



PLANNING COMMISSION AGENDA

Regular Meeting Date: 11.16.2016

Planning Commission
Meeting:

First Wednesday of
every Month @ 7:00pm

Planning & Community
Development
Department

1812 Main Street
Lake Stevens, WA
98258 (425) 377-3235

www.lakestevenswa.gov

Municipal Code

Available online:

www.codepublishing.com/WA/LakeStevens/

- **CALL TO ORDER: 7:00pm**
Pledge of Allegiance
- **ROLL CALL**
- **GUEST BUSINESS**
- **ACTION ITEMS**
- **DISCUSSION ITEMS**
1. LUA2016-0025 Land Disturbance Code Update-Pratschner
2. LUA 2016-0171 Stormwater Update Introduction-Pratschner
- **COMMISSIONER REPORTS**
- **DIRECTOR'S REPORT**
- **FUTURE AGENDAS**
1. **DECEMBER 7, 2016**
 - Public Hearings: **LUA2016-0157** Downtown Height Requirements;
LUA2016-0158 RV Code Amendment
 - Stormwater Briefing
- 2. **JANUARY 4, 2016**
 - Public Hearings: Stormwater Update; Land Disturbance Code
- **ADJOURN**

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, at (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,

Staff Report City of Lake Stevens Briefing

Planning Commission Briefing
Date: **November 16, 2016**

Subject: **Amendments to the City of Lake Stevens Land Disturbance Code (LUA2016-0025)**

Contact Person/Department: **Russ Wright**, Community Development Director / **Stacie Pratschner**, Senior Planner

SUMMARY:

Draft code amendments for land disturbance for the Planning Commission's review and discussion.

ACTION REQUESTED OF PLANNING COMMISSION:

This is an informational briefing and no action is requested at this time.

BUDGET IMPACT:

None.

BACKGROUND/DISCUSSION:

Staff held a briefing with the Planning Commission on August 3, 2016 to discuss the structure of the new proposed Land Disturbance chapter, present a revised work schedule and receive feedback on the most recent draft of the code. The purpose of this briefing is to discuss the completed code draft (**Exhibit 1**) and receive comments from the Planning Commission concerning the proposed changes prior to a Public Hearing.

As part of the 2015 Comprehensive Plan update process, the city identified the following issues to be updated in the clearing and grading portions of municipal code: 1) the current thresholds for requiring a permit; 2) assumption of regulatory authority for the Class IV-General forest practices permits now issued by the DNR; and 3) evaluation of current tree preservation standards.

The following outline provides a synopsis of the draft revisions made to the currently adopted grading, filling and excavation code:

General Chapter Layout

- The Grading, Filling and Excavation code section has been renamed "Land Disturbance";
- The Land Disturbance chapter has been removed from the supplemental Chapter, 14.44, and assigned its own section, Chapter 14.50 LSMC;
- The structure of the Chapter 14.50 LSMC has been designed to be more consistent with surrounding municipalities land disturbance codes by the inclusion of a purpose statement, expanded definitions, bonding requirements, a more detailed description of required permit submittal items and the consolidation of fence and retaining wall provisions.

Thresholds for Permits

- The list of exempt activities has been expanded to include routine yard maintenance and some Public Works functions;
- The current requirement for an Administrative Conditional Use permit for higher- intensity land disturbance activities has been changed to a Type II permit. The list of activities that trigger the requirement for a Type I permit features have been simplified.
- The amount of vegetation removal that is permissible pursuant to a Type I permit is now more consistent with surrounding municipalities' thresholds.

Forest Practices

- The city proposes to assume regulatory authority from the DNR for Class IV - Forest Practices. Pursuant to section 14.50.155, the city will process Class-IV permits as a Type II application.

Fences

- Staff will consolidate all of the requirements for fences (currently found in three different chapters of municipal code) into a new section of Chapter 14.50 LSMC.

Other needed changes may be revealed per Planning Commission's review. Other tasks included in the scope of the project include SEPA notification and actions, Public Hearings with both Planning Commission and City Council, WA Department of Commerce 60-day review, coordination with the Department of Natural Resources on forest practices and public notification as applicable.

Exhibit List

1. Draft Land Disturbance Code

Draft Changes to LSMC 14.44.100: Grading, Filling and Excavation

Chapter 14.50 LAND DISTURBANCE

Part I. Land Disturbance

14.50.100 Purpose and Intent.

The purpose of this chapter is to regulate land disturbance activities, including the clearing and removal of vegetation, excavation, grading and other earthwork such as cuts and fills within the city of Lake Stevens in order to protect public health, safety and welfare by requiring the following elements:

- (a) Encouraging comprehensive site planning;
- (b) Preserving vegetation and requiring commensurate replanting, per Chapter 14.76 LSMC;
- (c) Requiring the implementation of best management practices (BMP's) during land disturbing activities;
- (d) Minimizing adverse stormwater impacts per the requirements of the currently adopted Department of Ecology Stormwater Manual for Western Washington;
- (e) Assuming regulatory authority for Class IV Forest Practices as defined by Chapter 76.09 RCW;
- (f) Establishing administrative procedures to issue permits, approve plans and inspect land disturbance activities; and
- (g) Reducing the amount of time between land disturbance and the beginning of actual site construction.

Land disturbance activities within or near critical areas or within the shoreline jurisdiction must be consistent with the provisions of Chapter 14.88 LSMC and the Lake Stevens Shoreline Master Program, as applicable.

14.50.105 Permit Required, Applicability and Authority.

- (a) The provisions of this chapter apply to all land disturbance activity within the City. No person shall take any actions that result in any alterations to the landscape except as consistent with the purposes, objectives, and goals of this chapter or unless exempted per Section 14.50.115.
- (b) Activities exempt from such permits as described in Section 14.50.115 are still required to comply with the restrictions and requirements contained in Section 14.50.140.
- (c) The approval authority shall approve, approve with conditions or disapprove a land disturbance application.
- (d) By submitting an application under this Section, the applicant consents to entry upon the subject site by the city during regular business hours for the purposes of making inspections to verify the accuracy of information provided by the applicant and to verify that work is being performed in accordance with the requirements of this chapter.

14.50.110 Definitions.

The definitions related to land disturbance and forest practices are included in Chapter 14.08 LSMC.

BMP. A practice or combination of practices that is determined to be an effective and practicable means of preventing or reducing the amount of pollution generated by nonpoint sources to a level compatible with water quality goals.

CESCL. A Certified Erosion and Sediment Control Lead who has current certification through an approved erosion and sediment control training program that meets the minimum training standards established by the Washington Department of Ecology.

Clearing. The act of removing or destroying vegetation or other organic plant materials by physical, mechanical or chemical means.

Compaction. Densification of a fill by mechanical means.

DBH. The diameter of a tree as measured from breast height (54 inches above the ground).

Earth material. Any rock, natural soil or any combination thereof.

Excavation. The removal of any earth material.

Existing Site Conditions. The current site features, natural features, cultural features and infrastructure of a specific location.

Fill. A deposit of earth material placed by mechanical means.

Forest Practices. Any activity conducted on or directly pertaining to forest land and related to growing, harvesting, or processing timber or removing forest biomass as defined by the WAC 222-16-010.

Grade. The elevation of the ground surface.

- (a) "Existing grade" is the grade prior to grading.
- (b) "Rough grade" is the stage at which the grade approximately conforms to an approved site plan.
- (c) "Finished grade" is the final grade of the site that conforms to the approved site plan.
- (d) "Grading" is any excavating, filling, removing of the duff layer or combination thereof.

Land Disturbance. Any activity that results in a change in the existing soil cover (both vegetative and non-vegetative) and / or existing soil topography.

Landscaping area. Any portion of a site not used for building, parking, driveway or accessory storage area. A landscape area may include patios, plazas, walkways, walls and fences, fountains or pools, and planting areas. Ponds, streams, natural areas, or areas for the detention of storm water runoff are not considered part of the landscaped area of a site unless they are integrated with required landscaping as a water feature.

NPDES. National Pollutant Discharge Elimination System.

Pollution-generating pervious and impervious surfaces. Surfaces that are considered a significant source of pollutants in storm water runoff. Pollution generating surfaces include both pervious and impervious surfaces, such as surfaces subject to vehicular use, roofs, lawns and landscaped areas.

Predeveloped condition. The native vegetation and soils that existed at a site prior to the influence of Euro-American settlements.

Retaining wall. A wall designed to resist lateral earth and/or fluid pressures, including any surcharge in accordance with accepted engineering practice.

- (a) "Exposed wall height is the vertical distance measured from the finished grade at the bottom of the wall (lower soil grade) to the finished grade at the top of the wall. This height does not include the wall and depth of footing below grade.
- (b) "Retained Wall Height" is the vertical distance measured from the bottom of the footing to the finished grade at the top of the wall. It includes the wall and depth of footing below grade.
- (c) "Surcharge" is a vertical load imposed on retained soil that may impose a lateral force in addition to the lateral earth pressure of the retained soils. Examples of surcharge include sloping retained soil, structure footings supported by the retained soil or adjacent vehicle loads supported by the retained soil.

Significant Tree. Any deciduous tree eight inches or greater in diameter (25 inches in circumference or greater), and any evergreen tree 12 inches or greater (37 inches in circumference or greater) measured one foot above the root crown.

Stormwater. Surface water runoff that occurs when precipitation from rain or snowmelt flows over the lands surface.

Toe of slope. The lowest part of an embankment slope. It is the point at which the front of a slope intersects with the natural ground line.

14.50.115 Exemptions.

The following activities do not need a land disturbance permit:

- (a) Land disturbance associated with an approved building permit or approved construction plans.
- (b) Land disturbance associated with public improvements and maintenance within the existing right-of-way; provided public improvements and maintenance do not expand into a critical area or buffer including, but not limited to:
 - (1) Roadside ditch cleaning, provided the ditch does not contain protected species;
 - (2) Pavement maintenance;
 - (3) Normal grading of gravel shoulders;
 - (4) Maintenance of culverts;
 - (5) Maintenance of flood control or other approved stormwater facilities; and
 - (6) Routine clearing within road right-of-way.

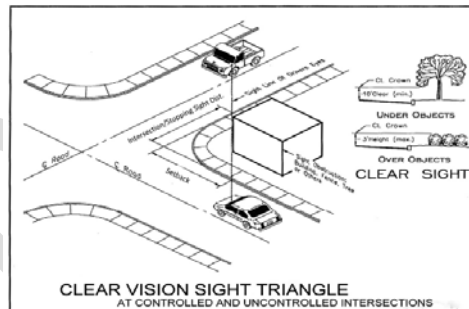
- (c) Site investigations such as surveys, soil borings, test pits, percolation tests and other related activities, necessary for preparing land use or building permit applications provided the land disturbing activities are not greater than is necessary to accomplish the work and do not create permanent site impacts.

- (d) Landscape installation or site improvements which do not result in a fill being placed behind a wall greater than four feet in height as measured from the bottom of the footing to the top of the wall or a cut more than four feet in depth or which does not exceed 15 cubic yards on any lot; or

- (e) The installation of a fence and / or hedge pursuant to the following dimensional and setback restrictions of sections 14.44.420, 14.48.040 and 14.80.090.

- (1) Fences, walls and hedges shall not cause a sight obstruction at street intersections or driveways per the determination of the Public Works Director or designee. Fences, walls and hedges located on corner lots that abut public rights of way shall provide a clear vision sight triangle per the American Association of State Highway and Transportation Officials (AASHTO) Policy on Geometric Design of Highways and Streets:

Figure 14.38-I: Sight Triangle



- (2) Hedges must be trimmed back to the inner edge of the public sidewalk area.

- (3) The height of the fence shall be measured from its top surface, board, rail, or wire to the ground on which it stands. Where a fence is built on top of a retaining wall the fence height shall be measured on the up-hill side.

- (f) Cutting, clearing or removal of vegetation within any fully developed lot, parcel, street or utility right-of-way or park land outside of a critical area or its buffers not requiring any other permits or SEPA review, such as lawn mowing, rototilling, composting, gardening, non-commercial firewood cutting and pruning of vegetation.

- (g) The removal of plants designated as noxious or invasive weeds by governmental agencies.

- (h) Emergency removal of ground cover or hazardous trees by any person, the public works department, parks department, fire department and/or public or private utility necessary to protect public safety or private or public property from imminent danger..

Commented [SP1]: Staff will create a new section of this Chapter (14.50.160) to consolidate all of the fence requirements that are currently in three different sections of Municipal Code.

14.50.120 Land Disturbance Permit Thresholds.

(a) Type I Land Disturbance - A Type I Land Disturbance permit shall follow the procedures established in Chapter 14.16B for a Type I permit process and be required for each of the following actions or any combination thereof:

(1) Any land clearing activity that removes vegetation equal to or greater than 1,000 square feet but less than 5,000 square feet, within any 12-month period, except the removal of any vegetation from wetlands, streams or their buffers may not occur without prior approval from the Community Development Director or designee, in which case removal shall be in compliance with Chapter 14.88 LSMC.

(2) Any excavation, grading or fill activities equal to or greater than 50 cubic yards but less than 100 cubic yards.

(5) Land disturbance that alters, redirects or impedes natural watercourses or manmade drainage channels.

(6) Construction of finished slopes that will exceed a ratio of 2:1 (horizontal to vertical).

(7) A retaining wall of three feet or higher is to be built. Retaining walls that are equal to or greater than four feet in height, measured from the bottom of the footing to the top of the wall, and/or walls that support a surcharge shall require a building permit in addition to a land disturbance permit.

(8) Land disturbance proposed within the boundaries of any drainage, access or utility easements.

(b) Type II Land Disturbance - A Type II Land Disturbance permit shall follow the procedures established in 14.16B for a Type II process and be required for each of the following actions or any combination thereof:

(1) Any excavation, grading or fill activities on a lot that will equal or exceed 100 cubic yards within any 12-month period.

(2) For proposed tree clearing, removal equal to or greater than 5,000 square feet of canopy shall require a Type II permit.

(3) Class IV Forest Practices as described in Section 14.50.155.

14.50.125 Application Requirements.

The Community Development Director or her/his designee shall review and have authority to approve or conditionally approve all applications for land disturbance permits, which meet the requirements of this chapter. A land disturbance application shall include the following submittal items:

(a) Completed Type I/II permit application form;

(b) A narrative of the project that describes the existing site conditions and development goals of the proposed work by including the following information

(1) Specific work to be accomplished;

- (2) A time schedule for land clearing activities;
 - (3) Type of equipment to be used;
 - (4) Measures proposed to protect the site and adjacent properties from potential adverse impacts.
 - (5) The estimated quantities/area of work involved.
-
- (c) Public noticing documents per Section 14.16B.225 for Type II permits;
 - (d) An environmental checklist if the land disturbance will exceed 100 cubic yards;
 - (e) A stormwater report, if applicable;
 - (f) A geotechnical report, if applicable;
 - (g) The correct intake fees as determined by the currently adopted Fee Schedule;
 - (h) Any other materials required by the Community Development Director or Designee; and
 - (i) A site plan of the subject property that meets the requirements of Section 14.16C.105(d).

14.50.130 Restrictions and Requirements.

All land disturbance, regardless of whether or not a permit is required, is subject to the following requirements:

- (a) No land disturbance is allowed in a critical area and its buffers except as allowed in Chapter 14.88 LSMC.
- (b) For single-family and duplex lots, no activities shall be allowed that results in the impervious surface area exceeding the maximum thresholds defined in section 14.48.055.
- (c) No land disturbing activities are permitted outward from the shores of Lake Stevens except as permitted pursuant to the restrictions of the Lake Stevens Shoreline Master Program.
- (d) Adequate temporary erosion and sedimentation control (TESC) measures shall be approved and installed per Chapter 14.64 (Special Flood Hazard Areas, Drainage, and Erosion) LSMC prior to any disturbance of soils.
- (e) All disturbed areas shall be hydro-seeded and mulched, sodded or otherwise protected within 48 hours of disturbance.
- (f) All potentially impacted critical areas and their buffers shall be delimited with a construction limits fence prior to any disturbance of the soil.
- (g) The project proponent shall present to the City a valid NPDES permit, where required, prior to any disturbance of soil.
- (h) Environmental review of land disturbance associated with site development may be done concurrently with the environmental review of the project (e.g., preliminary plat, land use permit, or building permit), allowing for public improvements to be permitted by approval of the construction drawings. However, the application shall specifically state that such land disturbance is a part of the

application, and the permit shall specifically state what land disturbance is permitted or the activities shall not be considered permitted.

(i) Land disturbing activities that include tree removal must meet the requirements of Chapter 14.76 LSMC.

- (a) Replacement trees shall be located in such a manner that they will not be disturbed when the site develops in the future.
- (b) No more than 10 percent of significant trees or 50 percent of all trees on a site may be removed unless it is done in conjunction with a land use development permit(s) from the City.
- (c) The applicant shall include a conceptual plan showing how trees will be retained or protected at the time of site development.

(j) Land disturbing activities shall be phased as follows:

(1) For land disturbing activity, not associated with a plat, between October 1st and March 31st no more than one-fourth acre, or 50 cubic yards of soil, whichever represents the least amount of soil, may be moved or graded at any one time before that portion of the project is closed up per subsection (d) of this section.

(2) Between October 1st and March 31st, land disturbance of individual building lots in a plat shall be phased, with no more than 10 lots being graded in a plat at any one time. Before additional lots can be graded, the previously graded lots shall be hydro-seeded and mulched, sodded, or otherwise protected.

(k)

(l) Construction hours shall be between 7:00 AM and 9:00 PM on weekdays and 9:00 AM to 9:00 PM on weekends and holidays.

14.50.135 Minimum Standards of Performance.

(a) No land disturbing activities may be approved unless the project proponent demonstrates to the satisfaction to the Community Development Director or designee that applicable stormwater requirements have been met.

(b) Any land disturbance activity requiring a permit or not, shall provide erosion and sediment (ESC) measures that prevent the transport of sediment from the site to adjacent properties and facilities.

(c) Cuts and fills shall conform to the following provisions:

(1) No slope of cut and fill surfaces shall be steeper than is safe for the intended use and shall not exceed two horizontal to one vertical, unless otherwise approved by the director.

(2) All disturbed areas including faces of cuts and fill slopes shall be prepared and maintained to control erosion in compliance with subsection (b) of this section.

(d) Temporary access roads to grading sites shall be maintained and located to the satisfaction of the City engineer to minimize problems of dust, mud and traffic circulation.

(e) Setbacks. The tops and the toes of cut and fill slopes shall be set back from property boundaries as far as necessary for safety of the adjacent properties and to prevent damage resulting from water runoff or erosion of the slopes.

(f) The tops and the toes of cut and fill slopes shall be set back from structures as far as is necessary for adequacy of foundation support and to prevent damage as a result of water runoff or erosion of the slopes.

14.50.140 Top Soil.

In order to provide a suitable vegetation growth medium for final site stabilization, the following requirements shall be met prior to residential final plat approval or if on an existing lot, prior to issuance of a final inspection/certificate of occupancy:

(a) A minimum of eight inches of top soil shall be placed in all areas not developed with impervious surface area.

(b) In order to ensure a proper bond between the topsoil and subsoil, the topsoil shall be worked into the layer below for a minimum of six inches, resulting in a consistent mix of topsoil and subsoil throughout.

(c) The topsoil shall be friable and loamy (loam, sandy loam, silt loam, sandy clay loam, clay loam).

(d) When native topsoil is to be stockpiled and reused, the following should apply to ensure that the mycorrhizal bacterial, earthworms, and other beneficial organisms will not be destroyed:

(1) Topsoil is to be re-installed within four to six weeks.

(2) Topsoil is not to become saturated with water.

(3) Covers placed over the pile must first be approved by Public Works to ensure the material is breathable to allow sufficient passage of oxygen. Plastic cover is not allowed.

(e) Stockpiling of topsoil shall comply with the following:

(1) The slopes of the pile shall not exceed 2:1.

(2) An interceptor dike with gravel outlet and silt fence shall surround all topsoil stockpiles.

(3) Erosion control seeding or covering with clear plastic or other mulching materials of stockpiles shall be completed within two days from October 1st through April 30th, or within seven day from May 1st through September 30th. Native topsoil stockpiles shall not be covered with plastic.

(4) Topsoil shall not be placed while in a frozen or muddy condition, when the subgrade is excessively wet, or when conditions exist that may otherwise be detrimental to proper grading or proposed sodding or seeding. (Ord. 639, Sec. 3, 2001)

(f) The city will require the applicant to establish a security pursuant to Section 14.16A.180

14.50.145 Inspections.

- (a) The applicant must submit a written determination from a Certified Erosion and Sediment Control Lead (CESCL) that appropriate temporary erosion and sediment control (TESC) measures are in place prior to starting any land disturbance activities.
- (b) The applicant must submit as-built drawings to reflect any changes from the original approval made in the field as required by the Community Development Director or designee.
- (c) All land disturbance permits are subject to a mandatory final inspection to ensure that all work on a site has been completed pursuant to the approved permit and the requirements of this chapter.

14.50.150 Violations and Penalties.

- (a) Violations of the provisions of this chapter shall be subject to the enforcement and review criteria of Title 17 LSMC.

Part II. Forest Practices

14.50.155 Forest Practices

(a) The purpose of this section is to assume regulatory authority from the Washington Department of Natural Resources over certain forest practices as permitted by Washington state law and pursuant to Chapter 76.09 RCW and WAC 222-20. This section ensures that the forest practices described in the following subsections occur in compliance with the Lake Stevens Comprehensive Plan, the Lake Stevens Shoreline Master Program and the regulations of this Title.

(b) The definitions contained in RCW [76.09.020](#) of the Forest Practices Act and in WAC [222-16-010](#) and [222-16-050](#) of the Forest Practices Act's implementing regulations shall apply to all terms used in this chapter, provided that the definitions contained in Title 14 shall be applicable where not in conflict with the above-referenced Forest Practices Act and the Forest Practices Act's implementing regulations. In the event of any conflict between the definitions, the definitions in chapter [222-16](#) WAC shall prevail. This chapter shall apply to Class-IV general and special forest practices as defined by WAC 222-16-050 for the purpose of conversion to a non-forestry use.

(c) The following activities are exempt from the requirements of this chapter when located outside of critical areas and their buffers:

- (1) Forest practices regulated exclusively by the Washington State Department of Natural Resources pursuant to Chapter [76.09](#) RCW;
- (2) The removal of less than 5,000 board feet of timber (including live, dead, and down material) for personal use in any 12-month period;
- (3) The removal of trees which have been grown to be sold as Christmas trees or used in landscaping such as trees sold by commercial nurseries;
- (4) The abatement of an emergency, such as the removal of trees necessary to protect the safety of persons or property from clear and imminent danger;

(5) Landscape maintenance or pruning which does not impair the health or survival of trees required to be retained or planted pursuant to this chapter; and

(6) The removal of trees in the public right-of-way as required by the city engineer for the purpose of public safety or for the maintenance of existing public roads and existing facilities, consistent with chapter [76.09](#) RCW.

(d) A Class IV-General Forest Practices permits shall follow the procedures established in Chapter 14.16B for a Type II permit process and be required for those forest practices described in the WAC 222-16-050(1) and (2). A forest practices application shall include the following submittal items:

(1) A completed State Environmental Policy Act checklist.

(2) Written verification from the Washington State Department of Natural Resources that the subject site is not and has not been subject to a notice of conversion to nonforestry use under RCW 76.09.060 during the six-year period prior to submission of the permit application.

(3) A title report as proof that the parcel is not currently subject to a six-year development moratorium. If the property is subject to a six-year development moratorium, the application will not be accepted until the end of the moratorium or until the moratorium has been lifted.

(3) All submittal items as described in 14.50.125.

(4) An application fee in an amount set by resolution by the City Council.

(e) The department shall notify the Washington State Department of Revenue within 60 days of approving a forest practices permit issued under this chapter. Such notification shall include the following information:

(1) Landowner's legal name, address, and telephone number;

(2) Decision date of permit; and

(3) Parcel number and legal description (section, township, and range) of the subject site.

(f) To improve the administration of the forest excise tax created by Chapter 84.33 RCW, the city will report permit information to the Department of Revenue for all approved forest practices permits no later than sixty days after the date the permit was approved.

(g) The hearing examiner may consider the removal of a six-year development moratorium established pursuant to Chapter 76.09 RCW when the applicant strictly meets the following requirements:

(1) Any property owner subject to a moratorium may request a release from the six-year moratorium by filing a Type III permit application with the city.

(2) Following such request, the Planning and Community Development Department shall set a date for an open record public hearing pursuant to the requirements of Chapter 14.16B for Type III permits before the hearing examiner.

(3) The hearing examiner shall consider the removal of a development moratorium established pursuant to this chapter when the following criteria are strictly met:

- i. The proponent submits a Type III application for removal of the moratorium;
- ii. The proponent proposes corrective actions to bring the violation into compliance with this chapter and mitigate any existing damage through the submittal of a reforestation plan or mitigation plan, prepared by a qualified professional consistent with Chapter 14.88;

(4) Hearing Examiner Authority.

i. The hearing examiner shall review requests for removal of a development moratorium, any comments received, and applicable city regulations or policies and may inspect the property before rendering a decision.

ii. The hearing examiner may approve the request to remove a development moratorium, approve the request with conditions, require modification of the proposal to strictly comply with specified requirements or local conditions, or deny the request if it fails to comply with requirements of this chapter.

(5) Required Written Findings and Determinations. The hearing examiner will address the following items as written findings and determinations before issuing a decision:

i. The removal of the six-year development moratorium will not be detrimental to public health, safety, and general welfare.

ii. The removal of the six-year development moratorium will not be injurious to the property or improvements adjacent to the proposal.

iii. The removal of the six-year development moratorium will not result in significant adverse environmental impacts.

iv. The removal of the six-year development moratorium is consistent and compatible with the goals, objectives, and policies of the comprehensive plan and the provisions of this chapter and other applicable municipal codes. (Ord. 004/2009 § 2)

DRAFT

Staff Report City of Lake Stevens Briefing

Planning Commission Briefing
Date: **November 16, 2016**

Subject: **Amendments to the City of Lake Stevens Municipal Code to Adopt the 2012 Department of Ecology Stormwater Management Manual for Western Washington (LUA2016-0171)**

Contact Person/Department: **Russ Wright**, Community Development Director / **Stacie Pratschner**, Senior Planner

SUMMARY:

Presentation of proposed code amendments and draft work program to adopt the 2012 DOE Stormwater Manual.

ACTION REQUESTED OF PLANNING COMMISSION:

This is an informational briefing and no action is requested at this time.

BUDGET IMPACT:

None.

BACKGROUND/DISCUSSION:

The Federal Clean Water Act, 33 U.S.C. 1251 et seq. (the Act), requires certain local governments such as the City of Lake Stevens to implement stormwater management programs and regulations within prescribed time frames, and pursuant to said Act the United States Environmental Protection Agency (EPA) has adopted rules for such stormwater programs and regulations. The EPA has delegated authority to the Washington State Department of Ecology (Ecology) to administer such stormwater programs and regulations. The DOE has issued the Western Washington Phase II Municipal Stormwater Permit (NPDES), effective August 1, 2013 through July 13, 2018, which requires local governments such as the City of Lake Stevens to implement numerous stormwater management requirements, including adopting Ecology's 2012 Stormwater Management Manual for Western Washington and related regulations.

The 2012 Manual controls the adverse impacts from stormwater runoff through the application of Best Management Practices. The largest differences between the currently-adopted 2005 Manual and the 2012 Manual are the revisions to many of the recommended BMP's in order to improve their effectiveness in protecting water quality and the inclusion of LID-related definitions, requirements and performance standards in Volume I.

Staff will update the following sections of municipal code in order to adopt the 2012 Manual:

- Chapter 11.06: Stormwater Management;
- Chapter 14.64: Special Flood Hazard Areas, Drainage and Erosion; and
- Chapter 16.04: SEPA.

Other needed changes may be revealed per Planning Commission's review. Other tasks included in the

scope of the project include SEPA notification and actions, Public Hearings with both Planning Commission and City Council, WA Department of Commerce 60-day review, coordination with the Department of Ecology and public notification as applicable.

Exhibit List

1. Draft Work Program

City of Lake Stevens Stormwater Code: 2012 DOE Stormwater Manual for Western Washington Adoption (Chapter 14 LSMC) Code Amendment Work Program

	2012 DOE Stormwater Manual Adoption in Municipal Code					
ACTIVITY	OCTOBER	NOVEMBER	DECEMBER	JANUARY	FEBRUARY	MARCH
Research	10/31/16 – 11/30/2016					
Draft Code Amendments			12/01/2016- 12/15/2016			
Draft Ordinances			12/15/2016 – 01/01/2016			
Attorney Review				01/01/2016- 01/14/2017		
Prepare & Issue SEPA (comment/appeal)			12/01/2016			
Commerce Review		11/01/2016-12/31/2016				
Publish Notice Planning Commission Public Hearing			Notice Twice – 1 st notice 10 Days Before Hearing			
Planning Commission Review (B-briefing; PH-public hearing)		11/16/2016 (B)	12/7/2016 (B)	01/4/2017 (PH)		
Publish Notice City Council Public Hearing			Notice Twice – 1 st notice 10 Days Before Hearing			
City Council Briefings & Workshops (B-briefing; PH-public hearing)			12/13/16 (B)	01/10/2017 (B)		
City Council Public Hearing, 1 st and Final Reading				01/24/2017 (PH) - 1 st and Final Reading		
Effective date					Code Revisions Effective -5 Days After Publication	

Purpose: Proposed amendments to Title 14 to adopt the 2012 DOE Stormwater Manual for inclusion in the Lake Stevens Municipal Code.