



PREFERRED CONSULTANT PROGRAM

1. **Authority**

The Department of Planning and Community Development has established procedural policies and guidelines authorized under Lake Stevens Municipal Code (LSMC) 14.04.120(a) which states that city departments may administratively adopt guidelines, standards, reference materials, forms, or other documents that aide the public, applicant, staff, or decision-maker in interpreting and administering the Lake Stevens Municipal Code.

2. **Intent**

To streamline the critical areas review process for development permits/projects with or adjacent to critical areas by instituting a preferred consultant program.

3. **Process/Review Criteria**

Initial Establishment of the Program by the City

The city's Preferred Consultant Program will target both qualified individuals and firms. If a firm is selected to be on the list, the firm principal must review and approve the report(s) before submitting them to the city for review. For all reports/studies, regardless if they are prepared by a consultant on the list or not, the city retains the right to conduct third party review of the reports at the expense of the applicant if deemed necessary.

Application Process for Applicants

Applicants may select a consultant for their project(s) from the following alternatives:

- A. Any development project that proposes to use a qualified professional to evaluate critical areas per Chapter 14.88 LSMC included on the preferred consultant list will not be subject to mandatory peer review;
- B. Any development project that proposes to use the city's on-call professional to evaluate critical areas per Chapter 14.88 LSMC will not be subject to peer review; and
- C. A consultant does not have to be on the city's preferred list to do work in the city of Lake Stevens. Any development project that **does not** use a preferred consultant or the city's on-call consultant will be subject to peer review and any associated costs.

Review Criteria to Become a Preferred Consultant:

To be included on the Preferred Consultant list, the individual or firm must meet the following criteria.

1. Education/Qualifications
 - a. The qualified professional/firm must have completed a four-year degree program in applicable discipline;
 - b. Have at least two years of related work experience in applicable discipline;
 - c. Must meet the definition of a qualified professional under the Lake Stevens Municipal Code and defined in this policy;
 - d. Must be licensed in the State of Washington (if applicable, based on discipline); and
 - e. Possesses a Lake Stevens Business License.
2. Experience
 - a. The qualified professional/firm must be able to demonstrate three successful peer-reviewed projects in Lake Stevens; or
 - b. Provide written recommendations of three successful peer-reviewed projects from comparable jurisdictions.
3. Report/Work Criteria
 - a. The preferred consultant or firm principal must review and approve the report before issuing to ensure quality control and sound scientific recommendations;
 - b. Reports must be substantially complete upon submittal – substantially complete will be determined by city staff and will generally be interpreted to mean that errors, if any, will be minor and do not affect the environmental analysis, site plan or delay the review; and
 - c. All reports/site work must include the following (if applicable):
 1. Properly delineated and flagged sites;
 2. Complete data rating and delineation sheets;
 3. Text and photo documentation that support the data sheets and existing site conditions; and
 4. Complete mitigation strategy meeting LSMC code requirements, including but not limited to the mitigation/enhancement plan requirements of LSMC 14.88.275, the mitigation monitoring requirements of LSMC 14.88.277 and mitigation bonding as per LSMC 14.88.278 as required to address in proposed impacts.
 5. Consultant must use best discipline-specific practices in a manner consistent with the level of care and skill ordinarily exercised by other members of the profession practicing under similar conditions.
4. Application Process – Qualified Professional / Firm must submit an application to the city, supplemental materials that demonstrate education, experience, and quality of work along with an administrative application fee.

Annual Verification/Reinstatement Process

Steps:

1. The city will review the list annually in December of each year to evaluate the performance of each individual/firm. The list shall be established and posted on the city's website no later than January 31st of each year to be available for applicant use. The city aims to maintain between ten to twenty individuals/firms on the list at any one time.
2. Individuals/firms may be added to the list at any time throughout the year so long as an application is received and the criteria are met.
3. Individuals/firms shall be removed from the list if they fail to consistently meet any of the established criteria.
4. Individuals/firms that are removed may be reinstated the following December when they have demonstrated three successful peer-reviewed projects after the date they were removed from the list and meet all of criteria listed above.

Definition

The city of Lake Stevens desires to define the term "qualified professional" further as it relates to Chapter 14.88 LSMC.

Henceforth, *qualified professional* shall mean a person with experience and training in the pertinent scientific discipline, and who is a qualified scientific expert with expertise appropriate for the relevant critical area subject in accordance with WAC 365-195-905(4). A qualified professional must have obtained a B.S. or B.A. or equivalent degree in biology, engineering, environmental studies, fisheries, geomorphology, or related field, and two years of related work experience.

- A. A qualified professional for streams, wetlands or other natural habitats must have a degree in biology and professional experience related to the subject critical area.
- B. A qualified professional for geologically hazardous areas must be a professional geotechnical engineer or geologist, licensed by the state of Washington.

5. Policy Determination

The city has determined that the information contained within this policy, including the application process and review criteria for applicants, as stated above, shall be the official policy and procedure for implementation and annual verification/reinstatement of its Preferred Consultant Program. Any changes or revisions to the Program shall be reflected with a revised policy.



Russell Wright, Community Development Director

10/18/16

Date

Attachments:

1. Resolution 2016-09 approved May 24, 2016

RESOLUTION NO. 2016-09

A RESOLUTION OF THE CITY OF LAKE STEVENS ESTABLISHING ITS INTENT TO INSTITUTE A PREFERRED CONSULTANT PROGRAM FOR THE PURPOSE OF EVALUATING AND DELINEATING CRITICAL AREAS AS DEFINED BY CHAPTER 14.88 OF THE LAKE STEVENS MUNICIPAL CODE (LSMC) DURING DEVELOPMENT REVIEW

WHEREAS, the State of Washington requires cities to develop policies and development regulations to protect the functions and values of critical areas using the best available science per the Growth Management Act (GMA) Chapter 36.70A RCW; and

WHEREAS, the City of Lake Stevens has adopted a GMA compliant critical areas ordinance, codified as Chapter 14.88 LSMC; and

WHEREAS, LSMC 14.88.270 requires site/resource-specific reports, prepared by a qualified professional, be prepared for land use or development permit applications proposed on properties containing or adjacent to critical areas; and

WHEREAS, the City of Lake Stevens desires to further define “qualified professional” as it relates to Chapter 14.88 LSMC.

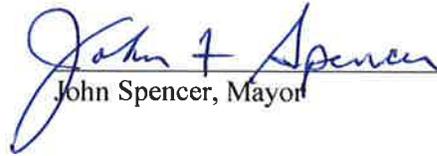
WHEREAS, the City of Lake Stevens desires to streamline the critical areas review process by instituting a preferred consultant program to review critical areas.

NOW THEREFORE, BE IT RESOLVED:

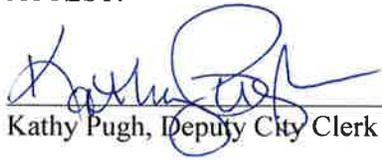
1. That the City of Lake Stevens proposes to create an administrative procedure for reviewing land use or development permit applications proposed on properties containing or adjacent to critical areas that includes the following alternatives:
 - A. Any development project that proposes to use a qualified professional to evaluate critical areas per Chapter 14.88 LSMC included on the preferred consultant list will not be subject to peer review;
 - B. Any development project that proposes to use the city’s on-call qualified professional to evaluate critical areas per Chapter 14.88 LSMC will not be subject to peer review; and
 - C. Any development project that **does not** use a preferred consultant or the city’s on-call consultant will be subject to peer review and any associated costs.
2. Henceforth, qualified professional shall mean a person with experience and training in the pertinent scientific discipline, and who is a qualified scientific expert with expertise appropriate for the relevant critical area subject in accordance with WAC 365-195-905(4). A qualified professional must have obtained a B.S. or B.A. or equivalent degree in biology, engineering, environmental studies, fisheries, geomorphology, or related field, and two years of related work experience.
 - A. A qualified professional for streams, wetlands or other natural habitats must have a degree in biology and professional experience related to the subject critical area.
 - B. A qualified professional for geologically hazardous areas must be a professional geotechnical engineer or geologist, licensed by the state of Washington.

3. Planning and Community Development will develop an administrative policy, as allowed by LSMC 14.04.120, to implement a preferred consultant program that includes a selection, evaluation and an annual re-evaluation process.

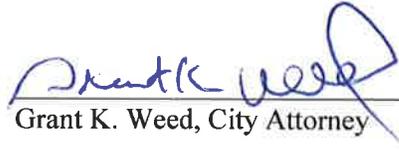
PASSED by the City Council and APPROVED by the Mayor this 24th day of May, 2016.


John Spencer, Mayor

ATTEST:


Kathy Pugh, Deputy City Clerk

APPROVED AS TO FORM:


Grant K. Weed, City Attorney