



One Community Around the Lake

CITY OF LAKE STEVENS NOTICE OF PUBLIC HEARING AND SEPA THRESHOLD DETERMINATION SEPA FLEXIBLE THRESHOLDS

PROJECT NAME: SEPA Flexible Thresholds for Minor New Construction (LUA2021-0333)

PLANNING COMMISSION PUBLIC HEARING: Wednesday, April 21, 2021 at 6:00 PM

CITY COUNCIL PUBLIC HEARING: Tuesday, May 11, 2021 at 6:00 PM

LOCATION: Zoom Online Platform (see city website calendar for Zoom link)

PROPOSED PROJECT DESCRIPTION:

Pursuant to WAC 197-11-800(1)(c), the city is proposing to raise its SEPA categorical exemption thresholds for minor new construction to the following levels:

15 single-family residential units; 30 multifamily residential units; 10,000 sf for agricultural buildings; 30,000 sf for office/school/commercial buildings; 90 parking spaces; and 1,000 cubic yards of grading.

Projects that fall below these thresholds would be exempt from State Environmental Policy Act (SEPA) review. The City has completed a SEPA Environmental Checklist and issued a Determination of Nonsignificance (DNS) on April 1, 2021. Comments on the DNS will be accepted through April 19, 2021. Please contact the city for a copy of the SEPA Checklist or DNS.

PUBLIC REVIEW AND COMMENT:

Any interested parties may submit written comments before the hearing or provide oral testimony via Zoom. Comments on the proposed land use code amendments can be submitted to City Hall, Attn: David Levitan, PO Box 257, Lake Stevens, WA 98258 or by email at dlevitan@lakestevenswa.gov. Persons who submit written or oral testimony may appeal the decision.

It is the City's goal to comply with the American with Disabilities Act. The City offers its assistance to anyone with special needs, including the provision of TDD services.

Distribution: Posted at Permit Center, City Hall, and Website
Published in Everett Herald



One Community Around the Lake

SEPA DETERMINATION OF NONSIGNIFICANCE

Issuance Date: April 1, 2021

Proposal: Adopt Flexible SEPA Exemption Thresholds for Minor New Construction – LUA2021-0033

Project Location: Citywide (Non-project action)

Proponent: City of Lake Stevens

Lead Agency: City of Lake Stevens

Project Description: Pursuant to WAC 197-11-800(3), the city is proposing to adopt flexible categorical exemption thresholds for minor new construction at the following levels:
15 single-family residential units; 30 multifamily residential units; 10,000 sf for agricultural buildings; 30,000 sf for office/school/commercial buildings; 90 parking spaces; and 1,000 cubic yards of grading.

Date of Application: March 5, 2021

**Comment/
Appeal Period:** Comments must be submitted by **April 15, 2021**

Threshold Determination: The City of Lake Stevens, acting as lead agency for this proposal has determined that it does not have a probable significant adverse impact on the environment. An environmental impact statement is not required under RCW 43.21C.030(2)(c). This decision was made after review of a completed environmental checklist and other information on file with the lead agency. This information is available to the public on request. This DNS is issued under 197-11-340(2); the lead agency will not act on this proposal for 14 days from the date of issuance.

SEPA Responsible Official: *Russ Wright*

April 1, 2021

Russ Wright, Community Development Director

Date

Comments on the Threshold Determination: Written comments should be sent to the address below *14 days from issuance*. The Responsible Official may incorporate any substantial comments into the DNS. If the DNS is substantially modified, it will be reissued for further public review.

Appeals: You may appeal this determination of non-significance by submitting an appeal to the address below no later than 4:00 PM, April 15, 2021 (*14 days from issuance*). The appeal must be in written form, contain a concise statement of the matter being appealed and the basic rationale for the appeal. A fee is required per the City's Fee Resolution. Please note that failure to file a timely and complete appeal shall constitute a waiver of all rights to an administrative appeal under City code. All comments or appeals are to be directed to City Hall, P.O. Box 257, Lake Stevens WA, 98258, Attn: David Levitan (dlevitan@lakestevenswa.gov).



SEPA ENVIRONMENTAL CHECKLIST

Purpose of checklist:

Governmental agencies use this checklist to help determine whether the environmental impacts of your proposal are significant. This information is also helpful to determine if available avoidance, minimization or compensatory mitigation measures will address the probable significant impacts or if an environmental impact statement will be prepared to further analyze the proposal.

Instructions for applicants:

This environmental checklist asks you to describe some basic information about your proposal. Please answer each question accurately and carefully, to the best of your knowledge. You may need to consult with an agency specialist or private consultant for some questions. You may use "not applicable" or "does not apply" only when you can explain why it does not apply and not when the answer is unknown. You may also attach or incorporate by reference additional studies reports. Complete and accurate answers to these questions often avoid delays with the SEPA process as well as later in the decision-making process.

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

Instructions for Lead Agencies:

Please adjust the format of this template as needed. Additional information may be necessary to evaluate the existing environment, all interrelated aspects of the proposal and an analysis of adverse impacts. The checklist is considered the first but not necessarily the only source of information needed to make an adequate threshold determination. Once a threshold determination is made, the lead agency is responsible for the completeness and accuracy of the checklist and other supporting documents.

Use of checklist for nonproject proposals: [\[help\]](#)

For nonproject proposals (such as ordinances, regulations, plans and programs), complete the applicable parts of sections A and B plus the [SUPPLEMENTAL SHEET FOR NONPROJECT ACTIONS \(part D\)](#). Please completely answer all questions that apply and note that the words "project," "applicant," and "property or site" should be read as "proposal," "proponent," and "affected geographic area," respectively. The lead agency may exclude (for non-projects) questions in Part B - Environmental Elements –that do not contribute meaningfully to the analysis of the proposal.

A. Background [\[help\]](#)

1. Name of proposed project, if applicable: [\[help\]](#)

Adoption of Flexible SEPA Categorical Exemption Thresholds for Minor New Construction

2. Name of applicant: [\[help\]](#)

City of Lake Stevens, Planning and Community Development Department

3. Address and phone number of applicant and contact person: [\[help\]](#)

1812 Main Street, Lake Stevens, WA 98258
Contact: David Levitan, AICP, Senior Planner
425-622-9425, dlevitan@lakestevenswa.gov

4. Date checklist prepared: [\[help\]](#)

March 31, 2021

5. Agency requesting checklist: [\[help\]](#)

Washington State Department of Ecology

6. Proposed timing or schedule (including phasing, if applicable): [\[help\]](#)

The Planning Commission will hold a public hearing on adoption of the flexible thresholds on April 21, 2021. The City Council is scheduled to adopt an ordinance amending the thresholds on May 11, 2021, which would be codified in Lake Stevens Municipal Code (LSMC) Chapter 16.04.

7. Do you have any plans for future additions, expansion, or further activity related to or connected with this proposal? If yes, explain. [\[help\]](#)

N/A

8. List any environmental information you know about that has been prepared, or will be prepared, directly related to this proposal. [\[help\]](#)

As required by WAC 197-11-800(1)(c), the city prepared an analysis demonstrating that existing local, state and federal environmental regulations provide adequate protection and mitigation for impacts to elements of the environment listed in WAC 197-11-444 for newly exempt projects. That documentation was previously circulated to the Department of Ecology, tribes, and other jurisdictions.

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

N/A

10. List any government approvals or permits that will be needed for your proposal, if known. [\[help\]](#)

Approval of an ordinance by Lake Stevens City Council to adopt the flexible thresholds, which will be codified into LSMC Chapter 16.04.

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

As allowed by WAC 197-11-800(1)(c), the City of Lake Stevens is proposing a non-project action to adopt flexible categorical exemption thresholds for minor new construction in LSMC Chapter 16.04 at the following levels:

- Single Family Residential: 15 units
- Multifamily Residential : 30 units
- Agricultural Buildings: 10,000 sf (same as current)
- Commercial/Office/School Buildings: 30,000 sf
- Parking Facilities: 90 parking spaces
- Grading: 1,000 cubic yards

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

The flexible thresholds would apply citywide.

B. ENVIRONMENTAL ELEMENTS [\[help\]](#)

1. Earth [\[help\]](#)

a. General description of the site: [\[help\]](#)

(circle one): Flat, rolling, hilly, steep slopes, mountainous, other: N/A. The proposal is a non-project action.

b. What is the steepest slope on the site (approximate percent slope)? [\[help\]](#)

N/A (non-project action).

c. What general types of soils are found on the site (for example, clay, sand, gravel, peat, muck)? If you know the classification of agricultural soils, specify them and note any agricultural land of long-term commercial significance and whether the proposal results in removing any of these soils. [\[help\]](#)

N/A (non-project action).

d. Are there surface indications or history of unstable soils in the immediate vicinity? If so, describe. [\[help\]](#)

N/A (non-project action).

e. Describe the purpose, type, total area, and approximate quantities and total affected area of any filling, excavation, and grading proposed. Indicate source of fill. [\[help\]](#)

N/A (non-project action).

f. Could erosion occur as a result of clearing, construction, or use? If so, generally describe. [\[help\]](#)

N/A (non-project action).

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

N/A (non-project action).

h. Proposed measures to reduce or control erosion, or other impacts to the earth, if any: [\[help\]](#)

N/A (non-project action).

2. Air [\[help\]](#)

a. What types of emissions to the air would result from the proposal during construction, operation, and maintenance when the project is completed? If any, generally describe and give approximate quantities if known. [\[help\]](#)

N/A. The proposal is a non-project action.

b. Are there any off-site sources of emissions or odor that may affect your proposal? If so, generally describe. [\[help\]](#)

N/A (non-project action).

c. Proposed measures to reduce or control emissions or other impacts to air, if any: [\[help\]](#)

N/A. The city has demonstrated that adequate local, state and federal regulations are in place to mitigate potential impacts from newly exempt projects.

3. **Water** [\[help\]](#)

a. Surface Water:

- 1) Is there any surface water body on or in the immediate vicinity of the site (including year-round and seasonal streams, saltwater, lakes, ponds, wetlands)? If yes, describe type and provide names. If appropriate, state what stream or river it flows into. [\[help\]](#)

Lake Stevens, Stitch Lake, Catherine Creek, Little Pilchuck Creek, streams, wetlands.

- 2) Will the project require any work over, in, or adjacent to (within 200 feet) the described waters? If yes, please describe and attach available plans. [\[help\]](#)

N/A (non-project action).

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

N/A (non-project action).

- 4) Will the proposal require surface water withdrawals or diversions? Give general description, purpose, and approximate quantities if known. [\[help\]](#)

N/A (non-project action).

- 5) Does the proposal lie within a 100-year floodplain? If so, note location on the site plan. [\[help\]](#)

N/A (non-project action).

- 6) Does the proposal involve any discharges of waste materials to surface waters? If so, describe the type of waste and anticipated volume of discharge. [\[help\]](#)

N/A (non-project action).

b. Ground Water:

- 1) Will groundwater be withdrawn from a well for drinking water or other purposes? If so, give a general description of the well, proposed uses and approximate quantities withdrawn from the well. Will water be discharged to groundwater? Give general description, purpose, and approximate quantities if known. [\[help\]](#)

N/A (non-project action)

2) Describe waste material that will be discharged into the ground from septic tanks or other sources, if any (for example: Domestic sewage; industrial, containing the following chemicals. . . ; agricultural; etc.). Describe the general size of the system, the number of such systems, the number of houses to be served (if applicable), or the number of animals or humans the system(s) are expected to serve. [\[help\]](#)
N/A. The city has demonstrated that adequate environmental regulations are in place to mitigate impacts for any newly exempt projects under the flexible thresholds.

c. Water runoff (including stormwater):

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

N/A (non-project action).

2) Could waste materials enter ground or surface waters? If so, generally describe. [\[help\]](#)

N/A (non-project action).

3) Does the proposal alter or otherwise affect drainage patterns in the vicinity of the site? If so, describe. [\[help\]](#)

N/A (non-project action).

d. Proposed measures to reduce or control surface, ground, and runoff water, and drainage pattern impacts, if any: [\[help\]](#)

N/A. The city has demonstrated that adequate environmental regulations are in place to mitigate impacts for any newly exempt projects under the flexible thresholds.

4. **Plants** [\[help\]](#)

a. Check the types of vegetation found on the site: [\[help\]](#)

deciduous tree: alder, maple, aspen, other

evergreen tree: fir, cedar, pine, other

shrubs

grass

pasture

crop or grain

Orchards, vineyards or other permanent crops.

wet soil plants: cattail, buttercup, bullrush, skunk cabbage, other

water plants: water lily, eelgrass, milfoil, other

other types of vegetation

b. What kind and amount of vegetation will be removed or altered? [\[help\]](#)

N/A (non-project action). Removal of any vegetation for newly exempt projects under flexible thresholds will be subject to all local, state, and federal regulations for vegetation removal.

c. List threatened and endangered species known to be on or near the site. [\[help\]](#)

N/A (non-project action). Newly exempt development will continue to be subject to all state and federal regulations related to threatened and endangered species.

d. Proposed landscaping, use of native plants, or other measures to preserve or enhance vegetation on the site, if any: [\[help\]](#)

N/A (non-project action). The city has demonstrated that adequate environmental regulations are in place to mitigate impacts for any newly exempt projects under the flexible thresholds, including for vegetation.

e. List all noxious weeds and invasive species known to be on or near the site. [\[help\]](#)

N/A (non-project action).

5. **Animals** [\[help\]](#)

a. List any birds and other animals which have been observed on or near the site or are known to be on or near the site. [\[help\]](#)

Examples include:

birds: hawk, heron, eagle, songbirds, other:

mammals: deer, bear, elk, beaver, other:

fish: bass, salmon, trout, herring, shellfish, other _____

N/A (non-project action).

b. List any threatened and endangered species known to be on or near the site. [\[help\]](#)

N/A (non-project action). Newly exempt projects will continue to be subject to all state and federal regulations related to threatened and endangered species.

c. Is the site part of a migration route? If so, explain. [\[help\]](#)

N/A (non-project action). The city is part of the Pacific Flyway for migratory birds.

d. Proposed measures to preserve or enhance wildlife, if any: [\[help\]](#)

N/A (non-project action).

e. List any invasive animal species known to be on or near the site. [\[help\]](#)

N/A (non-project action).

6. Energy and Natural Resources [\[help\]](#)

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

N/A (non-project action).

b. Would your project affect the potential use of solar energy by adjacent properties? If so, generally describe. [\[help\]](#)

N/A (non-project action).

c. What kinds of energy conservation features are included in the plans of this proposal? List other proposed measures to reduce or control energy impacts, if any: [\[help\]](#)

N/A (non-project action). Newly exempt development will continue to be subject to the 2018 International Energy Conservation Code of the State of Washington, as applicable.

7. Environmental Health [\[help\]](#)

a. Are there any environmental health hazards, including exposure to toxic chemicals, risk of fire and explosion, spill, or hazardous waste, that could occur as a result of this proposal? If so, describe. [\[help\]](#)

N/A (non-project action).

1) Describe any known or possible contamination at the site from present or past uses. [\[help\]](#)

N/A (non-project action).

2) Describe existing hazardous chemicals/conditions that might affect project development and design. This includes underground hazardous liquid and gas transmission pipelines located within the project area and in the vicinity. [\[help\]](#)

N/A (non-project action).

3) Describe any toxic or hazardous chemicals that might be stored, used, or produced during the project's development or construction, or at any time during the operating life of the project. [\[help\]](#)

N/A (non-project action).

4) Describe special emergency services that might be required. [\[help\]](#)

N/A (non-project action).

5) Proposed measures to reduce or control environmental health hazards, if any: [\[help\]](#)

N/A (non-project action).

b. Noise [\[help\]](#)

1) What types of noise exist in the area which may affect your project (for example: traffic, equipment, operation, other)? [\[help\]](#)

N/A (non-project action). The city includes permanent and ambient noises indicative of an urban city.

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

N/A (non-project action).

3) Proposed measures to reduce or control noise impacts, if any: [\[help\]](#)

N/A (non-project action). Newly exempt projects will continue to be regulated by the city's Noise Ordinance (LSMC 9.56).

8. Land and Shoreline Use [\[help\]](#)

a. What is the current use of the site and adjacent properties? Will the proposal affect current land uses on nearby or adjacent properties? If so, describe. [\[help\]](#)

N/A (non-project action). Existing land uses in the city will not be affected by the proposal.

b. Has the project site been used as working farmlands or working forest lands? If so, describe. How much agricultural or forest land of long-term commercial significance will be converted to other uses as a result of the proposal, if any? If resource lands have not been designated, how many acres in farmland or forest land tax status will be converted to nonfarm or nonforest use? [\[help\]](#)

N/A (non-project action).

1) Will the proposal affect or be affected by surrounding working farm or forest land normal business operations, such as oversize equipment access, the application of pesticides, tilling, and harvesting? If so, how: [\[help\]](#)

N/A (non-project action).

c. Describe any structures on the site. [\[help\]](#)

N/A (non-project action).

d. Will any structures be demolished? If so, what? [\[help\]](#)

N/A (non-project action).

e. What is the current zoning classification of the site? [\[help\]](#)

N/A (non-project action). Existing zoning may be found on the city's zoning map, which was last updated via Ordinance 1106.

f. What is the current comprehensive plan designation of the site? [\[help\]](#)

N/A (non-project action). Existing land use designations may be found on the city's land use map, which was last updated via Ordinance 1105.

g. If applicable, what is the current shoreline master program designation of the site? [\[help\]](#)

N/A (non-project action). Existing shoreline environment designations may be found on the city's Shoreline Designations map.

h. Has any part of the site been classified as a critical area by the city or county? If so, specify. [\[help\]](#)

N/A (non-project action). The city includes a number of critical areas, which are inventoried in the city's Critical Areas Atlas and subject to LSMC 14.88.

i. Approximately how many people would reside or work in the completed project? [\[help\]](#)

N/A (non-project action).

j. Approximately how many people would the completed project displace? [\[help\]](#)

N/A (non-project action).

k. Proposed measures to avoid or reduce displacement impacts, if any: [\[help\]](#)

N/A (non-project action).

l. Proposed measures to ensure the proposal is compatible with existing and projected land uses and plans, if any: [\[help\]](#)

N/A (non-project action).

m. Proposed measures to reduce or control impacts to agricultural and forest lands of long-term commercial significance, if any: [\[help\]](#)

N/A (non-project action).

9. Housing [\[help\]](#)

a. Approximately how many units would be provided, if any? Indicate whether high, middle, or low-income housing. [\[help\]](#)

N/A (non-project action).

b. Approximately how many units, if any, would be eliminated? Indicate whether high, middle, or low-income housing. [\[help\]](#)

N/A (non-project action).

c. Proposed measures to reduce or control housing impacts, if any: [\[help\]](#)

N/A (non-project action).

10. Aesthetics [\[help\]](#)

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

N/A (non-project action).

b. What views in the immediate vicinity would be altered or obstructed? [\[help\]](#)

N/A (non-project action).

b. Proposed measures to reduce or control aesthetic impacts, if any: [\[help\]](#)

N/A (non-project action).

11. Light and Glare [\[help\]](#)

a. What type of light or glare will the proposal produce? What time of day would it mainly occur? [\[help\]](#)

N/A (non-project action).

b. Could light or glare from the finished project be a safety hazard or interfere with views? [\[help\]](#)

N/A (non-project action).

c. What existing off-site sources of light or glare may affect your proposal? [\[help\]](#)

N/A (non-project action).

d. Proposed measures to reduce or control light and glare impacts, if any: [\[help\]](#)

N/A (non-project action). Newly exempt projects will continue to be subject the city's Land Use Code, which regulates light and glare.

12. Recreation [\[help\]](#)

a. What designated and informal recreational opportunities are in the immediate vicinity? [\[help\]](#)

N/A (non-project action). The city and nearby areas include a number of parks and other recreational opportunities.

b. Would the proposed project displace any existing recreational uses? If so, describe. [\[help\]](#)

N/A (non-project action).

c. Proposed measures to reduce or control impacts on recreation, including recreation opportunities to be provided by the project or applicant, if any: [\[help\]](#)

N/A (non-project action).

13. Historic and cultural preservation [\[help\]](#)

a. Are there any buildings, structures, or sites, located on or near the site that are over 45 years old listed in or eligible for listing in national, state, or local preservation registers ? If so, specifically describe. [\[help\]](#)

N/A (non-project action). The city has one property on the National Register of Historic Places.

b. Are there any landmarks, features, or other evidence of Indian or historic use or occupation? This may include human burials or old cemeteries. Are there any material evidence, artifacts, or areas of cultural importance on or near the site? Please list any professional studies conducted at the site to identify such resources. [\[help\]](#)

N/A (non-project action). Any newly exempt development will continue to be subject to all state and federal regulations, and projects will continue to be required to provide inadvertent discovery plans, as applicable.

- c. Describe the methods used to assess the potential impacts to cultural and historic resources on or near the project site. Examples include consultation with tribes and the department of archeology and historic preservation, archaeological surveys, historic maps, GIS data, etc. [\[help\]](#)
- d. Proposed measures to avoid, minimize, or compensate for loss, changes to, and disturbance to resources. Please include plans for the above and any permits that may be required. [\[help\]](#)

N/A (non-project action). Newly exempt development will continue to be subject to all state and federal regulations, including related to inadvertent discovery.

14. **Transportation** [\[help\]](#)

- a. Identify public streets and highways serving the site or affected geographic area and describe proposed access to the existing street system. Show on site plans, if any. [\[help\]](#)

N/A (non-project action). The city includes several state routes/highways, and the city includes a variety of arterial, collector, and local streets.

- b. Is the site or affected geographic area currently served by public transit? If so, generally describe. If not, what is the approximate distance to the nearest transit stop? [\[help\]](#)

N/A (non-project action). The city is served by several Community Transit bus lines.

- c. How many additional parking spaces would the completed project or non-project proposal have? How many would the project or proposal eliminate? [\[help\]](#)

N/A (non-project action).

- d. Will the proposal require any new or improvements to existing roads, streets, pedestrian, bicycle or state transportation facilities, not including driveways? If so, generally describe (indicate whether public or private). [\[help\]](#)

N/A (non-project action).

- e. Will the project or proposal use (or occur in the immediate vicinity of) water, rail, or air transportation? If so, generally describe. [\[help\]](#)

N/A (non-project action). The city does not include any active rail, water, or air transportation.

- f. How many vehicular trips per day would be generated by the completed project or proposal? If known, indicate when peak volumes would occur and what percentage of the volume would be trucks (such as commercial and nonpassenger vehicles). What data or transportation models were used to make these estimates? [\[help\]](#)

N/A (non-project action).

g. Will the proposal interfere with, affect or be affected by the movement of agricultural and forest products on roads or streets in the area? If so, generally describe. [\[help\]](#)

N/A (non-project action).

h. Proposed measures to reduce or control transportation impacts, if any: [\[help\]](#)

N/A (non-project action). Newly exempt projects will be subject to the city's rules, regulations, and impact fees related to trip generation and traffic impacts.

15. Public Services [\[help\]](#)

a. Would the project result in an increased need for public services (for example: fire protection, police protection, public transit, health care, schools, other)? If so, generally describe. [\[help\]](#)

N/A (non-project action). Potential impacts to public services from newly exempt projects will continue to be reviewed at the project level.

b. Proposed measures to reduce or control direct impacts on public services, if any. [\[help\]](#)

N/A (non-project action). Impacts to public services will continue to be reviewed at the project level.

16. Utilities [\[help\]](#)

a. Circle utilities currently available at the site: [\[help\]](#)
electricity, natural gas, water, refuse service, telephone, sanitary sewer, septic system,
other _____

N/A (non-project action). Properties in the city include all of the above utilities.

b. Describe the utilities that are proposed for the project, the utility providing the service, and the general construction activities on the site or in the immediate vicinity which might be needed. [\[help\]](#)

N/A (non-project action).

C. Signature [\[help\]](#)

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

Signature: Russ Wright.....

Name of signee: Russ Wright.....

Position and Agency/Organization: Planning and Community Development Director

Date Submitted: April 1, 2021

D. supplemental sheet for nonproject actions [\[help\]](#)

(IT IS NOT NECESSARY to use this sheet for project actions)

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

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

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

The proposal is not likely to increase discharges to water; emissions to air; production, storage or release of toxic or hazardous substances; or production of noise. While the proposal will exempt additional minor new construction from SEPA review, the city has documented that there are adequate local, state and federal regulations in place to mitigate potential impacts from newly exempt development.

Proposed measures to avoid or reduce such increases are:

No additional measures are required because no increases to impacts are expected.

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

Increasing the SEPA exemption thresholds is not expected to increase potential impacts to plants, animals, fish or marine life. Newly exempt projects will continue to be subject to all applicable local, state and federal regulations, including the city's critical areas and shoreline regulations.

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

No additional measures are required because no increases to impacts are expected.

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

Increasing the SEPA exemption thresholds is not expected to increase depletion of energy or natural resources.

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

No additional measures are required because no increases to impacts are expected.

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

Increasing the SEPA exemption thresholds is not expected to increase potential impacts to environmentally sensitive areas, species habit, historic or cultural sites, floodplains, or prime farmlands. Newly exempt projects will continue to be subject to all applicable local, state and federal regulations, including the city's critical areas, shoreline, and floodplain regulations.

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

No additional measures are required because no increases to impacts are expected.

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

The proposal does not include any changes to land or shoreline uses. Newly exempt development will continue to be subject to the city's Comprehensive Plan, Land Use Code, and Shoreline Master program.

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

No additional measures are required because no increases to impacts are expected.

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

The proposal is not expect to increase demand on transportation or public services and utilities. While more projects will be exempt from SEPA review, they will continue to be subject to all other local, state and federal regulations as well as city and partner agency impact fees.

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

No additional measures are required because no increases to demand is expected.

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

As required by WAC 197-11-800(1)(c), the city prepared an analysis demonstrating that existing local, state and federal environmental regulations provide adequate protection and mitigation for impacts to elements of the environment listed in WAC 197-11-444 for newly exempt projects. That documentation was previously circulated to the Department of Ecology, tribes, and other jurisdictions.



March 5, 2021

Department of Ecology, SEPA Unit
sepahelp@ecy.wa.gov

Re: Proposed Adoption of SEPA Flexible Thresholds for Minor New Construction

To Whom it May Concern:

As required by WAC 197-11-800(1)(c)(iii), please consider this the required 60-day notice of the city's intent to adopt SEPA flexible categorical exemption thresholds for minor new construction. The city has identified April 20, 2021 as the date of the required Planning Commission public hearing to make a recommendation on the proposed amendments, and May 11, 2021 as the date of the required City Council public hearing to consider the Planning Commission's recommendation and adopt an ordinance raising the thresholds. The city has also provided notice of the proposed code amendments to the Department of Commerce (Submittal ID 2021-S-2414).

Attached are the following required documents:

- The proposed flexible thresholds, shown as track changes to Lake Stevens Municipal Code (LSMC) [Section 16.04.050](#) (Categorical Exemptions)
- Analysis of public notice and public comment opportunities for newly exempt projects
- Documentation that the requirements for environmental analysis, protection and mitigation for impacts to elements of the environment for newly exempt projects are adequately addressed by adopted local regulations or applicable state and federal regulations, including for the protection of cultural and historic resources

If you have any questions, please contact me at dlevitan@lakestevenswa.gov or (425) 622-9425.

Sincerely,

David Levitan

David Levitan, AICP, *Senior Planner*

16.04.050 Categorical Exemptions.

(a) The City adopts by reference the following sections of Chapter [197-11](#) WAC regarding categorical exemptions:

[197-11-800](#) Categorical exemptions (except as otherwise established below)

[197-11-880](#) Emergencies.

[197-11-890](#) Petitioning Department of Ecology to change exemptions.

~~(b) Under WAC [197-11-800\(1\)\(a\)](#) and (c), the City may raise categorical exemption levels for certain types of minor new construction described in WAC [197-11-800\(1\)\(b\)](#). Local conditions, including zoning or other land use plans or regulations, implemented by ordinance, shall support any raised categorical exemption level. If the City increases any categorical exemptions levels, they shall send these to the Department of Ecology. The maximum level that any such category exemption may be raised is specified in WAC [197-11-800\(1\)\(c\)](#). (Ord. 870, Sec. 2 (Exh. 1), 2012)~~

(b) Flexible Thresholds for Minor New Construction Categorical Exemption

The City establishes the following exempt levels for minor new construction as allowed under WAC [197-11-800\(1\)\(c\)](#) and (d), based upon local conditions:

(i) For single-family residential projects, up to fifteen (15) dwelling units;

(ii) For multifamily residential projects, up to thirty (30) dwelling units;

(iii) For agricultural structures, up to ten thousand (10,000) square feet;

(iv) For office, school, commercial, recreational, service or storage buildings, up to thirty thousand (30,000) square feet;

(v) For parking facilities, up to ninety (90) parking spaces;

(vi) For fills or excavations, up to one thousand (1,000) cubic yards. All fill or excavation, of any quantity, necessary for an exempt project in subsections (i) through (v) of this section shall be exempt.

c) The exemptions in this subsection apply except when the project:

(i) Is undertaken wholly or partly on lands covered by water

(ii) Requires a license governing discharges to water that is not exempt under RCW [43.21C.0383](#)

(iii) Requires a license governing emissions to air that is not exempt under RCW 43.21C.0381 or WAC 197-11-800 (7) or (8); or

(iv) Requires a land use decision that is not exempt under WAC 197-11-800(6).

d) Whenever the city establishes new exempt levels under this section, it shall send them to the Department of Ecology, Headquarters Office, Olympia, Washington, 98504 under WAC 197-11-800(1)(c).

MEMORANDUM



Planning and Community Development

DATE: March 5, 2021

TO: Department of Ecology, SEPA Unit

FROM: David Levitan, AICP, *Senior Planner*

SUBJECT: Public Notice and Public Comment Opportunities for Newly Exempt Development Projects

The City of Lake Stevens is proposing to adopt the following flexible categorical exemption thresholds for minor new construction, pursuant to WAC 197-11-800(1)(c):

- Single family residential: Fifteen (15) units
- Multifamily residential: Thirty (30) units
- Agricultural: Ten thousand (10,000) square feet (Unchanged)
- Office/School/Commercial: Thirty thousand (30,000) square feet
- Parking Facilities: Ninety (90) parking spaces
- Grading Quantity: One thousand (1,000) cubic yards

Below is an analysis of the public notice and public comment opportunities that will remain for newly exempt projects under the flexible thresholds, which the city believes meets the WAC requirements. Analysis of local, state and federal environmental regulations is provided in a separate document.

- Single Family Residential (Increase from 4 units to 15 units)
 - The city only permits one detached SFR per lot
 - Additional single family residential units are created through the subdivision process
 - Subdivisions are governed by [LSMC 14.18.010-070](#)
 - The threshold for a short plat is 9 lots, while 10 or more lots is a long plat
 - Short plats are a [Type II review](#) while long plats are a [Type III review](#)
 - Both Type II and Type III permits require a Notice of Application be mailed to property owners within 300 feet and posted to the site, and also be published in the Everett Herald and posted on the city website
 - Affected agencies and tribes and members of the public have the opportunity to comment on both Type II and Type III permits and to become a party of record, receive a copy of the Notice of Decision, and have the option to appeal the decision.
 - Type III permits also require a public hearing before the Hearing Examiner
 - Subdivisions between 5 and 9 units will continue to require a Type II review, while those with 10 and 15 units will continue to require a Type III review
 - Notices of SEPA Threshold Determinations are typically combined with the Notice of Application for the subdivision
 - As such, there is no loss of public notice or opportunities to comment on proposals involving between 5 and 15 single family residential units

- Multifamily Residential (Increase from 4 units to 30 units)
 - The city's infill and Innovative Housing Chapter ([LSMC 14.46](#)) allows up to 4 units (duplexes, triplexes, fourplexes, townhouses) in single family zones
 - Projects with 5 or more MFR units are only permitted in multifamily and mixed use/subarea zones
 - All new MFR development requires Design Review per [LSMC 14.16C.050\(d\)](#), which is Type II land use permit
 - As previously noted, Type II review requires a Notice of Application be mailed to properties within 300 feet and posted to the site, and also be published in the Everett Herald and posted on the city website
 - As previously noted, affected agencies and tribes as well as members of the public have the opportunity to comment on Type II permits, and to become a party of record, receive a copy of the Notice of Decision, and have the option to appeal the decision.
 - Notices of SEPA Threshold Determinations are typically combined with the Notice of Application for Design Review
 - As such, there is no loss of public notice or opportunities to comment on proposals involving between 5 and 30 multifamily residential units
- Agricultural (Maintain existing 10,000 sf exemption)
 - No analysis needed, as city is maintaining standard exemption
- Office, School, Commercial/Recreation/Service/Storage (Increase from 4,000 sf to 30,000 sf)
 - All new commercial, industrial, civic, institutional, and public assembly buildings require Design Review per [LSMC 14.16C.050\(d\)](#), which is Type II land use permit
 - As previously noted, Type II review requires a Notice of Application be mailed to properties within 300 feet and posted to the site, and also be published in the Everett Herald and posted on the city website
 - As previously noted, affected agencies and tribes as well as members of the public have the opportunity to comment on Type II permits, and to become a party of record, receive a copy of the Notice of Decision, and have the option to appeal the decision.
 - Notices of SEPA Threshold Determinations are typically combined with the Notice of Application for Design Review
 - As such, there is no loss of public notice or opportunities to comment on proposals involving between 4,000 sf and 30,000 sf of office/school/commercial development
- Grading (Increase from 100 cubic yards to 1,000 cubic yards)
 - Grading is governed by the city's Land Disturbance Chapter ([LSMC 14.50](#))
 - The threshold for a Type II Major Land Disturbance permit is 100 cubic yards, per [LSMC 14.50.120\(b\)](#)
 - As previously noted, Type II review requires a Notice of Application be mailed to properties within 300 feet and posted to the site, and also be published in the Everett Herald and posted on the city website
 - As previously noted, affected agencies and tribes as well as members of the public have the opportunity to comment on Type II permits, and to become a party of record, receive a copy of the Notice of Decision, and have the option to appeal the decision.
 - Notices of SEPA Threshold Determinations are typically combined with the Notice of Application for Type II Land Disturbance permits
 - As such, there is no loss of public notice or opportunities to comment on proposals involving grading between 100 and 1,000 cubic yards

Summary of how existing City of Lake Stevens, state, and federal regulations adequately address SEPA elements for newly exempt minor new construction activities

SEPA ELEMENT	CITY, STATE or FEDERAL REGULATION AUTHORITY
EARTH	<p>Chapter 11.06 LSMC (Stormwater Management) regulates stormwater discharges from all new development and redevelopment to prevent and control adverse impacts of drainage and stormwater on the public health, safety, and general welfare. Chapter 14.50 LSMC (Land Disturbance) regulates clearing and grading, with a Type II permit required for all grading amounts above 100 cubic yards (the city’s current standard exemption threshold). Chapter 14.88 LSMC, Part VI (Critical Areas) regulates development on geologically hazardous areas.</p>
AIR	<p>Chapter 14.44.240 LSMC (Smoke and Air Pollution) regulate air pollution from manufacturing and processing uses; and construction and demolition must comply with the Puget Sound Clean Air Agency requirements.</p>
WATER	<p>Chapter 14.88 LSMC, Part IV (Critical Areas) regulates development in and around wetlands and fish and wildlife habitat. Chapter 11.06 LSMC (Stormwater Management) regulates stormwater discharges from all new development and redevelopment to prevent and control adverse impacts of drainage and stormwater on the public health, safety, and general welfare, including Section 11.06.070, which addresses low impact development (LID) techniques. Chapter 14.64 LSMC (Special Flood Hazard Areas) regulates impacts to floodplains and associated habitat functions, flood protection, and flood damage. Chapter 14.92 (Shoreline Management) regulates development in and around designated shoreline areas within the city, consistent with the city’s adopted Shoreline Master Program. Chapter 14.60 LSMC (Utilities) regulates water supply and sewage disposal systems.</p> <p>The Snohomish Health District in conjunction with the Washington Department of Health oversees the regulation of septic systems within the city, implementing WAC 246-270 through 246-274. The Department of Ecology regulates the use of water wells and groundwater protection via RCW 90.36 and 90.44.</p>
PLANTS/ANIMALS	<p>Chapter 14.88 (Critical Areas) regulates development in and around designated critical areas including wetlands and fish and wildlife conservation areas as well as requiring preservation of critical areas as Native Growth Protection Areas during development and demonstrating compliance with state and federal government lists of endangered, threatened or candidate species. Chapter 14.50.155 LSMC (Forest Practices) regulates certain forest practices assumed under DNR within the city. Chapter 14.76.120 LSMC (Retention and Protection of Large Trees) requires retention of existing significant trees or replanting of trees removed. The City’s Comprehensive Plan contains policies regarding wildlife habitat areas and corridors. The city is also subject to a number of requirements from the Washington Department of Fish and Wildlife (WDFW) and related federal regulations.</p>
ENERGY AND NATURAL RESOURCES	<p>Chapter 14.80 (Building and Construction) adopts the International Energy Conservation Code of the State of Washington, with the most recent adoption of the 2018 code in February 2021.</p>
ENVIRONMENTAL HEALTH	<p>Chapter 11.06 LSMC (Stormwater Management) regulates stormwater discharges from all new development and redevelopment to prevent and control adverse impacts of drainage and stormwater on the public health, safety, and general welfare. Chapter 14.44.250 LSMC (Disposal of Liquid and Hazardous Wastes) regulates waste from manufacturing and processing uses. Chapter 16.04.020 LSMC (SEPA General Requirements) adopts WAC 197-11-250 through 258 related to the SEPA/Model Toxics Control Act.</p>
NOISE	<p>Chapter 9.56 LSMC (Noise Control) regulates exposure of citizens to the physiological and psychological dangers of excessive noise and to protect, promote and preserve the public health, safety and welfare. Chapter 14.44.210 (Noise) regulates noise associated with manufacturing and processing uses and construction activity.</p>
LAND/SHORELINE USE	<p>Chapter 14.40 LSMC (Permissible Uses) in conjunction with Chapter 14.38 LSMC (Subarea Plans) establishes which uses or types of uses are permitted, which require special approvals, and which are prohibited in the zones. Chapter 14.92 LSMC (Shoreline Management) implements the goals of the Shoreline Management Act (SMA) (chapter 90.58 RCW) and the state Department of Ecology’s implementing guidelines (chapter 173-26 WAC) and provides a uniform basis for applying Lake Stevens Shoreline Master Program (SMP) policies and development regulations within distinctive shoreline areas.</p>
HOUSING	<p>Chapters 14.48 LSMC (Density and Dimensional Regulations) and 14.38 LSMC (Subarea Plans) establish setback, lot coverage, building height, and lot dimension regulations for all zoning districts in Lake Stevens. Chapter 14.120 LSMC (Park Impact Mitigation Fees) requires that new growth and development pay its proportionate share of the costs of new park land and park facilities identified in the capital facilities element of the comprehensive plan that are reasonably related to the new development. Chapter 14.112 LSMC (Traffic Impact Mitigation Fees) and Chapter 14.110 LSMC (Concurrency Management System) ensure that public health, safety and welfare will be preserved by having safe and efficient roads serving new and existing developments. Chapter 14.100 LSMC (School Impact Mitigation) ensure that adequate school facilities are available to serve new growth and development and to require that new growth and development pay its proportionate share of the costs of new school facilities. RCW 59.18.440 provides for relocation assistance for low-income tenants when required.</p>

SEPA ELEMENT	CITY, STATE or FEDERAL REGULATION AUTHORITY
AESTHETICS	<p>Chapter 14.16C.050 LSMC (Design Review) provides design standards for commercial, industrial, multifamily, and innovative housing development. Chapter 14.76 LSMC (Screening and Trees) provides screening and tree requirements for new development. Chapter 14.46 LSMC (Innovative Housing and Infill) regulates innovative housing, cottage housing, and infill projects. Chapter 14.38 LSMC (Subarea Plans) provides design standards for development within the subareas.</p>
LIGHT/GLARE	<p>Chapter 14.38.080 (Lighting) regulates light for development within the subareas. Chapter 14.68.110 LSMC (Sign Illumination and Signs Containing Lights) regulates artificial lighting from signs. Chapter 14.60 (Utilities) contains lighting requirements for public streets and sidewalks, buildings, and outdoor areas as well as addresses excessive lighting. Chapter 14.38 LSMC (Subarea Plans) provides design standards including lighting for development within the subareas.</p>
RECREATION	<p>Chapter 14.46 LSMC (Innovative Housing and Infill) requires open space for cottage housing and infill development. Chapter 14.18 LSMC (Subdivision) requires open space in Planned Residential Developments, cluster, and unit lot subdivisions. Chapter 14.16C.050 LSMC (Design Review) provides design standards including required open space for development subject to the design standards. Chapter 14.120 LSMC (Park Impact Mitigation Fees) requires that new growth and development pay its proportionate share of the costs of new park land and park facilities identified in the capital facilities element of the comprehensive plan that are reasonably related to the new development. Chapter 14.92 LSMC (Shoreline Management) implements the goals of the Shoreline Management Act (SMA). The parks, recreation and open space element of the city's Comprehensive Plan contains policies regarding the level of service for parks and trails. The city has recently prepared a Trails Master Plan and Parks Plan to implement recreational level of service goals within the city.</p>
HISTORIC/CULTURAL PRESERVATION	<p>Chapter 14.50.160 LSMC (Cultural Resource Management) addresses archaeological and historic resources within Lake Stevens, including notification requirements to the state and affected tribes of any discoveries. Additionally, RCW's 27.34 (historic sites), 27.44 (Indian graves and records), and 27.53 (archaeological sites and resources) and WAC 25.48 (permits) apply to cultural resources and historic properties within the state.</p>
TRANSPORTATION	<p>Chapter 14.56 LSMC (Streets and sidewalks) in combination with the city's Engineering Design and Development Standards (EDDS) regulates the design of streets and sidewalks in the city. Chapter 14.72 LSMC (Parking) regulates off-street parking within city limits. Chapter 14.112 LSMC (Traffic Impact Mitigation Fees) and Chapter 14.110 LSMC (Concurrency Management System) ensure that public health, safety and welfare will be preserved by having safe and efficient roads serving new and existing developments. Public transit is addressed in the transportation element of the Comprehensive Plan.</p>
PUBLIC SERVICES	<p>Chapter 14.120 LSMC (Park Impact Mitigation Fees) requires that new growth and development pay its proportionate share of the costs of new park land and park facilities identified in the capital facilities element of the comprehensive plan that are reasonably related to the new development. Chapter 14.112 LSMC (Traffic Impact Mitigation Fees) and Chapter 14.110 LSMC (Concurrency Management System) ensure that public health, safety and welfare will be preserved by having safe and efficient roads serving new and existing developments. Chapter 14.100 LSMC (School Impact Mitigation) ensure that adequate school facilities are available to serve new growth and development and to require that new growth and development pay its proportionate share of the costs of new school facilities. Snohomish Regional Fire and Rescue is funded by property taxes and are therefore self-funded by development. Chapter 2.32 LSMC addresses the responsibility of the police department, which is also discussed in the public services and utilities element of the comprehensive plan.</p>
UTILITIES	<p>Chapter 14.60 LSMC (Utilities) regulates water supply, sewage disposal systems, electric power, natural gas services, and telephone, consistent with the goals and policies in the public services and utilities element of the comprehensive plan. Chapter 6.16 LSMC (Connection to the Public Sewer System) regulates extensions of sewer inside and outside city limits. Chapter 8.16 LSMC (Solid Waste Disposal) regulates solid waste disposal in the city. Chapter 12 LSMC (Building and Construction) addresses franchises with certain utilities including telecommunications, gas, and cable.</p>