have is that dock repair, I don't know about the rest of you people, but I can't wait for my dock to get 50% damaged to replace it. I pay enough liability insurance as it is, so I replace my dock as it seems fit, when it needs to be repaired or replaced, part of it needs to be repaired, so my dock will never reach 50% damage.	The property owner determines when to maintain, repair or replace a dock. The proposed SMP does not set limits on when a property owner can modify a dock. The new regulations do explain what is considered maintenance, repair or replacement and therefore when and what type of permit, if any, is required.

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BQ3	T. McCord	CCPH 6/13/11	When they talk about restoration of shorelands, what are they basing that on? What year are they basing that on?	As per the Shoreline Restoration Plan, restoration is not intended to encompass actions that reestablish historic conditions. Instead, it encompasses a suite of strategies that can be approximately delineated into four categories: • Creation (of a new resource), • Restoration (of a converted or substantially degraded resource), • Enhancement (of an existing degraded resource), or • Protection (of an existing high-quality resource). The baseline condition of the City's Shorelines is described in the Inventory and Analysis Report. The purpose of restoration is to improve from existing conditions, not to reach a historic condition. On a lake as urbanized as Lake Stevens, the addition of native vegetation on the shoreline can greatly benefit the ecology of the lake.
BR1	Ted Boysen, Resident	Letter received 6/20/11	I wish to voice strong support for the weir board placement every year through the spring and summer months,,, Please do not change your weir board placement and water depth goal policy.	The weir is managed as per the requirements of a Hydraulic Permit Approval from Washington Fish & Wildlife to provide water for salmon migration. It is not part of the Shoreline Master Program.
BR2	Ted Boysen, Resident	City Council Public Hearing 7/11/11	I wish to voice strong support for the weir board placement every year through the spring and summer months,,, Please do not change your weir board placement and water depth goal policy.	The weir is managed as per the requirements of a Hydraulic Permit Approval from Washington Fish & Wildlife to provide water for salmon migration. It is not part of the Shoreline Master Program.
BS1	Del Molenkamp, Resident	City Council Public Hearing 7/11/11	I've got a comment or really more of a concern over something in the SMP that I consider to be a dangerous activity and downright nuisance to most of us. And I am talking about increasing the helicopter activity on the Lake... I hope that the Council wouldn't want to include the SMP something that's inappropriate activity considering the urban nature of our lake.	City Council will consider all comments heard during the Local Adoption Process including those related to helicopter use on the lake.
BT1	Kevin St. John, Resident	City Council Public Hearing 7/11/11	And to be specific about that when you talk with State representatives here what issues that affect all of us was the compliance issue in other wards that 60 % of our homes are out of compliance in the Council's current proposed SMP. What...they did not tell you at that meeting, was that the State had already passed Senate 5451; was signed into law on May	The Shoreline Master Program is <u>not</u> proposing any changes to the current critical areas setback of 50 feet from the lake with an additional 10 foot development setback. This has been in effect since 2007 with the adoption of the Critical Areas Regulations. The Council could consider making changes based on Senate Bill #5451.

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			12... They actually wrote a revision that said the existing single family home, apertures and other existing structures shall be considered conforming to the SMP.	
BT2	K St. John	CCPH 7/11/11	And they talk about the fish and the protected salmon and how you've seen how invasive (not audible for transcriber) or the bass. The bass are a non-native species that are supposedly preying on fish. It is a species that are put into our lakes by that same Fish & Wildlife. They are introducing those predatory fish into our Lake and then saying we need to modify our docks to protect the Salmon from those same fish.	The Washington Department of Fish and Wildlife provided the following information on fish stocking of Lake Stevens: "We stock Kokanee and rainbow trout in Lake Stevens. Smallmouth bass were illegally introduced in the early 80's. Our first record of the species was in 1985. Based on biological surveys, yellow perch dominate the biomass of the lake."
BU1	Dave Douglas, Integrity Shoreline Permitting	City Council Public Hearing 7/11/11	But anyway my concern, or mainly that the SMP, is no net loss is suppose to be based on existing conditions. My question is your 60 foot setback based on existing conditions or is it just what Ecology wants to see?	The new environmental protection standard for updated shoreline master programs is "no-net-loss of shoreline ecological functions." While restoration of degraded areas is encouraged, this does not mean all shoreline areas are required to be made "pristine" or returned to pre-settlement conditions. Local governments are required to inventory current shoreline conditions – including identifying existing ecological processes and functions that influence physical and biological conditions. When a shoreline program is adopted, existing ecological conditions on the ground must be protected while development of shoreline areas is continued in accordance with adopted regulations. This is accomplished by avoiding or minimizing the introduction of impacts to ecological functions that result from new shoreline development. The existing conditions for shorelines in Lake Stevens are fully explained in the Inventory and Analysis Report and the potential ecological impacts from the proposed SMP regulations are discussed in the Cumulative Impacts Report and the No Net Loss Report. The 60 foot setback is an existing setback for Fish and Wildlife Conservation Areas established in 2007 by the Critical Areas Regulations. Ecology asked for a 150 foot setback from the lake as part of the SMP, but the City and SMP Consultants provided information on existing development and Ecology agreed to the existing 50 foot lake setback and 10 foot development setback.
BU2	D Douglas	CCPH 7/11/11	A dock length, I don't think dock length should ever be controlled by your neighbor. Because the first one in the water gets to call the shots. By limiting it, if you have a forty foot dock and you call for a dock, your neighbor gets a thirty foot	Dock length is regulated by neighboring docks within 300 feet or if none exist, then the length to reach a 5.5-foot depth. The Shoreline Administrator can also approve, without a variance, a longer dock if it is necessary to reach a 5.5-foot depth.

Lake Stevens 2011 Shoreline Master Program Update - Responsiveness Summary

(Questions have been taken from written and verbal testimony. Entire documents are listed at the bottom and attached to Summary)

#	Person/Group	Where	Issue (from Public Testimony)	City Response
			and then you have to have all your L's and everything outside of that. What's a property owner to do? You've restricted them and you can't have one without a variance which will not probably be approved.	
BU3	D Douglas	CCPH 7/11/11	So the other things I wanted to talk about was bulkheads; and my question to you before any kind of repairs that does constitute a net loss of ecological functions? Because if you have a structure there and no net loss means to retain the same or be improved over time, if you replace a structure with a structure down to essentially really met that requirement that Ecology has changed three or four times the definition of since 2003 when you first looked at these regulations.	Ecology has written specific bulkhead regulations that all jurisdictions are required to adopt. Bulkheads are not part of the No Net Loss calculation.
BU4	D Douglas	CCPH 7/11/11	Will moorage piles be allowed because a large type of moorage piles will eliminate the need for a boat lift?	The proposed SMP does not allow new moorage piles.
BU5	D Douglas	CCPH 7/11/11	Also splice repairs; there is a way to repair a pile without actually replacing it. You can actually splice a new stub pile on top of it. My question is, does that contribute to the 50%?	Pile splicing is considered a repair, so would not count towards 50% replacement of piles.
BU6	D Douglas	CCPH 7/11/11	And PWC lifts not being allowed in the thirty foot, physically those (not audible to transcriber) personal watercraft lifts, I am sorry jet ski lifts, usually those are put on the main walkway. If you're only limiting the dock to so long but then tell them they can't have any type of lift within thirty feet of the shoreline then you are essentially telling them they can't have a lift.	The first 30 feet waterward from the ordinary high water mark is the area to protect for the Coho salmon. Therefore, the preference is to keep everything except the walkway outside the first 30 feet. However, if the dock is in an area that is deep and only requires a short dock, then the Shoreline Administrator can make an administrative exception to allow lifts within the first 30 feet if the applicant submits a specific request and documentation of the dock and proposed locations for lifts. SMP section 4C3c3 was revised to include this exception.
BV1	James Gallegos, County Resident	City Council Public Hearing 7/11/11	A lot of these requirements and the setbacks and so on really address homes that are situated right on the lake. They don't really take into consideration a lot of the docks and floatations that are probably 25% of the lake (not audible for transcriber) maybe at the road. A lot of the retaining walls and most of the bulkheads on those sections of the lake are supporting the road. In that case you are not only supporting a structure but you are supporting a road. You take away our ability to maintain those walls; the roads going to fall down. Then I think the burden of	A bulkhead is to protect a primary use. For most of the lake, the primary use is a single-family home. However, in areas where a bulkhead is supporting a road, then protection of the road would be the primary use of the bulkhead. Therefore, the bulkhead could be maintained and potentially restored if it was the only way to protect the road. The Public Works Department is inventorying the public roads near the lake and will have the information for future maintenance.

Lake Stevens 2011 Shoreline Master Program Update - Responsiveness Summary

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#	Person/Group	Where	Issue (from Public Testimony)	City Response
			cost is going to shift to the City.	
BV2	J Gallegos	CCPH 7/11/11	In the case of planned communities that we have on the Lake that share the dock spaces, there is one them such as The Reserve that is ours, which is Lakeside Manor and there is another that I don't recall the name of. They support hundreds of houses on shared community docks. All those docks I know for a fact are non-conforming. They are much larger so they can support people to sunbath on there and support all those people. There is another concern of mine that has to with the actual permitting of the docks and what is allowed on them (not audible for transcriber) we actually have 15 boat slips. I think we are the only perhaps marina that actually own a dock that allows something like that. We're 15 homes and individuals can moor their boats there. I don't know that any of rules that allow that kind of a dock ever to exist again.	The SMP Guidelines are in support of shared docks. A community dock built for a residential development is allowed to have numerous slips for boats. Community docks may be repaired and replaced as per the proposed SMP. SMP sections 4C3c37-41 were revised to include community docks and a definition was added to Chapter 6.
BV3	J Gallegos	CCPH 7/11/11	And then the last thing is that our association, we have one tract that's considered tract 999 where it is broken up into five lots in our covenant that says that five individuals have private use 50 feet into the waterfront spot and then there is 250 plus feet of private or shared use. Each of those private spots have their own docks as well as the community dock. In your language there you say that only one lot can have a dock. In that case we would have to tear out all the docks, because in the covenant that we're separated and we have private use but it is one dock. So I don't think any of that, at least, has been taken into consideration.	The proposed definition for Community Docks added to Chapter 6 includes a statement that more than one dock may be allowed if included in the originating covenants. These would be allowed to be repaired or replaced. The applicant should include a copy of the covenants relating to the allowance of more than one dock with application for a repair or replacement.
BW1	Gigi Burke, Resident	City Council Public Hearing 7/11/11	I personally think if you are willing to work with us and they have very, very good ideas that we can come together to some common ground and have some compromises.	The City Council selected a subcommittee to meet with a group of four to five property owners and their representatives and City staff. Any changes will need to be reviewed with the SMP Guidelines, SMP Checklist and the Shoreline Management Act.
BX1	Steve Miller, Resident	City Council Public	Again I just kinda want to reiterate what has been said that it is time we do join together. I have some concerns with, you may	The City, consultants and Shoreline Citizen Advisory Committee have been negotiating with Ecology and Fish and Wildlife on the regulations to create a proposed SMP to match

Lake Stevens 2011 Shoreline Master Program Update - Responsiveness Summary

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#	Person/Group	Where	Issue (from Public Testimony)	City Response
		Hearing 7/11/11	come up with some really good ideas, but once they are presented to Ecology I really have my doubts as to whether or not you even going to get what want in your package.	the use of Lake Stevens shoreline within the guidelines of the State. The proposed SMP must meet the requirements on Ecology's SMP Checklist before it is submitted to Ecology for final review and adoption. If a jurisdiction does not follow the SMP Guidelines, Ecology has the authority to adopt an SMP for the jurisdiction.
BX2	S Miller	CCPH 7/11/11	So when you start getting all these restrictions, as a homeowner, we talk about variances. Okay my house is 27 feet off the water, so I'm totally out of compliance. And then if I take the average of these other homes I just see a nightmare coming in here. You talk about 60 feet putting a deck out, you are absolutely right a 10 foot deck is useless.	All property, whether or not in the shoreline, has regulations adopted by the City Council to guide development to meet the vision of the City and the residents. A variance allows a property owner, in the shoreline or not, to request relief from specific bulk, dimensional or performance standards.
BY1	Brent Kirk, Resident	City Council Public Hearing 7/11/11	DOE isn't going to say yes to us with what we have right now probably. And even if they do, Department of Fish & Wildlife will pull their trump card because you guys aren't going to get a permit without a HPA. So we going to have to live by what Jamie Bails and Joe Burcar tell us to do; but if we structure things in a certain way and need to work with these people a little bit more, I think that back lash in the long run will be a lot less.	City staff, consultants and the Shoreline Citizen Advisory Committee has been working with Ecology and negotiating specific requirements since the project was started in 2009. At the last Ecology review, the proposed SMP met the SMP Checklist. The City asked Ecology to coordinate with Fish and Wildlife early. Fish and Wildlife also reviewed the proposed SMP and was supportive of the document. The Council set up a subcommittee to meet with a group of property owners and staff. Any additional changes will need to meet the SMP Checklist before being submitted to Ecology for final review and adoption.
BZ1	Cory Burke, Resident	City Council Public Hearing 7/11/11	I was out on the dock in the morning, and I could see hard shadow lines and hundreds of little fish, going from shadow to sun, from shadow to sun, which is my understanding is this whole dock thing is about hard shadow lines and fish hit it and go around it... So I think there is a lot of things that are not being taken into consideration, we're focusing on one fish... There's is just fish swimming everywhere they could care less where the sun, where the shadow were, if it was shallow, if it was deep, they were in five feet of water and they went for the water.	Different species of fish and fish in different stages of life react differently to the shade/light boundary. The studies completed for anadromous fish, including Coho Salmon, show the fry's (young fish) eyes have not yet matured to the stage to see well, so a quick change from light to shadow confuses them. Therefore, they tend to avoid dark areas including shaded areas, and will swim around.
CA1	Paul Olliges, Resident	City Council Public Hearing	I do have one question for you regarding our specific lake and the studies that have been done on our lake. I know regulations change very often about what you can and cannot do.... I would	See Response BT2 regarding stocking of Lake Stevens. There are many studies that have been completed on Lake Stevens and the surrounding wetlands and streams. Most studies are done by State agencies or research institutions. The Council can consider future studies,

Lake Stevens 2011 Shoreline Master Program Update - Responsiveness Summary

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#	Person/Group	Where	Issue (from Public Testimony)	City Response
		7/11/11	recommend that we do a study of Lake Stevens to figure out what we need to do for the lake to improve the lake. I am not a fish expert, but I understand both the Bass and Kokanee have been planted in our Lake so what's native, what's not.	if warranted.
CB1	Michael Jones, Resident	Email 7/14/11	My concern is with language around docks, floats and jet ski lifts. While the current proposed SMP may be fine for the city limits, driving around the lake will find plenty of landowners out of compliance with these proposed regulations. What will become of those owners, will their neighbors complain and demand changes? Will a lake 'SMP Compliance Patrol' come around the lake and harass landowners? Will we get visits from the police or county? Examples: • Multiple neighbors of mine have drive on PWC floats that are attached to shore? Will they have to move or sell them? • I have a boat house with a permanent boat lift roof? Will I have to tear it down? • I have a free standing PWC lift for a 3-seat PWC that is too heavy for a dock mounted lift. Will I have to sell the lift and the PWC because I will be out of compliance? • Many neighbors have boat lifts <30 feet from shore. Will they have to move them into the middle of the lake to meet the 30' rule?	New regulations are not retroactive. Any legally constructed structure may become “non-conforming” to some specific issue such as setbacks, height, or impervious surface. The use or development is not affected by the new regulations unless a change is requested. The proposed SMP allows for repair and replacement of non-conforming structures and uses. Whether some portion has to be revised based on new regulations will depend on what is requested. Based on the currently proposed SMP: • Existing PWC floats on shore would not be affected unless they want to make a change to the float. • Boat houses and boat shelters usually have a permanent roof. Boat lifts could be placed in a boat house or under a boat shelter. No new boat houses or boat shelters are currently permitted nor will they be permitted under the proposed SMP. If a boat house has a permanent boat lift roof and was constructed with permits, there is no required change. • A free standing PWC lift may remain unless the owner chooses to make a change to the lift. At the time of the change to an existing lift, the proposed SMP would require a new one be attached to a dock. If the property owner does not have a dock, then a variance for a separate lift could be requested. • Existing boat lifts within the first 30 feet may remain. Depending on the location of a dock on the lake, a dock may not be long enough to put lifts outside the first 30 feet. The SMP has been modified to allow the Shoreline Administrator to administratively approve lifts closer to shore with a request from the property owner and a submittal.
CB2	Michael Jones, Resident	Email 7/14/11	My proposed changes to the Proposed SMP are as follows. If this is not the right way to enter formal comments into the record, please let me know. Floats Current SMP: Allowed where pile piers would obstruct views or	The language summarized and proposed for changes is not from the SMP, but was included in the July 11, 2011 Staff Report to Council on page 2 as a summary of some proposed SMP regulations. The following summarizes where the specific regulations are located in the proposed SMP. Floats are regulated in Chapter 4 Shoreline Modifications in the same section as docks

Lake Stevens 2011 Shoreline Master Program Update - Responsiveness Summary

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#	Person/Group	Where	Issue (from Public Testimony)	City Response
			conflicts with boaters & fishermen will not be created. Proposed SMP: <u>No new floats</u> allowed in first 30 feet except where water depth from OHWM is at least six feet PWC Lifts Current SMP: Not specified Proposed SMP: <u>New lifts</u> at least 30 ft from shore & attached to dock; lifts grated Boatlifts Current SMP: Not specified Proposed SMP: <u>New</u> at least 30 ft from shore & attached to dock; lifts grated Boatlift Canopies Current SMP: Not specified Proposed SMP: <u>New must be</u> Fabric material	(4C3c). No new permanent swim floats/platforms are allowed. Float portions of new docks are allowed, but not in the first 30 feet from the OHWM unless the depth is greater than 6 feet. PWC Lifts are regulated in Chapter 4 Shoreline Modifications in the same section as docks (4C3c32). New PWC lifts are allowed attached to a dock, but not in the first 30 feet. However, there is an exception proposed to allow an administrative decision by the Shoreline Administrator for lifts within the first 30 feet on shorter docks, if requested by the applicant. Boat Lifts are regulated in Chapter 4 Shoreline Modifications in the same section as docks (4C3c32). New boat lifts are allowed attached to a dock , but not in the first 30 feet. However, there is an exception proposed to allow an administrative decision by the Shoreline Administrator for lifts within the first 30 feet on shorter docks, if requested by the applicant. Boat Lift Canopies are regulated in Chapter 4 Shoreline Modifications in the same section as docks (4C3c32). It requires boatlift canopies made of fabric material.
CC1	Thomas Matlack, Resident	Letter by email 8/13/11	Response to submitted comments by citizens group to Council SMP Subcommittee.	None required.
CC2	Thomas Matlack, Resident	Letter by email 1/11/11	Final comments on Council SMP Subcommittee recommendations.	None required.
CD1	W. Neal Karman, Resident	Email 11/12/11	Comments regarding using the term “watercraft lifts” instead of boat lifts and personal watercraft lifts and allowing so many lifts per dock rather than so many boat lifts and PWC lifts.	Council will review the proposal.

ATTACHMENTS WILL BE INCLUDED AT A LATER DATE

A – Letter dated April 8, 2011 to City of Lake Stevens City Council from Urban Concepts, LLC.

Lake Stevens 2011 Shoreline Master Program Update - Responsiveness Summary

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- B – Letter dated May 4, 2011 to City of Lake Stevens Planning Commission from Futurewise, People for Puget Sound & Pilchuck Audubon Society
- C – Public Testimony and Submittal by Kristin Kelly, Futurewise/Pilchuck Audubon Society/People for Puget Sound at the May 4, 2011 Planning Commission Public Hearing
- D – Public Testimony by Brad Nysether, Resident at the May 4, 2011 Planning Commission Public Hearing
- E – Public Testimony and Submittal by Angela Larsh, Urban Concepts LLC for Rich Mietzner at the May 4, 2011 Planning Commission Public Hearing
- F – Public Testimony by Rich Mietzner, Resident at the May 4, 2011 Planning Commission Public Hearing; Ecology comments on docks and Army Corps of Engineers Permit #3
- G – Public Testimony and Submittal by Douglas Bell, Resident at the May 4, 2011 Planning Commission Public Hearing
- H – Public Testimony by Bill Barnet, Resident at the May 4, 2011 Planning Commission Public Hearing
- I – Public Testimony by Rose Granda, Resident at the May 4, 2011 Planning Commission Public Hearing
- J – Public Testimony by Fred Schmitz, Resident at the May 4, 2011 Planning Commission Public Hearing
- K – Public Testimony by Cory Burke, Resident at the May 4, 2011 Planning Commission Public Hearing
- L – Public Testimony and Submittal by Rosanne Cowles, Resident at the May 4, 2011 Planning Commission Public Hearing
- M – Public Testimony by Tom Matlack, Resident at the May 4, 2011 Planning Commission Public Hearing
- N – Public Testimony by Gigi Burke, Resident at the May 4, 2011 Planning Commission Public Hearing
- O – Public Testimony by Darrell Moore, Resident at the May 4, 2011 Planning Commission Public Hearing
- P – Public Testimony by Rich Mietzner, Resident at the May 4, 2011 Planning Commission Public Hearing
- Q – Public Testimony by D. Molenkamp, Resident at the May 4, 2011 Planning Commission Public Hearing
- R – Public Testimony by Douglas Bell, Resident at the May 18, 2011 Planning Commission Public Hearing
- S – Public Testimony by Angela Larsh, Urban Concepts LLC, at the May 18, 2011 Planning Commission Public Hearing
- T – Public Testimony by Gigi Burke, Resident at the May 18, 2011 Planning Commission Public Hearing
- U – Public Testimony by Tom Matlack, Resident and Shoreline Citizen Advisory Committee, at the May 18, 2011 Planning Commission Public Hearing
- V – Written Testimony from Snohomish County Public Works submitted at the May 18, 2011 Planning Commission Public Hearing
- W – Written Testimony from Ted & Linda Boysen submitted at the May 18, 2011 Planning Commission Public Hearing
- X – Written Testimony from James W & Judith Gottschalk submitted at the May 18, 2011 Planning Commission Public Hearing
- Y – Written Testimony from Gigi and Cory Burke, Resident submitted at the May 23, 2011 City Council Public Hearing
- Z – Written Testimony from Jeremy Clites, Resident submitted at the May 23, 2011 City Council Public Hearing
- AA – Written Testimony from Robert M. Wade submitted at the May 23, 2011 City Council Public Hearing
- AB – Written Testimony from Ray Granda & Family, Residents submitted at the May 23, 2011 City Council Public Hearing
- AC – Written Testimony from The Lee Family, Residents submitted at the May 23, 2011 City Council Public Hearing
- AD – Written Testimony from Leif Holmes, Resident submitted at the May 23, 2011 City Council Public Hearing
- AE – Written Testimony from Earl & Amanda Rotherick, Residents submitted at the May 23, 2011 City Council Public Hearing
- AF – Written Testimony from Michael White, Pacific West Financial Group submitted at the May 23, 2011 City Council Public Hearing
- AG – Written Testimony from Kathy Nysether, Resident submitted at the May 23, 2011 City Council Public Hearing
- AH – Written Testimony from The Lee Family, Residents submitted at the May 23, 2011 City Council Public Hearing
- AI – Written Testimony from Jon & JoAnn Youngquist, Residents submitted at the May 23, 2011 City Council Public Hearing
- AJ – Written Testimony from Bill Tsoukalas, Boys & Girls Club submitted at the May 23, 2011 City Council Public Hearing

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(Questions have been taken from written and verbal testimony. Entire documents are listed at the bottom and attached to Summary)

AK – Written Testimony from Angela Evans, Residents submitted at the May 23, 2011 City Council Public Hearing
AL – Verbal Testimony and Submittal from Douglas Bell, Resident at the May 23, 2011 City Council Public Hearing
AM – Verbal Testimony from Angela Larsh, Urban Concepts LLC at the May 23, 2011 City Council Public Hearing
AN – Verbal Testimony from Tom Matlack, Resident and Citizen Advisory Committee, at the May 23, 2011 City Council Public Hearing
AO – Verbal Testimony from Ted Boysen, Resident at the May 23, 2011 City Council Public Hearing
AP – Verbal Testimony from Bruce Morton, Resident at the May 23, 2011 City Council Public Hearing
AQ – Verbal Testimony and Submittals from Gigi Burke, Resident at the May 23, 2011 City Council Public Hearing
AR – Verbal Testimony from Jennifer Soler, Resident at the May 23, 2011 City Council Public Hearing
AS – Verbal Testimony from Paul Olliges at the May 23, 2011 City Council Public Hearing
AT – Verbal Testimony from Tim McCord at the May 23, 2011 City Council Public Hearing
AU – Verbal Testimony from Patricia Perry at the May 23, 2011 City Council Public Hearing
AV – Verbal Testimony from Bill Tackitt, Resident at the May 23, 2011 City Council Public Hearing
AW – Verbal Testimony from Cory Burke, Resident at the May 23, 2011 City Council Public Hearing
AX – Written Testimony from Angela Larsh, Urban Concepts LLC, after the May 23, 2011 City Council Public Hearing
AY – Written Testimony from Kevin St. John, Resident, for the June 13, 2011 City Council Public Hearing
AZ – Written Testimony from Tom Matlack, Resident and Shoreline Citizen Advisory Committee Member, for the June 13, 2011 City Council Public Hearing
BA – Verbal Testimony from Ted Boyson, Resident at the June 13, 2011 City Council Public Hearing
BB – Verbal Testimony from Brad Nysether, Resident at the June 13, 2011 City Council Public Hearing
BC – Verbal Testimony from Kevin St. John, Resident at the June 13, 2011 City Council Public Hearing
BD – Verbal Testimony from Doug Bell, Resident at the June 13, 2011 City Council Public Hearing
BE – Verbal Testimony from Steve Miller, Resident at the June 13, 2011 City Council Public Hearing
BF – Verbal Testimony from Nancy Mitchell, Resident at the June 13, 2011 City Council Public Hearing
BG – Verbal Testimony from Cliff Call, Resident at the June 13, 2011 City Council Public Hearing
BH – Verbal Testimony from Gigi Burke, Resident at the June 13, 2011 City Council Public Hearing
BI – Verbal Testimony from Rich Mietzner, Resident at the June 13, 2011 City Council Public Hearing
BJ – Verbal Testimony from Kevin Mulvaney, Resident at the June 13, 2011 City Council Public Hearing
BK – Verbal Testimony from Cory Burke, Resident at the June 13, 2011 City Council Public Hearing
BL – Verbal Testimony from Steve Hobbs, Resident and State Senator at the June 13, 2011 City Council Public Hearing
BM – Verbal Testimony from Roger Jobs, Resident at the June 13, 2011 City Council Public Hearing
BN – Verbal Testimony from Rose Granda, Resident at the June 13, 2011 City Council Public Hearing
BO – Verbal Testimony from Paul Olliges, Resident at the June 13, 2011 City Council Public Hearing
BP – Verbal Testimony from Julia McCord, Resident at the June 13, 2011 City Council Public Hearing
BQ – Verbal Testimony from Tim McCord, Resident at the June 13, 2011 City Council Public Hearing
BR – Written Testimony and Verbal Testimony from Ted Boysen, Resident by letter and at the July 11, 2011 City Council Public Hearing
BS – Verbal Testimony from Del Molenkamp, Resident at the July 11, 2011 City Council Public Hearing

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BT – Verbal Testimony from Kevin St. John, Resident at the July 11, 2011 City Council Public Hearing
BU – Verbal Testimony from Dave Douglas, Integrity Shoreline Permitting at the July 11, 2011 City Council Public Hearing
BV – Verbal Testimony from James Gallegos, Resident at the July 11, 2011 City Council Public Hearing
BW – Verbal Testimony from Gigi Burke, Resident at the July 11, 2011 City Council Public Hearing
BX – Verbal Testimony from Steve Miller, Resident at the July 11, 2011 City Council Public Hearing
BY – Verbal Testimony from Brent Kirk, Resident at the July 11, 2011 City Council Public Hearing
BZ – Verbal Testimony from Cory Burke, Resident at the July 11, 2011 City Council Public Hearing
CA – Verbal Testimony from Paul Olliges, Resident at the July 11, 2011 City Council Public Hearing
CB – Written Testimony from Michael Jones, Resident by email on July 14, 2011
CC – Written Testimony from Thomas Matlack, Resident by email dated August 13, 2011 and November 11, 2011
CD – Written Testimony from Neal Karman, Resident by email dated November 12, 2011

City Council Public Hearing #3
July 11, 2011
SMP Public Testimony
(Meeting begins at 7:00pm)

Public Testimony From Audience

Ted Boysen, Resident
10432 Sandy Beach Drive

Dear Planning Commissioners, City Council members and Mr. Mayor, I wish to voice strong support for the weir board placement every year through the spring and summer months. The weir board placement policy is important and works successfully. It is important to slow down the escape of water during the summer months. The Planning Departments goal of trying to keep lake water level at 212.7 feet to 212.5 is a good policy. In 2003 the City officials forgot to place the weir boards or remove them and forgot to put them back in resulting in a very low water level that summer. Some lake residents including myself and many of my neighbors could not get their boats off of their lifts or suffered hull and prop damage to their boats. Also it is my understanding that the Ecology Department, including the Fish & Game Department, prefers the water level to be higher as the fish thrive with a higher lake level as well. Maybe this is the way to earn positive leverage and gain points with Ecology entities. It is my understanding that there were plenty of times in the past decade where the water level on Lake Stevens was high. Thank you at keeping the lake level up for all our residents to enjoy all the wonderful activities that Lake Stevens has to offer. Please do not change your weir board placement and water depth goal policy. Thank you very much.

Del Molenkamp, Resident
10818 Vernon Road

I've got a comment or really more of a concern over something in the SMP that I consider to be a dangerous activity and downright nuisance to most of us. And I am talking about increasing the helicopter activity on the Lake. A few years ago, most of you probably don't remember that, there was a helicopter accident in Arlington that took the life of instructor and the student. And the student in the helicopter was my next door neighbor who at the time was planning and had started to put in a small structure. He was planning to go ahead and put in a helicopter landing facility in his front yard and over the lake as well. He lost his life along with his instructor. It didn't matter how good a pilot he was or what the status of his machine was they had an unforeseen mechanical failure. The way I look at that could have happened in my front yard or your front yard if the timing would have been just a little bit different. I hope that the Council wouldn't want to include the SMP something that's inappropriate activity considering the urban nature of our lake. Thank you.

Kevin St. John, Resident
701 Stich Road

In the event that some of the Council members were not present at the last meeting I will quickly address our position. We have a Save Our Shorelines Lake Stevens is a newly formed

Washington State Non-profit Corporation with the mission to engage the public in shoreline management issues to assure the development of a balanced fact-based, measurable shoreline regulations that respects and preserves property rights of residential and private use. We are an organization that hired independent planners and legal counsel who are experts in this area and successfully worked with us in going through this process with other cities such as Bellevue, Sammamish and Renton. I am going to reiterate, I plea my request that you work together, the City Council and our organization to create a Shoreline Management Program that has both preserved the shoreline and property rights for the waterfront owners.

We heard a lot today about (not audible for transcriber) and address this Council as well. (Tape change) While the discussion tonight about what is not allowed. A lot of that goes back to what the State is permitting. The problem with that is that the State has a hidden agenda in many cases (not audible for transcriber) property owners. I spoke directly to David Roth, who is Director of Fish & Wildlife here in Mill Creek, and he flat out said that if he had his way there would be no docks on Lake Stevens he just can't get away from it. That's what he told me. We all heard Jamie discuss what her thoughts were (not audible for transcriber) and it wasn't that she was trying to get more flexibility. As you recall she said the rules weren't strict enough; she wanted stricter guidelines. We don't need to turn into State for with specific agendas that do not include property rights to determine what is legal and not legal for us.

And to be specific about that when you talk with State representatives here what issues that affect all of us was the compliance issue in other wards that 60 % of our homes are out of compliance in the Council's current proposed SMP. What they didn't tell you, what they did not tell you at that meeting, was that the State had already passed Senate 5451; was signed into law on May 12 while they were here and instead quote Section 13 updated Shoreline Master Programs must include revisions to insure that expansion, redevelopment and replacement of existing structures will result no growth (not audible to transcriber) and no net loss to ecological function to shoreline and classifying existing structures that legally conforming will not be at risk of designating the shoreline resources. So what they did was another city (timer went off) They actually wrote a revision that said the existing single family home, apertures and other existing structures shall be considered conforming to the SMP. (not audible for transcriber) They actually had written it and delivered it to other jurisdictions; they didn't tell us that when they were here. That was a major concern for us.

And they talk about the fish and the protected Salmon and how you've seen how invasive (not audible for transcriber) or the bass. The bass are a non-native species that are supposedly preying on fish. It is a species that are put into our lakes by that same Fish & Wildlife. They are introducing those predatory fish into our Lake and then saying we need to modify our docks to protect the Salmon from those same fish. It's things like that we need to make sure we are addressing. We have the ability to do that, we have the experts. I am pleading with you to now meet with us and then begin to insert some of this language that has adopted by the other jurisdictions. Thank you.

***Dave Douglas, Integrity Shoreline Permitting
818 Mill Avenue, Snohomish***

Worked with waterfront construction for nine years, have permitted over three hundred projects in Lake Washington, Lake Sammamish, clear up to the San Juan Islands and I've assisted with

fourteen shoreline management program updates, gratis for most of them, but I have been hired by Bellevue property owners and recently Bello Point property owners and also Medina. I'm working with them right now. I read through, I just got a call today actually from Mr. St. John and so I haven't had a whole lot of time to go through this, but I did see, your SMP reads a little bit complicated actually. An SMP should read like a book so any property owner could bring it in and understand it, and hopefully maybe (not audible for transcriber) process it without having to pay me.

But anyway my concern, or mainly that the SMP, is no net loss is suppose to be based on existing conditions. My question is your 60 foot setback based on existing conditions or is it just what Ecology wants to see?

A dock length, I don't think dock length should ever be controlled by your neighbor. Because the first one in the water gets to call the shots.

If you look, I have for you right here, this says that Kokanee actually spawn in (not audible for transcriber) area. This is a picture of several shoreline shots from the City of Seattle where they got streamline setback and you can see all the stuff that is located real near the shore but the meanwhile they are trying to clean up this near shore area because that's the most critical Salmon habitat for migration. Also brought you a matrix that I use as a cheat sheet on Lake Washington and Lake Sammamish that shows you the setbacks, i.e. docks lengths in all the jurisdictions for most cases are between 80 and 150 feet. The idea is to remove all human activity as much as possible out to beyond the near shore area so you can let fish spawn and migrate.

By limiting it, if you have a forty foot dock and you call for a dock, your neighbor gets a thirty foot and then you have to have all your L's and everything outside of that. What's a property owner to do? You've restricted them and you can't have one without a variance which will not probably be approved.

So the other things I wanted to talk about was bulkheads; and my question to you before any kind of repairs that does constitute a net loss of ecological functions? Because if you have a structure there and no net loss means to retain the same or be improved over time, if you replace a structure with a structure down to essentially really met that requirement that Ecology has changed three or four times the definition of since 2003 when you first looked at these regulations.

Also didn't see anything in here essentially about moorage piles. Will moorage piles be allowed because a large type of moorage piles will eliminate the need for a boat lift? So if you take your boat out of the water in the winter you have a four way tie or three way tie for a boat to be in place without damaging your dock.

Also splice repairs; there is a way to repair a pile without actually replacing it. You can actually splice a new stub pile on top of it. My question is, does that contribute to the 50%?

And PWC lifts not being allowed in the thirty foot, physically those (not audible to transcriber) personal watercraft lifts, I am sorry jet ski lifts, usually those are put on the main walkway. If

you're only limiting the dock to so long but then tell them they can't have any type of lift within thirty feet of the shoreline then you are essentially telling them they can't have a lift. Thanks.

James Gallegos, County Resident
229 116th Avenue NE

I've got just a couple things I want to talk about here that I don't think have been addressed at all and that's in regards to the sections of the Lake that are separated via road. A lot of these requirements and the setbacks and so on really address homes that are situated right on the lake. They don't really take into consideration a lot of the docks and floatations that are probably 25% of the lake (not audible for transcriber) maybe at the road. A lot of the retaining walls and most of the bulkheads on those sections of the lake are supporting the road. In that case you are not only supporting a structure but you are supporting a road. You take away our ability to maintain those walls; the roads going to fall down. Then I think the burden of cost is going to shift to the City.

In the case of planned communities that we have on the Lake that share the dock spaces, there is one them such as The Reserve that is ours, which is Lakeside Manor and there is another that I don't recall the name of. They support hundreds of houses on shared community docks. All those docks I know for a fact are non-conforming. They are much larger so they can support people to sunbath on there and support all those people. There is another concern of mine that has to with the actual permitting of the docks and what is allowed on them (not audible for transcriber) we actually have 15 boat slips. I think we are the only perhaps marina that actually own a dock that allows something like that. We're 15 homes and individuals can moor their boats there. I don't know that any of rules that allow that kind of a dock ever to exist again.

And then the last thing is that our association, we have one tract that's considered tract 999 where it is broken up into five lots in our covenant that says that five individuals have private use 50 feet into the waterfront spot and then there is 250 plus feet of private or shared use. Each of those private spots have their own docks as well as the community dock. In your language there you say that only one lot can have a dock. In that case we would have to tear out all the docks, because in the covenant that we're separated and we have private use but it is one dock. So I don't think any of that, at least, has been taken into consideration. So that's all I have to say.

Gigi Burke, Resident
920 East Lakeshore Drive

One of things I wanted to say tonight, I think you understand at least the concerns that are very, very common and I don't want to reiterate those points. I know we talked to a few of the Councilmembers individually about possibly meeting and talking with Angela and tonight was the first time I've heard Dave Douglas. And the Planners seem to really understand this stuff. I personally think if you are willing to work with us and they have very, very good ideas that we can come together to some common ground and have some compromises. And we don't want to ask for the world but we are just hoping that you will at least listen and consider coming to the middle. Hopefully the outcome will be something that we can all live with. And you know I plan to be out here for the rest of my life and kids will be here even longer. So I maybe a forever optimist person but that's what I'm hoping. So I appreciate you listening and I do appreciate all

the work that's been put into this cause. I wouldn't want to do; and I know a lot of time and energy resources have been put into it. I thank you.

Steve Miller, Resident
11016 Maple Lane

Again I just kinda want to reiterate what has been said that it is time we do join together. I have some concerns with, you may come up with some really good ideas, but once they are presented to Ecology I really have my doubts as to whether or not you even going to get what want in your package. And think if we work together we really can come up with something. I bought a house many, many years ago on this lake because it is a recreational lake that we can do everything from crew to see the jet skis (not audible for transcriber) a wakeboard, surfing; we do it all. I hate to see this lake start getting so restricted so they (not audible to transcriber) from this hour to this hour we can start doing this, we can have the crew out there, then jet skis then wakeboard.

So when you start getting all these restrictions, as a homeowner, we talk about variances. Okay my house is 27 feet off the water, so I'm totally out of compliance. And then if I take the average of these other homes I just see a nightmare coming in here. You talk about 60 feet putting a deck out, you are absolutely right a 10 foot deck is useless. If we can just work together we have a lot of very intelligent people out here and in front and we can make this work. Let's do it together. Thank you.

Brent Kirk, Resident
25 South Davies Road

I just want to make several quick comments. You guys (not audible for transcriber) were at six months ago, a lot of good comments and I know being on the subcommittee who worked on it initially step put a lot of time and effort into this. So two things, one is the lengths you recently approved extension the deadline for shoreline updates from seven years to eight years, the City accepted the eight years now. The other thing is they have also extended the timeframe for (not audible for transcriber) DOE. Staff knows they don't have the time to review these things. There is suppose to be a 180 day turnaround, which is something the legislators have told them to do as well but I think this maybe an opportunity for you guys if you are on the fence tonight, based on the comments that were made, to take a little bit more time. I know staff will kill me for saying this because they put so much time into this but there are some other things to be done. Whether or not (not audible for transcriber) I think I've made my opinion pretty clear. DOE isn't going to say yes to us with what we have right now probably. And even if they do, Department of Fish & Wildlife will pull their trump card because you guys aren't going to get a permit without a HPA. So we going to have to live by what Jamie Bails and Joe Burcar tell us to do; but if we structure things in a certain way and need to work with these people a little bit more, I think that back lash in the long run will be a lot less. So just keep in mind the extensions from seven years to eight years and DOE and the legislature has actually approved the extensions on our grants for our SMP. So we can string it out a little longer if you guys aren't really sure what you want to turn in right now on the second and final reading. Thanks.

Cory Burke, Resident
920 E. Lakeshore Drive

This is probably more comical than anything; this 4th of July, everybody was out, it was sunny. I was out on the dock in the morning, and I could see hard shadow lines and hundreds of little fish, going from shadow to sun, from shadow to sun, which is my understanding is this whole dock thing is about hard shadow lines and fish hit it and go around it. And then the week prior to that I heard some noise under the dock and thought what the heck (not audible for transcriber) and I looked under there, there's an otter under there going down and eating shell fish and having a good old time under my dock. Now I have a short dock instead of way out in the lake but it's very wide and I looked around and there's an otter and stuff everywhere under there. So I think there is a lot of things that are not being taken into consideration, we're focusing on one fish. And (not audible for transcriber) I just don't know, I just thought it was comical. I just wanted to share it with you. Cause I got the neighbors and said guys come look at this. There's just fish swimming everywhere they could care less where the sun, where the shadow were, if it was shallow, if it was deep, they were in five feet of water and they went for the water. I just wanted to share it with you.

***Paul Olliges, Resident
824 E lakeshore Drive***

Becky called and looked at what you guys are working on. I do have one question for you regarding our specific lake and the studies that have been done on our lake. I know regulations change very often about what you can and cannot do. Four docks down from me someone had a \$1,500 expenditure that they put a log bolted to the pilings underneath the lake its creating shadow and not we're trying to open up the light with grating on the docks. I would recommend that we do a study of Lake Stevens to figure out what we need to do for the lake to improve the lake. I am not a fish expert, but I understand both the Bass and Kokanee have been planted in our Lake so what's native, what's not. Let's figure it out so we do the right thing for our lake. Thank you.



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LAKE STEVENS CITY COUNCIL
STAFF REPORT

Council Agenda Date: November 28, 2011

Subject: Public Hearing - 2012 Budget Ordinance

Contact Person/Department: Barb Lowe/Finance Director **Budget Impact:** Yes

RECOMMENDATION(S)/ACTION REQUESTED OF COUNCIL:

Approve Second and Final Reading of 2012 Budget and Ordinance No. 865

SUMMARY/BACKGROUND:

The 2012 budget proposal is based on a six year forecast of revenues and expenditures. This conservative approach is applied to build and maintain a reserve balance to sustain the City during economic downturns and prepare for future economic development.

The budget subcommittee and City Council have been reviewing current and forecasted revenues and expenditures including property tax, City's staffing plans, and related costs which are incorporated into the proposed 2012 budget ordinance.

The City of Lake Stevens 2012 Proposed Budget document is available on the City website at:
<http://www.ci.lake-stevens.wa.us/cityhall-finance.htm>

APPLICABLE CITY POLICIES:

Per RCW 84.55.120 the legislative body will hold public hearings on the proposed budget for the coming year.

BUDGET IMPACT:

The budget ordinance sets the revenue and expenditure levels for the coming year's budget.

ATTACHMENTS:

- Exhibit A: Ordinance No. 865

CITY OF LAKE STEVENS
LAKE STEVENS, WASHINGTON

ORDINANCE NO. 865

AN ORDINANCE ADOPTING THE BUDGET FOR THE CITY OF LAKE STEVENS,
WASHINGTON, FOR THE CALENDAR YEAR ENDING DECEMBER 31, 2012

WHEREAS, the Mayor of the City of Lake Stevens, Washington completed and placed on file with the City Clerk a proposed budget and estimate of the amount of the moneys required to meet the public expenses including salaries and benefits of City employees, bond retirement and interest, reserve funds and expenses of government of said City for the fiscal year ending December 31, 2012, and a notice was published that the Council of said City would meet for the purpose of making a budget for said fiscal year and giving taxpayers within the limits of said City an opportunity to be heard upon said budget, and

WHEREAS, the said City Council did meet at said time and place and did then consider the matter of said proposed budget; and

WHEREAS, notices were published in the official newspaper of the City, that the Council of said City would meet on the 14th day of November and the 28nd day of November, 2011, at the hour of 7:00 P.M., at the City Council Chambers in the Lake Stevens School District Educational Service Center of said City for the purpose of receiving public testimony in a public hearing as to the matter of said proposed budget; and

WHEREAS, the said City Council did meet at said dates, times, and place and did receive public testimony during a public hearing as to the matter of said proposed budget; and

WHEREAS, the said proposed budget does not exceed the lawful limit of taxation allowed by law to be levied on the property within the City of Lake Stevens for the purposes set forth in said budget, and the estimated expenditures set forth in said budget being all necessary to carry on the government of said City for said year and being sufficient to meet the various needs of said City during said period.

NOW, THEREFORE, the City Council of the City of Lake Stevens do ordain as follows:

Section 1. The budget for the City of Lake Stevens, Washington, for the year 2012 is hereby adopted in its final form and content as set forth in the document entitled City of Lake Stevens 2012 Annual Budget, 1 copy of which are on file in the Office of the Clerk.

Section 2. Totals for all such funds combined, for the year 2012 are set forth in summary form below, and are hereby appropriated for expenditure during the year 2012 as set forth below:

Fund #	Fund Name	Estimated Beg. Bal.	Resources	Expenditures	End. Bal.
001	General	\$2,939,497	\$7,640,284	\$8,049,272	\$2,530,509
002	Contingency Reserve	\$845,195	\$900	\$100	\$845,995
101	Street	\$1,589,683	\$2,037,700	\$1,875,830	\$1,751,553
103	Street Reserve	\$1,518	\$3	\$0	\$1,521
111	Drug Seizure & Forfeiture Fund	\$2,562	\$2,005	\$200	\$4,367
112	Municipal Arts Fund	\$1,318	\$5	\$0	\$1,323
205	PWTF Loan 2002	\$0	\$90,405	\$90,405	\$0
206	Police Station LTGO 2004	\$0	\$105,969	\$105,969	\$0
207	PWTF 2006	\$0	\$413,380	\$413,380	\$0
208	PWTF 2005	\$0	\$67,369	\$67,369	\$0
209	PWTF 2008	\$0	\$566,294	\$566,294	\$0
210	2008 Bonds	\$0	\$347,999	\$347,999	\$0
211	PWTF 2010	\$0	\$69,251	\$69,251	\$0
212	2010 LTGO Bonds	\$0	\$95,613	\$95,613	\$0
301	Cap. Proj.-Dev. Contrib.	\$1,285,045	\$62,000	\$0	\$1,347,045
303	Cap. Imp.-REET	\$707,965	\$226,600	\$442,546	\$492,019
304	Cap. Improvements	\$990,357	\$226,500	\$0	\$1,216,857
305	Downtown Redevelopment	\$1,636	\$3	\$0	\$1,639
309	Sidewalk Capital Project	\$591,762	\$1,000	\$0	\$592,762
401	Sewer	\$315,776	\$1,377,714	\$1,383,965	\$309,525
406	Sewer Reserve	\$196,275	\$360	\$0	\$196,635
410	Storm and Surface Water	\$492,482	\$1,468,559	\$1,362,482	\$598,559
501	Unemployment	\$89,606	\$30,179	\$35,000	\$84,785
510	Equipment Fund	\$75,353	\$51,966	\$46,920	\$80,399
520	Equipment Fund-Police	\$149,789	\$100,500	\$80,000	\$170,289
530	Equipment Fund-PW	\$134,218	\$87,022	\$26,700	\$194,540
540	Aerator Equipment Replacement	\$53,404	\$38,640	\$0	\$92,044
621	Refundable Deposits	\$3,400	\$30,500	\$33,900	\$0
633	<u>Treasurer's Trust</u>	<u>\$0</u>	<u>\$300,000</u>	<u>\$300,000</u>	<u>\$0</u>
Total		\$10,466,841	\$15,438,720	\$15,393,195	\$10,512,366

Section 3. The City Clerk is directed to transmit a certified copy of the budget hereby adopted to the Division of Municipal Corporations in the Office of the State Auditor and to the Association of Washington Cities.

Section 4. A summary of this ordinance consisting of the title shall be published in the official City newspaper. This ordinance shall take effect and be in full force five (5) days after publication.

PASSED BY THE CITY COUNCIL OF THE CITY OF LAKE STEVENS this 28th day of November, 2011.

Vern Little, Mayor

ATTEST:

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

APPROVED AS TO FORM:

Grant Weed, City Attorney

First Reading: November 14, 2011
Second Reading: November 28, 2011
Published:
Effective:



City of Lake Stevens

One Community Around the Lake

2012 Budget
Public Hearing



2012 Budget Calendar

■ Budget Committee Meeting	September 19, 2011
■ Budget Committee Meeting	September 26, 2011
■ City Council Discussion	September 26, 2011
■ Budget Committee Meeting	October 10, 2011
■ City Council Discussion	October 10, 2011
■ Public Hearing #1	November 14, 2011
■ Final Public Hearing and Budget Adoption	November 28, 2011
■ Final Public Hearing continuation and Budget Adoption (if needed)	December 12, 2011



Six Year General Fund Forecast

GENERAL FUND	2011	2012 EXEC.	2013	2014	2015	2016	2017
Line Item Description	Estimated	REQUESTS	Year 2	Year 3	Year 4	Year 5	Year 6
Estimated Beginning Fund Balance	1,319,089	2,939,497	2,530,510	1,781,299	818,233	(394,244)	(1,840,588)
	-	-	-	-	-	-	-
TOTAL REVENUES	9,455,629	7,640,284	7,516,204	7,622,233	7,729,642	7,838,396	7,949,560
TOTAL RESOURCES	10,774,718	10,579,781	10,046,714	9,403,532	8,547,875	7,444,151	6,108,972
TOTAL EXPENDITURES	7,835,220	8,049,272	8,265,415	8,585,298	8,942,120	9,284,739	9,771,202
ENDING FUND BALANCE	2,939,497	2,530,510	1,781,299	818,233	(394,244)	(1,840,588)	(3,662,229)
Total Reserve %	31%	33%	24%	11%	-5%	-23%	-46%



2012 Budget Focus

- Emphasis on Multi-year Forecasting
 - Conserve Resources
 - Keep Expenditures Down
- Continue Economic Development Plan
 - Create Stable Sales Tax Base & Job Creation
- Attempt to Maintain Current Staffing Levels



General Fund 2012 Reserve Balance

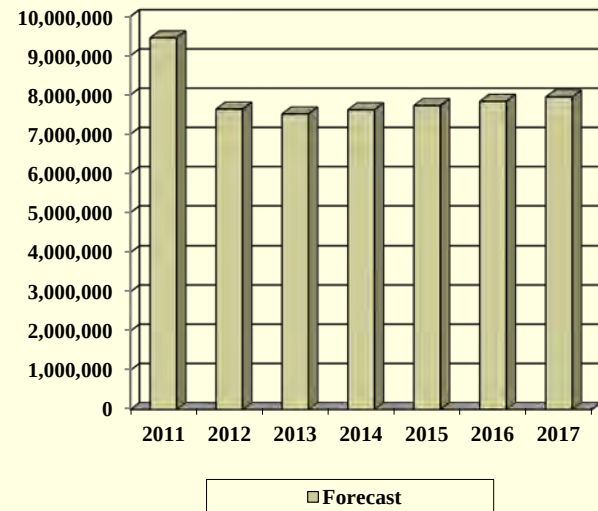
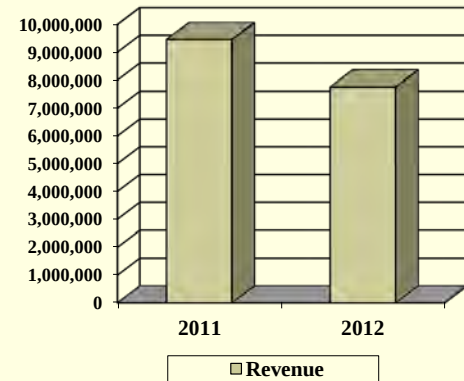
- Beginning Fund Balance \$ 2,939,497
- + 2012 Revenues \$7,640,284
- - 2012 Expenses (\$8,049,272)

- Est. 2012 Ending Balance \$2,530,510
 - 33% Reserve Balance



2012 Revenues Budget & Future Forecast

- The 2012 estimated revenue is expected to decrease 19%
 - Decrease - Property Tax
 - **Eliminate - Sales Tax Incentive**
 - Decrease - Sales Tax Receipts
 - Decrease - Building Permits
 - Decrease – Liquor Board Profits
 - **Decrease – Liquor Excise Tax**
 - **Decrease – Criminal Justice**
- Future Forecasted Revenues
 - No Sales Tax Receipts to replace WWTP construction
 - Building Permits stay constant





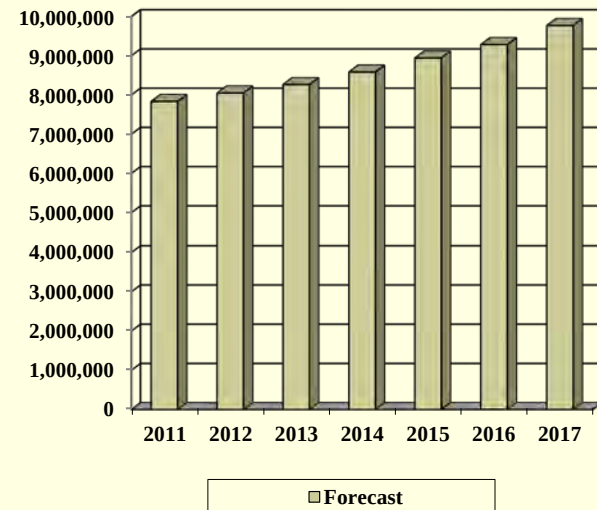
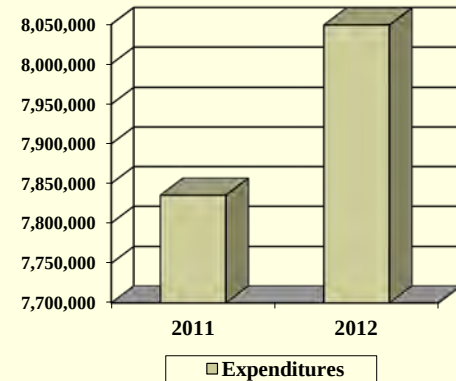
General Fund Revenue Assumptions for 2012

- Property Tax: \$2,611,547
 - Decrease of \$644,000 due to decreased AV and allocation reduced to 72% GF
- Sales Tax: \$1,607,585
 - Decrease of \$478,000 from 2011 due to WWTP completion
- Sales Tax Incentive
 - Eliminated in February - \$249,156
- Building Permits \$258,000
 - Anticipating continued slow down of permit activity a reduction of \$112,000 from 2011
- I-1183 – Liquor Board Profits
 - Decrease \$53,000 as profits will be eliminated in July 2012 (Some fees to replace this loss)
- I-1183 – Liquor Excise Tax
 - Eliminated in February - \$114,000
- Criminal Justice Shared Revenue
 - Eliminated in February - \$28,000



General Fund Expenditure Assumptions for 2012

- Total Expenses Increase by 3% over 2011
- Personnel
 - 11% increase in medical benefits
 - Benefit estimates revised to actual increases
 - Police Holiday Payouts - \$90,000
 - 42% Increase from 2010 to 2011
 - 15% Increase from 2011 to 2012
 - Seasonal Parks Workers
- Economic Development
 - Code Publishing costs
 - Advertising
- Transfer to GF Reserve
- Human Services Contributions suspended for 2012



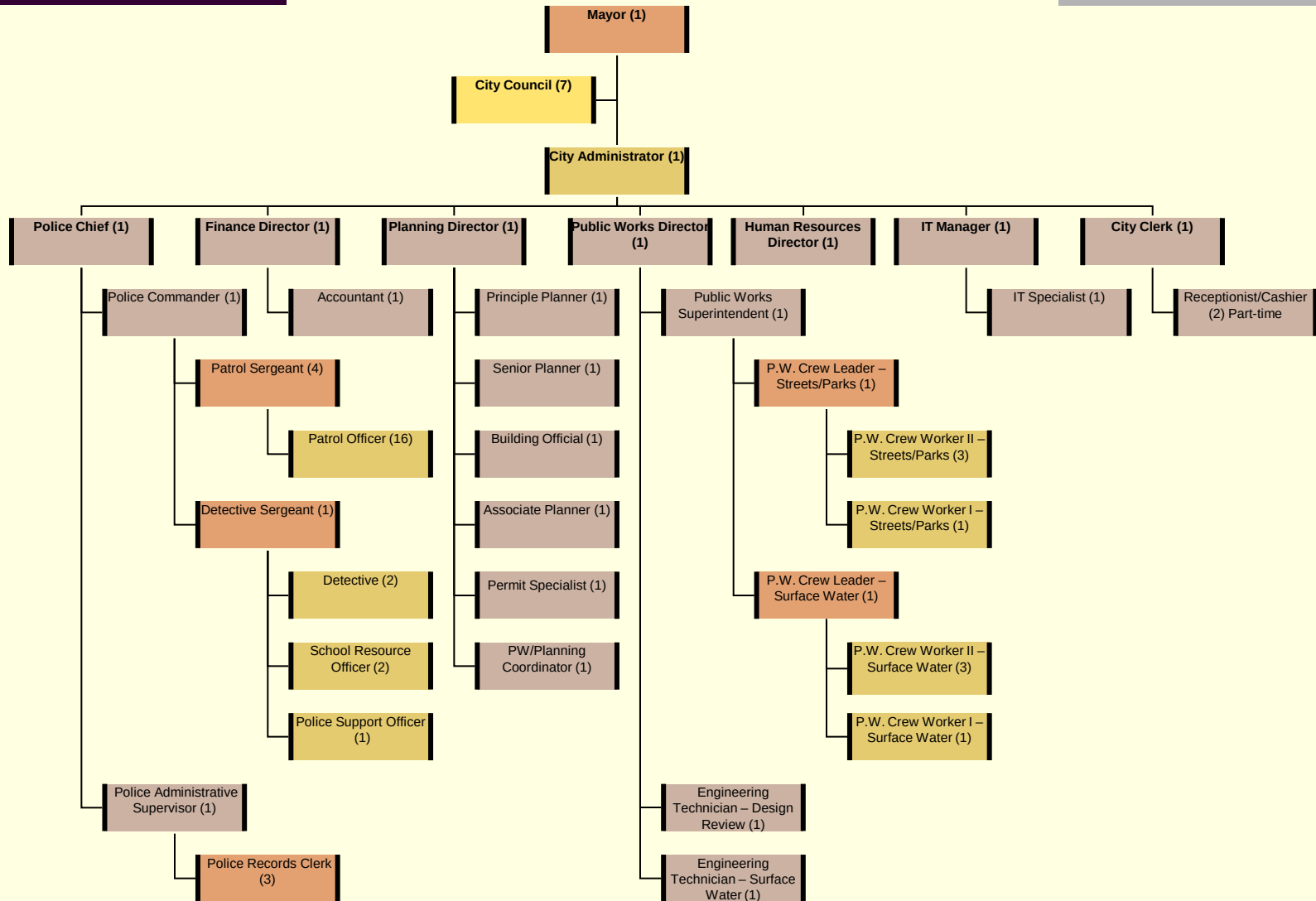


Capital/Project Requests

<u>PROJECT DESCRIPTION</u>	<u>AMOUNT</u>	<u>COMMENTS</u>
Human Resources - Fire Proof Safe	\$ 2,500	
IT Services - Training	\$ 2,000	Requested \$5,000
IT - Telephone System Support Contract	\$ 2,700	ongoing expense
IT- PC Replacements (if needed)	\$ 6,000	2 Desktops and 2 Laptops
IT- Re-cabling Annex Bld to Planning	\$ 6,050	
IT- Replace Switch for Annex & Plan	\$ 5,000	
IT- UPS Power Supplies	\$ 1,200	
IT - Memory Upgrades for LK01 & LK02 Servers	\$ 2,048	
IT - Upgrades for Storage Controller	\$ 4,612	
IT - MS Virtual Machine Manager	\$ 1,200	
IT - MS VMM User CAL (2)	\$ 37	
IT - Windows 2008 R2 Data Center	\$ 6,026	
IT - Windows 2008 Device CAL (100)	\$ 1,835	
IT - Replacement-Storage Controller Hard Drives (2)	\$ 500	
Planning/ Public Works GIS License	\$ 1,800	50% General Fund/ 50% Storm Water Fund
Police - 4 Blackberries for Sergeants& 2 Phones	\$ 3,395	
Police - Ballistic Shield	\$ 3,800	
Police - Patrol Vehicle Video/Audio Recording	\$ 7,500	Requested 4 units - recommending 2
Police - E-Cabinet Filing	\$ 5,000	
Police -Patrol Cars - 2 Re-appropriated from 2011	\$ 72,000	Requested 4 units - recommending 2
Police - Patrol Car Laptops	\$ 17,625	3 in 2012
Parks - Demo Eagle Ridge House	\$ 25,000	
Parks - Reroof Shelters and restrooms - Lundeen	\$ 18,000	
Parks - Grates for ped pier & railing-North Cove	\$ 4,200	
Gen. Gov - Sealing City Hall Roof	\$ 2,000	
Gen. Gov - Sealing Comm Center Roof	\$ 2,000	
Total Recommended Requests	\$ 204,028	



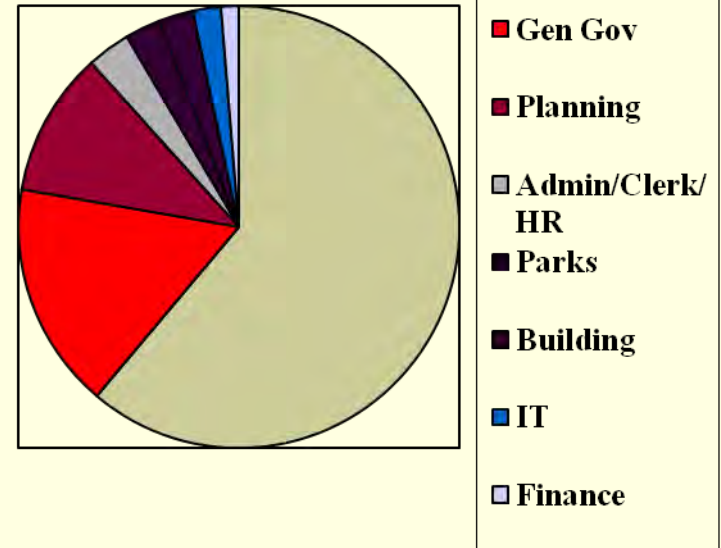
2012 Budgeted Staffing Levels





General Fund 2012 Proposed Expenditures

Law Enforcement	\$4,890,343	61%
General Government	\$1,322,768	16%
Planning	\$842,694	10%
Admin/Clerk/HR		
Civil Service	\$252,597	3%
Parks	\$206,131	3%
Building	\$200,111	3%
Information Tech	\$162,910	2%
Finance	\$103,273	1%
Elected Officials	\$68,445	1%





Public Works

- Street Fund
- Surface Water Fund
- Public Works Projects
- Public Works Equipment Fund





Street Fund

■ Purpose:

- Maintain Existing City Streets & Sidewalks
- Plan and Implement Infrastructure and Circulation Improvements





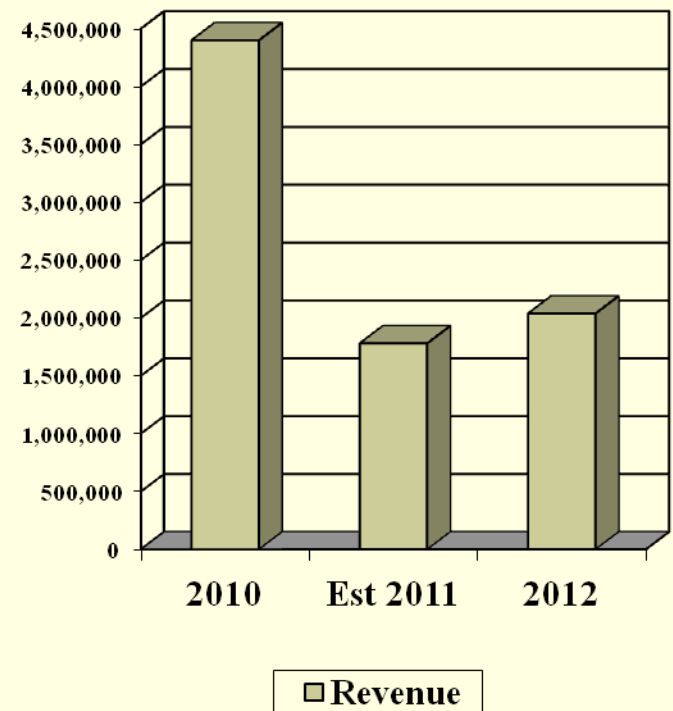
2012 Street Fund Summary

■ Beginning Fund Balance	\$1,589,683
■ + 2012 Revenues	\$2,037,700
■ - Operating Expenses	(\$1,786,982)
■ - Capital/Projects	<u>(\$88,848)</u>
■ 2012 Ending Balance	\$1,751,553



2012 Street Fund Revenues

- Total Revenue \$2,037,700
- Revenue Sources
 - Property Tax \$1,015,602
 - Current budget proposal includes 28% allocation
 - Motor Vehicle Fuel Tax \$566,833
 - Electric Utility Tax \$366,333
 - Continue 50% Transfer from General Fund

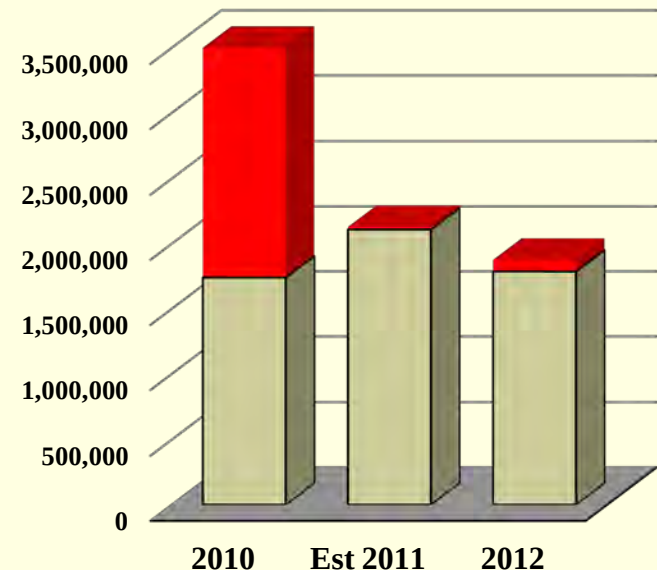




2012 Street Fund Expenditures

- Total Operating Expenditures \$1,786,982
 - GMA Traffic Mitigation Plan
 - Crack Sealing
 - Overlays
 - Revised salary allocations
 - Revised benefit costs
- Total Capital Expenditures \$88,848
 - 36th Street Bridge
 - Roundabouts
 - Vernon Rd/N. Davies
 - N. Davies/Safeway Exit

Expenditures



■ Operating Expenditures
■ Capital Expenditures



Surface Water Fund

- Purpose
 - Provide Maintenance and Operation of City's Storm Drainage System
 - Lake & Stream Maintenance & Restoration
 - Street Runoff
 - Roadside Ditch & Culvert Maintenance
 - Lake Restoration – Aerator
 - Weed Abatement



2012 Surface Water Fund Summary

■ Beginning Fund Balance	\$492,482
■ + 2012 Revenues	\$1,468,559
■ - Operating Expenses	(\$1,260,882)
■ - Capital/Projects	<u>(\$101,600)</u>
■ 2012 Ending Balance	\$598,559



2012 Surface Water Fund Revenues

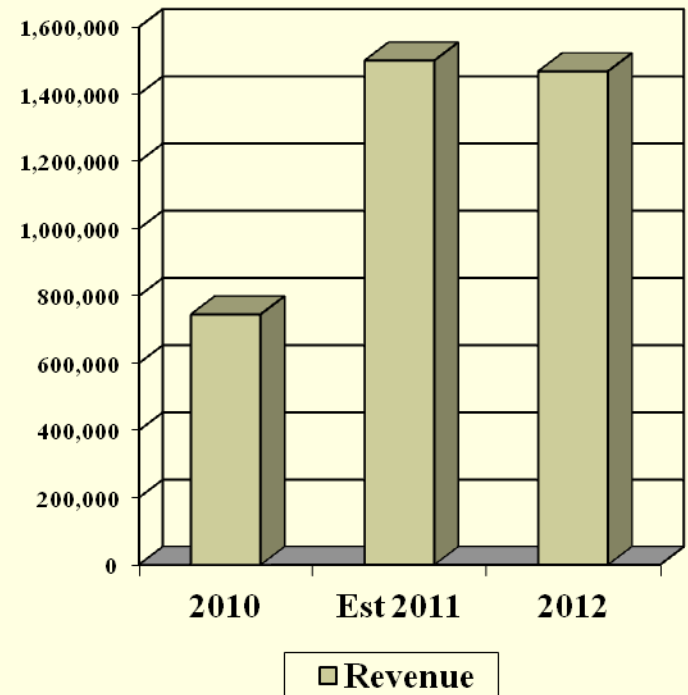
■ Total Revenue \$1,468,559

■ Revenue Sources

■ Grants \$154,000

■ DOE Grants – Carry-overs

■ Storm Service Charges
\$1,307,961

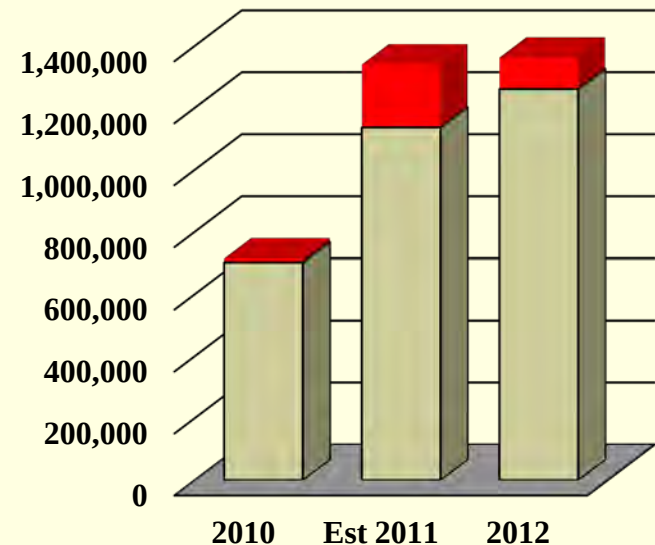




2012 Surface Water Fund Expenditures

- Total Operating Expenditures
\$1,260,882
 - No major changes from prior budget
 - Offsetting grant expenditures
 - Revised salary allocations
 - Revised benefit costs
- Total Capital Expenditures
\$101,600
- Capital Projects
 - Aquatic Weed Solution Continuation
 - Drainage & Culvert Repair
 - Parkway Crossing Detention Pond

Expenditures



■ Operating Expenditures
■ Capital Expenditures



Public Works Equipment Fund

■ Purpose

- Build and maintain a pool of resources for the purchase of equipment for the Public Works Department

■ Resources

- Annual Contributions
 - Street Fund
 - \$41,097
 - Surface Water Fund
 - \$45,700



Public Works Capital/Project Requests

<u>PROJECT DESCRIPTION</u>	<u>REQUESTED AMOUNT</u>	<u>INCLUDED AMOUNT</u>	<u>COMMENTS</u>
Street – Technical Intern	\$ 10,200	\$ -	
Street - Prof Serv Crack Sealing Contract	\$ 10,000	\$ 10,000	
Street - 20th Street Traffic Study - Design Analysis	\$ 33,000	\$ 33,000	Begin Implementation of study results
Street - GMA Traffic Mitigation Plan	\$ 40,000	\$ 40,000	
Street - Roundabout Landscape & weed control	\$ 3,000	\$ 3,000	
Street - Overlays	\$ 342,075	\$ 342,075	Include 200k for 2012 + carryover from 2011
Street - Vernon Rd/N Davies RAB/channalization	\$ 16,000	\$ 16,000	
Street - N Davies/Safeway Exit RAB	\$ 10,000	\$ 10,000	
Street - 36th Street Bridge (Reallocation to 2012)	\$ 62,848	\$ 62,848	
Storm - GIS Site License	\$ 900	\$ 900	
Storm - Culvert Replacement (114th/21st NE)	\$ 18,000	\$ 18,000	
Storm - Drainage (91st/Market)	\$ 3,000	\$ 3,000	
Storm - Milfoil Solution	\$ 69,000	\$ 69,000	
PW Equip. - 5 Yard Dump Truck w/plow (used)	\$ 50,000	\$ -	Proposed purchase in 2011
PW Equip. - Deicer Tank	\$ 12,000	\$ 12,000	
PW Equip. - Backhoe Trailer (used)	\$ 12,000	\$ 12,000	
PW Equip. - Traffic Counters (2)	\$ 1,000	\$ 1,000	
PW Equip. - Table Saw	\$ 1,800	\$ 800	Requested \$1,800 - reevaluated need - recommend \$800
PW Equip. - 5 Ton Heavy Jack	\$ 900	\$ 900	
PW Equip. - Rolling Jack Lift	\$ 9,000	\$ -	Not needed at this time
Total Recommended Requests	\$ 704,723	\$ 634,523	



2012 Budget Next Steps

- Budget Adoption
- Update Budget Document
 - After 2011 YE



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LAKE STEVENS CITY COUNCIL
STAFF REPORT

Council Agenda Date: November 28, 2011

Subject: 2011 Comprehensive Plan Amendments (2011 Docket) (LS2011-1) – Public Hearing

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

RECOMMENDATION(S)/ACTION REQUESTED OF COUNCIL: The recommendation is for the City Council to hold a Public Hearing on a first and final ordinance for the proposed Comprehensive Plan amendments on November 28, 2011.

SUMMARY: Six text amendments, proposed by the City, were ratified by the City Council on September 26, 2011. Most of the amendments are related to the recently adopted Eagle Ridge Park Master Plan or Six Year Transportation Improvement Program (TIP) 2012-2017. The Planning Commission recommends approving all six amendments (**Attachment A**).

BACKGROUND: Under the Growth Management Act, the City is allowed to amend the Comprehensive Plan and Future Land Use Map only once per year, with a few exceptions. 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 six text amendments proposed by the City.

The Planning Commission held a public hearing for recommendation to ratify the 2011 Docket on September 7, 2011. The 2011 Docket was ratified by the City Council on September 26, 2011. The items on the ratified docket have been analyzed against the criteria to grant or deny an amendment. An analysis form for each proposed text amendment was presented at a briefing on October 24, 2011.

The Planning Commission held a public hearing on the proposed amendments on November 2, 2011, and recommend approval of all six text amendments; the sixth was a placeholder that was used to update the Table of Contents. A SEPA Addendum No. 4 to the Integrated 2005 Comprehensive Plan and Environmental Impact Statement was issued on October 19, 2011 (**Attachment B**). No comments were received on the SEPA Addendum. The proposed amendments were sent to the Washington Department of Commerce for the 60-day review on September 29, 2011 (**Attachment C**).

DISCUSSION: The Comprehensive Plan establishes six criteria listed on page 1- 24 to grant or deny a Plan amendment. All proposed amendments meet the six criteria.

For both City and privately-initiated amendments, the City shall take into consideration, but is not limited to, the following factors when considering approval of a proposed amendment to the Comprehensive Plan:

- 1. The effect upon the physical, natural, economic, and/or social environments.*
- 2. The compatibility with and impact on adjacent land uses and surrounding neighborhoods including whether the amendment would create pressure to change the land use designation of other properties in the vicinity.*

3. *The adequacy of and impact on public facilities and services, including utilities, roads, public transportation, parks, recreation, and schools.*
4. *The quantity and location of land planned for the proposed land use type and density.*
5. *The effect, if any, upon other aspects of the Comprehensive Plan.*

The City may amend the Comprehensive Plan only if it finds the amendment meets all of the following:

1. *The amendment must be consistent with the Growth Management Act and other applicable State laws;*
2. *The amendment must be consistent with the applicable County-wide Planning Policies;*
3. *The amendment must not be in conflict with the Community Vision or other goals, policies, and provisions of the Comprehensive Plan;*
4. *The amendment can be accommodated by all applicable public services and facilities, including transportation;*
5. *The amendment will change the development or use potential of a site or area without creating significant adverse impacts on existing sensitive land uses, businesses, or residents;*
6. *The amendment will result in long-term benefits to the community as a whole, and is in the best interest of the community.*

Ordinance No. 862 is included in Appendix D.

APPLICABLE CITY POLICIES: Chapter 14.16A LSMC and LSMC 14.16C.040 establish procedures for amendments to the City's Comprehensive Plan.

BUDGET IMPACT: No budget impact

ATTACHMENTS:

- A. Planning Commission Recommendation Letter
- B. SEPA Addendum No. 4 to the Integrated 2005 Comprehensive Plan and Environmental Impact Statement
- C. Letter from Washington State Department of Commerce dated September 29, 2011
- D. Ordinance No. 862



November 2, 2011

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

**SUBJECT: PLANNING COMMISSION RECOMMENDATION
2011 Comprehensive Plan Amendments (LS2011-1)**

Dear Council President Quigley and Council Members:

The Lake Stevens Planning Commission held a public hearing on Wednesday, November 2, 2011 to consider six City-proposed Comprehensive Plan text and figure amendments as part of the yearly docket cycle.

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

Planning and Community Development staff presented the proposed text and figure amendments and answered the Commission's questions. Staff presented an overview of criteria required to be met for a comprehensive plan amendment to be granted. No public testimony was given.

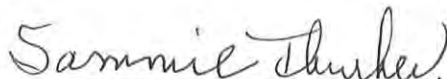
PLANNING COMMISSION RECOMMENDATION

MOTION – Commissioner Myers made a motion, seconded by Commissioner Thurber to recommend to Council approval of all six Comprehensive Plan text and figure amendments as presented by staff; motion carried unanimously (5-0-0-2).

Respectfully submitted,

Lake Stevens Planning Commission


_____, Chair
Dan Ansbaugh


_____, Commissioner
Sammie Thurber



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

September 29, 2011

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

Dear Ms. Watkins:

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

City of Lake Stevens - Proposed Comprehensive Plan Amendments, 2011 Docket, including amendments is to update the Plan for the 20th Street SE road project and the adoption of the Eagle Ridge Park Master Plan. These materials were received on September 29, 2011 and processed with the Material ID # 17413.

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 contact Growth Management Services at reviewteam@commerce.wa.gov, or call Dave Andersen (509) 434-4491 or Paul Johnson (360) 725-3048.

Sincerely,

Review Team
Growth Management Services

**CITY OF LAKE STEVENS
Lake Stevens, Washington****ORDINANCE NO. 862**

AN ORDINANCE OF THE CITY OF LAKE STEVENS, WASHINGTON AMENDING THE COMPREHENSIVE PLAN, ORDINANCES NO. 726 AND 739, AS AMENDED, AND TITLE 14 LSMC, BY APPROVING 2011 CITY INITIATED TEXT AMENDMENT REQUESTS #T-1 (CHAPTER 1 INTRODUCTION), #T-2 (CHAPTER 5 PARKS AND RECREATION ELEMENT), #T-3 (CHAPTER 6 TRANSPORTATION ELEMENT), #T-4 (CHAPTER 8 CAPITAL FACILITIES ELEMENT), #T-5 (APPENDICES), AND #T-6 (TABLE OF CONTENTS), WHICH AMEND THE COMPREHENSIVE PLAN TEXT AND FIGURES PURSUANT TO THE CITY'S ANNUAL COMPREHENSIVE PLAN AMENDMENT AND UPDATE PROCESS.

WHEREAS, as one of the cities in Snohomish County, the City of Lake Stevens is required under RCW 36.70A.130(4)(a) to review and, if needed, revise its Comprehensive Plan and development regulations to ensure the plan and regulations comply with the Growth Management Act, Ch. 36.70A RCW; and

WHEREAS, on July 27, 2006, the Lake Stevens City Council enacted Ordinance No. 726 adopting an updated Comprehensive Plan for the City of Lake Stevens, and on November 27, 2006, enacted Ordinance No. 739 adopting Comprehensive Plan provisions consistent with the incomplete provisions adopted in Ordinance No. 726; and

WHEREAS, the Growth Management Act allows jurisdictions to amend comprehensive plans once a year, except in those situations enumerated in RCW 36.70A.130(2)(a); and

WHEREAS, the 2011 Comprehensive Plan amendments include six City Initiated Text Amendment Requests, which propose to revise the Comprehensive Plan text and figures; and

WHEREAS, on October 19, 2011, the City issued a State Environmental Policy Act (SEPA) Addendum No. 4 to the Integrated 2005 Comprehensive Plan and Environmental Impact Statement; and

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

WHEREAS, on September 29, 2011, the City submitted the proposed 2011 Comprehensive Plan text and figure amendments to the Washington State Department of Commerce for its 60-day review and received documentation of completion of the procedural requirement; and

WHEREAS, the Lake Stevens Planning Commission, after review of the proposed 2011 Comprehensive Plan text and figure amendments, held duly noticed public hearing on November 2, 2011, and all public testimony was given full consideration; and

WHEREAS, on November 28, 2011, the Lake Stevens City Council reviewed the Planning Commission's recommendation relating to the proposed 2011 Comprehensive Plan

text and figure amendments and held a duly noticed public hearing, and all public testimony has been given full consideration.

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

Section 1. The City Council hereby finds that 2011 City Initiated Text Amendments in this Ordinance meet the necessary criteria for approval of amendments to the Comprehensive Plan, in that:

1. The Amendments are consistent with the Growth Management Act and other applicable State laws;
2. The Amendments are consistent with the applicable County-wide Planning Policies;
3. The Amendments are consistent with the Community Vision or other goals, policies, and provisions of the Comprehensive Plan;
4. The Amendments can be accommodated by all applicable and available public services and facilities, including transportation;
5. The Amendments will change the development or use potential of a site or area without creating significant adverse impacts on existing sensitive land uses, businesses, and/or residents; and
6. The Amendments will result in long-term benefits to the community as a whole, and are in the best interest of the community.

Section 2. The Amendments amendments shall be included with the Comprehensive Plan filed in the office of the Planning and Community Development Department and shall be available for public inspection.

Section 3. The City Council hereby amends the Comprehensive Plan and Ordinances No. 726 and 739, as amended, by adopting 2011 City Initiated Text Amendment Request #T-1 (Chapter 1 Introduction) which updates the Docket Process summary on page 1-9 for the 2011 amendments and updates the Environmental Review section on page 1-27 with the 2011 environmental process of the Comprehensive Plan, as set forth below:

Page 1-9 – Add the following 2011 Docket process summary to the end of the section:

The 2011 Docket included the following meetings for public participation during the adoption process for Plan amendments:

2011 Docket Ratification

September 7	Planning Commission Hearing/Set Final Docket
September 26	City Council Ratification of Final Docket

2011 Adoption of Amendments

October 24	City Council Briefing
November 2	Planning Commission Public Hearing
November 28	City Council Public Hearing & Adoption of Amendments
December XX	Amendments Effective

Page 1-27 – Update “Environmental Review” section with 2011 environmental process:

B. Environmental Review

A complete environmental review can be found in **Appendix A** of the Comprehensive Plan. Comments on the environmental analysis were gathered at the same time the overall Plan was circulated for public review. Adjustments were made based on comments received. The result is a Comprehensive Plan that responds to environmental goals of the community and complies with the State Environmental Policy Act. An addendum to the Final Environmental Impact Statement for the 2007 Docket was issued on November 16, 2007 and is included in **Appendix B**. An addendum to the Final Environmental Impact Statement for the 2008 Docket was issued on October 10, 2008 and is included in **Appendix G**. A Determination of Nonsignificance and Adoption of Existing Environmental Documents for the 2009 Docket was issued on March 25, 2009 and is included in **Appendix H**. An addendum to the Final Environmental Impact Statement for the 2009 revisions to the Capital Facilities Plan with amendment of the 2009 City Budget was issued on October 12, 2009 and is included in **Appendix I**. A Determination of Nonsignificance and Adoption of Existing Environmental Documents for the 2010 Docket was issued on July 7, 2010 and is included in **Appendix J**. Addendum No. 4 to the Integrated 2005 Comprehensive Plan and Final Environmental Impact Statement for the 2011 Docket was issued on October 19, 2011 and is included in **Appendix K**.

Section 4. The City Council hereby amends the Comprehensive Plan and Ordinances No. 726 and 739, as amended, by adopting 2011 City Initiated Text Amendment Request #T-2 (Chapter 5 Parks and Recreation Element), which amends the chapter consistent with the recently adopted Eagle Ridge Master Plan and for minor changes since the last Comprehensive Plan by amending the text on pages 5-10, 5-15 and 5-25, including Tables 5-2 and 5-3 on pages 5-19 and 5-20, of the Comprehensive Plan by adopting the amendments set forth below:

Page 5-10 – Amend the “Eagle Ridge Park” section as follows:

Eagle Ridge Park — In 1997, 15.48 acres, known as Eagle Heights, were purchased through the Snohomish County Conservation Futures grant program for a passive recreation park. In July 2003, 4.79 acres were conveyed to the City as a connection to the existing park. In 2010, the City purchased an additional 7.63 acres of property located adjacent and northwest of the existing property. The City Council adopted an Eagle Ridge Park Master Plan in 2010. The plan includes a capital cost estimate and a schedule to implement the Master Plan in three phases over a 10-15 year period. In its entirety, the Park Master Plan details the vision for development of this 27.9 acre park and the amenities and recreational opportunities. The park currently houses the Lake Stevens Senior Center and a small parks equipment storage facility.

The overall vision for the park is that of an “outdoor classroom” with both passive and active recreational activities that embrace and enhance the natural beauty of this park. Park visitors will be able to connect with and explore a valuable ecosystem that includes a significant and functioning wetland, and eagle habitat including an active nest, and creates opportunities for the public to be educated about functioning wetlands, Low Impact Development and sustainability. A list of desired features include:

- Community Garden.
- Connected park trail system.
- Educational features including interpretive signage.
- 'Green' design and development.
- Gazebo/Picnic Shelters.
- Interpretive Center (rehabilitate Barn).
- Outdoor classrooms or amphitheater.

Infrastructure and utilities will be required to support some of the desired amenities and features. A strong emphasis has been made on utilizing Low Impact Development and sustainable products. Landscape plans will feature native plants and call for the protection of existing trees and removal and management of invasive species.

~~((This park consists of two elements. First, a 15.6 acre passive recreation park purchased in 1997 through the Snohomish County Conservation Futures grant program. This area of the park has approximately 3,000 linear feet of trails that wind through a wetland area that encompasses the headwaters of two stream systems, Hubert Creek a salmon spawning creek and Eagle Creek. Eagle Ridge Park has also been home to two Bald Eagles who have been nesting here since 1992. The trails have recently been maintained and groomed to provide better accessibility and future plans include adding interpretive signs and observation areas. The second element of the park is an undeveloped 4.8 acre park that will be home to the new 2,800 square foot Lake Stevens Senior Center. This park is also in the first stages of master planning which includes plans to turn an existing barn into an interpretive center and incorporate an outdoor classroom theme. The City will continue to seek grant funding to complete other improvements consistent with the passive use character.))~~

Page 5-15 – Amend the “Lake Stevens Senior Group” section as follows:

Lake Stevens Senior Group -- The Lake Stevens Senior Center welcomes all older adults to share in the fellowship, classes and social events of the organization. The goal is to continually expand these services, with special emphasis on reaching out to the lonely and disadvantaged elderly in the Lake Stevens area. ~~((In order to effectively reach this goal, the Board will be moving to a new 2,800 square foot building was constructed in September of 2008.))~~The Senior Center is currently located ~~((presently shares a Community Center facility with a number of other organizations))~~in Eagle Ridge Park. This~~((e))~~ newly dedicated building is 2,800 square feet and has a commercial kitchen allowing the Senior Group to prepare healthy and nutritious meals through a subsidized lunch program. The new Lake Stevens Senior Center also has a 1,400 square foot dining/multi-purpose room, barrier-free bathrooms, office space and additional class and meeting rooms. ~~((The new building is located at 2302 Soper Hill Road, inside Eagle Ridge Park, which is currently in the beginning stages of a Park Master Plan.))~~The Lake Stevens Senior Group was also the recent recipient of a mini-van that was awarded through a Grant program offered by Community Transit.

Page 5-19 – Amend Table 5-2 “Inventory of Parks and Recreational Facilities Counted Toward Meeting LOS Requirements” as follows:

Table 5-2 – Inventory of Parks and Recreational Facilities Counted Toward Meeting LOS Requirements

Park Name	Area (Acres)	Type of Park
City Owned or Leased		
North Cove Park	4	Multi Purpose Park
Centennial Woods Park	6.3	Natural, Passive Recreation
Eagle Ridge Park	~~((20.4))~~ 27.9	Natural, Passive & Active Recreation, Neighborhood Park
Mill Cove Reserve	1	Natural, Passive Recreation
N. Lakeshore Swimbeach	0.5	Swimbeach, dock
Lundeen Park	9	Multi Purpose Park
Catherine Creek Park	8	Multi Purpose Park
City Boat Launch	0.75	Boat launch, dock
Reserve 1, 2 & 3 Tot Lot	0.26	Mini Park
Reserve	2.31	Trails
Schilling Short Plat Tot Lot	0.22	Mini Park
Baker Vista Subdivision	3.1	Two Mini Parks, trails
Felt Short Plat Tot Lot	0.06	Mini Park
L.S. Woods	1.23	Trails
L.S. Woods	0.09	Mini Park
Williams Woods	0.72	Two Mini Parks
Catherine Creek Gardens	0.05	Mini Park
Lake Pointe	0.68	Mini park w/picnic, volleyball
Timberlake Court	0.57	Mini Park
Catherine Creek Gardens	0.06	Mini Park
Lake Forest Estates	0.61	
City trail south of H.S.	0.91	
Malia Heights	1.34	
Subtotal	~~((62.16))~~ 69.66	
County Owned		
Centennial Trail Existing	6.7	Multi user trail
LS Community Athletic Field((s))	~~((36))~~ 7.21	One Baseball Field
LS Community Park	43.26	Four Ballfields, Active, Passive, Natural Recreation
Wyatt Park	3	
Sunset Beach	0.25	
Cavalero County Park	36	3 acre Off-Leash Dog Park, Undeveloped
Subtotal	~~((45.95))~~ 96.42	
Total	~~((108.11))~~ 166.08	

Items not included for the purpose of meeting LOS: (a) Parks not owned or leased by city or county (i.e. LSJAA, Meadow Estates, school grounds), (b) Native Growth Protection Areas and their buffers, except that credit is granted for trails located within buffer areas.

Page 5-20 – Amend Table 5-3 “Inventory of Parks by Facility Type” as follows:

Table 5-3 – Inventory of Parks and Recreation Facilities by Facility Type

Facility	Number	Size
INDOOR AND SPECIALIZED FACILITIES		
Indoor Gymnasiums	3	
Multi-Purpose Rooms, including Community Hall (mtgs., arts & crafts etc)	4	
Swimming Pools	1	3,395 sq.ft.
Parks Maintenance Buildings	1	1,800 sq.ft.
Parks Offices	1	2,400 sq.ft.
Kitchens	2	630 sq.ft.
OUTDOOR RECREATION AND TRAILS		
Picnic Tables	25	NA
Swimming Beach	1	560 sq.ft.
Public Docks/Piers	2	6000 sq.ft.
Fishing Areas	3	6480 sq.ft.
Boat Launches	1	1 acre
Trails	NA	5 miles
Bicycle Paths	1	
ATHLETIC FIELDS		
Playgrounds	1	0.5 acre
Playfields	3	5 acres
Horseshoes	2	4356 sq.ft.
Basketball Courts		
Indoor	3	NA
Outdoor	3	NA
Tennis Courts		
Lighted	8	NA
Unlighted	2	NA
Football Fields		
Competitive fields	2	2.9 acres
Practice fields	1	1.45 acres
Soccer Fields		
Practice fields	1	1.2 acres
Baseball/Softball Fields		
Jogging/Running Track	2	400 meters each
PARK PROPERTIES		
Parks & Open Space (includes Catherine Cr. Park lease)	NA	22 acres
Community ((~~Senior~~))Center	1	1,800 sq.ft.
<u>Senior Center</u>	<u>1</u>	<u>2,800 sq.ft.</u>
Museum	1	1,600 sq.ft.
Library	1	2,500 sq.ft.

Page 5-25 Add new department name for state agency under “Grants” as follows:

Grants

While the City has been successful in obtaining grants for parks, the lack of match has proved to be a constraint on obtaining even more grants. With a larger community it is anticipated that the City’s resources could be better leveraged with more and larger grants.

Four types of state project grants may provide needed revenues for parks.

1. The Washington State Recreation and Conservation Office (RCO), formerly known as the Interagency Committee for Outdoor Recreation (IAC), administers state matching fund grants through legislative authorized funding. IAC grants have contributed significantly to the construction of the Centennial Park bathrooms and the boat launch and dock improvements.

Section 5. The City Council hereby amends the Comprehensive Plan and Ordinances No. 726 and 739, as amended, by adopting 2011 City Initiated Text Amendment Request #T-3 (Chapter 6 Transportation Element), which updates the Transportation discussion to be consistent with the recently adopted Transportation Improvement Program (TIP) 2012-2017 and add the 20th Street SE Project and minor text updates on pages 6-3 to 6-7, 6-10 to 6-13, and 6-17 since the last Comprehensive Plan Update including deleting Table 6-1 on page 6-5, deleting Table 6-3 on page 6-11, deleting Table 6-4 on page 6-12, deleting Figures 6.0 and 6.1 on pages 6-8 and 6-9 and adding the two figures in **Exhibit A** as Figure 6.0A and Figure 6.0B of the Comprehensive Plan, and updating Table 6-2 in **Exhibit B**, as set forth below and in the attached and incorporated **Exhibits A and B**.

Pages 6-3 to 6-7 update the Introduction section and subsections as follows:

INTRODUCTION

This Transportation Element has been developed in accordance with RCW 36.70A.070 Emergency Evacuation Routes (Growth Management Act) to address the motorized and non-motorized transportation needs of the City of Lake Stevens. It represents the community's policy plan for the next twenty years.

It considers the location and condition of the transportation system; the cause, scope, and nature of transportation problems; future needs; and plans for addressing those needs including adoption of Level of Service (LOS) standards.

The type and availability of transportation resources are major factors in the development of land use patterns, while conversely, the way land is used greatly influences the need and location for new transportation. The relationship between transportation and land use is one of continuous interaction and their planning must be coordinated. The Land Use Plan and the Transportation Plan are highly interrelated, thus necessitating careful coordination.

For the Transportation Element, information was taken from the Lake Stevens Transportation Plan (July 19, 2005) and the Snohomish County Transportation Element (February 1, 2006) to update the street inventory, roadway classification map and the transportation improvement plan. In 2009, the "Southwest Annexation" was enacted that brought in approximately 2,400 acres into the City. The annexation was located approximately south of Market Street, bound to the east by the lake, west by SR 204, and south just beyond 20th Street SE. In this annexation area, 20th Street SE was identified by Snohomish County as a regionally significant transportation route and was an active project. Following the annexation, the County continued as the lead but the emphasis on the importance of this project had diminished. In August 2010, the City Council approved a agreement with the County where the City assumed the lead role. Updates for the inclusion of the Southwest Annexation area will follow at a later date.

Washington State Department of Transportation State Highway ((9))State Route (SR) Projects

The Washington State Department of Transportation (WSDOT) ~~((is-))coordinates~~((ing)) with the City of Lake Stevens on ~~((two-))projects~~((; one)) within the UGA and ~~((one within))~~ city limits.

~~((SR9 — Lake Stevens Road to 20th Street SE (UGA) — This project will improve two intersections in a one mile section of SR9 (South Lake Stevens Road and 20th Street SE). The road will be widened from two to four lanes, add a new wider bridge over Centennial Creek, add turn lanes, improve lighting, and upgrade traffic signals. Project will reduce congestion and improve travel time. Project completion is estimated for Summer 2011.))~~

SR9 – Lundeen Parkway to SR92 – This project will improve three intersections in a one mile section of SR9 (Lundeen Parkway, Soper Hill Road, and State Route 92). The road will be widened from two to four lanes, add turn lanes at two intersections, update traffic signals, and improve lighting. Project will improve traffic flow and reduce delays and risk of collisions. Project is currently underway and is expected to be completed~~((ion is estimated for Fall))~~ in 2012.

SR 9 – SR 204 – WSDOT is performing a study on this intersection to develop alternatives that address both the operational needs and interfacing of these State routes with a subarea plan being developed by the City. The State study began in late 2010. A final design report with recommendations is expected to be completed by early 2012.

SR 9 Route Development Plan – WSDOT, Snohomish County, City of Snohomish, City of Marysville, City of Arlington, City of Lake Stevens, and Community Transit have developed a master route plan for the entire length of SR 9 from the King/Snohomish County line to the Arlington area. The plan was adopted in 2011. Construction will occur through 2015.

SR 92 – 99th Avenue NE Roundabout – This project was identified as a safety needs improvement. A roundabout is proposed to be constructed at the intersection of SR 92 and 99th Avenue NE. The design of the roundabout is planned to be completed in 2011 with construction to begin in 2013.

SR 92 – 113th Avenue NE Roundabout – This project was identified as a safety needs improvement. A roundabout is proposed to be constructed at the intersection of SR 92 and 113th Avenue NE. The design of the roundabout is planned to be completed in 2011 with construction to begin in 2013.

Inventory and Analysis

The inventory presented in this element provides information useful to the planning process. This Transportation Element addresses all roads located within the City of Lake Stevens and the Lake Stevens Urban Growth Area including those which are the responsibility of the Washington State Department of Transportation (state highway system), the county, or the City. Information on existing roadway functional classifications, the most recently available traffic volume counts, and accident frequency data was collected from the Washington State Department of Transportation, the county, and the City. The analysis of this information is included in this section. An update to the inventory of the City's roadway system for the Southwest Annexation area will be included in a future update.

Location and Integration of Existing Transportation

Traffic Circulation Within the City

The City examined the general traffic flow along the major roadways to gain an understanding of the traffic circulation system as a whole. In addition, this inventory includes unique roadway links, such as roadways crossing natural barriers, links to commercial or industrial centers, important trucking routes, or links to highways.

~~The City of Lake Stevens ((lies in a))topography varies from gentle to relatively steep ((to moderately))slopes((ing)) (particularly in((area of)) the lake basin area). Lake Stevens major regional arterials are SR 9, SR 94, SR 204, 20th Street SE and ((It is connected to other towns and cities by Highway 92, Highway 9, and --))Hartford-Machias Road. The traffic circulation system within downtown Lake Stevens is limited to a north-south along Main Street (East Lake Shore Drive to the south and Grade Road to the north) and east-west on 20th Street NE. ((can generally be described as a spoke system, with roads radiating out from the commercial center.)) These roadways are two lanes roads with limited pedestrian facilities and appear more as a local residential streets than as an arterial class roadways. ((The major east-west arterials are 20th Street NE and 16th Street NE. The major north-south arterials are Grade Road, Main Street, and East Lakeshore Drive. However, as these streets are not completely developed to arterial standards, traffic currently uses many of the smaller streets, exiting onto state routes at a number of points.))~~

The City's truck route to and from the industrial district in the northeast portion of the community is from SR-92, along Grade Road to and along 36th Street, to and along Old Hartford Drive, to and along 28th Street NE to Hartford-Machias Road, and along 127th Avenue NE.

State Roads

The City has three State routes within the City's boundaries: SR 9, SR 92, and SR 204.

SR 9 is a significant connector route providing a parallel route to Interstate 5 from the Snohomish County/King County border ending in the Arlington area. SR 9 within the City begins at approximately 0.1 miles south of 20th Street SE and ends at the north side of the SR 92 intersection. Approximately 3.6 miles are within the City's limits. The approximate weekday peak hour traffic volume is 1,875 (north of SR 204).

SR 92 is a regional connector route between SR 9 to Granite Falls. SR 92 within the City begins at the SR 9 intersection and ends approximately 250 feet east of 127th Drive NE.

Approximately 2.4 miles are within the City limits. The approximate weekday peak hour traffic volume is 1,532 (between SR 9 and Lake Drive NE).

SR 204 is a regional connector route between US 2 to SR 9. SR 204 within the City begins at 71st Avenue SE and ends at SR 9. Approximately 1.8 miles are within the City limits. The approximate weekday peak hour traffic volume is 1,837 (between Market and SR 9).

~~((State Route (SR) 92 is a State-owned transportation facility within the existing City limits. The road extends from SR 9 eastward to Granite Falls. Only 1.25 miles of its length is within the City. It defines the northern border of the City between 109th and 127th Avenues NE.~~

~~SR 92 is improved with two lanes and paved shoulders. There are three city roads which intersect with SR 92— 113th Ave NE, Grade Road, and 127th Ave NE. Presently there are no signals, turn lanes, or acceleration or deceleration lanes at those intersections. No future intersections are expected to be created on SR 92 within the present City limits.~~

~~Average volume along SR 92 between 127th and 99th Ave NE ranges between 11,300 to 13,000 trips per day. The table below identifies the peak hour impacts of traffic onto and off of SR 92 as of 1997.~~

Table 6-1 — State Owned Facilities Peak Hour Traffic Volumes

	Callow Road	113th Ave NE	Grade Road
SR92 to City Street PM Peak	32	95	80
City Street to SR 92 PM Peak	35	65	70
SR 92 to City Street 7-9 AM	Not Available	195	Not Available
City Street to SR 92 7-9AM	Not Available	155	Not Available

~~In addition to SR 92, the Lake Stevens UGA contains two additional State-owned transportation facilities: SR 204 and SR 9. SR 204 is located between SR 9 and US 2 and serves as a regional highway.~~

~~SR 9 is located between SR 92 and the south Lake Stevens UGA boundary. From Lake Stevens, SR 9 extends northward up to Skagit County Line and southward to SR 522.)~~

Natural Traffic Barriers

The City has three common features that~~((Surface water, geological hazards, or other critical areas))~~ create natural barriers to the traffic circulation system: 1) critical slopes; 2) wetlands; and 3) Lake Stevens. The Lake is the largest single barrier within City limits.

~~((Some of these barriers in the City include the Lake, a major north-south drainage/wetland south of 16th Street NE between 127th and 123rd Avenues NE, and a major wetland area between Grade Road and Hartford Drive.))~~

On- Street Parking Facilities

The availability of on-street parking facilities vary from neighborhood to neighborhood. In newer neighborhoods where the roads have been improved to higher standards, on-street parking is typically available at least on one side of the improved roadway. Along older street corridors, such as 20th Street NE~~((and 16th Street NE,))~~ availability of parking is ~~((more-))~~ limited and the quality of the available parking spaces is lower (graveled shoulder typical). ~~((Some parking may~~

~~be on gravel, with insufficient clearance between itself and the drive lane. As improvements to these streets are made, priority for the limited amount of right-of-way has been going to pedestrian safety.))~~

~~Generally ((there are no known places of congestion for parking))the demand for daily parking does not exceed the available parking areas within the City. On street ((Unlike bigger cities where parking is a premium,))parking in residential areas ((there does seem to))is typically((be)) sufficient ((parking-))to handle vehicles that cannot be accommodated on private property. The primary exception is during special events and around the Lake Stevens High School((AquaFest, where parking difficulties and congestion are higher than the norm)).~~

Mass Transit

Regional bus service is provided by Community Transit daily to Seattle, Granite Falls, ~~((West Lake Stevens,))~~ Marysville and Everett, and through Everett to communities throughout the County and beyond. Service between points in the City or the greater UGA is limited. Community Transit has designated two park and rides for vanpools and carpools at Ebenezer Lutheran Church (2111 117th Avenue NE) and Holy Cross Lutheran Church (9613 20th Street SE). The Lake Stevens Transit Center with three bus routes (221/280/425) is located at 9600 Market Place in Frontier Village. Staff has discussed with Community Transit and Snohomish County an additional transit center near the intersection of Highway 9 and 20th Street SE in the South Lake Growth Center.

Pedestrian/Bicycle Trails

Bicycle and pedestrian ways are discontinuous throughout the City having been constructed in a piecemeal manner over the years. The Centennial Trail, a multi-mode (pedestrian, bicycle, horse, etc.) trail was built by Snohomish County, runs through and along the eastern border of the City. Picnic areas, bicycle racks, and other amenities are provided. A trail head has been built in the northeast corner of the City by Snohomish County. New residential developments are providing trails which should eventually link up to a City-wide trail system. Many of the older residential areas are not yet connected by trail to recreational areas, schools, or shopping areas. Chapter 5 presents a discussion of the trail system in Lake Stevens as part of the Parks and Recreation Plan. The Land Use Section discusses how the Centennial Trail can assist in bringing pedestrian and bicycle traffic to the downtown.

In 2000, a pedestrian/bike trail was dedicated along Hartford Road between 20th Street NE and Old Hartford Road. This was made possible with the changing of Hartford Road to a one-way street. This is a good example of how decisions have been made that blend land use, transportation and recreation. It represents a standard that the City intends to pursue in the future in balancing these transportation objectives.

Curbs, Sidewalks, Landscaping, and Street Lighting

In 2011 roadway inventory, it was estimated that the City had 160 miles of paved roadways or 320 miles of roadway frontage. It is estimate that approximately 30% of the frontage has some type of pedestrian facility. This included concrete sidewalk, separated paved shoulders, and walking paths. The inventory is shown in Figure 6.0 A and B. ~~((Many of the City's roads lack curbs, sidewalks, landscaping, and street lighting (Figure 6.0).))~~

City code requires ~~((all--))~~new development to construct non-motorized facilities,((these)) landscaping, and lighting improvements in public right of way and internal to the developments

as a part of the development approval. ~~((The City budget includes annual contributions of funds and mitigation fees which are earmarked for capital pedestrian improvements.))~~The City is developing a pedestrian connectivity plan to fill in the missing pedestrian gaps. This plan is expected to be completed in 2012. Other funding opportunities are sought in the form of grants from state and federal agencies to augment budget dollars for construction of improvements. Safety is a critical component in developing frontage improvements.

Past Transportation Problems

Many transportation improvements are designed to alleviate problems identified through traffic accident reports, street maintenance staff reports of poor conditions on roadways, identified areas with heavy traffic congestion, and citizen complaints regarding safety or roadway conditions.

Assessing Roadway Capacity

Roadway Classification

The roadway classification map describes the general use and operational characteristics for the various sections of the City's arterial system. This system reflects the function, traffic levels and composition, roadway and streetscape design, access, and frontage improvements required for development and guides programming of roadway improvements. The four main classifications currently used by the City of Lake Stevens are major arterial, minor arterial, collector, and local access street. The classification is reported in Table 6.2 (located at the end of the chapter)~~((and Figure 6.1))~~.

For the Lake Stevens UGA, all roadways within this area were classified by Snohomish County using the federal functional classification system. The major classifications of County roadways are principal arterial, minor arterial, collector, and local access street.

Pages 6-8 & 6-9 Delete Figures 6.0 - 2006 Sidewalk Inventory and Maintenance Plan and 6.1 Roadway Classifications and replace with Figures 6.0A Sidewalk Inventory – North Area of City and 6.0B Sidewalk Inventory- South Area of City as set forth in Exhibit B.

Pages 6-10 to 6-13 update the following subsections as follows:

Following the Southwest Annexation, the City will be reviewing the entire City's roadway classifications. ~~((As areas are annexed to the City, the existing street system should be reviewed to determine the roadway classifications. Future revisions to the functional classification system may be necessary if conditions change.))~~This is expected to be performed in a future revision to the Transportation Element. ~~((The designation of these roadways will provide the framework to guide City and develop capacity improvements to accommodate the future traffic demands.))~~

Level of Service (LOS) Standards

The City has adopted Link (A-F) LOS standards as minimum criteria for the quality of service provided at peak hours for roadway segments.

- LOS A: Primarily free-flow traffic operations at average travel speeds. Vehicles are completely unimpeded in their ability to maneuver within the traffic stream. Stopped delays at intersections are minimal. Volume/Capacity Ratio is less than or equal to 0.60.
- LOS B: Reasonably unimpeded traffic flow operations at average travel speeds. The ability to maneuver within the traffic stream is only slightly restricted and stopped delays are not bothersome. Drivers are not generally subjected to appreciable tension. Volume/Capacity Ratio greater than 0.60 and less than or equal to 0.70.
- LOS C: Stable traffic flow operations. However, ability to maneuver and change lanes may be more restricted than in LOS B, and longer queues and/or adverse signal coordination may contribute to lower average travel speeds. Motorists will experience appreciable tension while driving. Volume/Capacity Ratio greater than 0.70 and less than or equal to 0.80.
- LOS D: Small increases in traffic flow may cause substantial increases in approach delays and, hence, decreases in speed. This may be due to adverse signal progression, inappropriate signal timing, high volumes, or some combinations of these. Volume/Capacity Ratio greater than 0.80 and less than or equal to 0.90.
- LOS E: Significant delays in traffic flow operations and lower operating speeds. Conditions are caused by some combination of adverse progression, high signal density, extensive queuing at critical intersections, and inappropriate signal timing. Volume/Capacity Ratio greater than 0.90 and less than or equal to 1.00.
- LOS F: Traffic flow operations at extremely low speeds. Intersection congestion is likely at critical signalized locations, with high approach delays resulting. Adverse signal progression is frequently a contributor to this condition. Volume/Capacity Ratio greater than 1.00

The available road capacity defined as the maximum number of vehicles which have a reasonable expectation of passing over a given roadway section or through a given intersection (under prevailing road and traffic conditions) during a specified period of time divided by the actual volume of cars passing over that section during the specified period. The expected peak hour capacities for various transportation facilities at various levels of service have been adapted from WSDOT guidelines for general highway capacities.

Roadway Design Standards

~~((In addition to capacity standards,))~~ ~~I((t))he City ((also has--))~~ adopted roadway design standards which ~~((identify how new streets are to be designed and constructed. These standards are as follows and))~~ are ~~((more explicitly--))~~ depicted in the ~~((most recently adopted))~~ current edition of the Engineering Design and Development Standards (EDDS):

~~((Table 6-3—Street Standards²~~

Classification	Right of Way Width	Paving Width and Number -of Lanes
Local Access	50 Feet	28 Feet, Two Lanes
Collector ³	60 Feet	36 Feet, Two Lanes
Minor Arterial	70 Feet	48 Feet, Three Lanes
Major Arterial	[1]	[1]
Freeway Expressway	[1]	[1]

NOTES:

- 1— ~~Determined by the Director of Public Works, designee, or Washington State Department of Transportation (WSDOT).~~
- 2— ~~These standards do not reflect existing road conditions.~~
- 3— ~~Certain collector and minor arterial roadways have been identified for a reduction in these standards due to constraints related to existing conditions.~~

City Entryway Standards

~~The City will study increased standards for certain entryways into the community that could include requirements for enhanced landscaping, medians, decorative street signs, special lighting, etc. The purpose would be to provide a welcoming environment for those traveling into Lake Stevens and to convey the image of a well-planned community. Responsibility for funding these improvements could be a joint one, involving adjacent development and City financing.)~~

Traffic Calming

~~The roadway design standards ((in Table 6.3-))represent the basic requirements for roadways. Variation from the standards may be considered ((However, there has been interest in varying from these standards-))for the purpose of implementing traffic calming techniques. These techniques involve physical modifications to the roadway improvements which result in slowing vehicular traffic. ((There is quite a variety of techniques available to allow communities the opportunity to “customize” the technique to be used to the context in which it is placed.))Commonly used techniques include chicanes, traffic circles, mini roundabouts, streetscapes, and narrowing of roads.~~

~~((Because of the historical context in which they were developed, numerous roads in the City are substandard (Table 6.4). Many do not have full width of paving, sidewalks and landscaping. Addressing these basic needs take funding priority over implementing traffic calming implementation. While the City fully supports the concept of traffic calming, until such time the basic needs are better addressed, neighborhoods wishing to have traffic calming implemented on their streets will have to be responsible for ensuring the project is funded.~~

Table 6-4—Historic Traffic Data (Early 1990's)

VICINITY		NO. OF ACCIDENTS	ACCIDENTS W/INJURY	CORRECTIVE ACTION	
E-W STREET	N-S AVENUE			TAKEN	PROPOSED
18 th St NE	124 th Ave NE	3	0	None	Widen & sidewalk

VICINITY		NO. OF ACCIDENTS	ACCIDENTS W/ INJURY	CORRECTIVE ACTION	
E-W STREET	N-S AVENUE			TAKEN	PROPOSED
19 th St NE	118 th Ave NE	3	1	None	None
20 th St NE	116 th Ave NE	4	0	None	Street, curb, sidewalk
20 th St NE	117 th Ave NE	4	0	None	Street, curb, sidewalk
20 th St NE	123 rd Ave NE	4	0	None	Street, curb, sidewalk
20 th St NE	124 th Ave NE	17	3	Street, curb, sidewalk, 4-way stop	No additional
22 nd St NE	117 th Ave NE	3	0	None	None
22 nd St NE	120 th Ave NE	3	1	None	None
Approx. 22 nd St NE	Hartford Dr.	3	1	None	Reroute from Hartford
Approx. 24 th St NE	Hartford Dr.	5	2	None	Reroute from Hartford
North Lakeshore	118 th Ave NE	3	1	None	Wider lanes, sidewalks & bike lanes
North Lakeshore	122 nd Ave NE	3	0	None	Wider lanes, sidewalks & bike lanes
North Lakeshore	124 th Ave NE	3	0	Street, curb, sidewalk, rev. stop))	No additional

State Route ((92-))LOS Standards

SR 9, 92, and 204 are((is)) considered ((a-))Regional State Highways. The level of service set for ((this-))these roadways is ((to be-))adopted by the Puget Sound Regional Council. Although ((an-))LOS are((will be)) adopted, State Routes are((SR 92 will not be)) subject to concurrency requirements.

Page 6-17 update date in Goal 6.3 as follows:

GOAL 6.3 BY ((2012))2020, REDUCE THE ACCIDENT RATE AT REPRESENTATIVE LOCATIONS ON THE ROADWAY SYSTEM WITHIN THE CITY BY AT LEAST 5%.

Section 6. The City Council hereby amends the Comprehensive Plan and Ordinances No. 726 and 739, as amended, by adopting 2011 City Initiated Text Amendment Request #T-4 (Chapter 8 Capital Facilities Element), which amends the chapter by revising Table 8-1 and 8-2 on pages 8-7 and 8-8, and amends the text on pages 8-15, 8-26 and 8-28 of the Comprehensive Plan by adopting the amendments set forth below and as set forth in the attached and incorporated **Exhibit F**:

Page 8-7 Update Table 8-1 as follows:

Table 8-1 – Schedule of Funded Improvements, ~~((2006))~~2012 – ~~((2011))~~2020
Subject Project Funding Source Cost Year

Subject	Project	Funding Source	Cost	Year
~~((Streets~~	~~Traffic Roundabout – Lundeen Parkway & Vernon Road/Lake Drive~~	~~REET/Grants~~	~~\$2,000,000~~	~~2009/2010))~~
<u>Streets</u>	<u>20th Street SE Phase II – US 2 to 91st Avenue SE</u>	<u>Federal/State/ REET/ Developer contribution</u>	<u>\$13,000,000</u>	<u>2015-2020</u>
Streets	Street & Sidewalk Construction 20th - Centennial Trail	CDBG/REET	\$350,000	~~((2007)~~) <u>2016</u>
~~((Storm~~	~~Lundeen Creek Reroute~~	~~County/REET~~	~~\$700,000~~	~~2006/2008))~~
~~((Storm~~	~~Culvert Replacement 18th Street~~	~~Street fund/ developer contrib.~~	~~\$100,000~~	~~2008))~~
~~((Storm~~	~~Culvert Replacement 20th Street~~	~~Street fund/ developer contrib.~~	~~\$250,000~~	~~2008))~~ ~~((2009)~~)
Streets	Sidewalks to Mt. Pilchuck Elementary and North Creek Middle School	DOT/ Developer contributions	\$1,500,000	<u>2016</u>
Streets	Street & Sidewalk Construction 16th, 18th & 127th	CDBG/REET/ developer contributions	\$1,000,000	~~((2009)~~) <u>2015</u>
Sidewalks	Sidewalk Construction 116th & 117th	Street fund/ developer contributions	\$4,000,000	~~((2010)~~) <u>2016</u>
Public Facilities	City Hall/ Civic Center	Bond Issue	\$20,000,000	~~((2010)~~) <u>2015</u>
~~((Public Facilities~~	~~Public Works Yard/Shop~~	~~Bond Issue/REET~~	~~\$1,000,000~~	~~2010))~~
<u>Parks</u>	<u>Eagle Ridge Park Master Plan Improvements – Phase I</u>	<u>Developer contributions./ Grants</u>	<u>\$159,000</u>	<u>2015</u>

Page 8-8 Update Table 8-2 as follows:

Table 8-2 – Unfunded Improvements

Subject	Project	Cost (Thousands)	Potential/Proposed Funding Source
	<u>Eagle Ridge Park Master Plan</u>		
<u>Parks</u>	<u>Improvements Phase II</u>	<u>\$271</u>	<u>P&R District</u>
	<u>Eagle Ridge Park Master Plan</u>		
<u>Parks</u>	<u>Improvements Phase III</u>	<u>\$395</u>	<u>P&R District</u>
Parks	Athletic Park (Land)	\$1,100	P&R District
Parks	Resource Park (Land)	\$528	P&R District
Parks	Trails	\$320	P&R District
Parks	Support Facility	\$500	P&R District
Parks	Community Center	\$1,200	P&R District
Parks	Basketball, uncovered	\$855	P&R District
Parks	Basketball, covered	\$1,200	P&R District
Parks	Volleyball	\$15	P&R District
Parks	Tennis, lighted	\$685	P&R District
Parks	Tennis, unlighted	\$190	P&R District
Parks	Football	\$1,205	P&R District
Parks	Soccer	\$250	P&R District
Parks	Baseball/Softball	\$7,265	P&R District
Parks	Jogging	\$0	P&R District
Parks	Picnic	\$460	P&R District
Parks	Swimming Beach	\$750	P&R District
Parks	Fishing	\$0	P&R District
Parks	Boat Launch	\$500	P&R District
Parks	Camping, Vehicle	\$0	P&R District
Parks	Camping, Tent	\$0	P&R District
Parks	Walking, Park	\$140	P&R District
Parks	Horseback Riding	\$15	P&R District
Storm	Walker Hill Road ditch rocking	\$5	Storm Fund
Storm	East Lakeshore	\$500	Storm Fund
Storm	Hartford Drive	\$200	Storm Fund
Storm	Walker Hill & Grade Road	\$400	Storm Fund
Storm	Drainage - Grade Road Culvert	\$200	Storm Fund
Storm	North Lakeshore	\$300	Storm Fund
Storm	Bio Swale - Industrial District	\$750	Storm Fund
Storm	Lundeen Creek - Various Improvements	\$100,000	Storm Fund

Page 8-15 Update the following subsection as follows:

Federal Project Grants (LWCF): Federal monies are available for the acquisition and construction of outdoor park facilities from the National Park Service's (NPS) Land and Water Conservation Fund (LWCF). The grants are administered by the Washington State Recreation and Conservation Office (~~Interagency Committee for Outdoor Recreation~~) (~~((IAG))~~) RCO.

Page 8-26 Update the following subsection as follows:

City Hall Facilities/((Senior Center/))Library Building: The facilities for public administration are currently inadequate and the City is in the process of seeking a solution in concert with the redevelopment of the historic downtown. Improvements would include relocating City offices outside of the lake front park area. ~~The City has secured grant funding to relocate the Senior Center out of the downtown park and into Eagle Ridge Park.~~ The Library Board is currently in the process of site selection to build a larger library in the City limits.

Page 8-28 Update the following subsection as follows:

Parks: The City currently exceeds its adopted level of service. However, at public meetings there has been continued and sustained testimony of the need for athletic fields and a skate park. The City in coordination with civic groups, citizens and public agencies is pursuing avenues to build the skate park.

In 2010 the City was able to purchase property adjacent to Eagle Ridge Park for additional park property and subsequently adopted a Park Master Plan. The plan calls for active and passive low impact uses while also housing the Lake Stevens Senior Center. The City expects to fund capital improvements to this park over the next 10-15 years through impact fees, grants, and donations.

Section 7. The City Council hereby amends the Comprehensive Plan and Ordinances No. 726 and 739, as amended, by adopting 2011 City Initiated Text Amendment Request #T-5 (Appendices), to replace Appendix F with the recently adopted Six Year Transportation Improvement Program 2012-2017 as set forth in the attached and incorporated **Exhibit C** and add a new Appendix K with the SEPA Addendum No. 4 of the Integrated 2005 Comprehensive Plan and Environmental Impact Statement as set forth in the attached and incorporated **Exhibit D**.

Section 8. The City Council hereby amends the Comprehensive Plan and Ordinances No. 726 and 739, as amended, by adopting 2011 City Initiated Text Amendment Request #T-6 (Table of Contents), to update the Table of Contents, which are on pages "i-iv" of the Comprehensive Plan, by adopting the amendments required after making amendments in Sections 2 through 7 of this ordinance.

Section 9. 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 10. Effective Date and Publication. A summary of this ordinance consisting of its title shall be published in the official newspaper of the City. This ordinance shall take effect and be in full force five days after the date of publication.

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

Vern Little, Mayor

ATTEST/AUTHENTICATION:

Norma J. Scott, City Clerk/Admin Asst

APPROVED AS TO FORM:

Grant K. Weed, City Attorney

First Reading:

Published:

Effective Date:

EXHIBIT A

NEW FIGURES FOR CHAPTER 6

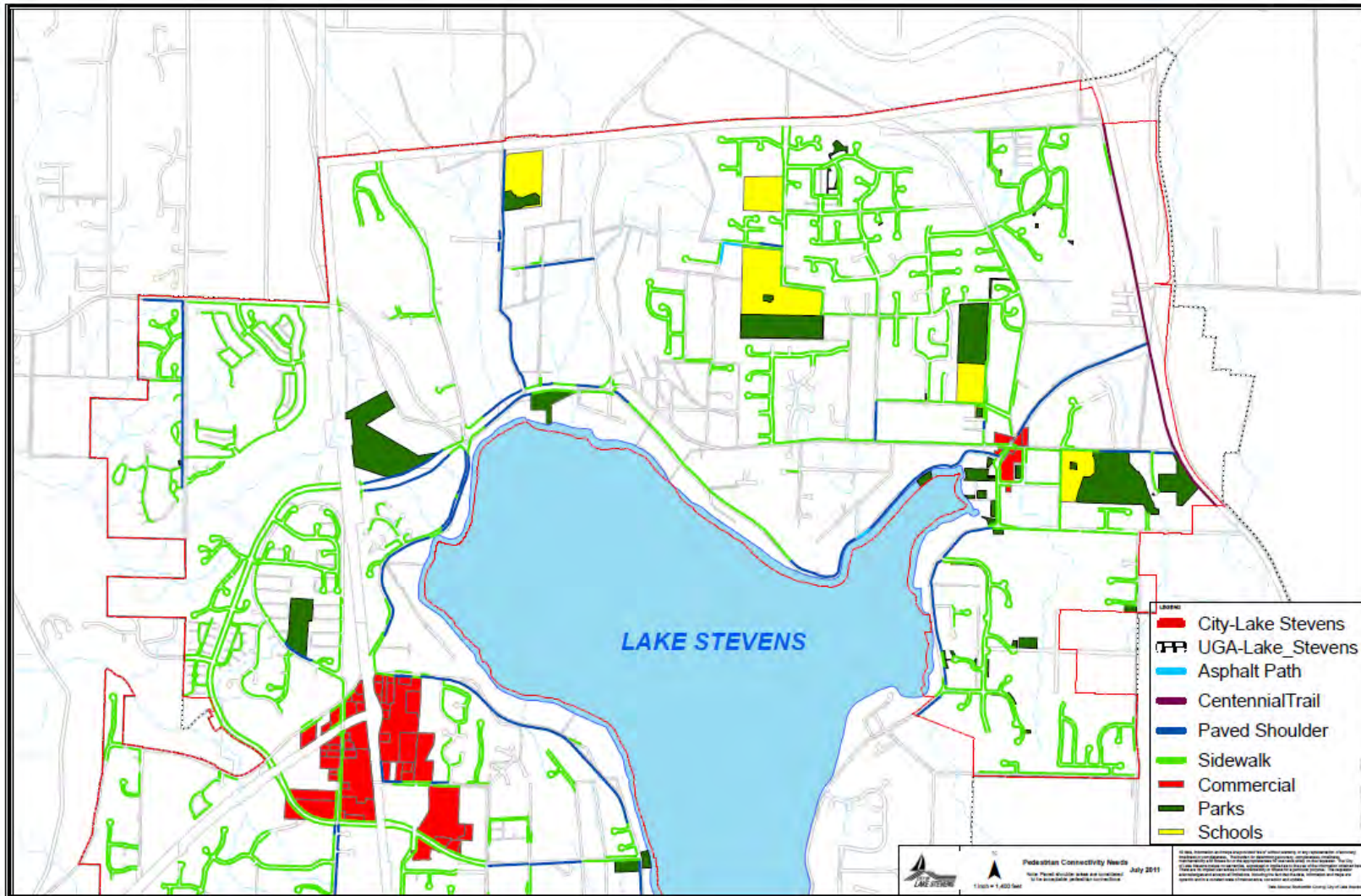


Figure 6.0A Sidewalk Inventory – North Area of City

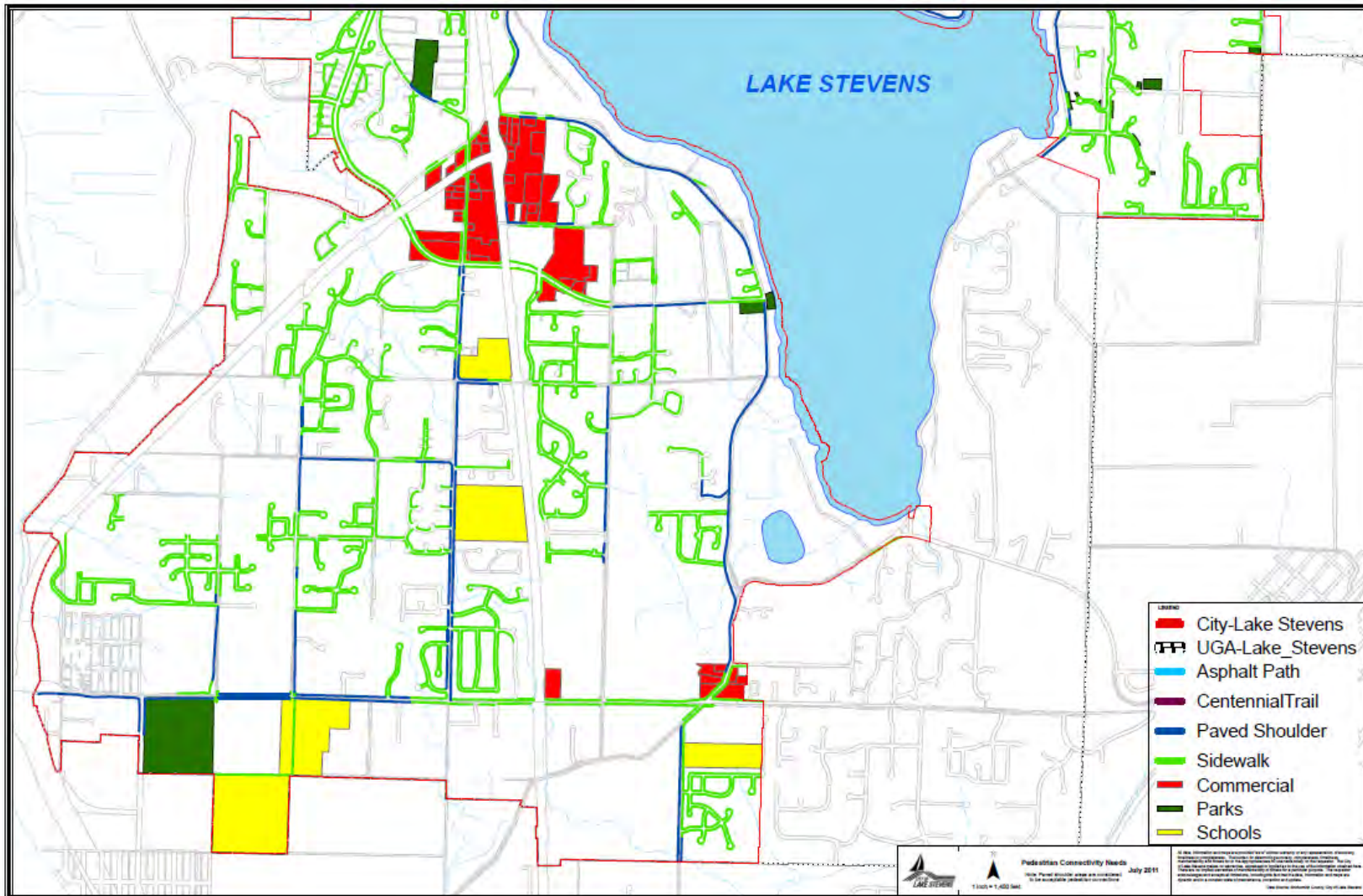


Figure 6.0B Sidewalk Inventory – South Area of City

EXHIBIT B

UPDATED TABLE 6-2 – STREET INVENTORY FOR CHAPTER 6 (Changes are highlighted)

Table 6-2 – Street Inventory

City Limits								
Name	From	To	1994 Classification	# Lanes	LOS Capacity	Traffic Volumes	Surface Condition	2009 Reclassification
1st Pl NE	91st Ave NE	Cul-de-sac	Neighborhood Access	2	560	Small	Not available	Local Access
4th Pl NE	Cul-de-sac	103rd Ave NE	Neighborhood Access	2	560	Small	Not available	Local Access
4th St NE	SR2 9	99th Ave NE	Collector	2	1260	Small	Not available	Local Access
5th St NE	107th Dr NE	Spruce Rd	Neighborhood Access	2	560	Small	Not available	Local Access
5th St NE	97th Dr NE	Cul-de-sac	Neighborhood Access	2	560	Small	Not available	Local Access
6th Pl NE	97th Dr NE	Cul-de-sac	Neighborhood Access	2	560	Small	Not available	Local Access
8th Pl NE	Cul-de-sac	Frontier Cir W	Neighborhood Access	2	560	Small	Not available	Local Access
8th Pl NE	84th Dr NE	Lundeen Park Way	Neighborhood Access	2	560	Small	Not available	Local Access
8th St	E Lakeshore Dr	123rd Ave NE	Neighborhood Access	2	560	Small	Not available	Local Access
8th St NE	Cul-de-sac	9th St NE	Neighborhood Access	2	560	Small	Not available	Local Access
8th St NE	84th Dr NE	Dead End	Neighborhood Access	2	560	Small	Not available	Local Access
9th Dr NE	Lundeen Park Way	Dead End	Neighborhood Access	2	560	Small	Not available	Local Access
9th Pl	Cul-de-sac	123rd Ave NE	Neighborhood Access	2	560	Small	Not available	Local Access
9th Pl NE	Dead End	Frontier Cir W	Neighborhood Access	2	560	Small	Not available	Local Access
9th Pl NE	Cul-de-sac	87th Ave NE	Neighborhood Access	2	560	Small	Not available	Local Access
9th Pl NE	Dead End	Dead End	Neighborhood Access	2	560	Small	Not available	Local Access

Table 6-2 – Street Inventory

City Limits								
Name	From	To	1994 Classification	# Lanes	LOS Capacity	Traffic Volumes	Surface Condition	2009 Reclassification
9th St NE	97th Dr NE	96th Ave NE	Neighborhood Access	2	560	Small	Not available	Local Access
9th St NE	Dead End	Dead End	Neighborhood Access	2	560	Small	Not available	Local Access
9 SR	Market Pl	SR 92	Neighborhood Access	2	560	Small	Not available	Local Access
10th Pl NE	Dead End	Frontier Cir W	Neighborhood Access	2	560	Small	Not available	Local Access
10th Pl NE	Dead End	89th Ave NE	Neighborhood Access	2	560	Small	Not available	Local Access
10th St	Cul-de-sac	131st Ave NE	Neighborhood Access	2	560	Small	Not available	Local Access
10th St NE	Dead End	Frontier Cir E	Neighborhood Access	2	560	Small	Not available	Local Access
10th St NE	West City Limits	85th Dr NE	Neighborhood Access	2	560	Small	Not available	Local Access
11th Dr NE	18th St NE	Dead End	Neighborhood Access	2	560	Small	Not available	Local Access
11th Pl NE	12th St NE	Cul-de-sac	Neighborhood Access	2	560	Small	Not available	Local Access
11th Pl NE	Dead End	Dead End	Neighborhood Access	2	560	Small	Not available	Local Access
11th St NE	Dead End	Frontier Cir E	Neighborhood Access	2	560	Small	Not available	Local Access
11th St NE	Frontier Cir W	Dead End	Neighborhood Access	2	560	Small	Not available	Local Access
11th St NE	Dead End	88th Ave NE	Neighborhood Access	2	560	Small	Not available	Local Access
11th St NE	84th Dr NE	Dead End	Neighborhood Access	2	560	Small	Not available	Local Access
12th Pl	Cul-de-sac	131st Ave NE	Neighborhood Access	2	560	Small	Not available	Local Access

Table 6-2 – Street Inventory

City Limits								
Name	From	To	1994 Classification	# Lanes	LOS Capacity	Traffic Volumes	Surface Condition	2009 Reclassification
12th Pl NE	85th Dr NE	Cul-de-sac	Neighborhood Access	2	560	Small	Not available	Local Access
12th St NE	E Lakeshore Dr	11th Pl NE	Neighborhood Access	2	560	Small	Not available	Local Access
12th St NE	Dead End	Frontier Cir E	Neighborhood Access	2	560	Small	Not available	Local Access
12th St NE	Frontier Cir W	Dead End	Neighborhood Access	2	560	Small	Not available	Local Access
12th St NE	Dead End	87th Ave NE	Neighborhood Access	2	560	Small	Not available	Local Access
12th St NE	85th Dr NE	Lundeen Park Way	Neighborhood Access	2	560	Small	Not available	Local Access
12th St NE	Dead End	Dead End	Neighborhood Access	2	560	Small	Not available	Local Access
13th Pl	Cul-de-sac	131st Ave NE	Neighborhood Access	2	560	Small	Not available	Local Access
13th Pl NE	85th Dr NE	Cul-de-sac	Neighborhood Access	2	560	Small	Not available	Local Access
13th St NE	E Lakeshore Dr	Dead End	Neighborhood Access	2	560	Small	Not available	Local Access
13th St NE	Dead End	Frontier Cir E	Neighborhood Access	2	560	Small	Not available	Local Access
13th St NE	Frontier Cir W	Dead End	Neighborhood Access	2	560	Small	Not available	Local Access
14th Pl	Cul-de-sac	131st Ave NE	Neighborhood Access	2	560	Small	Not available	Local Access
14th Pl NE	85th Dr NE	Dead End	Neighborhood Access	2	560	Small	Not available	Local Access
14th St NE	Heron Pl	E Lakeshore Dr	Neighborhood Access	2	560	Small	Not available	Local Access
14th St NE	Frontier Cir W	Dead End	Neighborhood Access	2	560	Small	Not available	Local Access

Table 6-2 – Street Inventory

City Limits									
Name		From	To	1994 Classification	# Lanes	LOS Capacity	Traffic Volumes	Surface Condition	2009 Reclassification
15th	Pl NE	Cul-de-sac	17th St NE	Neighborhood Access	2	560	Small	Not available	Local Access
15th	Pl NE	85th Ave NE	Cul-de-sac	Neighborhood Access	2	560	Small	Not available	Local Access
15th	St NE	Cul-de-sac	Dead End	Neighborhood Access	2	560	Small	Not available	Local Access
15th	St NE	90th Dr NE	85 Ave NE	Neighborhood Access	2	560	Small	Not available	Local Access
16th	Pl NE	Dead End	Dead End	Neighborhood Access	2	560	Small	Not available	Local Access
16th	Pl NE	Dead End	81st Ave NE	Neighborhood Access	2	560	Small	Not available	Local Access
16th	St NE	124th Ave NE	East City Limits	Minor Arterial	2	560	215/60	Uneven	Local Access
17th	Pl NE	114th Ave NE	Cul-de-sac	Neighborhood Access	2	560	Small	Not available	Local Access
17th	Pl NE	Dead End	Dead End	Neighborhood Access	2	560	Small	Not available	Local Access
17th	Pl NE	Dead End	81st Ave NE	Neighborhood Access	2	560	Small	Not available	Local Access
17th	St NE	95th Ave NE	Dead End	Neighborhood Access	2	560	Small	Not available	Local Access
17th	St NE	15th St NE	Lundeen Park Way	Neighborhood Access	2	560	Small	Not available	Local Access
18th	Pl NE	114th Ave NE	Cul-de-sac	Neighborhood Access	2	560	Small	Not available	Local Access
18th	Pl NE	Dead End	81st Ave NE	Neighborhood Access	2	560	Small	Not available	Local Access
18th	St NE	Vernon Rd	Dead End	Neighborhood Access	2	560	Small	Not available	Local Access
18th	St NE	124 th Ave. NE	125 th Ave. NE	Collector	2	960	Small	Satisfactory	Collector

Table 6-2 – Street Inventory

City Limits									
Name	From	To	1994 Classification	# Lanes	LOS Capacity	Traffic Volumes	Surface Condition	2009 Reclassification	
18th St NE	125 th Ave NE	127th Ave NE	Collector	2	560	Small	Satisfactory	Collector	
19th Pl NE	80th Ave NE	83rd Ave NE	Neighborhood Access	2	560	Small	Not available	Local Access	
19th Pl NE	Dead End	81st Ave NE	Neighborhood Access	2	560	Small	Not available	Local Access	
19th Pl NE	81st Ave NE	83rd Ave NE	Neighborhood Access	2	560	Small	Not available	Local Access	
19th St NE	114th Ave NE	118th Ave NE	Neighborhood Access	2	560	Small	Not available	Local Access	
19th Pl NE	Dead End	114th Ave NE	Neighborhood Access	2	560	Small	Not available	Local Access	
20th Pl NE	Dead End	112th Dr NE	Neighborhood Access	2	560	Small	Not available	Local Access	
20th St NE	Cedar Rd	116 th Ave. NE	Minor Arterial	2	1220	150	Poor	Minor Arterial	
20th St NE	116 th Ave NE	123 rd Ave. NE	Minor Arterial	2	1220	300	Good	Minor Arterial	
20th St NE	123 rd Ave. NE	124 th Ave. NE	Minor Arterial	2	960	160	Good	Minor Arterial	
20th St NE	124 th Ave. NE	125 th Ave. NE	Minor Arterial	2	960	220	Good	Minor Arterial	
20th St NE	125 th Ave. NE	N. Machias Rd.	Minor Arterial	2	560	80	Good	Minor Arterial	
<u>20th</u>	<u>St SE</u>	<u>SR 9</u>	<u>91st Ave SE</u>	<u>5</u>	<u>2200</u>	<u>1300</u>	<u>Good</u>	<u>Major Arterial</u>	
<u>20th</u>	<u>St SE</u>	<u>91st Ave SE</u>	<u>Cavelero Ave SE</u>	<u>2</u>	<u>1220</u>	<u>1300</u>	<u>Fair</u>	<u>Major Arterial</u>	
<u>20th</u>	<u>St SE</u>	<u>Cavelero Ave SE</u>	<u>US 2</u>	<u>2</u>	<u>1220</u>	<u>1300</u>	<u>Fair</u>	<u>Major Arterial</u>	
21st Pl NE	Dead End	123rd Ave NE	Neighborhood Access	2	560	Small	Not available	Local Access	

Table 6-2 – Street Inventory

City Limits								
Name	From	To	1994 Classification	# Lanes	LOS Capacity	Traffic Volumes	Surface Condition	2009 Reclassification
21st PI NE	Dead End	112th Dr NE	Neighborhood Access	2	560	Small	Not available	Local Access
21st PI NE	114th Dr NE	Cul-de-sac	Neighborhood Access	2	560	Small	Not available	Local Access
21st PI NE	116th Ave NE	Cul-de-sac	Neighborhood Access	2	560	Small	Not available	Local Access
21st St NE	Dead End	123rd Ave NE	Neighborhood Access	2	560	Small	Not available	Local Access
22nd PI NE	Cul-de-sac	112th Dr NE	Neighborhood Access	2	560	Small	Not available	Local Access
22nd PI NE	114th Dr NE	Cul-de-sac	Neighborhood Access	2	560	Small	Not available	Local Access
22nd PI NE	Dead End	130th Dr NE	Neighborhood Access	2	560	Small	Not available	Local Access
22nd St NE	117th Ave NE	Grade Rd	Collector	2	560	Small	Good	Collector
22nd PI NE	Cul-de-sac	114th Dr NE	Neighborhood Access	2	560	Small	Not available	Local Access
23rd PI NE	117th Ave NE	Dead End	Neighborhood Access	2	560	Small	Not available	Local Access
23rd PI NE	Cul-de-sac	112th Dr NE	Neighborhood Access	2	560	Small	Not available	Local Access
23rd PI NE	Dead End	131st Ave NE	Neighborhood Access	2	560	Small	Not available	Local Access
24th PI NE	Cul-de-sac	Lake Dr	Neighborhood Access	2	560	Small	Not available	Local Access
24th PI NE	120th Dr NE	121st Dr NE	Neighborhood Access	2	560	Small	Good	Local Access
24th PI NE	Dead End	Grade Rd	Neighborhood Access	2	560	Small	Not available	Local Access
24th St NE	99th Ave NE	101st St NE	Neighborhood Access	2	560	Small	Not available	Local Access

Table 6-2 – Street Inventory

City Limits								
Name	From	To	1994 Classification	# Lanes	LOS Capacity	Traffic Volumes	Surface Condition	2009 Reclassification
24th St NE	Dead End	83rd Ave NE	Neighborhood Access	2	560	Small	Not available	Local Access
25th Ct NE	Cul-de-sac	121st Dr NE	Neighborhood Access	2	560	Small	Not available	Local Access
25th Pl NE	123rd Ave NE	Grade Rd	Neighborhood Access	2	560	Small	Not available	Local Access
25th Pl NE	Dead End	26th St NE	Neighborhood Access	2	560	Small	Not available	Local Access
25th St NE	Cul-de-sac	116th Ave NE	Neighborhood Access	2	560	Small	Excellent	Local Access
25th St NE	88th Dr NE	89th Ave NE	Neighborhood Access	2	560	Small	Not available	Local Access
26th Pl NE	Dead End	Hartford Dr NE	Neighborhood Access	2	560	Small	Not available	Local Access
26th Pl NE	88th Dr NE	87th Ave NE	Neighborhood Access	2	560	Small	Not available	Local Access
26th St NE	115th Ave NE	123rd Ave NE	Collector	2	560	Small	Good	Collector
26th St NE	83rd Ave NE	25th Pl NE	Neighborhood Access	2	560	Small	Not available	Local Access
26th St NE	26th Pl NE	85th Dr NE	Neighborhood Access	2	560	Small	Not available	Local Access
27th Ct NE	Cul-de-sac	120th Dr NE	Neighborhood Access	2	560	Small	Not available	Local Access
27th Pl NE	Dead End	Hartford Dr NE	Neighborhood Access	2	560	Small	Not available	Local Access
27th Pl NE	Cul-de-sac	Cul-de-sac	Neighborhood Access	2	560	Small	Not available	Local Access
27th St NE	106th Dr NE	Spruce Rd	Neighborhood Access	2	560	Small	Not available	Local Access
28th Pl NE	Cul-de-sac	Cul-de-sac	Neighborhood Access	2	560	Small	Not available	Local Access

Table 6-2 – Street Inventory

City Limits								
Name	From	To	1994 Classification	# Lanes	LOS Capacity	Traffic Volumes	Surface Condition	2009 Reclassification
28th Pl NE	Cul-de-sac	Grade Rd	Neighborhood Access	2	560	Small	Not available	Local Access
28th Pl NE	Dead End	Hartford Dr NE	Neighborhood Access	2	560	Small	Not available	Local Access
28th St NE	93rd Ave NE	Lake Dr	Neighborhood Access	2	560	Small	Not available	Local Access
28th St NE	99th Ave NE	101st St NE	Neighborhood Access	2	560	Small	Not available	Local Access
28th St NE	107th Ave NE	Dead End	Neighborhood Access	2	560	Small	Not available	Local Access
28th St NE	114th Dr NE	117th Ave NE	Neighborhood Access	2	560	Small	Not available	Local Access
28th St NE	113th Ave NE	115th Ave NE	Neighborhood Access	2	560	Small	Not available	Local Access
29th Pl NE	120th Dr NE	Cul-de-sac	Neighborhood Access	2	560	Small	Not available	Local Access
29th Pl NE	Cul-de-sac	Grade Rd	Neighborhood Access	2	560	Small	Not available	Local Access
29th St NE	Cul-de-sac	117th Ave NE	Neighborhood Access	2	560	Small	Not available	Local Access
29th St NE	117th Ave NE	120th Ave NE	Collector	2	506	Small	Good	Collector
30th Pl	124th Ave	Cul-de-sac	Neighborhood Access	2	560	Small	Not available	Local Access
30th Pl NE	120th Dr NE	Grade Rd	Neighborhood Access	2	560	Small	Not available	Local Access
30th St NE	99th Ave NE	Callow Rd	Neighborhood Access	2	560	Small	Not available	Local Access
30th St NE	109th Ave NE	113th Ave NE	Collector	2	560	Small	Good	Collector
30th St NE	Cul-de-sac	Cul-de-sac	Neighborhood Access	2	560	Small	Not available	Local Access

Table 6-2 – Street Inventory

City Limits								
Name	From	To	1994 Classification	# Lanes	LOS Capacity	Traffic Volumes	Surface Condition	2009 Reclassification
31st Pl NE	Cul-de-sac	99th Ave NE	Neighborhood Access	2	560	Small	Not available	Local Access
31st Pl NE	Cul-de-sac	114th Ave NE	Neighborhood Access	2	560	Small	Not available	Local Access
32nd St	Catherine Dr	127th Ave	Neighborhood Access	2	560	Small	Not available	Local Access
32nd St NE	Ash Rd	Birch Rd	Neighborhood Access	2	560	Small	Not available	Local Access
32nd St NE	113th Ave NE	Grade Rd	Collector	2	560	20	Good	Collector
33rd Ct	Cul-de-sac	117th Ave NE	Neighborhood Access	2	560	Small	Not available	Local Access
33rd Pl	113th Ave NE	Cul-de-sac	Neighborhood Access	2	560	Small	Not available	Local Access
33rd Pl NE	118th Dr NE	Cul-de-sac	Neighborhood Access	2	560	Small	Not available	Local Access
33rd St NE	114th Ave NE	116th Ave NE	Neighborhood Access	2	560	Small	Not available	Local Access
34th Pl NE	92nd Dr NE	Lake Dr	Neighborhood Access	2	560	Small	Not available	Local Access
34th Pl NE	Cul-de-sac	111th Dr NE	Neighborhood Access	2	560	Small	Not available	Local Access
34th St	113th Ave NE	Dead End	Neighborhood Access	2	560	Small	Not available	Local Access
35th Pl	Catherine Dr	Cul-de-sac	Neighborhood Access	2	560	Small	Not available	Local Access
35th St	Bryce Dr	Cul-de-sac	Neighborhood Access	2	560	Small	Not available	Local Access
36th St NE	Cul-de-sac	113th Ave NE	Neighborhood Access	2	560	Small	Not available	Local Access
36th St NE	113th St	Cul-de-sac	Neighborhood Access	2	560	Small	Not available	Local Access

Table 6-2 – Street Inventory

City Limits									
Name	From	To	1994 Classification	# Lanes	LOS Capacity	Traffic Volumes	Surface Condition	2009 Reclassification	
36th St NE	Grade Rd	Old Hartford Rd	Collector	2	NA	50	Poor	Collector	
80th Ave NE	80th Dr NE	19th Pl NE	Neighborhood Access	2	560	Small	Not available	Local Access	
80th Dr NE	19th Pl NE	80th Ave NE	Neighborhood Access	2	560	Small	Not available	Local Access	
81st Ave NE	18th Pl NE	Cul-de-sac	Neighborhood Access	2	560	Small	Not available	Local Access	
82nd Ave NE	24th St NE	25th Pl NE	Neighborhood Access	2	560	Small	Not available	Local Access	
82nd Ave NE	81st Ave NE	19th Pl NE	Neighborhood Access	2	560	Small	Not available	Local Access	
82nd Dr NE	24th St NE	Cul-de-sac	Neighborhood Access	2	560	Small	Not available	Local Access	
82nd Dr NE	83rd Ave NE	83rd Ave NE	Neighborhood Access	2	560	Small	Not available	Local Access	
82nd Dr NE	18th Pl NE	82nd Ave NE	Neighborhood Access	2	560	Small	Not available	Local Access	
83rd Ave NE	Dead End	Soper Hill Rd	Minor Arterial	2	1480	132	Not available	Minor Arterial	
84th Ave NE	84th Dr NE	84th Dr NE	Neighborhood Access	2	560	Small	Not available	Local Access	
84th Dr NE	Dead End	Dead End	Neighborhood Access	2	560	Small	Not available	Local Access	
85th Ave NE	Cul-de-sac	Dead End	Neighborhood Access	2	560	Small	Not available	Local Access	
85th Dr NE	10th St NE	12th St NE	Neighborhood Access	2	560	Small	Not available	Local Access	
85th Dr NE	Cul-de-sac	15th St NE	Neighborhood Access	2	560	Small	Not available	Local Access	
85th Dr NE	88th Dr NE	Soper Hill Rd	Neighborhood Access	2	560	Small	Not available	Local Access	

Table 6-2 – Street Inventory

City Limits								
Name	From	To	1994 Classification	# Lanes	LOS Capacity	Traffic Volumes	Surface Condition	2009 Reclassification
86th Dr NE	88th Dr NE	Cul-de-sac	Neighborhood Access	2	560	Small	Not available	Local Access
87th Ave NE	15th St NE	Cul-de-sac	Neighborhood Access	2	560	Small	Not available	Local Access
87th Ave NE	Vernon Rd	Frontier Cir W	Neighborhood Access	2	560	Small	Not available	Local Access
87th Ave NE	15th St NE	Cul-de-sac	Neighborhood Access	2	560	Small	Not available	Local Access
87th Ave NE	88th Dr NE	26th St NE	Neighborhood Access	2	560	Small	Not available	Local Access
87th Dr NE	87th Ave NE	Cul-de-sac	Neighborhood Access	2	560	Small	Not available	Local Access
88th Ave NE	87th Ave NE	Frontier Cir W	Neighborhood Access	2	560	Small	Not available	Local Access
88th Ave NE	17th St NE	Cul-de-sac	Neighborhood Access	2	560	Small	Not available	Local Access
88th Dr NE	85th Dr NE	26th Pl NE	Neighborhood Access	2	560	Small	Not available	Local Access
89th Ave NE	25th St NE	Soper Hill Rd	Neighborhood Access	2	560	Small	Not available	Local Access
89th Dr NE	17th St NE	Cul-de-sac	Neighborhood Access	2	560	Small	Not available	Local Access
89th Dr NE	Frontier Cir W	Cul-de-sac	Neighborhood Access	2	560	Small	Not available	Local Access
92 SR	SR 9	Old Hartford Rd	Neighborhood Access	2	560	Small	Not available	Local Access
90th Ave NE	Cul-de-sac	15th St NE	Neighborhood Access	2	560	Small	Not available	Local Access
90th Dr NE	Cul-de-sac	15th St NE	Neighborhood Access	2	560	Small	Not available	Local Access
90th Dr NE	17th St NE	Cul-de-sac	Neighborhood Access	2	560	Small	Not available	Local Access

Table 6-2 – Street Inventory

City Limits								
Name	From	To	1994 Classification	# Lanes	LOS Capacity	Traffic Volumes	Surface Condition	2009 Reclassification
91st Ave NE	Market Pl	SR 204	~~((Neighborhood Access))~~ Arterial	~~((2))~~ 2	560	Small	Not available	Local Access
91st Ave NE	SR 204	Frontier Cir W	Neighborhood Access	2	560	Small	Not available	Local Access
91st Dr NE	Dead End	92nd Dr NE	Neighborhood Access	2	560	Small	Not available	Local Access
91 st Ave SE	Market Pl	20 th Street SE	Arterial	TBD	TBD	TBD	TBD	Local Access
92nd Dr NE	Cul-de-sac	91st Dr. NE	Neighborhood Access	2	560	Small	Not available	Local Access
93rd Ave NE	28th St NE	Cul-de-sac	Neighborhood Access	2	560	Small	Not available	Local Access
93rd Dr NE	28th St NE	Dead End	Neighborhood Access	2	560	Small	Not available	Local Access
94th Ave NE	16th Pl NE	Cul-de-sac	Neighborhood Access	2	560	Small	Not available	Local Access
94th Dr NE	28th St NE	Dead End	Neighborhood Access	2	560	Small	Not available	Local Access
95th Ave NE	Vernon Rd	17th Pl NE	Neighborhood Access	2	560	Small	Not available	Local Access
96th Ave NE	97th Dr NE	N Davies Rd	Neighborhood Access	2	560	Small	Not available	Local Access
97th Dr NE	4th St NE	9th St NE	Neighborhood Access	2	560	Small	Not available	Local Access
98th Dr NE	4th St NE	Cul-de-sac	Neighborhood Access	2	560	Small	Not available	Local Access
99th Ave NE	SR 92	Vernon Rd	Collector	2	1260	179	Not available	Collector
99th Ave NE	4th St NE	Chapel Hill Rd	Collector	2	1260	179	Not available	Collector
100th Ave NE	Cul-de-sac	Cul-de-sac	Neighborhood Access	2	560	Small	Not available	Local Access

Table 6-2 – Street Inventory

City Limits								
Name	From	To	1994 Classification	# Lanes	LOS Capacity	Traffic Volumes	Surface Condition	2009 Reclassification
101st Ave NE	Vernon Rd	32nd St NE	Neighborhood Access	2	560	Small	Not available	Local Access
101st Ave NE	Cul-de-sac	Cul-de-sac	Neighborhood Access	2	560	Small	Not available	Local Access
101st Ave NE	Chapel Hill Rd	Dead End	Neighborhood Access	2	560	Small	Not available	Local Access
102nd Ave NE	32nd St NE	Dead End	Neighborhood Access	2	560	Small	Not available	Local Access
103rd Ave NE	Chapel Hill Rd	Dead End	Neighborhood Access	2	560	Small	Not available	Local Access
104th Dr NE	Sandy Beach Dr	Lundeen Park Way	Neighborhood Access	2	560	Small	Not available	Local Access
106th Dr NE	107th Dr NE	Cul-de-sac	Neighborhood Access	2	560	Small	Not available	Local Access
107th Ave NE	28th St NE	Dead End	Neighborhood Access	2	560	Small	Not available	Local Access
107th Dr NE	Cul-de-sac	Cul-de-sac	Neighborhood Access	2	560	Small	Not available	Local Access
109th Ave NE	SR 92	30th St NE	Neighborhood Access	2	560	Small	Not available	Local Access
111th Dr NE	Dead End	36th St NE	Neighborhood Access	2	560	Small	Not available	Local Access
112th Ct NE	Cul-de-sac	36th St NE	Neighborhood Access	2	560	Small	Not available	Local Access
112th Dr NE	20th St NE	Dead End	Neighborhood Access	2	560	Small	Not available	Local Access
112th Dr NE	Cul-de-sac	20th St NE	Neighborhood Access	2	560	Small	Not available	Local Access
113th Ave NE	28th St NE	SR 92	Collector	2	560	140	Good	Collector
113th Dr NE	Cul-de-sac	20th St NE	Neighborhood Access	2	560	Small	Not available	Local Access

Table 6-2 – Street Inventory

City Limits								
Name	From	To	1994 Classification	# Lanes	LOS Capacity	Traffic Volumes	Surface Condition	2009 Reclassification
113th Dr NE	114th Dr NE	Cul-de-sac	Neighborhood Access	2	560	Small	Not available	Local Access
114th Ave NE	34th St	30th St NE	Neighborhood Access	2	560	Small	Excellent	Local Access
114th Ave NE	Dead End	20th St NE	Neighborhood Access	2	560	Small	Good	Local Access
114th Ct NE	36th St	Cul-de-sac	Neighborhood Access	2	560	Small	Not available	Local Access
114th Dr NE	Cul-de-sac	28th St NE	Neighborhood Access	2	560	Small	Not available	Local Access
114th Dr NE	20th St NE	25th St NE	Neighborhood Access	2	560	Small	Not available	Local Access
115th Dr NE	30th St NE	Cul-de-sac	Neighborhood Access	2	560	Small	Not available	Local Access
115th Ave NE	26th St NE	28th St NE	Neighborhood Access	2	560	Small	Not available	Local Access
116th Ave NE	Dead End	34th St	Neighborhood Access	2	560	Small	Not available	Local Access
116 th Ave NE	20th St NE	26th St NE	Collector	2	560	Small	Good	Collector
116th Dr NE	26th St NE	Cul-de-sac	Neighborhood Access	2	560	Small	Not available	Local Access
116th Dr NE	Dead End	19th St NE	Neighborhood Access	2	560	Small	Not available	Local Access
117th Ave NE	20th St NE	34th St	Collector	2	560	Small	Good	Collector
117th Dr NE	26th St NE	Cul-de-sac	Neighborhood Access	2	560	Small	Not available	Local Access
117th St NE	Dead End	Cul-de-sac	Neighborhood Access	2	560	Small	Not available	Local Access
118th Ave NE	Dead End	20th St NE	Neighborhood Access	2	560	Small	Good	Local Access

Table 6-2 – Street Inventory

City Limits									
Name	From	To	1994 Classification	# Lanes	LOS Capacity	Traffic Volumes	Surface Condition	2009 Reclassification	
118th Dr NE	Cul-de-sac	34th St	Neighborhood Access	2	560	Small	Excellent	Local Access	
118th Dr NE	28th St NE	Cul-de-sac	Neighborhood Access	2	560	Small	Excellent	Local Access	
118th Dr NE	Cul-de-sac	Cul-de-sac	Neighborhood Access	2	560	Small	Excellent	Local Access	
120th Ave NE	22nd St NE	24th Pl NE	Neighborhood Access	2	560	Small	Good	Local Access	
120th Dr NE	26th St NE	Dead End	Collector	2	560	Small	Excellent	Collector	
120th Dr NE	24th Pl NE	25th Pl NE	Neighborhood Access	2	560	Small	Good	Local Access	
121st Dr NE	24th Pl NE	26th St NE	Neighborhood Access	2	560	Small	Good	Local Access	
122nd Ct NE	26th St NE	Cul-de-sac	Neighborhood Access	2	560	Small	Not available	Local Access	
122nd Ct NE	Cul-de-sac	8th St	Neighborhood Access	2	560	Small	Not available	Local Access	
122nd St NE	Cul-de-sac	11th Pl NE	Neighborhood Access	2	560	Small	Not available	Local Access	
123rd Ave	Dead End	14th St	Neighborhood Access	2	560	Small	Not available	Local Access	
123rd Ave NE	N Lakeshore Dr	25th Pl NE	Collector	2	560	Small	Mixed	Collector	
123rd Ct NE	26th St NE	Cul-de-sac	Neighborhood Access	2	560	Small	Not available	Local Access	
124th Ave	Cul-de-sac	Catherine Dr	Neighborhood Access	2	560	Small	Good	Local Access	
124th Ave NE	Dead End	36th St NE	Neighborhood Access	2	560	Small	Good	Local Access	
124 th Ave NE	16th St NE	N Lakeshore Dr	Collector	2	960	350	Excellent	Collector	

Table 6-2 – Street Inventory

City Limits								
Name	From	To	1994 Classification	# Lanes	LOS Capacity	Traffic Volumes	Surface Condition	2009 Reclassification
124th Ct	125th Ave	Cul-de-sac	Neighborhood Access	2	560	Small	Good	Local Access
125th Ave NE	Catherine Dr	Catherine Dr	Neighborhood Access	2	560	Small	Good	Local Access
125th Ave NE	18th St NE	20th St NE	Collector	2	960	350	Excellent	Collector
125th Ave NE	Dead End	123rd Ave NE	Neighborhood Access	2	560	Small	Good	Local Access
127 th Ave NE	36th St NE	SR 92	Collector	2	NA	80	Satisfactory	Collector
127th Ave NE	Cul-de-sac	Catherine Dr	Neighborhood Access	2	560	Small	Not available	Local Access
127th Ave NE	16th St NE	20th St NE	Collector	2	560	Small	Satisfactory	Collector
127th Ave NE	Dead End	Dead End	Neighborhood Access	2	560	Small	Satisfactory	Local Access
127th Dr NE	20th St NE	Dead End	Neighborhood Access	2	560	Small	Satisfactory	Local Access
128th Dr NE	Cul-de-sac	16th St NE	Neighborhood Access	2	560	Small	Satisfactory	Local Access
129th Dr NE	16th St NE	17th St NE	Neighborhood Access	2	560	Small	Satisfactory	Local Access
130th Dr NE	20th St NE	Cul-de-sac	Neighborhood Access	2	560	Small	Satisfactory	Local Access
130th Dr NE	Cul-de-sac	16th St NE	Neighborhood Access	2	560	Small	Satisfactory	Local Access
131st Ave NE	20th St NE	Hartford Dr NE	Neighborhood Access	2	560	Small	Satisfactory	Local Access
131st Ave NE	South City Limits	16th St NE	Minor Arterial	2	560	Small	Satisfactory	Minor Arterial
131 st Dr NE	Cul-de-sac	20th St NE					Not available	

Table 6-2 – Street Inventory

City Limits								
Name	From	To	1994 Classification	# Lanes	LOS Capacity	Traffic Volumes	Surface Condition	2009 Reclassification
131st Dr NE	16th St NE	Dead End	Neighborhood Access	2	560	Small	Not available	Local Access
131st Dr NE	Dead End	Hartford Dr NE	Neighborhood Access	2	560	Small	Not available	Local Access
132nd Dr NE	Dead End	20th St NE	Neighborhood Access	2	560	Small	Not available	Local Access
204 SR	City Limits	SR 9	Neighborhood Access	2	560	Small	Not available	Local Access
Alder Rd	Lakeview Dr	Oak Rd	Neighborhood Access	2	560	Small	Not available	Local Access
Ash Rd	28th St NE	32nd St NE	Neighborhood Access	2	560	Small	Not available	Local Access
Birch Rd	30th St NE	32nd St NE	Neighborhood Access	2	560	Small	Not available	Local Access
Bryce Dr NE	125th Ave	36th St NE	Neighborhood Access	2	560	Small	Not available	Local Access
Callow Rd	SR 92	Lakeview Dr	Neighborhood Access	2	560	Small	Not available	Local Access
Catherine Dr	Grade Rd	SR 92	Neighborhood Access	2	560	Small	Not available	Local Access
Cedar Rd	Lakeview Dr	30th St NE	Neighborhood Access	2	560	Small	Not available	Local Access
Chapel Hill Rd	N Davies Rd	99th Ave NE	Neighborhood Access	2	560	Small	Not available	Local Access
Cherry Rd	Willow Rd	Willow Rd	Neighborhood Access	2	560	Small	Not available	Local Access
Creek Rd	Callow Rd	Dead End	Neighborhood Access	2	560	Small	Not available	Local Access
Crystal Pl	Meadow Dr	Cul-de-sac	Neighborhood Access	2	560	Small	Not available	Local Access
Doe Way	34th St	Cul-de-sac	Neighborhood Access	2	560	Small	Not available	Local Access

Table 6-2 – Street Inventory

City Limits									
Name		From	To	1994 Classification	# Lanes	LOS Capacity	Traffic Volumes	Surface Condition	2009 Reclassification
E Lakeshore	Dr	South City Limits	124th Ave NE	Collector	2	1220	290	Good	Collector
Forest	Rd	Cherry Rd	Cedar Rd	Neighborhood Access	2	560	Small	Not available	Local Access
Frontier	Cir E	Frontier Cir W	Dead End	Neighborhood Access	2	560	Small	Not available	Local Access
Frontier	Cir W	Frontier Cir E	15th St NE	Neighborhood Access	2	560	Small	Not available	Local Access
Grade	Rd	Hartford Rd	SR 92	Minor Arterial	2	1220	130/1	Good	Minor Arterial
Hartford	Dr NE	20th St NE	Hartford Dr NE	Collector	2	1220	150	Good	Collector
Heron	Pl	Cul-de-sac	14th St	Neighborhood Access	2	560	Small	Not available	Local Access
Kelli	Pl	25th Pl NE	Cul-de-sac	Neighborhood Access	2	560	Small	Not available	Local Access
Lake	Dr	Vernon Rd	SR 92	Collector	2	1480	97	Not available	Collector
Lake mount	Ave	99th Ave NE	101st Ave NE	Neighborhood Access	2	560	Small	Not available	Local Access
Lakeview	Dr	Callow Rd	Cedar Rd	Minor Arterial	2	1260	861	Not available	Minor Arterial
Lundeen Park	Way	SR 9	Callow Rd	Minor Arterial	2	1280	1326	Not available	Minor Arterial
Lundeen Park	Way	SR 204	SR 9	Minor Arterial	2	1280	162	Not available	Minor Arterial
Lundquist	Ln	22nd St NE	Cul-de-sac	Neighborhood Access	2	560	Small	Not available	Local Access
MacNaughton	Ln	Dead End	Vernon Rd	Neighborhood Access	2	560	Small	Not available	Local Access
Madonna	Dr	Dead End	Willow Rd	Neighborhood Access	2	560	Small	Not available	Local Access

Table 6-2 – Street Inventory

City Limits									
Name	From	To	1994 Classification	# Lanes	LOS Capacity	Traffic Volumes	Surface Condition	2009 Reclassification	
Mandolin Ct	Cul-de-sac	32nd St NE	Neighborhood Access	2	560	Small	Not available	Local Access	
Maple Ln	Callow Rd	Alder Rd	Neighborhood Access	2	560	Small	Not available	Local Access	
Maple Ln	Dead End	Vernon Rd	Neighborhood Access	2	560	Small	Not available	Local Access	
Market Pl	99th Ave NE	SR 9	Collector	2	1140	682	Not available	Collector	
Market Pl	SR 9	SR 204	Collector	2	1230	730	Not available	Collector	
Meadow Dr	25th Pl NE	Grade Rd	Neighborhood Access	2	560	Small	Not available	Local Access	
Meridian Rd	91st Ave NE	Cul-de-sac	Neighborhood Access	2	560	Small	Not available	Local Access	
Mitchell Rd	N Lakeshore Dr	118th Ave NE	Neighborhood Access	2	560	Small	Poor	Local Access	
N Davies Rd	Frontage Rd	Chapel Hill Rd	Collector	2	1260	593	Not available	Collector	
N Lakeshore Dr	Vernon Rd	124th Ave NE	Collector	2	1220	370	Satisfactory	Collector	
Oak Rd	Callow Rd	107th Ave NE					Not available		
Old Hartford Rd	N Machias Rd	SR 92	Collector	2	NA	50	Satisfactory	Collector	
Sandy Beach Dr	Lundeen Park Way	Dead End	Neighborhood Access	2	560	Small	Not available	Local Access	
Soper Hill Rd	Vernon Rd	SR 9	Minor Arterial	2	1190	132	Not available	Minor Arterial	
Soper Hill Rd	West City Limits	SR 9	Minor Arterial	2	1190	277	Not available	Minor Arterial	
Springbrook Rd	Vernon Rd	Dead End	Neighborhood Access	2	560	Small	Not available	Local Access	

Table 6-2 – Street Inventory**City Limits**

Name	From	To	1994 Classification	# Lanes	LOS Capacity	Traffic Volumes	Surface Condition	2009 Reclassification
Spruce Rd	Forest Rd	28th St NE	Neighborhood Access	2	560	Small	Not available	Local Access
Vernon Rd	Lundeen Park Way	114th Dr NE	Collector	2	1190	683	Not available	Collector
Vernon Rd	N Davis Rd	Lundeen Park Way	Collector	2	1190	683	Not available	Collector
Vernon Rd	SR 9	Lundeen Park Way	Collector	2	1190	683	Not available	Collector
Willow Rd	Cherry Rd	Dead End	Neighborhood Access	2	560	Small	Not available	Local Access

EXHIBIT C

UPDATE TO APPENDIX F CURRENT CITY OF LAKE STEVENS TRANSPORTATION IMPROVEMENT PROGRAM (TIP)



Six Year Transportation Improvement Program From 2012 to 2017

Agency: Lake Stevens
County: Snohomish
MPO/RTPO: PSRC

Y Inside

N Outside

Functional Class	Priority Number	A. PIN/Project No. C. Project Title D. Road Name or Number E. Begin & End Termini F. Project Description	B. STIP ID G. Structure ID	Hearing	Adopted	Amendment	Resolution No.	Improvement Type	Utility Codes	Total Length	Environmental Type	RW Required
17		116th Ave NE Road & Ped Improvement 116th Ave NE 20th St NE to 26th St NE ROW, Widen, Sidewalks, Drainage	M-23	07/11/11	07/11/11		2011-8	21	G P S T W	0.400	CE	No

Funding									Total Funds
Status	Phase	Phase Start Year (YYYY)	Federal Fund Code	Federal Funds	State Fund Code	State Funds	Local Funds	Total Funds	
P	ALL	2013		0		0	1,900,000	1,900,000	
Totals				0		0	1,900,000	1,900,000	

Expenditure Schedule					
Phase	1st	2nd	3rd	4th	5th & 6th
ALL	1,900,000	0	0	0	0
Totals	1,900,000	0	0	0	0



Six Year Transportation Improvement Program From 2012 to 2017

Agency: Lake Stevens
County: Snohomish
MPO/RTPO: PSRC

Y Inside

N Outside

Functional Class	Priority Number	A. PIN/Project No. C. Project Title D. Road Name or Number E. Begin & End Termini F. Project Description	B. STIP ID G. Structure ID	Hearing	Adopted	Amendment	Resolution No.	Improvement Type	Utility Codes	Total Length	Environmental Type	RW Required
17		117th Ave NE Road & Ped Improvement 117th Ave NE 20th St Ne to 150-ft S of 28th St NE ROW, Widen, Sidewalks, Drainage	M-24					21	G P S T W	0.500	CE	No

Funding									
Status	Phase	Phase Start Year (YYYY)	Federal Fund Code	Federal Funds	State Fund Code	State Funds	Local Funds	Total Funds	
P	ALL	2013		0		0	1,932,000	1,932,000	
Totals				0		0	1,932,000	1,932,000	

Expenditure Schedule					
Phase	1st	2nd	3rd	4th	5th & 6th
ALL	1,932,000	0	0	0	0
Totals	1,932,000	0	0	0	0



Six Year Transportation Improvement Program From 2012 to 2017

Agency: Lake Stevens
County: Snohomish
MPO/RTPO: PSRC

Y Inside

N Outside

Functional Class	Priority Number	A. PIN/Project No. C. Project Title D. Road Name or Number E. Begin & End Termini F. Project Description	B. STIP ID G. Structure ID	Hearing	Adopted	Amendment	Resolution No.	Improvement Type	Utility Codes	Total Length	Environmental Type	RW Required
17		131st Ave NE Road & Ped Improvement 131st Ave NE 20th St NE to Hartford Rd Widen, Overlay, Sidewalks, Curb/Gutter	M-18					03	G P S T W	0.340	CE	No

Funding									
Status	Phase	Phase Start Year (YYYY)	Federal Fund Code	Federal Funds	State Fund Code	State Funds	Local Funds	Total Funds	
P	ALL	2013		0		0	1,489,000	1,489,000	
Totals				0		0	1,489,000	1,489,000	

Expenditure Schedule					
Phase	1st	2nd	3rd	4th	5th & 6th
ALL	1,489,000	0	0	0	0
Totals	1,489,000	0	0	0	0



Six Year Transportation Improvement Program From 2012 to 2017

Agency: Lake Stevens
County: Snohomish
MPO/RTPO: PSRC

Y Inside

N Outside

Functional Class	Priority Number	A. PIN/Project No. C. Project Title D. Road Name or Number E. Begin & End Termini F. Project Description	B. STIP ID G. Structure ID	Hearing	Adopted	Amendment	Resolution No.	Improvement Type	Utility Codes	Total Length	Environmental Type	RW Required
17		16th St NE Road Improvement 16th St NE Main Street to 134th Ave NE (East City Limits) North Side, ROW, Widen/ Straighten, Drainage, Sidewalk	M-10					21	G P S T W	0.720	CE	No

Funding									
Status	Phase	Phase Start Year (YYYY)	Federal Fund Code	Federal Funds	State Fund Code	State Funds	Local Funds	Total Funds	
P	ALL	2013		0		0	1,737,000	1,737,000	
Totals				0		0	1,737,000	1,737,000	

Expenditure Schedule					
Phase	1st	2nd	3rd	4th	5th & 6th
ALL	1,737,000	0	0	0	0
Totals	1,737,000	0	0	0	0



Six Year Transportation Improvement Program From 2012 to 2017

Agency: Lake Stevens
County: Snohomish
MPO/RTPO: PSRC

Y Inside

N Outside

Functional Class	Priority Number	A. PIN/Project No. C. Project Title D. Road Name or Number E. Begin & End Termini F. Project Description	B. STIP ID G. Structure ID	Hearing	Adopted	Amendment	Resolution No.	Improvement Type	Utility Codes	Total Length	Environmental Type	RW Required
17		20th St NE Widening with Pedestrian Improvements 20th St NE Main Street to 111th Dr NE Widen. Sidewalks on north side	M-29/30					21	G P S T W	0.620	CE	No

Funding									Total Funds
Status	Phase	Phase Start Year (YYYY)	Federal Fund Code	Federal Funds	State Fund Code	State Funds	Local Funds	Total Funds	
P	ALL	2013		0		0	1,668,000	1,668,000	
Totals				0		0	1,668,000	1,668,000	

Expenditure Schedule					
Phase	1st	2nd	3rd	4th	5th & 6th
ALL	1,668,000	0	0	0	0
Totals	1,668,000	0	0	0	0



Six Year Transportation Improvement Program From 2012 to 2017

Agency: Lake Stevens
County: Snohomish
MPO/RTPO: PSRC

Y Inside

N Outside

Functional Class	Priority Number	A. PIN/Project No. C. Project Title D. Road Name or Number E. Begin & End Termini F. Project Description	B. STIP ID G. Structure ID	Hearing	Adopted	Amendment	Resolution No.	Improvement Type	Utility Codes	Total Length	Environmental Type	RW Required
02		20th St SE- Phase II 20th St SE Hwy 2 to 91st Ave SE Work with Snohomish County to match improvements along 20th St SE- Phase I. The limits of improvements from the Hwy 2 Trussel to 91st Ave SE will include: roadway widening, new sidewalks, improved access.	LC-4					03	G P S T W	1.310	EIS	Yes

Funding		Phase Start Year (YYYY)	Federal Fund Code	Federal Funds	State Fund Code	State Funds	Local Funds	Total Funds
Status	Phase	2013	TIGER II	12,000,000	TIB	2,000,000	5,000,000	19,000,000
P	ALL		Totals	12,000,000		2,000,000	5,000,000	19,000,000

Expenditure Schedule					
Phase	1st	2nd	3rd	4th	5th & 6th
ALL	0	0	3,000,000	12,000,000	4,000,000
Totals	0	0	3,000,000	12,000,000	4,000,000



Six Year Transportation Improvement Program From 2012 to 2017

Agency: Lake Stevens
County: Snohomish
MPO/RTPO: PSRC

Y Inside

N Outside

Functional Class	Priority Number	A. PIN/Project No. C. Project Title D. Road Name or Number E. Begin & End Termini F. Project Description	B. STIP ID G. Structure ID	Hearing	Adopted	Amendment	Resolution No.	Improvement Type	Utility Codes	Total Length	Environmental Type	RW Required
17		22nd Street NE Road & Ped Improvement 22nd St NE 117th Ave NE to 123rd Ave NE Widening, Curb & Sidewalk	M-17					21	G P S T W	0.350	CE	No

Funding									
Status	Phase	Phase Start Year (YYYY)	Federal Fund Code	Federal Funds	State Fund Code	State Funds	Local Funds	Total Funds	
P	ALL	2013		0		0	768,000	768,000	
			Totals	0		0	768,000	768,000	

Expenditure Schedule					
Phase	1st	2nd	3rd	4th	5th & 6th
ALL	768,000	0	0	0	0
Totals	768,000	0	0	0	0



Six Year Transportation Improvement Program From 2012 to 2017

Agency: Lake Stevens
County: Snohomish
MPO/RTPO: PSRC

Y Inside

N Outside

Functional Class	Priority Number	A. PIN/Project No. C. Project Title D. Road Name or Number E. Begin & End Termini F. Project Description	B. STIP ID G. Structure ID	Hearing	Adopted	Amendment	Resolution No.	Improvement Type	Utility Codes	Total Length	Environmental Type	RW Required
17		26th Street NE Road & Ped Improvement 26th St NE 115th Ave NE to 117th Ave NE South Side, ROW, Sidewalks, Drainage	M-22					21	G P S T W	0.100	CE	No

Funding								Total Funds
Status	Phase	Phase Start Year (YYYY)	Federal Fund Code	Federal Funds	State Fund Code	State Funds	Local Funds	Total Funds
P	ALL	2013		0		0	280,000	280,000
Totals				0		0	280,000	280,000

Expenditure Schedule					
Phase	1st	2nd	3rd	4th	5th & 6th
ALL	280,000	0	0	0	0
Totals	280,000	0	0	0	0



Six Year Transportation Improvement Program From 2012 to 2017

Agency: Lake Stevens
County: Snohomish
MPO/RTPO: PSRC

Y Inside

N Outside

Functional Class	Priority Number	A. PIN/Project No. C. Project Title D. Road Name or Number E. Begin & End Termini F. Project Description	B. STIP ID G. Structure ID	Hearing	Adopted	Amendment	Resolution No.	Improvement Type	Utility Codes	Total Length	Environmental Type	RW Required
19		28th Street NE Road & Ped Improvement 28th St NE Old Hartford Rd to N. Machias Rd ROW, Widen & Sidewalk	M-16					21	G P S T W	0.110	CE	No

Funding									
Status	Phase	Phase Start Year (YYYY)	Federal Fund Code	Federal Funds	State Fund Code	State Funds	Local Funds	Total Funds	
P	ALL	2013		0		0	470,000	470,000	
Totals				0		0	470,000	470,000	

Expenditure Schedule					
Phase	1st	2nd	3rd	4th	5th & 6th
ALL	470,000	0	0	0	0
Totals	470,000	0	0	0	0



Six Year Transportation Improvement Program From 2012 to 2017

Agency: Lake Stevens
County: Snohomish
MPO/RTPO: PSRC

Y Inside

N Outside

Functional Class	Priority Number	A. PIN/Project No. C. Project Title D. Road Name or Number E. Begin & End Termini F. Project Description	B. STIP ID G. Structure ID	Hearing	Adopted	Amendment	Resolution No.	Improvement Type	Utility Codes	Total Length	Environmental Type	RW Required
17		30th Street NE non-motorized improvements 30th St NE 113th Ave NE to Cedar Rd NE Northside, Widen, Reconstruction, ROW, Drainage, Sidewalks	M-28					21	G P S T W	0.200	CE	Yes

Funding									
Status	Phase	Phase Start Year (YYYY)	Federal Fund Code	Federal Funds	State Fund Code	State Funds	Local Funds	Total Funds	
P	ALL	2013		0		0	540,000	540,000	
			Totals	0		0	540,000	540,000	

Expenditure Schedule					
Phase	1st	2nd	3rd	4th	5th & 6th
ALL	540,000	0	0	0	0
Totals	540,000	0	0	0	0



Six Year Transportation Improvement Program From 2012 to 2017

Agency: Lake Stevens
County: Snohomish
MPO/RTPO: PSRC

Y Inside

N Outside

Functional Class	Priority Number	A. PIN/Project No. C. Project Title D. Road Name or Number E. Begin & End Termini F. Project Description	B. STIP ID G. Structure ID	Hearing	Adopted	Amendment	Resolution No.	Improvement Type	Utility Codes	Total Length	Environmental Type	RW Required
17		32nd Street NE/ Walker Hill Rd Road & Ped Imp 32nd St NE 118th Street NE to Grade Rd Widen, Sidewalks, Curb/Gutter, Drainage, Slope Reduction	M-14					21	G P S T W	0.240	CE	No

Funding									
Status	Phase	Phase Start Year (YYYY)	Federal Fund Code	Federal Funds	State Fund Code	State Funds	Local Funds	Total Funds	
P	ALL	2013		0		0	545,000	545,000	
			Totals	0		0	545,000	545,000	

Expenditure Schedule					
Phase	1st	2nd	3rd	4th	5th & 6th
ALL	545,000	0	0	0	0
Totals	545,000	0	0	0	0



Six Year Transportation Improvement Program From 2012 to 2017

Agency: Lake Stevens
County: Snohomish
MPO/RTPO: PSRC

Y Inside

N Outside

Functional Class	Priority Number	A. PIN/Project No. C. Project Title D. Road Name or Number E. Begin & End Termini F. Project Description	B. STIP ID G. Structure ID	Hearing	Adopted	Amendment	Resolution No.	Improvement Type	Utility Codes	Total Length	Environmental Type	RW Required
17		36th Street NE Road & Ped Improvements 36th St NE Grade Rd to Old Hartford Rd ROW, Widen, Drainage, Sidewalk	M-11					21	G P S T W	0.580	CE	Yes

Funding									Total Funds
Status	Phase	Phase Start Year (YYYY)	Federal Fund Code	Federal Funds	State Fund Code	State Funds	Local Funds	Total Funds	
P	ALL	2013		0		0	2,340,000	2,340,000	
Totals				0		0	2,340,000	2,340,000	

Expenditure Schedule					
Phase	1st	2nd	3rd	4th	5th & 6th
ALL	2,340,000	0	0	0	0
Totals	2,340,000	0	0	0	0



Six Year Transportation Improvement Program From 2012 to 2017

Agency: Lake Stevens
County: Snohomish
MPO/RTPO: PSRC

Y Inside

N Outside

Functional Class	Priority Number	A. PIN/Project No. C. Project Title D. Road Name or Number E. Begin & End Termini F. Project Description	B. STIP ID G. Structure ID	Hearing	Adopted	Amendment	Resolution No.	Improvement Type	Utility Codes	Total Length	Environmental Type	RW Required
17		91st Avenue SE Pedestrian Safety Improvements 91 Avenue SE Market Place to 20th Street SE Construction of a sidewalk in two school zones along the eastside of the street	PS-1					28	P S T W	1.400	CE	No

Funding								Total Funds	
Status	Phase	Phase Start Year (YYYY)	Federal Fund Code	Federal Funds	State Fund Code	State Funds	Local Funds	Total Funds	
P	ALL	2014		0	OTHER	1,000,000	400,000	1,400,000	
			Totals	0		1,000,000	400,000	1,400,000	

Expenditure Schedule						
Phase	1st	2nd	3rd	4th	5th & 6th	
ALL	0	0	200,000	1,200,000	0	0
Totals	0	0	200,000	1,200,000	0	0



Six Year Transportation Improvement Program From 2012 to 2017

Agency: Lake Stevens
County: Snohomish
MPO/RTPO: PSRC

Y Inside

N Outside

Functional Class	Priority Number	A. PIN/Project No. C. Project Title D. Road Name or Number E. Begin & End Termini F. Project Description	B. STIP ID G. Structure ID	Hearing	Adopted	Amendment	Resolution No.	Improvement Type	Utility Codes	Total Length	Environmental Type	RW Required
17		East Lakeshore Drive Non Motorized Improvements E: Lakeshore Dr Main Street to 7th St NE ROW, Sidewalk, Bike Lane	M-13					21	G P S T W	0.750		Yes

Funding									Total Funds
Status	Phase	Phase Start Year (YYYY)	Federal Fund Code	Federal Funds	State Fund Code	State Funds	Local Funds	Total Funds	
P	ALL	2013		0		0	1,450,000	1,450,000	
Totals				0		0	1,450,000	1,450,000	

Expenditure Schedule					
Phase	1st	2nd	3rd	4th	5th & 6th
ALL	1,450,000	0	0	0	0
Totals	1,450,000	0	0	0	0



Six Year Transportation Improvement Program From 2012 to 2017

Agency: Lake Stevens
County: Snohomish
MPO/RTPO: PSRC

Y Inside

N Outside

Functional Class	Priority Number	A. PIN/Project No. C. Project Title D. Road Name or Number E. Begin & End Termini F. Project Description	B. STIP ID G. Structure ID	Hearing	Adopted	Amendment	Resolution No.	Improvement Type	Utility Codes	Total Length	Environmental Type	RW Required
16		Grade Road South-end Improvement Grade Road 20th Street NE to 21st Street NE Minor realignment with curb, gutter, and sidewalk.	RP-1					24	G P S T W	0.200	EA	Yes

Funding								Total Funds	
Status	Phase	Phase Start Year (YYYY)	Federal Fund Code	Federal Funds	State Fund Code	State Funds	Local Funds	Total Funds	
P	ALL	2016		0	OTHER	160,000	300,000	460,000	
			Totals	0		160,000	300,000	460,000	

Expenditure Schedule					
Phase	1st	2nd	3rd	4th	5th & 6th
ALL	0	0	0	0	460,000
Totals	0	0	0	0	460,000



Six Year Transportation Improvement Program From 2012 to 2017

Agency: Lake Stevens
County: Snohomish
MPO/RTPO: PSRC

Y Inside

N Outside

Functional Class	Priority Number	A. PIN/Project No. C. Project Title D. Road Name or Number E. Begin & End Termini F. Project Description	B. STIP ID G. Structure ID	Hearing	Adopted	Amendment	Resolution No.	Improvement Type	Utility Codes	Total Length	Environmental Type	RW Required
17		Hartford Rd Road & Drainage Improvements Hartford Rd MP 0.40 to MP 0.40 Upgrade parallel culvert system to a large box culvert at the Catherine Creek crossing.	M-9					21	G P S T W		CE	No

Funding									
Status	Phase	Phase Start Year (YYYY)	Federal Fund Code	Federal Funds	State Fund Code	State Funds	Local Funds	Total Funds	
P	ALL	2013		0		0	700,000	700,000	700,000
Totals				0		0	700,000	700,000	700,000

Expenditure Schedule					
Phase	1st	2nd	3rd	4th	5th & 6th
ALL	700,000	0	0	0	0
Totals	700,000	0	0	0	0



Six Year Transportation Improvement Program From 2012 to 2017

Agency: Lake Stevens
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MPO/RTPO: PSRC

Y Inside

N Outside

Functional Class	Priority Number	A. PIN/Project No. C. Project Title D. Road Name or Number E. Begin & End Termini F. Project Description	B. STIP ID G. Structure ID	Hearing	Adopted	Amendment	Resolution No.	Improvement Type	Utility Codes	Total Length	Environmental Type	RW Required
16		Lake View Drive Sidewalk Improvement Lake View Drive Callow Road to 112th Avenue NE Construct sidewalk along north side of roadway. Includes curbing, drainage, water quality, lighting, ADA ramps, and transit stop.	PS-6	07/11/11	07/11/11		2011-8	21	G P S T W	0.500	CE	No

Funding									Total Funds
Status	Phase	Phase Start Year (YYYY)	Federal Fund Code	Federal Funds	State Fund Code	State Funds	Local Funds	Total Funds	
P	ALL	2014		0		0	822,000	822,000	
Totals				0		0	822,000	822,000	

Expenditure Schedule					
Phase	1st	2nd	3rd	4th	5th & 6th
ALL	0	0	0	45,000	777,000
Totals	0	0	0	45,000	777,000



Six Year Transportation Improvement Program From 2012 to 2017

Agency: Lake Stevens
County: Snohomish
MPO/RTPO: PSRC

Y Inside

N Outside

Functional Class	Priority Number	A. PIN/Project No. C. Project Title D. Road Name or Number E. Begin & End Termini F. Project Description	B. STIP ID G. Structure ID	Hearing	Adopted	Amendment	Resolution No.	Improvement Type	Utility Codes	Total Length	Environmental Type	RW Required
16		Lundeen Prkwy Corridor Ped Safety Improvement Lundeen Parkway Vernon Road to 99th Avenue NE Construct sidewalks with bike lanes, storm, and crossing improvements	PS-2					28	G P S T W	0.600	CE	No

Funding								Total Funds	
Status	Phase	Phase Start Year (YYYY)	Federal Fund Code	Federal Funds	State Fund Code	State Funds	Local Funds	Total Funds	
P	ALL	2016		0	TIB	600,000	300,000	900,000	
Totals				0		600,000	300,000	900,000	

Expenditure Schedule					
Phase	1st	2nd	3rd	4th	5th & 6th
ALL	0	0	0	0	900,000
Totals	0	0	0	0	900,000



Six Year Transportation Improvement Program From 2012 to 2017

Agency: Lake Stevens
County: Snohomish
MPO/RTPO: PSRC

Y Inside

N Outside

Functional Class	Priority Number	A. PIN/Project No. C. Project Title D. Road Name or Number E. Begin & End Termini F. Project Description	B. STIP ID G. Structure ID	Hearing	Adopted	Amendment	Resolution No.	Improvement Type	Utility Codes	Total Length	Environmental Type	RW Required
17		Mitchell DR/ 118th Ave NE Road & Ped Improvement 118th Ave NE N. Lakeshore DR to 20th St NE ROW, Widen, Drainage, Reconstruction, Sidewalk, Curb/Gutter	M-19					21	G P S T W	0.360	CE	No

Funding								Total Funds	
Status	Phase	Phase Start Year (YYYY)	Federal Fund Code	Federal Funds	State Fund Code	State Funds	Local Funds	Total Funds	
P	ALL	2012		0		0	1,400,000	1,400,000	
Totals				0		0	1,400,000	1,400,000	

Expenditure Schedule					
Phase	1st	2nd	3rd	4th	5th & 6th
ALL	1,400,000	0	0	0	0
Totals	1,400,000	0	0	0	0



Six Year Transportation Improvement Program From 2012 to 2017

Agency: Lake Stevens
County: Snohomish
MPO/RTPO: PSRC

Y Inside

N Outside

Functional Class	Priority Number	A. PIN/Project No. C. Project Title D. Road Name or Number E. Begin & End Termini F. Project Description	B. STIP ID G. Structure ID	Hearing	Adopted	Amendment	Resolution No.	Improvement Type	Utility Codes	Total Length	Environmental Type	RW Required
17		Mitchell Rd/ Manning Rd Road & Ped Improvement Mitchell Rd 200-ft W of 116th Dr NE to 600-ft W of 116th Dr NE ROW, Widen, Sidewalks, Drainage, Pavement	M-25					21	G P S T W	0.050	CE	No

Funding									
Status	Phase	Phase Start Year (YYYY)	Federal Fund Code	Federal Funds	State Fund Code	State Funds	Local Funds	Total Funds	
P	ALL	2013		0		0	360,000	360,000	
Totals				0		0	360,000	360,000	

Expenditure Schedule					
Phase	1st	2nd	3rd	4th	5th & 6th
ALL	360,000	0	0	0	0
Totals	360,000	0	0	0	0



Six Year Transportation Improvement Program From 2012 to 2017

Agency: Lake Stevens
County: Snohomish
MPO/RTPO: PSRC

Y Inside

N Outside

Functional Class	Priority Number	A. PIN/Project No. C. Project Title D. Road Name or Number E. Begin & End Termini F. Project Description	B. STIP ID G. Structure ID	Hearing	Adopted	Amendment	Resolution No.	Improvement Type	Utility Codes	Total Length	Environmental Type	RW Required
17		North Lakeshore Drive Non-Motorized improvement N. Lakeshore Dr Main Street to 112th Ave NE ROW, Sidewalk, Bike Lane	M-31					21	G P S T W	0.750	CE	No

Funding									
Status	Phase	Phase Start Year (YYYY)	Federal Fund Code	Federal Funds	State Fund Code	State Funds	Local Funds	Total Funds	
P	ALL	2013		0		0	1,290,000	1,290,000	
Totals				0		0	1,290,000	1,290,000	

Expenditure Schedule					
Phase	1st	2nd	3rd	4th	5th & 6th
ALL	1,290,000	0	0	0	0
Totals	1,290,000	0	0	0	0



Six Year Transportation Improvement Program From 2012 to 2017

Agency: Lake Stevens
County: Snohomish
MPO/RTPO: PSRC

Y Inside

N Outside

Functional Class	Priority Number	A. PIN/Project No. C. Project Title D. Road Name or Number E. Begin & End Termini F. Project Description	B. STIP ID G. Structure ID	Hearing	Adopted	Amendment	Resolution No.	Improvement Type	Utility Codes	Total Length	Environmental Type	RW Required
09		Old Hartford Road Old Hartford Rd 36th St NE to Hartford Rd ROW, Widen, Reconstruction, Curb/Gutter, Sidewalk & Drainage	M-12					21		0.710	CE	No

Funding									Total Funds
Status	Phase	Phase Start Year (YYYY)	Federal Fund Code	Federal Funds	State Fund Code	State Funds	Local Funds	Total Funds	
P	ALL	2013		0		0	2,323,000	2,323,000	
Totals				0		0	2,323,000	2,323,000	

Expenditure Schedule					
Phase	1st	2nd	3rd	4th	5th & 6th
ALL	2,323,000	0	0	0	0
Totals	2,323,000	0	0	0	0



Six Year Transportation Improvement Program From 2012 to 2017

Agency: Lake Stevens
County: Snohomish
MPO/RTPO: PSRC

Y Inside

N Outside

Functional Class	Priority Number	A. PIN/Project No. C. Project Title D. Road Name or Number E. Begin & End Termini F. Project Description	B. STIP ID G. Structure ID	Hearing	Adopted	Amendment	Resolution No.	Improvement Type	Utility Codes	Total Length	Environmental Type	RW Required
17		S. Davies Road at S. Lake Stevens Rd Intersection S. Davies Road S. Lake Stevens Rd to S. Davies Road Intersection improvements of a traffic signal or roundabout	C-10					03	G P S T W	0.250	CE	No

Funding							Total Funds	
Status	Phase	Phase Start Year (YYYY)	Federal Fund Code	Federal Funds	State Fund Code	State Funds	Local Funds	Total Funds
P	ALL	2017		0	TIB	500,000	300,000	800,000
			Totals	0		500,000	300,000	800,000

Expenditure Schedule					
Phase	1st	2nd	3rd	4th	5th & 6th
ALL	0	0	0	0	800,000
Totals	0	0	0	0	800,000



Six Year Transportation Improvement Program From 2012 to 2017

Agency: Lake Stevens
County: Snohomish
MPO/RTPO: PSRC

Y Inside

N Outside

Functional Class	Priority Number	A. PIN/Project No. C. Project Title D. Road Name or Number E. Begin & End Termini F. Project Description	B. STIP ID G. Structure ID	Hearing	Adopted	Amendment	Resolution No.	Improvement Type	Utility Codes	Total Length	Environmental Type	RW Required
14		SR 9/SR 204 Corridor Circulation Design Study SR 9 SR 204 to SR 204 Corridor circulation study of a commercial area adjacent to SR 9 and SR 204. This project is a sub-project to the SR 9 Route Development Plan.	CI-1					03	G P S T W	1.000	CE	Yes

Funding									
Status	Phase	Phase Start Year (YYYY)	Federal Fund Code	Federal Funds	State Fund Code	State Funds	Local Funds	Total Funds	
S	PE	2012		0	OTHER	500,000	0	500,000	500,000
Totals				0		500,000	0	500,000	500,000

Expenditure Schedule					
Phase	1st	2nd	3rd	4th	5th & 6th
PE	500,000	0	0	0	0
Totals	500,000	0	0	0	0



Six Year Transportation Improvement Program From 2012 to 2017

Agency: Lake Stevens
County: Snohomish
MPO/RTPO: PSRC

Y Inside

N Outside

Functional Class	Priority Number	A. PIN/Project No. C. Project Title D. Road Name or Number E. Begin & End Termini F. Project Description	B. STIP ID G. Structure ID	Hearing	Adopted	Amendment	Resolution No.	Improvement Type	Utility Codes	Total Length	Environmental Type	RW Required
14		SR 92 at 113th Ave NE Roundabout SR 92 MP 1.40 to MP 1.60 Restrict 113th Ave NE to right turn only using soft channelization and construct a EB merge lane on SR 92	WA-00570					21	P T W	0.200	CE	No

Funding							Total Funds		
Status	Phase	Phase Start Year (YYYY)	Federal Fund Code	Federal Funds	State Fund Code	State Funds	Local Funds	Total Funds	
S	ALL	2012		0	WSDOT	1,400,000	0	0	1,400,000
Totals				0		1,400,000	0	0	1,400,000

Expenditure Schedule					
Phase	1st	2nd	3rd	4th	5th & 6th
ALL	200,000	1,200,000	0	0	0
Totals	200,000	1,200,000	0	0	0



Six Year Transportation Improvement Program From 2012 to 2017

Agency: Lake Stevens
County: Snohomish
MPO/RTPO: PSRC

Y Inside

N Outside

Functional Class	Priority Number	A. PIN/Project No. C. Project Title D. Road Name or Number E. Begin & End Termini F. Project Description	B. STIP ID G. Structure ID	Hearing	Adopted	Amendment	Resolution No.	Improvement Type	Utility Codes	Total Length	Environmental Type	RW Required
14		SR 92 at 127th Ave NE Roundabout SR 92 MP 2.3 to MP 2.55 Construct a single lane roundabout.	IC-13					21	G P T W	0.250	CE	No

Funding									
Status	Phase	Phase Start Year (YYYY)	Federal Fund Code	Federal Funds	State Fund Code	State Funds	Local Funds	Total Funds	
P	ALL	2014		0		0	1,750,000	1,750,000	
			Totals	0		0	1,750,000	1,750,000	

Expenditure Schedule					
Phase	1st	2nd	3rd	4th	5th & 6th
ALL	0	0	1,750,000	0	0
Totals	0	0	1,750,000	0	0



Six Year Transportation Improvement Program From 2012 to 2017

Agency: Lake Stevens
County: Snohomish
MPO/RTPO: PSRC

Y Inside

N Outside

Functional Class	Priority Number	A. PIN/Project No. C. Project Title D. Road Name or Number E. Begin & End Termini F. Project Description	B. STIP ID G. Structure ID	Hearing	Adopted	Amendment	Resolution No.	Improvement Type	Utility Codes	Total Length	Environmental Type	RW Required
14		SR 92 at 99th Avenue NE Roundabout SR 92 MP 0.40 to MP 0.65 Construct a single lane roundabout within existing ROW	IC-2	07/11/11				21	G P T W	0.250	CE	No

Funding								Total Funds
Status	Phase	Phase Start Year (YYYY)	Federal Fund Code	Federal Funds	State Fund Code	State Funds	Local Funds	Total Funds
S	ALL	2012	FMSIB	0	WSDOT	1,600,000	0	1,600,000
Totals				0		1,600,000	0	1,600,000

Expenditure Schedule					
Phase	1st	2nd	3rd	4th	5th & 6th
ALL	200,000	1,400,000	0	0	0
Totals	200,000	1,400,000	0	0	0



Six Year Transportation Improvement Program From 2012 to 2017

Agency: Lake Stevens
County: Snohomish
MPO/RTPO: PSRC

Y Inside

N Outside

Functional Class	Priority Number	A. PIN/Project No. C. Project Title D. Road Name or Number E. Begin & End Termini F. Project Description	B. STIP ID G. Structure ID	Hearing	Adopted	Amendment	Resolution No.	Improvement Type	Utility Codes	Total Length	Environmental Type	RW Required
14		SR 92 at Grade Road Roundabout SR 92 MP 1.60 to MP 1.80 Construction of a single lane roundabout.	IC-5					21	G T W	0.200	CE	No

Funding								Total Funds	
Status	Phase	Phase Start Year (YYYY)	Federal Fund Code	Federal Funds	State Fund Code	State Funds	Local Funds	Total Funds	
P	ALL	2015	STP(U)	1,000,000	OTHER	600,000	400,000	2,000,000	
Totals				1,000,000		600,000	400,000	2,000,000	

Expenditure Schedule						
Phase	1st	2nd	3rd	4th	5th & 6th	
ALL	0	0	0	400,000	1,600,000	
Totals	0	0	0	400,000	1,600,000	



Six Year Transportation Improvement Program From 2012 to 2017

Agency: Lake Stevens
County: Snohomish
MPO/RTPO: PSRC

Y Inside

N Outside

Functional Class	Priority Number	A. PIN/Project No. C. Project Title D. Road Name or Number E. Begin & End Termini F. Project Description	B. STIP ID G. Structure ID	Hearing	Adopted	Amendment	Resolution No.	Improvement Type	Utility Codes	Total Length	Environmental Type	RW Required
14		SR 92 at Lake Drive - rechannelization SR 92 Lake Drive to Lake Drive Restrict Lake Dr to NB right turn only using soft channelization adn construct an EB merge lane and a WB center turn lane on SR 92	IC-1	07/11/11	07/25/11			21	G P T W	0.200	CE	No

Funding										Total Funds	
Status	Phase	Phase Start Year (YYYY)	Federal Fund Code	Federal Funds	State Fund Code	State Funds	Local Funds	Total Funds			
P	PE	2012		0	WSDOT	30,000	0	30,000			
P	CN	2013		0	WSDOT	170,000	0	170,000			
Totals				0		200,000	0	200,000			

Expenditure Schedule					
Phase	1st	2nd	3rd	4th	5th & 6th
PE	0	30,000	0	0	0
CN	0	0	170,000	0	0
Totals	0	30,000	170,000	0	0

Grand Totals for Lake Stevens					State Funds	Local Funds	Total Funds
					8,560,000	30,464,000	52,024,000

EXHIBIT D

APPENDIX K ADDENDUM #4 TO INTEGRATED 2005 COMPREHENSIVE PLAN & FEIS



**NOTICE OF ISSUANCE
ADDENDUM NO. 4 TO THE CITY OF LAKE STEVENS
INTEGRATED 2005 COMPREHENSIVE PLAN AND
FINAL ENVIRONMENTAL IMPACT STATEMENT**

File Name: City of Lake Stevens 2011 Comprehensive Plan Docket

Description of Proposal: The 2011 Docket contains five text revisions to the City of Lake Stevens Comprehensive Plan Amendments:

- Addition of 2012 Adoption Process and Environmental Review to Chapter 1 Introduction;
- Update of the Eagle Ridge Park description and chapter tables based on the recently adopted park master plan to Chapter 5 Parks and Recreation Element;
- Update of Chapter 6 Transportation Element for the Southwest Annexation and recently completed road projects and new road projects in development;
- Update of Table 8-1 (Schedule of Funded Improvements) and 8-2 (Unfunded Improvements) for Eagle Ridge Park improvements and 20th Street SE Phase II – US 2 to 91st Avenue SE in Chapter 8 Capital Facilities Element; and
- Replace Appendix F with current Six-Year Transportation Improvement Program and add SEPA Environmental Documents for 2011 Docket.

Location of Proposal: Lake Stevens and Lake Stevens Urban Growth Area

**Proponent/
Lead Agency:** City of Lake Stevens, Planning & Community Development
P.O. Box 257, Lake Stevens, WA 98258, (425) 377-3235

Documents: The Integrated 2005 Comprehensive Plan and Final Environmental Impact Statement Addendum No. 4 and detailed information and analysis are available for viewing or purchase at the City Planning Department. The City website also has a copy of the current plan and FEIS at www.ci.lake-stevens.wa.us.

Comment Period: No comment period is required for this addendum.

Contact: Karen Watkins, kwatkins@lakestevenswa.gov, 425-377-3221

Date of Issuance: October 19, 2011

Responsible Official: Signature 
Rebecca Ableman, Planning Director

ADDENDUM NO. 4

TO THE CITY OF LAKE STEVENS INTEGRATED 2005 COMPREHENSIVE PLAN AND FINAL ENVIRONMENTAL IMPACT STATEMENT

Adoption of Text Revisions to Chapter 1 Introduction, Chapter 5 Parks and Recreation Element, Chapter 6 Transportation Element, Chapter 8 Capital Facilities Element, and Appendices With The 2011 Docket



Prepared in Compliance with

The Washington State Environmental Policy Act of 1971

Chapter 43.21C Revised Code of Washington

Chapter 197-11 Washington Administrative Code

Lake Stevens Municipal Code Title 16

Date of Issuance: October 19, 2011



October 19, 2011

Dear Reader and Interested Citizen:

Addendum #4 to the City of Lake Stevens Integrated 2005 Comprehensive Plan and Final Environmental Impact Statement (FEIS), issued July 17, 2006, has been prepared by the Department of Planning and Community Development.

This addendum provides additional environmental information for the proposed adoption of the following text amendments:

- Addition of 2012 Adoption Process and Environmental Review to Chapter 1 Introduction;
- Update of the Eagle Ridge Park description and chapter tables based on the recently adopted park master plan to Chapter 5 Parks and Recreation Element;
- Update of Chapter 6 Transportation Element for the Southwest Annexation and recently completed road projects and new road projects in development;
- Update of Table 8-1 (Schedule of Funded Improvements) and 8-2 (Unfunded Improvements) for Eagle Ridge Park improvements and 20th Street SE Phase II – US 2 to 91st Avenue SE in Chapter 8 Capital Facilities Element; and
- Replace Appendix F with current Six-Year Transportation Improvement Program and add SEPA Environmental Documents for 2011 Docket.

This addendum adds further information to the analysis contained in the FEIS. The document addresses the environmental information specifically related to proposed text revisions; it does not identify detailed project impacts. Specific project actions will require further detailed environmental review as they are considered for implementation.

Review of the proposed amendments will occur at a Planning Commission public hearing on November 2, 2011 and City Council public hearing on November 28, 2011.

We invite you to comment on the proposed text revisions during the City review process. Comments regarding the proposed comprehensive plan amendments may be submitted orally during each hearing or in writing any time prior to the hearing by sending them to City Hall, attn: Karen Watkins, PO Box 257, Lake Stevens, WA 98258, or by email at kwatkins@lakestevenswa.gov.

If you have any questions, please contact Karen Watkins at (425) 377-3221 or kwatkins@lakestevenswa.gov.

Sincerely,


Rebecca Ableman
Planning Director

ADDENDUM #4 TO INTEGRATED 2005 COMPREHENSIVE PLAN & FEIS**Fact Sheet****Proposed
Non-Project Action:**

The proposed non-project action is the adoption by the Lake Stevens City Council of five City-proposed text revisions to the City of Lake Stevens Comprehensive Plan as part of the 2011 Docket: Chapter 1 Introduction, Chapter 5 Parks and Recreation Element, Chapter 6 Transportation Element, Chapter 8 Capital Facilities Element, and the Appendices. The GMA requirements contained in Chapter 36.70A RCW are applicable to these plans.

Description of Proposal:

The 2011 Docket contains five text revisions to the City of Lake Stevens Comprehensive Plan Amendments:

- Addition of 2012 Adoption Process and Environmental Review to Chapter 1 Introduction;
- Update of the Eagle Ridge Park description and chapter tables based on the recently adopted park master plan to Chapter 5 Parks and Recreation Element;
- Update of Chapter 6 Transportation Element for the Southwest Annexation and recently completed road projects and new road projects in development;
- Update of Table 8-1 (Schedule of Funded Improvements) and 8-2 (Unfunded Improvements) for Eagle Ridge Park improvements and 20th Street SE Phase II – US 2 to 91st Avenue SE in Chapter 8 Capital Facilities Element; and
- Replace Appendix F with current Six-Year Transportation Improvement Program and add SEPA Environmental Documents for 2011 Docket.

RCW 36.70A.130 allows amendments to the Comprehensive Plan once per year with some exceptions. The current proposal is the 2011 Comprehensive Plan Docket.

**Purpose of the FEIS
Addendum:**

The purpose of this addendum is to add information and analysis relating to the programmatic city action of adopting minor amendments to four chapters and the appendices of the Comprehensive Plan. This information expands upon previously identified significant impacts of the alternatives to the city's Integrated 2005 Comprehensive Plan (July 2006) and FEIS (July 17, 2006), as addended, but does not substantially change the analysis. The city has already considered the impacts of the proposed programmatic actions analyzed in this Addendum in the FEIS document. No additional significant impacts beyond those identified in the FEIS are expected to occur. Revisions to the proposal may be considered during the public hearing process. To the extent that the existing environmental documents listed in this Addendum or other published documents have analyzed such changes, no additional programmatic action level environmental review will be required. This Addendum is being issued in accordance with WAC 197-11-625 and WAC 197-11-630. Additional changes to the proposal may be considered during the public hearing process. The following adopted environmental document meets the City of Lake Stevens' environmental review needs for the current proposal: 2011 Comprehensive Plan Docket.

Location of Proposal:

City of Lake Stevens and Lake Stevens Urban Growth Area

ADDENDUM #4 TO INTEGRATED 2005 COMPREHENSIVE PLAN & FEIS

**Proponent/
Lead Agency:** City of Lake Stevens
P.O. Box 257
Lake Stevens, WA 98258
(425) 377-3235

Required Approvals: Adoption of text amendments granted by Lake Stevens City Council

Circulation: This Addendum is being sent to all recipients of the previously issued Final EIS and other interested parties.

Comment: No comment period is required for this addendum.

Contact Person: Karen Watkins, Principal Planner
(425) 377-3221 or kwatkins@lakestevenswa.gov

Date of Issuance: October 19, 2011

Responsible Official: Signature 
Rebecca Ableman, Planning Director

Public Hearing: The Planning Commission will hold a public hearing on the proposed Comprehensive Plan text amendment on November 2, 2011. Following receipt of a recommendation from the Planning Commission, the City Council will also hold a public hearing on November 28, 2011 before taking final action.

Documents: The Integrated 2005 Comprehensive Plan and Final Environmental Impact Statement, as addended, and detailed information and analysis are available for viewing or purchase at the City Planning Department. Printed copies of the existing Plan and FEIS may be purchased for actual cost to reproduce at the address above. Electronic copies are also available for \$10.00 per CD. The City website also has a copy of the current plan and FEIS at www.lakestevenswa.gov.

SEPA Distribution List**Federal Agencies**

Natural Resource Conservation Service
NOAA Fisheries
U.S. Army Corps of Engineers
U.S. Environmental Protection Agency
U.S. Fish and Wildlife Service

NOAA Northwest Regional Office
Office of Archeology and Historical Preservation
Parks and Recreation Commission
U.S. Army Corps of Engineers, Seattle District
Department of Agriculture
Washington State Energy Office

State Agencies

Department of Corrections
Department of Ecology
Department of Fish and Wildlife
Department of Health
Department of Natural Resources
Department of Social and Health Services
Department of Transportation
Environmental Protection Agency
Department of Community Trade and Economic Development
National Marine Fisheries

Regional Agencies

Community Transit
Economic Development of Snohomish County
Puget Sound Air Pollution Control Agency
Puget Sound Water Quality Authority
Regional Transit Authority

Local Government, Tribes, Utilities

City of Arlington
City of Everett
City of Marysville
Snohomish County

ADDENDUM #4 TO INTEGRATED 2005 COMPREHENSIVE PLAN & FEIS

Muckelshoot Indian Tribe
Snoqualmie Tribe
Stillaguamish Tribe
Tulalip Tribes
Tulalip Housing Authority
Comcast
Verizon
Drainage District No. 8
Lake Stevens Fire Department
Lake Stevens Historical Society
Lake Stevens Police Department
Lake Stevens School District
Lake Stevens Sewer District
Marysville School District
Snohomish School District
Puget Sound Energy
Snohomish County Fire District #8
Snohomish County Fire Marshall
Snohomish Health District
Snohomish County Parks and Recreation
Snohomish PUD No. 1
Snohomish County Sheriff
Waste Management NW

Libraries

Lake Stevens Library

Organizations and Interest Groups

Earth Share of WA
Lake Stevens Chamber of Commerce
Interagency Commission on Outdoor Recreation
Master Builders of King & Snohomish Counties
Pilchuck Audubon Society
Puget Sound Action Team
Puget Sound Regional Council
Snohomish County Association of Realtors, Inc.
Puget Sound Water Quality Action Team

Newspapers

Lake Stevens Journal
Seattle Post Intelligencer
The Arlington Times
The Everett Herald
The Seattle Times

Purpose of the Proposal

The Proposed Action is the adoption of the 2011 Docket including five text amendments to the City of Lake Stevens GMA Comprehensive Plan in accordance with the requirements of the Growth Management Act (GMA). Statutory requirements of GMA allow amendments to a Comprehensive Plan "no more frequently than once per year" (RCW 36.70A.130(2)(a)) except when in specific circumstances.

SEPA Procedures and Public Involvement**Purpose of the Addendum**

The purpose of this Addendum is to add analyses and information about a proposal, but does not substantially change the analysis of significant impacts and alternatives in the existing environmental document (WAC 197-11-600(4)(c)). The proposed revision does not introduce new significant impacts from those identified in the FEIS. The City of Lake Stevens is issuing this addendum to the FEIS for the purpose of supplying additional information about the proposals and their impacts beyond those contained in the FEIS. This Addendum should assist the public and agency decision-makers in considering the granting or denial of the proposed text amendment to the Comprehensive Plan.

Programmatic Analysis

This Addendum is for the 2011 Comprehensive Plan Docket. The adoption of comprehensive plans, or other long-range planning activities, is classified by SEPA as a non-project (i.e., programmatic) action. A non-project action is defined as an action that is broader than a single site-specific project, and involves decisions on policies, plans or programs. A SEPA document for a non-project proposal does not require site-specific analyses; instead the Addendum discusses additional analysis and information appropriate to the scope of the non-project proposal and to the level of planning for the proposal (WAC 197-11-442).

ADDENDUM #4 TO INTEGRATED 2005 COMPREHENSIVE PLAN & FEIS**Phased Review**

SEPA encourages the use of phased environmental review to focus on issues that are ready for decision, and to exclude from consideration issues already decided or not yet ready for decision-making (WAC 197-11-060 (5)). Phased review is appropriate where the sequence of a proposal is from a programmatic document, such as an EIS addressing a comprehensive plan, to other documents that are narrower in scope, such as for a site-specific, project-level analysis. The City of Lake Stevens is using phased review, as authorized by SEPA, in its environmental review of growth management planning actions. The analysis in this Addendum will be used to review the environmental impacts of the proposed Comprehensive Plan Amendment proposals and other related actions, including rezones.

Public Comment

No comment period is required for the Addendum. The following public participation is scheduled as part of the 2011 Docket to gain public input:

- Planning Commission Public Hearing – November 2
- City Council Briefing – October 24
- City Council Public Hearing – November 28

Proposed Action, Alternatives, and Objectives**Proposed Action**

The proposed action is the granting or denial of five text amendments to the City of Lake Stevens Comprehensive Plan. The proposed amendments are provided below using strikeouts and underlines for the text amendments. Each chapter amendments will be treated as a separate alternative because each proposal is reviewed individually and a determination is made on the granting or denial of each proposal by the Planning Commission and City Council.

Objectives of the Proposal

The principal objective of the proposed text amendments is to update the Comprehensive Plan based on new information.

Matrix of Impacts and Mitigation Measures

In order to retain consistency in the description and analysis of impacts, this Addendum is using a similar matrix of impacts. Only additional information or analysis not covered in the FEIS matrix, but required for the one text amendment, is included on the attached matrix.

ADDENDUM #4 TO INTEGRATED 2005 COMPREHENSIVE PLAN & FEIS

This is a summary of the proposed amendments to the City of Lake Stevens Comprehensive Plan for the 2011 Docket. During the review and discussion of these amendments, there could be minor revisions or additions before final adoption by the City Council.

TABLE OF CONTENTS

To be updated with new appendices.

CHAPTER 1 - INTRODUCTION

Add the following language after the 2010 summary of 2010 Docket process:

The 2011 Docket included the following meetings for public participation during the adoption process for Plan amendments:

2011 Docket Ratification

September 7	Planning Commission Hearing/Set Final Docket
September 26	City Council Ratification of Final Docket

2010 Adoption of Amendments

November 2	Planning Commission Public Hearing
November XX	City Council Workshop
November XX	City Council Public Hearing & Adoption of Amendments
December XX	Amendments Effective

Modify the "Environmental Review" language on page 1-27 to include a new appendix for 2011 environmental documentation:

B. Environmental Review

A complete environmental review can be found in **Appendix A** of the Comprehensive Plan. Comments on the environmental analysis were gathered at the same time the overall Plan was circulated for public review. Adjustments were made based on comments received. The result is a Comprehensive Plan that responds to environmental goals of the community and complies with the State Environmental Policy Act. An addendum to the Final Environmental Impact Statement for the 2007 Docket was issued on November 16, 2007 and is included in **Appendix B**. An addendum to the Final Environmental Impact Statement for the 2008 Docket was issued on October 10, 2008 and is included in **Appendix G**. A Determination of Nonsignificance and Adoption of Existing Environmental Documents for the 2009 Docket was issued on March 25, 2009 and is included in **Appendix H**. An addendum to the Final Environmental Impact Statement for the 2009 revisions to the Capital Facilities Plan with amendment of the 2009 City Budget was issued on October 12, 2009 and is included in **Appendix I**. A Determination of Nonsignificance and Adoption of Existing Environmental Documents for the 2010 Docket was issued on July 7, 2010 and is included in **Appendix J**. A Determination of Nonsignificance and Adoption of Existing Environmental Documents for the 2011 Docket was issued on October XX, 2011 and is included in **Appendix K**.

CHAPTER 5 – PARKS AND RECREATION ELEMENT

Page 5-10, replace Eagle Ridge Park description with the following:

Eagle Ridge Park — The first 4.79 acres were conveyed to the City in July of 2003. In 1997, 15.48 acres were purchased through the Snohomish County Conservation Futures grant program for a passive recreation park. In 2010, the City purchased an additional 7.63 acres of property located adjacent and northwest of the existing property. The City Council adopted an Eagle Ridge Park Master Plan in 2010. The plan includes a capital cost estimate and a schedule to implement the Master Plan in three phases over a 10-15 year period. In its entirety, the Park Master Plan details the vision for development of this 27.9 acre park and the amenities and recreational opportunities. The park currently houses the Lake Stevens Senior Center and a small parks equipment storage facility.

The overall vision for the park is that of an 'outdoor classroom' with both passive and active recreational activities that embrace and enhance the natural beauty of this park. Park visitors will be able to connect with and explore a valuable ecosystem that includes a significant and functioning wetland, and eagle habitat including an active nest, and creates opportunities for the public to be educated about functioning wetlands, Low Impact Development and sustainability. A list of desired features includes:

ADDENDUM #4 TO INTEGRATED 2005 COMPREHENSIVE PLAN & FEIS

- Community Garden
- Connected park trail system
- Educational features including interpretive signage
- 'Green' design and development
- Gazebo/Picnic Shelters
- Interpretive Center (rehabilitate Barn)
- Outdoor classrooms or amphitheater

Infrastructure and utilities will be required to support some of the desired amenities and features. A strong emphasis has been made on utilizing Low Impact Development and sustainable products. Landscape plans will feature native plants and call for the protection of existing trees and removal and management of invasive species.

Page 5-16, replace Lake Stevens Senior Group section with the following:

Lake Stevens Senior Group -- The Lake Stevens Senior Center welcomes all older adults to share in the fellowship, classes and social events of the organization. The goal is to continually expand these services, with special emphasis on reaching out to the lonely and disadvantaged elderly in the Lake Stevens area. The Senior Center is currently located in Eagle Ridge Park. This newly dedicated building is 2,800 square feet and has a commercial kitchen allowing the Senior Group to prepare healthy and nutritious meals through a subsidized lunch program. The new Lake Stevens Senior Center also has a 1,400 square foot dining/multi-purpose room, barrier-free bathrooms, office space and additional class and meeting rooms. The Lake Stevens Senior Group was also the recent recipient of a mini van that was awarded through a Grant program offered by Community Transit.

Page 5-20, update Eagle Ridge Park description in Table 5-2 Park Inventory with:

Park Name	Area (Acres)	Type of Park
City Owned or Leased		
Eagle Ridge Park	((20.4)) <u>27.9</u>	Natural, Passive & Active Recreation, Neighborhood Park

Page 5-21, update Community/Senior Center description in Table 5-3 Park Inventory with:

PARK PROPERTIES		
Parks & Open Space (includes Catherine Cr. Park lease)	NA	22 acres
Community((/Senior Center))	1	1,800 sq.ft.
<u>Senior Center</u>	<u>1</u>	<u>2,800 sq.ft.</u>
Museum	1	1,600 sq.ft.
Library	1	2,500 sq.ft.

CHAPTER 6 – TRANSPORTATION ELEMENT

Page 6-3 – 6-9, update the Introduction with the following:

INTRODUCTION

This Transportation Element has been developed in accordance with RCW 36.70A.070 Emergency Evacuation Routes (Growth Management Act) to address the motorized and non-motorized transportation needs of the City of Lake Stevens. It represents the community's policy plan for the next twenty years.

It considers the location and condition of the transportation system; the cause, scope, and nature of transportation problems; future needs; and plans for addressing those needs including adoption of Level of Service (LOS) standards.

The type and availability of transportation resources are major factors in the development of land use patterns, while conversely, the way land is used greatly influences the need and location for new transportation. The relationship between transportation and land use is one of continuous interaction and their planning must be coordinated. The Land Use Plan and the Transportation Plan are highly interrelated, thus necessitating careful coordination.

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For the Transportation Element, information was taken from the Lake Stevens Transportation Plan (July 19, 2005) and the Snohomish County Transportation Element (February 1, 2006) to update the street inventory, roadway classification map and the transportation improvement plan. In 2009, the "Southwest Annexation" was enacted that brought in approximately 2,400 acres into the City. The annexation was located approximately south of Market Street, bound to the east by the lake, west by SR 204, and south just beyond 20th Street SE. In this annexation area, 20th Street SE was identified by Snohomish County as a regionally significant transportation and was an active project. Following the annexation, the County continued as the lead but the emphasis on the importance of this project had diminished. In August 2010, the City Council approved an agreement with the County where the City assumed the lead road. An update to this Transportation Element was made to reflect the importance of the 20th Street SE corridor by including this project in this update. Updates for the inclusion of the Southwest Annexation area will follow at a later date.

Washington State Department of Transportation State Highway State Route Projects

The Washington State Department of Transportation (WSDOT) has been coordinating with the City of Lake Stevens on projects within city limits.

SR9 – Lundeen Parkway to SR92 – This project will improve three intersections in a one mile section of SR9 (Lundeen Parkway, Soper Hill Road, and State Route 92). The road will be widened from two to four lanes, add turn lanes at two intersections, update traffic signals, and improve lighting. Project will improve traffic flow and reduce delays and risk of collisions. Project is currently underway and is expected to be completion in 2012.

SR 9 – SR 204 – WSDOT is performing a study on this intersection to develop alternatives that address both the State Route's operational needs and interfacing with a sub-area plan being developed by the City. The State study began in late 2010. A final design report with recommendations is expected to be completed by early 2012.

SR 9 Route Development Plan – WSDOT, Snohomish County, City of Snohomish, City of Marysville, City of Arlington, City of Lake Stevens, and Community Transit have developed a master route plan for the entire length of SR 9 from the King/Snohomish County border to the Arlington area. The plan was adopted in 2011.

SR 92 – 99th Avenue NE Roundabout – This project was identified as a safety needs improvement. A roundabout is proposed to be constructed at the 99th Avenue NE intersection. Design is planned to begin in 2011 and construction to begin in 2013.

SR 92 – 113th Avenue NE Roundabout – This project was identified as a safety needs improvement. A roundabout is proposed to be constructed at the 113th Avenue NE intersection. Design is planned to begin in 2011 and construction to begin in 2013.

Inventory and Analysis

The inventory presented in this element provides information useful to the planning process. This Transportation Element addresses all roads located within the City of Lake Stevens and the Lake Stevens Urban Growth Area including those which are the responsibility of the Washington State Department of Transportation (state highway system), the county, or the City. Information on existing roadway functional classifications, the most recently available traffic volume counts, and accident frequency data was collected from the Washington State Department of Transportation, the county, and the City. The analysis of this information is included in this section. An update to the inventory of the City's roadway system for the Southwest Annexation area will be included in a future update.

Location and Integration of Existing Transportation**Traffic Circulation Within the City**

The City examined the general traffic flow along the major roadways to gain an understanding of the traffic circulation system as a whole. In addition, this inventory includes unique roadway links, such as roadways crossing natural barriers, links to commercial or industrial centers, important trucking routes, or links to highways.

The City of Lake Stevens topography varies from gentle to relatively steep slope (particularly in the lake basin area). Lake Stevens major regional arterials are SR 9, SR 94, SR 204, 20th Street SE, and Hartford-Machias Road. The traffic circulation system within downtown Lake Stevens is limited to a north-south along Main Street (East Lake Shore Drive to the south and Grade Road to the north) and east-west on 20th Street NE. These roadways are two lanes roads with limited pedestrian facilities and appear more as a local residential street than as an arterial class roadway.

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The City's truck route to and from the industrial district in the northeast portion of the community is from SR-92, along Grade Road to and along 36th Street, to and along Old Hartford Drive, to and along 28th Street NE to Hartford-Machias Road, and along 127th Avenue NE.

State Roads

The City has three State Routes within the City's boundaries: SR 9, SR 92, and SR 204.

SR 9 is a signification connector route providing a parallel route to Interstate 5 from the Snohomish to King County border ending in the Arlington area. SR 9 within the City begins at approximately 0.1 miles south of 20th Street SE and ends at the north side of the SR 92 intersection. Approximately 3.6 miles are within the City's limits. The approximate weekday peak hour traffic volume is 1,875 (north of SR 204).

SR 92 is a regional connector route between SR 9 to Granite Falls. SR 92 within the City begins at the SR 9 intersection and ends approximately 250 feet east of 127th Drive NE. Approximately 2.4 miles are within the City's limits. The approximate weekday peak hour traffic volume is 1,532 (between SR 9 and Lake Drive NE).

SR 204 is a regional connector route between US 2 to SR 9. SR 204 within the City begins at 71st Avenue SE and ends are SR 9. Approximately 1.8 miles are within the City's limits. The approximate weekday peak hour traffic volume is 1,837 (between Market and SR 9).

Natural Traffic Barriers

The City has three common features that create natural barriers to the traffic circulation system: 1) critical slopes; 2) wetlands; and 3) Lake Stevens. The Lake is the largest single barrier within the City limits.

On- Street Parking Facilities

The availability of on-street parking facilities vary from neighborhood to neighborhood. In newer neighborhoods where the roads have been improved to higher standards, on-street parking is typically available at least on one side of the improved roadway. Along older street corridors, such as 20th Street NE, availability of parking is limited and the quality of the available parking spaces is lower (graveled shoulder typical).

Generally the demand for daily parking does not exceed the available parking areas within the City. On street parking in residential areas is typically sufficient to handle vehicles that cannot be accommodated on private property. The primary exception is during special events and around the Lake Stevens High School.

Mass Transit

Regional bus service is provided by Community Transit daily to Seattle, Granite Falls, Marysville and Everett, and through Everett to communities throughout the County and beyond. Service between points in the City or the greater UGA is limited. Community Transit has designated two park and rides for vanpools and carpools at Ebenezer Lutheran Church (2111 117th Avenue NE) and Holy Cross Lutheran Church (9613 20th Street SE). The Lake Stevens Transit Center with three bus routes (221/280/425) is located at 9600 Market Place in Frontier Village. Staff has discussed with Community Transit and Snohomish County an additional transit center near the intersection of Highway 9 and 20th Street SE in the South Lake Growth Center.

Pedestrian/Bicycle Trails

Bicycle and pedestrian ways are discontinuous throughout the City having been constructed in a piecemeal manner over the years. The Centennial Trail, a multi-mode (pedestrian, bicycle, horse, etc.) trail was built by Snohomish County, runs through and along the eastern border of the City. Picnic areas, bicycle racks, and other amenities are provided. A trail head has been built in the northeast corner of the City by Snohomish County. New residential developments are providing trails which should eventually link up to a City-wide trail system. Many of the older residential areas are not yet connected by trail to recreational areas, schools, or shopping areas. Chapter 5 presents a discussion of the trail system in Lake Stevens as part of the Parks and Recreation Plan. The Land Use Section discusses how the Centennial Trail can assist in bringing pedestrian and bicycle traffic to the downtown.

In 2000, a pedestrian/bike trail was dedicated along Hartford Road between 20th Street NE and Old Hartford Road. This was made possible with the changing of Hartford Road to a one-way street. This is a good example of how decisions

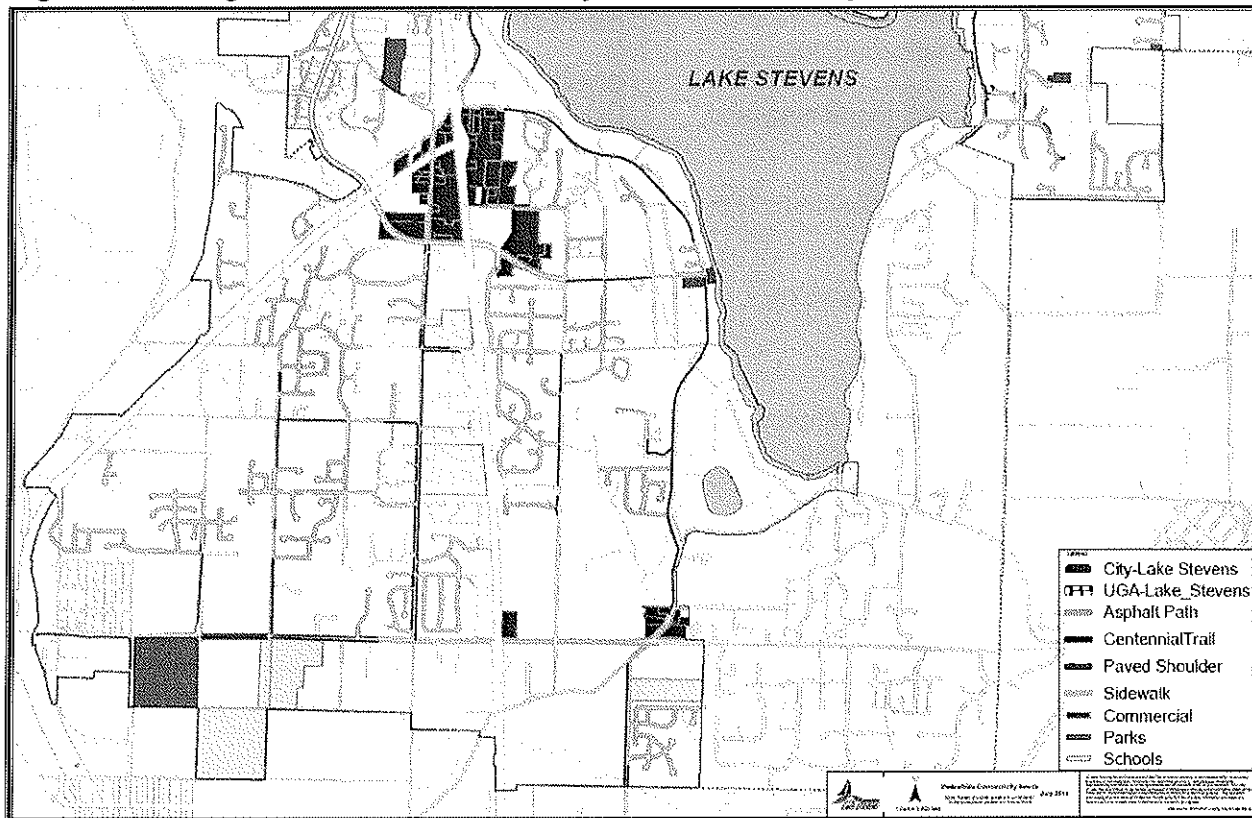
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have been made that blend land use, transportation and recreation. It represents a standard that the City intends to pursue in the future in balancing these transportation objectives.

Curbs, Sidewalks, Landscaping, and Street Lighting

In 2011 roadway inventory, it was estimated that the City had 160 miles of paved roadways or 320 miles of roadway frontage. It is estimate that approximately 30% of the frontage has some type of pedestrian facility. This included concrete sidewalk, paved separated paved shoulders, and walking paths. The inventory is shown in Figure 6.0 A and B.

City code requires new development to construct non-motorized facilities, landscaping, and lighting improvements in public right of way and internal to the developments as a part of the development approval. The City is developing a pedestrian connectivity plan to fill in the missing pedestrian gaps. This plan is expected to be completed in 2012. Other funding opportunities are sought in the form of grants from state and federal agencies to augment budget dollars for construction of improvements. Safety is a critical component in developing frontage improvements.

Page 6-12, add Figure 6.0B Sidewalk Inventory – South Area of City

Page 6-14, remove Figure 6.1 Roadway Classifications and refer to the need for updating map since the Southwest Annexation.

Pages 6-16 – 6-18, update language for Roadway Design Standards, Traffic Calming and State Route LOS Standards including deleting Tables 6-3 and 6-4 as follows:

Roadway Design Standards

The City adopted roadway design standards are depicted in the most adopted edition of the Engineering Design and Development Standards (EDDS):

Traffic Calming

The roadway design standards represent the basic requirements for roadways. Variation from the standards may be considered for the purpose of implementing traffic calming techniques. These techniques involve physical modifications

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to the roadway improvements which result in slowing vehicular traffic. Commonly used techniques include chicanes, traffic circles, mini roundabouts, streetscapes, and narrowing of roads.

State Route LOS Standards

SR 9, 92, and 204 are considered a Regional State Highway. The Level of Service set for these roadways is adopted by the Puget Sound Regional Council. Although LOS are adopted, State Routes are subject to concurrency requirements.

CHAPTER 8 – CAPITAL FACILITIES ELEMENT

Page 8-7, Table 8-1 Schedule of Funded Improvements is replaced with the updated table below:

Subject	Project	Funding Source	Cost	Year
Streets	20 th Street SE Phase II – US 2 to 91 st Avenue SE	Federal/State/REE T/Developer contribution	\$13,000,000	2015- 2020
Streets	Street & Sidewalk Construction 20th - Centennial Trail	CDBG/REET	\$350,000	2016
Streets	Sidewalks to Mt. Pilchuck Elementary and North Creek Middle School	DOT/ Developer contributions CDBG/REET/ developer	\$1,500,000	2016
Streets	Street & Sidewalk Construction 16th, 18th & 127th	contributions Street fund/ developer contrib.	\$1,000,000	2015
Sidewalks Public Facilities	Sidewalk Construction 116th & 117th City Hall/ Civic Center		\$4,000,000	2016
Parks	Eagle Ridge Park Master Plan Improvements – Phase I	Bond Issue Developer contributions./ Grants	\$20,000,000 \$159,000	2010 2015

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<u>Category</u>	<u>Project</u>	<u>Cost</u> <u>(Thousands)</u>	<u>Potential/Funding Source</u>
<u>Parks</u>	<u>Eagle Ridge Park Master Plan</u>		
	<u>Improvements Phase II</u>	<u>\$271</u>	<u>P&R District</u>
<u>Parks</u>	<u>Eagle Ridge Park Master Plan</u>		
	<u>Improvements Phase III</u>	<u>\$395</u>	<u>P&R District</u>
Parks	Athletic Park (Land)	\$1,100	P&R District
Parks	Resource Park (Land)	\$528	P&R District
Parks	Trails	\$320	P&R District
Parks	Support Facility	\$500	P&R District
Parks	Community Center	\$1,200	P&R District
Parks	Basketball, uncovered	\$855	P&R District
Parks	Basketball, covered	\$1,200	P&R District
Parks	Volleyball	\$15	P&R District
Parks	Tennis, lighted	\$685	P&R District
Parks	Tennis, unlighted	\$190	P&R District
Parks	Football	\$1,205	P&R District
Parks	Soccer	\$250	P&R District
Parks	Baseball/Softball	\$7,265	P&R District
Parks	Jogging	\$0	P&R District
Parks	Picnic	\$460	P&R District
Parks	Swimming Beach	\$750	P&R District
Parks	Fishing	\$0	P&R District
Parks	Boat Launch	\$500	P&R District
Parks	Camping, Vehicle	\$0	P&R District
Parks	Camping, Tent	\$0	P&R District
Parks	Walking, Park	\$140	P&R District
Parks	Horseback Riding	\$15	P&R District
Storm	Walker Hill Road ditch rockering	\$5	Storm Fund
Storm	East Lakeshore	\$500	Storm Fund
Storm	Hartford Drive	\$200	Storm Fund
Storm	Walker Hill & Grade Road	\$400	Storm Fund
Storm	Drainage - Grade Road Culvert	\$200	Storm Fund
Storm	North Lakeshore	\$300	Storm Fund
Storm	Bio Swale - Industrial District	\$750	Storm Fund
Storm	Lundeen Creek - Various Improvements	\$100,000	Storm Fund

Page 8-26, Capacity of Infrastructure for Parks is revised as shown below:

Parks: The City currently exceeds its' adopted level of service. However, at public meetings there has been continued and sustained testimony of the need for athletic fields and a skate park. The City in coordination with civic groups, citizens and public agencies is pursuing avenues to build the skate park.

In 2010 the City was able to purchase property adjacent to Eagle Ridge Park for additional park property and subsequently adopted a Master Plan. The plan calls for active and passive low impact uses while also housing the Lake Stevens Senior Center. The City expects to fund capital improvements to this park over the next 10-15 years through impact fees, grants, and donations.

APPENDICES

Replace Appendix F – Current City of Lake Stevens Transportation Improvement Program with the Six-Year Transportation Improvement Program adopted by Council in 2011 (*Attachment 1*).

Add new Appendix K – (SEPA Environmental Documents for 2011 Docket) To be issued in October 2011

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Matrix of Impacts and Mitigation Measures for 2011 Comprehensive Plan Docket Amendments

Environmental Topic	Distinguishing Impacts of the Alternatives
Earth, Air Quality, Water Quality, Plants and Animals	Text amendments will have no impact on these environmental resources.
Noise	Text amendments will have no impact on these environmental resources.
Land Use	Text amendments will have no impact on these environmental resources.
Relationship to Plans and Policies	The text amendments will have no impact on the overall Plan and Policies and are consistent with GMA.
Population and Employment	Text amendments will have no impact on these environmental resources.
Housing	Text amendments will have no impact on these environmental resources.
Cultural Resources	No specific impacts from the proposed text amendments.
Transportation	The proposed transportation projects proposed for addition to the Capital Facilities Plan will benefit the city transportation network and is an addition to the capital facilities plan; however, the addition of the text amendments will not affect the overall provision of transportation or capital facilities.
Parks and Recreation; Fire, Police and Court Services; Libraries and Schools	Text amendments provide additional information for Eagle Ridge Park including capital facilities planning, but do not impact the provision of these facilities.
Water Supply; Sanitary Sewer; Storm Sewer; Solid Waste; Utilities (Electricity, Natural Gas, Telecommunications, Electromagnetic Fields)	Text amendments will not affect demand on utilities and public services and facilities.



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Office of the Mayor

To: City Council
From: Mayor Little
Re: Arts Commission Appointments
Date: November 28, 2011

There are currently two vacancies on the Arts Commission. On November 17 I interviewed three applicants and recommend Council's confirmation of Yevonne Noel and Holly Forbis to the Arts Commission. Yevonne is retired and has some music and art background. Holly is a recent graduate of the Cornish College of the Arts.

With these recommended appointments, the Arts Commission will have a full seven member board. Yevonne and Holly's volunteer applications are available at the City, if any Councilmember wishes to review them.

Thank you for your consideration.