



PLANNING COMMISSION AGENDA

Regular Meeting Date: 05/20/2020

BY REMOTE PARTICIPATION ONLY

JOIN MEETING

DIAL IN TO THE MEETING:

253 215 8782, Meeting ID: 875 5057 8970

Password: 072484

Planning Commission
Meeting:

First Wednesday of
every Month @ 7:00pm

Planning & Community
Development
Department

1812 Main Street
Lake Stevens, WA
98258 (425) 622-9430

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**
 1. Approve minutes for 04-22-2020
- **PUBLIC HEARING-LUA2020-0062 Amendments to the City of Lake Stevens Floodplain Regulations**
- **COMMISSIONER REPORTS**
- **PLANNING DIRECTOR'S REPORT**
- **ADJOURN**

SPECIAL NEEDS

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PLANNING COMMISSION REGULAR MEETING MINUTES

Remote Participation
Wednesday, April 22, 2020

CALL TO ORDER: 7:07 pm by Chair Jennifer Davis

MEMBERS PRESENT: Janice Huxford, Vicki Oslund, Jennifer Davis, Linda Hoult, John Cronin, Todd Welch and Mike Duerr

MEMBERS ABSENT: None

STAFF PRESENT: Community Development Director Russ Wright, Kathy Pugh, City Clerk and Jennie Fenrich, Clerk

OTHERS PRESENT: Councilmember Steve Ewing

Prior to the meeting Clerk Jennie Fenrich read a statement regarding the Proclamation Declaring an Emergency due to COVID-19. This meeting is being conducted on Zoom with public access provided via internet or dial in access.

Chair Davis called the meeting to order at 7:07 p.m. and led the Pledge of Allegiance.

Roll Call: All present.

Chair Davis welcomed the Commission's two new appointees, Mike Duerr and Todd Welch.

Guest business: None.

Approval of Minutes: Motion by Commission Cronin, seconded by Commissioner Hoult, to approve the minutes of the January 19 meeting as amended. The motion carried (7-0-0-0).

Discussion Items:

Community Development Director Russ Wright gave a briefing on Floodplain Regulations. Director Wright noted that updates occur periodically and the last time this was addressed was in 2016. This 2020 version has a few changes that are mainly non-substantive. Definitions have been relocated and updated. Other changes and additions have been modeled after the FEMA model ordinance. The deadline to complete the update is June 19, 2020 for the city to remain eligible for flood insurance.

Commissioner Huxford asked what the process is moving forward. Director Wright said the next step will be a public hearing. This update has been sent to outside agencies for comment.

Commissioner Davis about 14.64.010(e) and how would these be addressed. Director Wright said the highlighted sections will be linked to the violations code in final draft.

Commissioner Cronin asked about 14.64.053-Variances. He asked who determines what is allowable. Director Wright said the language of this chapter was taken out of FEMA's model ordinance. Director Wright is the Floodplain Administrator so he will be the determining body.

Commissioner Huxford asked how the public process procedures were being handled at this time. Director Wright replied all the same processes are in place as before so there shouldn't be any delay in the public getting information.

Commissioner Reports:

Commissioner Duerr introduced himself. He has lived in Lake Stevens about 11 years and is an HR manager for Everett. He is involved with the Everett History museum and is happy to become involved in his city.

Commissioner Welch is pleased to be appointed to the Planning Commission and it is an honor to serve his city.

Commissioner Huxford reported her roofing company has been deemed non-essential and hopes the shutdown will be over quickly. She asked about the south end annexation process. She asked if the Waterfront Zoning task force has been formed.

Commissioner Hoult welcomed new commissioners and thanked the City Staff for setting up the remote meeting to keep everyone safe and healthy.

Commissioner Oslund welcomed the new Commissioners and thanked us for setting up the Zoom meeting.

Commissioner Cronin welcomed the new Commissioners. He also reported LJ's and Bruno's is open for pick-up and to please support them.

Chair Davis thanked the staff for setting up the meeting and suggested that the link to the meeting be put on the City Calendar.

Planning Director's Report:

Director Wright reported the Zoning code update and in-fill lot ordinance is going to hearing at the next City Council Meeting. Temporary Signs will be brought before the Council as well. Answering Commissioner Huxford's question regarding annexation of the south end of lake, Director Wright indicated that staff will be discussing next steps with the Council. Director right is recommending that the waterfront taskforce be pushed out to 2021.

Director Wright outlined the future schedule for the Planning Commission. He plans to continue with all grant-funded projects including SEPA updates and mandated building codes, economic development related updates including mobile food vendors and multifamily tax exemptions. The annual Comprehensive Plan will also move forward.

Adjourn:

MOTION: Moved by Commissioner Hoult, seconded by Commissioner Cronin to adjourn the meeting at 7:42 p.m. On vote the motion carried (7-0-0-0).

Jennie Fenrich, Planning Commission Clerk

DRAFT



Staff Report City of Lake Stevens Planning Commission

Planning Commission Public Hearing

Date: **May 19, 2020**

Subject: **Amendments to the City of Lake Stevens Floodplain Regulations LUA2020-0062**

Contact Person/Department: **Russ Wright**, Community Development Director

SUMMARY:

Periodic Amendments to the City of Lake Stevens Floodplain regulations

ACTION REQUESTED OF PLANNING COMMISSION:

Hold a public hearing and forward a recommendation to the City Council.

BACKGROUND/DISCUSSION:

Periodic amendments to the city's flood hazard regulations based on recommendations from FEMA. The last update was completed in 2016. The updated flood hazard regulations must be completed by June 19, 2020 for the city to remain eligible for national flood insurance. At the last briefing of April 22, 2020, staff presented the draft revisions to the Planning Commission for review. Staff has issued a SEPA DNS and sent the proposed amendments out for agency review and comment. FEMA and DOE staff have reviewed the draft code changes – comments have been integrated into the draft ordinance. The proposed changes are not discretionary. The revised ordinance (**Exhibits 1 and 2**) shows changes in edit mode – underlines are new information and strikethroughs are deletions. The following list summarizes proposed changes:

- Moved Floodplain definitions from Chapter 14.08 LSMC to LSMC 14.64.060 to eliminate confusion with general zoning definitions and added new definitions based on FEMA review to comply with the model ordinance.
- Updated Basis section and the date on the current Flood Insurance Study in LSMC 14.64.005 based on FEMA review;
- Added new subsections (d), (e) and (f) to LSMC 14.64.010 to provide mandatory language from model ordinance based on FEMA review;
- Proposed minor updates to LSMC 14.64.015 based on FEMA review to be consistent with the model ordinance;
- Included minor updates to LSMC 14.64.020 including new subsections (i) and (j) based on FEMA review to be consistent with the model ordinance;
- Proposed minor updates to LSMC 14.64.045 including new subsection (g) based on FEMA review to be consistent with the model ordinance; and
- Included minor updates to LSMC 14.64.050 based on FEMA review to be consistent with the model ordinance – specifically substituting “subdivision” to “development”; and
- Added new section LSMC 14.64.503 Variances.

FINDINGS AND CONCLUSIONS:

1. *Compliance with selected Land Use Goals of the Comprehensive Plan*

- Land Use Goal 4.1, Policy 4.1.1 – The city will continue to prioritize the protection of wetlands, streams and creeks, lakes and ponds, aquifer recharge areas, geologically hazardous areas (e.g., steep slopes and erosion areas), significant trees, fish and wildlife habitat areas and corridors, cultural resources, and frequently flooded areas through land use policies, regulations and decisions based on best available information and in coordination with state and regional priorities. Land Use Goal 4.3 – Economic development: attain the highest level of economic well-being possible for all citizens in Lake Stevens through the achievement of a stable and diversified economy offering a wide variety of employment opportunities
- Land Use Goal 4.1, Policy 4.1.15 – Encourage and support the retention of natural open spaces or land uses which maintain hydrologic function and are at low risk to property damage from floodwaters within frequently flooded areas.
- Environment and Natural Resource Goal 4.3, Policy 4.3.2 – Ensure compatibility of land uses with topography, geology, soil suitability, surface water, ground water, frequently flooded areas, wetlands, climate and vegetation and wildlife.
- Environment and Natural Resource Goal 4.3, Policy 4.3.4 – Permit development, fill, or encroachments in floodways, frequently flooded areas, highly erodible areas and other critical areas using Best Management Practices (BMP's) and Best Available Science (BAS).
- Environment and Natural Resource Goal 4.3, Policy 4.3.7 – Support the restoration of degraded shorelines and other critical areas to help minimize erosion, sedimentation and flooding.
- Environment and Natural Resource Goal 4.3, Policy 4.3.8 – Protect natural drainage systems and courses associated with floodways, floodplains, or other areas subject to flooding.

Conclusions – The proposed code amendments are consistent with several Land Use and Environment and Natural Resource goals.

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

- Staff prepared an environmental checklist for the proposed code revisions, dated March 23, 2020 (**Exhibit 3a**).
- The SEPA official issued a Determination of Non-significance on April 20, 2020 (**Exhibit 3b**).
- The city received comments from FEMA and DOE – these changes have been integrated into the proposed revisions.

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

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

- The city requested expedited review from the Department of Commerce on April 17, 2020 and received an acknowledgment letter on April 20, 2020 (**Exhibit 4a**).
- The Department of Commerce granted Expedited Review on May 4, 2020 (**Exhibit 4b**).
- Staff will file the final ordinance with the Department of Commerce within 10 days of City Council action.

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

4. *Public Notice and Comments (Exhibit 5)*

- The city published a notice of SEPA determination in the Everett Herald on June 10, 2016.

- The city published a notice of Public Hearing in the Everett Herald on June 22nd and June 29th, 2016.

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

RECOMMENDATION: Forward a recommendation to the City Council to APPROVE the proposed amendments to the floodplain regulations (LUA2020-0062).

ATTACHMENTS:

1. Amendments to Chapter 14.08 LSMC Definitions
2. Amendments to Chapter 14.64 LSMC Special Flood Hazard Areas
3. SEPA
 - a. Checklist
 - b. DNS
4. Commerce Review
 - a. Review Request
 - b. Email granting expedited review
5. Public Noticing Affidavit

Attachment 1

Chapter 14.08 BASIC DEFINITIONS AND INTERPRETATIONS

Sections:

14.08.010 Definitions of Basic Terms

14.08.020 Recodified

14.08.010 Definitions of Basic Terms

~~Appeal (definition related to flood permits only). A request for a review of the interpretation of any provision of this title or a request for a variance.~~

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

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

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

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

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

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

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

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

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

~~Flood Insurance Rate Map (FIRM). The official map on which the Federal Insurance Administration has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.~~

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

~~Flood or Flooding. A general and temporary condition of partial or complete inundation of normally dry land areas from the overflow of inland or tidal waters, and/or the unusual and rapid accumulation of runoff of surface waters from any source.~~

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

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

~~Floodplain. See Regulatory Floodplain.~~

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

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

~~Lowest Floor. The lowest floor of the lowest enclosed area (including basement). An unfinished or flood-resistant enclosure, usable solely for parking of vehicles, building access or storage, in an area other than a basement area, is not considered a building's lowest floor; provided, that such enclosure is not built so as to render the structure in violation of the applicable nonelevation design requirements per Chapter 14.64 (Special Flood Hazard Areas).~~

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

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

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

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

~~Regulatory Floodplain. The regulatory floodplain is comprised of the special flood hazard area and all protected areas within the jurisdiction.~~

~~Special Flood Hazard Area (SFHA). Land subject to inundation by the base flood having a one percent chance of being equaled or exceeded in any given year. FIRM maps designate special flood hazard areas as Zone A, Zone AO, Zone AH, Zones A1-A30, Zone AE, Zone A99, Zone AR, Zone AR/AE, Zone AR/AO, Zone AR/A1-A30, Zone AR/A, Zone V, Zone VE, and Zones V1-V30.~~

~~Structure (definition related to flood permits only). A walled and roofed building including a gas or liquid storage tank that is principally above ground in relationship to Chapter 14.64 and Chapter 14.88, Part V.~~

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

~~Substantial Improvement (definition related to flood permits only). Means any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure either:~~

~~(a) Before the improvement or repair is started; or~~

~~(b) If the structure has been damaged and is being restored, before the damage occurred. For the purpose of this definition "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure.~~

~~The term can exclude:~~

~~(a) Any project for improvement of a structure to correct precited existing violations of State or local health, sanitary, or safety code specifications which have previously been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions; or~~

~~(b) Any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.~~

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

Attachment 2

Chapter 14.64 SPECIAL FLOOD HAZARD AREAS

Sections:

- 14.64.005 Basis for Establishing Special Flood Hazard Areas
- 14.64.010 Application of Regulations
- 14.64.015 Authority and Duties of the Floodplain Administrator
- 14.64.020 Administrative Procedures
- 14.64.025 Conformance with Chapter 14.88 (Critical Areas), Chapter 14.92 (Shoreline Management), Section 14.16C.100 (Shoreline Permits), and the Shoreline Master Program
- 14.64.030 Exemptions and Allowed Activities
- 14.64.035 Other Activities
- 14.64.040 Development Standards
- 14.64.045 Construction Standards for Protection of Structures
- 14.64.050 Special Provisions for ~~Subdivisions~~Development
- 14.64.053 Variances
- 14.64.055 Standards for Habitat Protection
- 14.64.060 Definitions

14.64.005 Basis for Establishing Special Flood Hazard Areas.

The City hereby adopts by reference the special flood hazard areas identified by the Federal ~~Emergency Management Agency (FEMA) Insurance Administrator~~ in ~~its most current~~a scientific and engineering report titled "The Flood Insurance Study (FIS) for Snohomish County, Washington, and Incorporated Areas" dated November 8, 1999June 19, 2020, and any revisions thereto, with ~~the current~~ accompanying Flood Insurance Rate Maps (FIRM), and any revisions thereto, and declare the same to be a part of the Lake Stevens Municipal Code. The ~~Flood Insurance Study FIS and FIRM are~~is on file in the Planning and Community Development Department.

14.64.010 Application of Regulations.

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

assess development impacts to floodplain and associated habitat functions and any requested deviations pursuant to the submission of a habitat impact assessment per Section 14.64.055(c) and, if necessary, a habitat mitigation plan per Section 14.64.055(d). Under a permit specific review, the development proposal must otherwise follow the defined administrative review procedures and regulations of this chapter.

- (d) This ordinance is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this ordinance and another ordinance, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.
- (e) No structure or land shall hereafter be constructed, located, extended, converted, or altered without full compliance with the terms of this ordinance and other applicable regulations. Violations of the provisions of this ordinance by failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with conditions), shall constitute a misdemeanor. Any person who violates this ordinance or fails to comply with any of its requirements shall be subject to the provisions of Chapter 17.20 LSMC including but not limited to civil enforcement procedures and penalties.
- (f) This ordinance and the various parts thereof are hereby declared to be severable. Should any Section of this ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the ordinance as a whole, or any portion thereof other than the Section so declared to be unconstitutional or invalid.

14.64.015 Authority and Duties of the Floodplain Administrator.

- (a) The Floodplain Administrator shall be the Planning and Community Development Director, or the Director's designee, appointed to ~~administer and implement~~administer, implement and enforce this chapter by granting or denying floodplain development permits in accordance with its provisions.
- (b) Upon receipt of a floodplain development application, the Floodplain Administrator shall compare the project's site elevation to the base flood elevation. A development project is not subject to the requirements of this chapter if it is located on land outside the protected area and higher than the base flood elevation.
- (c) The Floodplain Administrator shall determine, where needed, the exact location of the boundaries of the regulatory floodplain, the special flood hazard area, and the protected area when there appears to be a conflict between the mapped special flood hazard area boundary and actual field conditions, as determined by the base flood elevation and ground elevations per the criteria found in Section 14.88.510. The applicant may appeal an administrative interpretation of the boundary location to the hearing examiner in accordance with Section 14.16A.265.
- (d) Where the adopted ~~FIS or~~ FIS or FIRM ~~map~~ does not include base flood elevation and floodway data for special flood hazard areas, the Floodplain Administrator shall obtain, review, and reasonably utilize any base flood elevation and floodway data available from federal, state, and/or other sources.
- (e) The Floodplain Administrator shall obtain and maintain, for public inspection, all records pertaining to the provisions of this chapter and submit such reports as required for the National Flood Insurance Program.

14.64.020 Administrative Procedures.

- (a) The City shall require a floodplain development permit before construction and/or development begins within the regulatory floodplain.
- (b) The City shall review all development permits to determine that all necessary permits have been obtained from those Federal, State, or local governmental agencies from which prior approval is required, provided, the primary responsibility to identify and obtain required permits shall remain with the developer, and the City shall have no liability to the developer should it fail to identify any other permit that is determined to be required by the agency administering such permit.
- (c) Proposed elevation in relation to mean sea level, of the lowest floor (including basement) of all structures
- (d) For all new or substantially improved floodproofed nonresidential structures where base flood elevation data are provided through the FIS, FIRM, or as required in Section 14.64.015(d):
 - (1) ~~Obtain and record~~ the proposed elevation (in relation to mean sea level) to which the structure was-will be floodproofed;
 - (2) Where a structure is to be floodproofed, certification by a registered professional engineer or architect that the floodproofing methods for any nonresidential structure meet floodproofing criteria in ~~Maintain the floodproofing certifications required in~~ Section 14.64.045(c).
- (e) Description of the extent to which a watercourse will be altered or relocated as a result of proposed development
- (f) Where elevation data is not available either through the Flood Insurance Study, FIRM, or from another authoritative source -per LSMC 14.64.015(d), applications for building permits shall be reviewed to assure that proposed construction will be reasonably safe from flooding. The test of reasonableness is a local judgment and includes use of historical data, high water marks, photographs of past flooding, etc., where available. Failure to elevate at least two feet above the highest adjacent grade in these zones may result in higher insurance rates.
- (e) Applicants shall submit a floodplain development permit, on forms furnished by the City, and shall submit one or more site plans, drawn to scale, including, but not limited to, the following:
 - (1) The nature, location, dimensions, and elevations of the property in question;
 - (2) Names and locations of all lakes, water bodies, waterways and drainage facilities within 300 feet of the site;
 - (3) The elevations of the 10-, 50-, 100-, and 500-year floods, where the data are available;
 - (4) The boundaries of the regulatory floodplain, special flood hazard area, floodway, riparian habitat zone, and channel migration area, as appropriate;
 - (5) The proposed drainage system including, but not limited to, storm sewers, overland flow paths, detention facilities and roads;
 - (6) Existing and proposed structures, fill, pavement and other impervious surfaces, and sites for storage of materials;
 - (7) Critical areas per Chapter 14.88; and
 - (8) Existing native vegetation and proposed revegetation.

- (f) The applicant must record a notice on title that the property contains land within the regulatory floodplain including special flood hazard areas and protected areas, as applicable, before the City issues the floodplain development permit.
- (g) The City shall notify adjacent communities and the Department of Ecology prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Insurance Administrator.
- (h) The City shall assure that the flood carrying capacity of the altered or relocated portion of said watercourse is maintained.~~require that maintenance is provided within the altered or relocated portion of said watercourse so that the flood carrying capacity is not diminished.~~
- (i) Base Flood Elevations may increase or decrease resulting from physical changes affecting flooding conditions. As soon as practicable, but not later than six months after the date such information becomes available, the Floodplain Administrator shall notify the Federal Insurance Administrator of the changes by submitting technical or scientific data in accordance with Volume 44 Code of Federal Regulations Section 65.3. Such a submission is necessary so that upon confirmation of those physical changes affecting flooding conditions, risk premium rates and floodplain management requirements will be based upon current data.
- (j) Notify the Federal Insurance Administrator in writing of acquisition by means of annexation, incorporation or otherwise, of additional areas of jurisdiction.

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

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

14.64.030 Exemptions and Allowed Activities.

- (a) ~~Nondevelopment-Exempt~~ Activities. ~~The following activities~~ Activities in the regulatory floodplain that do not meet the definition of "development" are exempt activities and do not require a floodplain development permit if the activity meets all other federal, state, and local requirements. ~~The following are examples of activities not considered development:~~
 - (1) Routine maintenance of landscaping that does not involve grading, excavation, and/or filling;
 - (2) Removal of noxious weeds and hazard trees and replacement of nonnative vegetation with native vegetation;
 - (3) Normal maintenance of structures, such as reroofing and replacing siding, provided such work does not qualify as a substantial improvement;
 - (4) Normal maintenance of above ground utilities and facilities, such as replacing downed power lines and utility poles;
 - (5) Normal maintenance of streets and roads including filling potholes, repaving, and/or installing signs and traffic signals, but not including expansion of paved areas;

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

14.64.035 Other Activities.

All other activities not listed in Sections 14.64.030(a) and (b) that are allowed by Chapter 14.44 are allowed, provided they meet all the other requirements of this chapter, including providing a habitat impact assessment pursuant to Section 14.64.055(c) and obtaining a floodplain development permit prior to the activity.

14.64.040 Development Standards.

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

- (1) If a lot has a buildable site out of the regulatory floodplain, when possible, all new structures, impervious surfaces, and other development shall be located in that area.
- (2) If a lot does not have a buildable site out of the regulatory floodplain, all new structures, impervious surfaces, and other development must be sited in the location that has the least impact on habitat by locating the structures, impervious surfaces, and other development as far from the water body as possible and/or placing the structures, impervious surfaces, and other development on the highest land on the lot.
- (3) If the proposed project cannot meet the criteria of subsection (a)(1) or (2) of this section, a habitat impact assessment shall be conducted pursuant to Section 14.64.055(c) and, if necessary, a habitat mitigation plan shall be prepared and implemented pursuant to Section 14.64.055(d), prior to locating structures, impervious surfaces, and other development within the regulatory floodplain.
- (b) Applicants shall design and locate all new structures, impervious surfaces, and other development to minimize the impact on flood flows, flood storage, water quality, and habitat.
 - (1) To the extent feasible, stormwater and drainage features shall incorporate low impact development techniques that mimic predevelopment hydrologic conditions, such as stormwater infiltration, rain gardens, grass swales, filter strips, disconnected impervious areas, permeable pavement, and vegetative roof systems, pursuant to Chapter 11.06.
 - (2) If a project proposes to create new impervious surfaces on more than 10 percent of that portion of the lot in the regulatory floodplain, the applicant shall demonstrate that there will be no net increase in the rate and volume of the stormwater surface runoff leaving the site or mitigate the adverse impacts, pursuant to Chapter 11.06.
- (c) Hazardous Materials. New development shall not create a threat to public health, public safety, and/or water quality. Chemicals, explosives, gasoline, propane, buoyant materials, animal wastes, fertilizers, flammable liquids, pollutants, and other materials that are hazardous, toxic, or a threat to water quality are prohibited from the regulatory floodplain. This prohibition does not apply to small quantities of these materials kept for normal household use, or to the continued operations of existing facilities and structures, reuse of existing facilities and structures, or functionally dependent facilities or structures.
 - (1) If the proposed development cannot meet the criteria of subsection (c) of this section, the applicant must provide a habitat impact assessment pursuant to Section 14.64.055(c) prior to any approval of the proposed development.
- (d) Critical Facilities.
 - (1) To the extent possible, construction of new critical facilities shall be located outside the limits of the regulatory floodplain.
 - (2) Construction of new critical facilities in the regulatory floodplain shall be permissible if no feasible alternative site is available, provided:
 - (i) Critical facilities shall have the lowest floor elevated three feet above the base flood elevation or to the height of the 500-year flood, whichever is higher. If there is no available data on the 500-year flood, the permit applicants shall develop the needed data in accordance with FEMA mapping guidelines.
 - (ii) Access to and from the critical facility shall be protected to the elevation of the 500-year flood.

14.64.045 Construction Standards for Protection of Structures.

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

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

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

(b) Flood Protection Standards.

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

- (iii) Openings may be equipped with screens, louvers, or other coverings or devices; provided, that they permit the automatic entry and exit of floodwaters.
- (c) Nonresidential Construction. New construction and substantial improvement of any commercial, industrial or other nonresidential structure shall be elevated in accordance with subsection (b) of this section. As an alternative to elevation, a new or substantial improvement to a commercial, industrial, or other nonresidential structure and its attendant utility and sanitary facilities may be dry flood-proofed if the following criteria are met:
- (1) The structure is below the flood protection elevation and the structure is watertight with walls substantially impermeable to the passage of water;
 - (2) The structural components are capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; and
 - (3) A registered professional engineer or licensed architect certifies that the design and methods of construction conform to accepted standards of practice for meeting provisions of this subsection based on their development and/or review of the structural design, specifications and plans. The applicant shall provide such certifications with their floodplain development application.
- (4) Upon completion of the structure, certification by a registered professional surveyor that the elevation requirements of the lowest floor, including basement, of this section have been satisfied shall be provided to the Floodplain Administrator for verification; or certification by a registered professional engineer or architect that the floodproofing design of this section is satisfied, including the specific elevation in relation to mean sea level to which such structures are floodproofed, shall be provided to the Floodplain Administrator for verification.
- (d) Manufactured Homes. The placing of all manufactured homes or substantial improvements to existing manufactured homes on sites shall be:
- (1) Elevated on a permanent foundation in accordance with subsection (b) of this section; and
 - (2) Securely anchored to a foundation/foundation system to resist flotation, collapse and lateral movement. Methods of anchoring may include, but are not to be limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to other applicable anchoring requirements for resisting wind forces.
- (3) Upon completion of installation of the manufactured home, certification by a registered professional surveyor that the elevation requirements of this section have been satisfied shall be provided to the Floodplain Administrator for verification.
- (e) Recreational Vehicles. Recreational vehicles placed on sites shall:
- (1) Be on the site for fewer than 180 consecutive days; or
 - (2) Be fully licensed and ready for highway use, on their wheels or jacking system, attached to the site only by quick disconnect type utilities and security devices, and have no permanently attached additions; and/or
 - (3) Meet the requirements of subsection (d) of this section.

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

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

(8) Upon completion of the structure, certification that the requirements of this section have been satisfied shall be provided to the Floodplain Administrator for verification.

(g) Construction of Below-Grade Crawlspace **

- (1) The interior grade of a crawlspace must not be more than two (2) feet below the exterior lowest adjacent grade (LAG).
- (2) The height of the below-grade crawlspace, measured from the interior grade of the crawlspace to the top of the crawlspace foundation wall, must not exceed four (4) feet at any point.
- (3) There must be an adequate drainage system that removes floodwaters from the interior area of the crawlspace. The enclosed area should be drained within a reasonable time after a flood event.
- (4) The velocity of floodwaters at the site should not exceed five (5) feet per second for any crawlspace.

** See FEMA Technical Bulletin 11 for further information.

(h) Utilities.

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

14.64.050 Special Provisions for ~~Subdivisions~~Development Proposals.

- (a) This section applies to all ~~subdivision-development~~ proposals including but not limited to ~~subdivisions, manufactured home parks, subdivisions,~~ short subdivisions, planned developments, and binding site plans per Chapter 14.18 LSMC.
- (b) All proposals shall be consistent with the need to minimize flood damage.
- (c) All proposals shall have utilities and facilities, such as sewer, gas, electrical, and water systems, located and constructed to minimize or eliminate flood damage.
- (d) All proposals shall provide adequate drainage to reduce exposure to flood damage.
- (e) Wherever possible, all proposals shall provide at least one access road connected to land outside the regulatory floodplain with the surface of the road at or above the flood protection elevation.
- (f) Where base flood elevation data has not been provided or is not available from another authorized source, it shall be generated for ~~subdivision-development~~ proposals ~~and other proposed developments which contain at least~~greater than 50 lots or five acres (whichever is ~~the lesser~~).
- (g) The final recorded plat, short plat, or binding site plan shall include a note that a portion of the property contains land within the regulatory floodplain including special flood hazard areas and protected areas, as applicable.

14.64.053 Variances

(a) Variances shall only be issued:

- (1) Upon a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public or conflict with existing local laws or ordinances;
- (2) For the repair, rehabilitation or restoration of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure; **
- (3) Upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief;
- (4) Upon a showing of good and sufficient cause;
- (5) Upon a determination that failure to grant the variance would result in exceptional hardship to the applicant;
- (6) Upon a showing that the use cannot perform its intended purpose unless it is located or carried out in close proximity to water. This includes only facilities defined in LSMC 14.64.060 of this ordinance in the definition of "Functionally Dependent Use."

** Per FEMA P-467-2 (May 2008) Floodplain Management Bulletin Historic Structures and FEMA P-993 (July 2014) Floodplain Management Bulletin Variances and the National Flood Insurance Program, communities have the option of using either the Substantial Improvement Definition exclusion or the Variance criteria per 44CFR 60.6(a) to regulate Historic Structures.

- (b) Variances shall not be issued within any floodway if any increase in flood levels during the base flood discharge would result.
- (c) Generally, variances may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the Base Flood Elevation, provided the procedures found in sections LSMC 14.64.020 and LSMC 14.64.040 through 14.64.050 of this ordinance have been fully considered. As the lot size increases beyond one-half acre, the technical justification required for issuing the variance increases.
- (d) In considering variance applications, the Hearing Examiner shall consider all technical evaluations, all relevant factors, standards specified in other sections of this ordinance, and:
 - (1) The danger that materials may be swept onto other lands to the injury of others;
 - (2) The danger of life and property due to flooding or erosion damage;
 - (3) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
 - (4) The importance of the services provided by the proposed facility to the community;
 - (5) The necessity to the facility of a waterfront location, where applicable;
 - (6) The availability of alternative locations for the proposed use, which are not subject to flooding or erosion damage;
 - (7) The compatibility of the proposed use with existing and anticipated development;
 - (8) The relationship of the proposed use to the comprehensive plan and floodplain management program for that area;
 - (9) The safety of access to the property in time of flood for ordinary and emergency vehicles;
 - (10) The expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters expected at the site; and,
 - (11) The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, water system and streets and bridges.
- (e) Any applicant to whom a variance is granted shall be given written notice over the signature of a community official that:
 - (1) The issuance of a variance to construct a structure below the Base Flood Elevation will result in increased premium rates for flood insurance up to amounts as high as \$25 for \$100 of insurance coverage, and
 - (2) Such construction below the base flood elevation increases risks to life and property; and
 - (3) The Floodplain Administrator shall maintain a record of all variance actions, including justification for their issuance.

14.64.055 Standards for Habitat Protection.

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

(a) Native Vegetation.

- (1) In the riparian habitat zone (required buffers per Chapter 14.88 and the Shoreline Master Program), native vegetation shall be left undisturbed, except as provided in Section 14.64.030.
- (2) Outside the riparian habitat zone, removal of native vegetation shall not exceed 35 percent of the surface area of the portion of the site in the regulatory floodplain. The applicant can count native vegetation in the riparian habitat zone portion of the property (required buffers per Chapter 14.88 and the Shoreline Master Program) toward this requirement.
- (3) If the proposed project does not meet the criteria of Section 14.64.030(a) and (b), the applicant shall provide a habitat impact assessment pursuant to subsection (c) of this section, and, if necessary, a habitat mitigation plan pursuant to subsection (d) of this section, prior to any approval of the proposed project.

(b) Compensatory Storage. New development shall not reduce the effective flood storage volume of the regulatory floodplain. A development proposal shall provide compensatory storage if grading or other activity eliminates any effective flood storage volume. Compensatory storage areas shall:

- (1) Provide equivalent volume at equivalent elevations to that being displaced. For this purpose, "equivalent elevation" means having similar relationship to ordinary high water and to the best available 10-year, 50-year and 100-year water surface profiles;
- (2) Be hydraulically connected to the source of flooding;
- (3) Provide compensatory storage in the same construction season as when the displacement of flood storage volume occurs and before the flood season begins; and
- (4) The newly created storage area shall be graded and vegetated to allow fish access during flood events without creating fish stranding sites.

(c) Habitat Impact Assessment. Unless allowed under Section 14.64.030(a) and (b), a permit application to develop in the regulatory floodplain shall include an assessment of the impact of the project on federal, state and/or locally protected species and habitat, water quality and aquatic and riparian habitat. The assessment shall be one of the following:

- (1) A biological evaluation or biological assessment developed per 50 CFR 402.12 to initiate federal interagency consultation under Section 7(a)(2) of the Endangered Species Act; or
- (2) Documentation that the activity fits within Section 4(d) of the Endangered Species Act; or
- (3) Documentation that the activity fits within a habitat conservation plan approved pursuant to Section 10 of the Endangered Species Act, where any such assessment has been prepared or is otherwise made available; or
- (4) An assessment prepared in accordance with Regional Guidance for Floodplain Habitat Assessment and Mitigation, FEMA Region X, 2010. The assessment shall determine if the project would adversely affect:
 - (i) Species that are federal, state or local listed as threatened or endangered;

- (ii) The primary constituent elements for critical habitat, when designated;
 - (iii) Essential fish habitat designated by the National Marine Fisheries Service;
 - (iv) Fish and wildlife habitat conservation areas, per Chapter 14.88, Part IV, or the Shoreline Master Program Appendix B; and
 - (v) Other protected areas and elements necessary for species conservation.
- (d) Habitat Mitigation Plan.
- (1) If the assessment, conducted under subsection (c) of this section, concludes the project will have an adverse effect on water quality and/or aquatic or riparian habitat or habitat functions, the applicant shall provide a plan to mitigate those impacts, in accordance with Regional Guidance for Floodplain Habitat Assessment and Mitigation, FEMA Region X, 2010.
 - (i) If the project is located outside the protected area, the mitigation plan shall include such avoidance, minimization, restoration, or compensation measures as are appropriate for the situation.
 - (ii) If the project is located in the protected area, the mitigation plan shall stipulate avoidance measures as are needed to ensure that there is no adverse effect during any phase of the project.
 - (2) The proposed project shall incorporate the plan's habitat mitigation activities. The redesigned project and its mitigation components shall be the basis for the floodplain development permit.
 - (3) The Floodplain Administrator shall not issue a certification of use and/or occupancy until the applicant completes all the work identified in the biological evaluation, biological assessment, and/or mitigation plan or provides the necessary assurance to complete unfinished portions of the project, in accordance with Section 14.16A.180.

14.64.060 Definitions

Alteration of watercourse. Any action that will change the location of the channel occupied by water within the banks of any portion of a riverine waterbody.

Appeal. A request for a review of the Floodplain Administrator's interpretation of any provision of this ordinance or a request for a variance.

Area of shallow flooding. A designated Zone AO, AH, AR/AO or AR/AH (or VO) on a community's Flood Insurance Rate Map (FIRM) with a one percent or greater annual chance of flooding to an average depth of one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable, and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

Area of special flood hazard. The land in the floodplain within a community subject to a 1 percent or greater chance of flooding in any given year. It is shown on the Flood Insurance Rate Map (FIRM) as Zone A, AO, AH, A1-30, AE, A99, AR. "Special flood hazard area" is synonymous in meaning with the phrase "area of special flood hazard".

Base flood. The flood having a one percent chance of being equaled or exceeded in any given year.

Base flood elevation (BFE). The elevation to which floodwater is anticipated to rise during the base flood.

Basement. Any area of the building having its floor sub-grade - i.e., below ground level - on all sides.

Building. See "Structure."

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

Development. Any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.

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

Flood or Flooding.

1. A general and temporary condition of partial or complete inundation of normally dry land areas from:
 - a. The overflow of inland or tidal waters.
 - b. The unusual and rapid accumulation or runoff of surface waters from any source.
 - c. Mudslides (i.e., mudflows) which are proximately caused by flooding as defined in paragraph (1)(b) of this definition and are akin to a river of liquid and flowing mud on the surfaces of normally dry land areas, as when earth is carried by a current of water and deposited along the path of the current.
2. The collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding as defined in paragraph (1)(a) of this definition.

Flood elevation study. An examination, evaluation and determination of flood hazards and, if appropriate, corresponding water surface elevations, or an examination, evaluation and determination of mudslide (i.e., mudflow) and/or flood-related erosion hazards.

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

Flood Insurance Rate Map (FIRM). The official map of a community, on which the Federal Insurance Administrator has delineated both the special hazard areas and the risk premium zones applicable to the community. A FIRM that has been made available digitally is called a Digital Flood Insurance Rate Map (DFIRM).

Flood Insurance Study (FIS). See "Flood elevation study".

Floodplain or flood-prone area. Any land area susceptible to being inundated by water from any source. See "Flood or flooding."

Floodplain administrator. The community official designated by title to administer and enforce the floodplain management regulations.

Floodplain management. The operation of an overall program of corrective and preventive measures for reducing flood damage, including but not limited to emergency preparedness plans, flood control works, and floodplain management regulations.

Floodplain management regulations. Zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as floodplain ordinance, grading ordinance and erosion control ordinance) and other application of police power. The term describes such state or local regulations, in any combination thereof, which provide standards for the purpose of flood damage prevention and reduction.

Flood proofing. Any combination of structural and nonstructural additions, changes, or adjustments to structures which reduce or eliminate risk of flood damage to real estate or improved real property, water and sanitary facilities, structures, and their contents.

Floodway. The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height. Also referred to as "Regulatory Floodway."

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

Functionally dependent use. A use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, and does not include long-term storage or related manufacturing facilities.

Highest adjacent grade. The highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

Historic structure. Any structure that is:

1. Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
2. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
3. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of Interior; or
4. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
 - a. By an approved state program as determined by the Secretary of the Interior or
 - b. Directly by the Secretary of the Interior in states without approved programs.

Lowest floor. The lowest floor of the lowest enclosed area (including "Basement"). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than

a basement area is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this ordinance.

Manufactured home. A structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term "manufactured home" does not include a "recreational vehicle."

Manufactured Home Park or Subdivision. A parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

Mean sea level. For purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929 or other datum, to which Base Flood Elevations shown on a community's Flood Insurance Rate Map are referenced.

New construction. For the purposes of determining insurance rates, structures for which the "start of construction" commenced on or after the effective date of an initial Flood Insurance Rate Map or after December 31, 1974, whichever is later, and includes any subsequent improvements to such structures. For floodplain management purposes, "new construction" means structures for which the "start of construction" commenced on or after the effective date of a floodplain management regulation adopted by a community and includes any subsequent improvements to such structures.

One-hundred-year flood or 100-year flood. See "Base flood."

Recreational vehicle. A vehicle which is:

1. Built on a single chassis;
2. 400 square feet or less when measured at the largest horizontal projection;
3. Designed to be self-propelled or permanently towable by a light-duty truck; and
4. Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

Regulatory floodway. See "Floodway".

Sheet flow area. See "Area of shallow flooding".

Special Flood Hazard Area (SFHA). See "Area of special flood hazard".

Start of construction. Includes substantial improvement and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days from the date of the permit. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading, and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling,

floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

Structure. For floodplain management purposes, a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home.

Substantial damage. Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

Substantial improvement. Any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the "start of construction" of the improvement. This term includes structures which have incurred "substantial damage," regardless of the actual repair work performed. The term does not, however, include either:

1. Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions; or
2. Any alteration of a "historic structure," provided that the alteration will not preclude the structure's continued designation as a "historic structure."

Variance. A grant of relief by a community from the terms of a flood plain management regulation.

Violation. The failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in this ordinance is presumed to be in violation until such time as that documentation is provided.

Water surface elevation. The height, in relation to the National Geodetic Vertical Datum (NGVD) of 1929, or other datum, of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas.

Attachment 3a



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

SEPA ENVIRONMENTAL CHECKLIST **UPDATED 2014**

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:

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

1. Name of proposed project, if applicable:

Amendments to the City of Lake Stevens Municipal Code – Floodplain Regulations

2. Name of applicant:

City of Lake Stevens

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

Russ Wright

City of Lake Stevens
1812 Main Street / PO Box 257
Lake Stevens, WA 98258

425-622-9424

4. Date checklist prepared:

March 23, 2020

5. Agency requesting checklist: **City of Lake Stevens**

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

SEPA Determination: April 20, 2020

Dates listed below are tentative and subject to change:

Planning Commission Public Hearing: May 19, 2020

City Council Public Hearing (1st Reading and Adoption): June 9, 2020

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

Not at this time

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

Federal Emergency Management Agency (FEMA), Department of Ecology (DOE), and National Marine Fisheries Service (NMFS) Community Assistance Visit (CAV) document.

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

The City has miscellaneous residential permits under review vested to the current floodplain regulations on Lake Stevens. After adoption, new development will follow the updated regulations.

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

City Council approval and Department of Commerce review

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

The City of Lake Stevens is proposing amendments to Chapter 14.64 and 14.08 and potentially 14.88 of the Lake Stevens Municipal Code as needed to update to the city's existing floodplain regulations that incorporate proposed changes from a 2020 FEMA review and updates to the model ordinance. The proposed amendments affect properties abutting Lake Stevens and a portion of Catherine Creek inside city limits.

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

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

B. ENVIRONMENTAL ELEMENTS

1. Earth

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

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

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

Not applicable – This nonproject action affects all properties located within Special Flood Hazard Areas.

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

The city contains the following soil series:

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

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

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

☒ yes ☐ no

If so, describe.

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

- e. Describe the purpose, type, total area, and approximate quantities and total affected area of any filling, excavation, and grading proposed. Indicate source of fill.

Not applicable, this is a Non-project action

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

Not applicable, this is 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)?

Not applicable, this is a Non-project action

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

Not applicable, this is a Non-project action

2. Air

- 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.

Not applicable, this 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.

Not applicable, this is a Non-project action

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

Not applicable, this is a Non-project action

3. Water

- 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.

☒ yes ☐ no

If appropriate, state what stream or river it flows into.

The City of Lake Stevens has several bodies of water including Lake Stevens, Catherine Creek, Stevens Creek, Lundeen Creek, Stitch Lake and associated wetland complexes. Catherine Creek flows into Little Pilchuck Creek.

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

Not applicable, this is 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.

Not applicable, this is a Non-project action

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

Not applicable, this is a Non-project action

- 5) Does the proposal lie within a 100-year floodplain? If so, note location on the site plan.

☒ yes ☐ no

If so, note location on the site plan.

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

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

Not applicable, this is 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.

Not applicable, this is 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.

Not applicable, this is a Non-project action

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.

Not applicable, this is a Non-project action. However, many streams exist in the city and UGA that run into Lake Stevens and Catherine Creek eventually into the Little Pilchuck Creek. The storm drains collect water and discharge into various ditches and streams and eventually reach the lake or the Pilchuck River.

- 2) Could waste materials enter ground or surface waters? If so, generally describe.

Not applicable, this is a Non-project action

- 3) Does the proposal alter or otherwise affect drainage patterns in the vicinity of the site? If so, describe.

Not applicable, this is a Non-project action

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

Not applicable, this is a Non-project action

4. Plants

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

The following vegetation types are found within the boundaries of the City of Lake Stevens:

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

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

Not applicable, this is a Non-project action

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

Not applicable, this is a Non-project action

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

Not applicable, this is a Non-project action

- e. List all noxious weeds and invasive species known to be on or near the site.

Himalayan Blackberry, Holly and English Ivy are known to be present within the boundaries of the City of Lake Stevens. Other noxious weeds or invasive species may be present on a case-by-case basis.

5. Animals

- 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. Examples include:

Birds: hawk, heron, eagle, songbirds, other: various picidae species, various corvidae species, various waterfowl species

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

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

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

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

- c. Is the site part of a migration route? If so, explain.

☒ yes ☐ no

If so, explain.

The City of Lake Stevens is located within the Pacific flyway and salmonid migratory routes.

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

Not applicable, this is a Non-project action. However, the proposed regulations protect wildlife and habitat and comply with the Endangered Species Act.

- e. List any invasive animal species known to be on or near the site.

Grey squirrels are the only known invasive animal species within the boundaries of the City of Lake Stevens.

6. Energy and natural resources

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

Not applicable, this is a Non-project action

- b. Would your project affect the potential use of solar energy by adjacent properties? If so, generally describe.

Not applicable, this is 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:

Not applicable, this is a Non-project action

7. Environmental health

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

Not applicable, this is a Non-project action

- 1) Describe any known or possible contamination at the site from present or past uses.

Not applicable, this is 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.

Not applicable, this is 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.

Not applicable, this is a Non-project action

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

Not applicable, this is a Non-project action

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

Not applicable, this is a Non-project action

b. Noise

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

Not applicable, this is a Non-project action

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

Not applicable, this is a Non-project action

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

Not applicable, this is a Non-project action

8. Land and shoreline use

- 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.

The city of Lake Stevens includes a variety of urban land uses including residential, commercial, office, industrial and public.

- b. Has the project site been used as working farmlands or working forest lands?

☒ yes ☐ no

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?

Some parcels within the city of Lake Stevens were likely used for agriculture in the past. Currently, some larger parcels include fruit trees and may still have farm animals. This is a non-project action and no farmland or forest land of long-term commercial significance exist within the city boundaries of Lake Stevens, therefore no tax status conversion is expected.

- 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:

Not applicable, this is a Non-project action

- c. Describe any structures on the site.

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

- d. Will any structures be demolished? If so, what?

Not applicable, this is a Non-project action. Demolition may occur at the time of development.

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

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

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

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

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

The city's Shoreline Master Program has the following Environment Designations: Aquatic, Natural, High Intensity, Urban Conservancy, and Shoreline Residential.

- h. Has any part of the site been classified as a critical area by the city or county? If so, specify.

☒ yes ☐ no

The proposed regulations amend the current floodplain regulations to better protect ESA species and their habitats and functions. The city of Lake Stevens includes a variety of critical areas including streams, wetlands, fish and wildlife habitat conservation areas, flood hazard areas and geologically hazardous areas.

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

Not applicable, this is a Non-project action

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

Not applicable, this is a Non-project action

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

Not applicable, this is a Non-project action

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

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

- m. Proposed measures to ensure the proposal is compatible with nearby agricultural and forest lands of long-term commercial significance, if any:

There are no agricultural or forest lands of long-term commercial significance located within the city boundaries of Lake Stevens.

9. Housing

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

Not applicable, this is a Non-project action

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

Not applicable, this is a Non-project action

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

Not applicable, this is a Non-project action

10. Aesthetics

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

Not applicable, this is a Non-project action

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

Not applicable, this is a Non-project action

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

Not applicable, this is a Non-project action

11. Light and glare

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

Not applicable, this is a Non-project action

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

Not applicable, this is a Non-project action

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

Not applicable, this is a Non-project action

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

Not applicable, this is a Non-project action

12. Recreation

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

The City of Lake Stevens includes a variety of recreational facilities including the lake, city and county parks, schools, athletic fields, and the Centennial Trail.

- b. Would the proposed project displace any existing recreational uses? If so, describe.

Not applicable, this is 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:

Not applicable, this is a Non-project action

13. Historic and cultural preservation

- 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 located on or near the site? If so, specifically describe.

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

- b. 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.

Not applicable, this is a Non-project action

- 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.

Not applicable, this is a Non-project action.

- 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.

Not applicable, this is a Non-project action

14. **Transportation**

- 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.

The city of Lake Stevens includes several major roads including highways SR-9, SR-92, and SR-204. Major roads through the city include Vernon, Lundeen Parkways, 20th Street NE and 20th Street SE.

- b. Is the site or affected geographic area currently served by public transit?

☒ yes ☐ no

If so, generally describe. If not, what is the approximate distance to the nearest transit stop?

Community Transit of Snohomish County provides transit service to select areas of Lake Stevens.

- c. How many additional parking spaces would the completed project or non-project proposal have? How many would the project or proposal eliminate?

Not applicable, this is 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).

Not applicable, this is 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.

Not applicable, this is a Non-project action

- 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?

Not applicable, this is 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.

Not applicable, this is a Non-project action

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

Not applicable, this is a Non-project action

15. Public services

- 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.

Not applicable, this is a Non-project action

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

Not applicable, this is a Non-project action

16. Utilities

- a. Circle utilities currently available at the site: electricity, natural gas, water, refuse service, telephone, sanitary sewer, septic system, other:

☒ Electricity

☒ Natural gas

☒ Water

☒ Refuse service

☒ Telephone

☒ Sanitary sewer

☒ Septic system

☐ Other (list)

- 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.

Not applicable, this is a Non-project action

C. SIGNATURE

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

Signature: *Russ Wright* _____

Name of signee: Russ Wright _____

Position and Agency/Organization: Community Development Director _____

Date Submitted: March 23, 2020

D. SUPPLEMENTAL SHEET FOR NONPROJECT ACTIONS

(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 discharge to water; air emissions; production, storage, or release of toxic or hazardous substances, or production of noise. As noted, the proposed code amendments update the city's existing floodplain regulations and incorporate elements from the model ordinance and FEMA's review to ensure consistency.

Proposed measures to avoid or reduce such increases are:

The proposed regulations help protect ecological functions and address specific mitigation for possible development impacts.

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

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

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

The proposed regulations are intended to positively impact plants, animals, fish, or marine life by protecting and increasing the quality of habitat.

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

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

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

Any proposed development will be required to comply with applicable regulations to protect or conserve energy and natural resources.

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

The proposal aims to better protect floodplains and endangered species habitat.

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

Prior to development, projects will be required to follow all applicable federal, state, and local regulations to protect critical areas and cultural resources.

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

As noted, the proposed code amendments update the city's existing floodplain regulations and incorporate elements from the FEMA model ordinance to ensure consistency with the Endangered Species Act.

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

Any future development proposals within the special flood hazard area of Lake Stevens will be required to comply with the City's floodplain regulations.

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

The proposal is not likely to increase demands on transportation or public services and utilities.

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

Any future development proposals will be required to submit a traffic impact analysis report and comply with applicable transportation, public service and utility requirements.

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

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

Attachment 3b



SEPA DETERMINATION OF NONSIGNIFICANCE

Issuance Date: April 20, 2020

Project Name (No.): City of Lake Stevens Floodplain Regulations Update

Proponent: City of Lake Stevens

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

Description of Proposal: The City of Lake Stevens is proposing amendments to Chapter 14.64 and 14.08 of the Lake Stevens Municipal Code with potential changes to Chapter 14.88 LSMC. The proposed code amendments to LSMC 14.08 *Definitions* and Chapter 14.64 *Special Flood Hazard Areas and Regulatory Floodplain* are an update to the city's existing floodplain regulations that incorporate proposed changes from FEMA's review to ensure consistency with current model ordinance. The proposed amendments affect properties abutting Lake Stevens and a portion of Catherine Creek inside city limits.

Project Location (including street address, if any): Within City Limits of Lake Stevens

Contact Person: Russ Wright, Community Development Director **Phone:** (425) 622-9424

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*

Russ Wright, Community Development Director, City of Lake Stevens

Comments on the Threshold Determination: If you would like to comment on this Threshold Determination, your written comments should be sent to the address below by **May 4, 2020 (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, **May 4, 2020 (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: Russ Wright.



Attachment 4a

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

04/20/2020

Mr. Russell Wright
Community Development Director
City of Lake Stevens
1812 Main Street
Post Office 257
Lake Stevens, WA 98258-0257

Sent Via Electronic Mail

Re: City of Lake Stevens--2020-S-1350--Request for Expedited Review / Notice of Intent to Adopt Amendment

Dear Mr. Wright:

Thank you for sending the Washington State Department of Commerce (Commerce) the Request for Expedited Review / Notice of Intent to Adopt Amendment as required under [RCW 36.70A.106](#). We received your submittal with the following description.

The City of Lake Stevens is proposing amendments to Chapter 14.64 and 14.08 of the Lake Stevens Municipal Code with potential changes to Chapter 14.88 LSMC. The proposed code amendments to LSMC 14.08 Definitions and Chapter 14.64 Special Flood Hazard Areas and Regulatory Floodplain are an update to the city's existing floodplain regulations that incorporate proposed changes from FEMA's review to

We received your submittal on 04/17/2020 and processed it with the Submittal ID 2020-S-1350. Please keep this letter as documentation that you have met this procedural requirement. Your 60-day notice period ends on 06/16/2020.

You requested expedited review under [RCW 36.70A.106\(3\)\(b\)](#). We have forwarded a copy of this notice to other state agencies for expedited review and comment. If one or more state agencies indicate that they will be commenting, then Commerce will deny expedited review and the standard 60-day review period (from date received) will apply. Commerce will notify you by e-mail regarding of approval or denial of your expedited review request. If approved for expedited review, then final adoption may occur no earlier than fifteen calendar days after the original date of receipt by Commerce.

If you have any questions, please contact Growth Management Services at reviewteam@commerce.wa.gov, or call Michelle Whitfield, (360) 725-3053.

Sincerely,

Attachment 4b

From: [COM GMU Review Team](#)
To: [Russell Wright](#)
Subject: City of Lake Stevens - Expedited Review Request Granted for Submittal ID: 2020-S-1350
Date: Monday, May 4, 2020 8:24:13 AM

Dear Mr. Wright,

Your request for an Expedited Review has been granted for: The City of Lake Stevens is proposing amendments to Chapter 14.64 and 14.08 of the Lake Stevens Municipal Code with potential changes to Chapter 14.88 LSMC. The proposed code amendments to LSMC 14.08 Definitions and Chapter 14.64 Special Flood Hazard Areas and Regulatory Floodplain are an update to the city's existing floodplain regulations that incorporate proposed changes from FEMA's review to

As of receipt of this email, you have met the Growth Management notice to state agency requirements in RCW 36.70A.106 for this submittal. Please keep this email as confirmation.

~~~ ONLINE TRACKING SYSTEM AVAILABLE ~~~~

Log into our new PlanView system at <https://secureaccess.wa.gov/com/planview> where you can keep up with this submittal status, reprint communications and update your contact information.

Don't have a user account? Reply to this email to request one and attach a completed PlanView User Request Form.

Have questions about using PlanView? Use the PlanView User Manual for assistance at <https://www.commerce.wa.gov/serving-communities/growth-management/washington-department-of-commerce-growth-management-submitting-materials/>.

Sincerely,

Review Team  
Growth Management Services



Attachment 5

AFFIDAVIT OF NOTICE

Project Name: FEMA Floodplain Regulations  
Project Number: LUA 2020-0062  
Type of Notice: Public Hearing

| <u>Place Posted</u>  | <u>Date Posted</u>         | <u>Signature</u> |
|----------------------|----------------------------|------------------|
| 1. Property          | <u>Ø</u>                   | <u>Ø</u>         |
| 2. City Hall         | <u>5/4/2020</u>            | <u>Ø</u>         |
| 3. Planning          | <u>5/4/2020</u>            | <u>Ø</u>         |
| 4. Everett Herald    | <u>5/6 &amp; 5/18/2020</u> | <u>Ø</u>         |
| 5. Mailings          | <u>Ø</u>                   | <u>Ø</u>         |
| 6. Website           | <u>5/12/2020</u>           | <u>Ø</u>         |
| 7. Distribution List | <u>Ø</u>                   | <u>Ø</u>         |
| 8. Parties of Record | <u>Ø</u>                   | <u>Ø</u>         |