



# **CRITICAL AREAS PROTECTION & DEVELOPMENT FAQs**

## **PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT**

Planning & Community  
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Office Hours  
Monday - Friday  
8:00am - 5:00pm  
Plan Submittal  
Accepted till 4:30pm

Municipal Code  
Available online:  
<http://www.codepublishing.com/WA/LakeStevens/>

### **What is a Critical Area?**

Critical Areas are landforms such as wetlands and streams that perform essential ecological functions that can reduce flood damage, improve water quality and provide fish and wildlife habitat. Critical areas may also be geologically hazardous areas subject to natural hazards e.g., landslides, seismic events, and soil erosion. See **Chapter 14.88 LSMC** for details.

### **How does a Critical Area affect development of my property?**

Critical areas, protected under city and state regulations, cannot be developed typically. When applying for a development application, the city may require a site analysis and report to determine if the proposed development or land use will affect the critical area. Critical area regulations are found in Chapter 14.88 of the Lake Stevens Municipal Code.

### **What is the permitting process for projects that affect Critical Areas?**

A critical area review will take place concurrently with the underlying application. Upon receipt of a site specific critical areas report and other required information, the city may have its environmental consultant review the report, for compliance with the code, at the applicant's expense. Upon permit approval, the applicant will need to place the critical area in a special tract or in a Native Growth Protection Area to be recorded with Snohomish County. The applicant will also need to install signs and fencing to mark the edge of the critical area buffer.

### **Will mitigation be required for a project affecting a Critical Area?**

If the proposal affects the critical area or its buffers, the city will require a mitigation plan that outlines appropriate enhancements to offset development impacts per **LSMC 14.88.275**. Mitigation plans should address impacts and result in a no-net-loss of the ecological function for the critical area and its buffer. The plan must consider land acquisition, construction, maintenance and monitoring. When mitigation is required, the city will require the applicant to submit a financial security prior to permit approval to ensure the completion of required actions.

### **What maintenance and monitoring activities are required?**

Applicants must maintain and monitor mitigation projects for five years to ensure that the performance standards identified in the mitigation plan have been met. Maintenance activities may include watering, removing weeds and plant replacement.

The applicant must submit regular monitoring reports prepared by a qualified professional that documents project status per **LSMC 14.88.277** according to the following schedule:

- 1) At the time of construction;
- 2) 30 days after planting;
- 3) Twice yearly for the first two years (one report early in the growing season and one at the end of the growing season); *and*
- 4) Annually thereafter for a total of five growing seasons.

The city may extend the monitoring period for mitigation projects to ensure that the required performance standards are met. After the performance standards have been met, the security bond will be released following the standards set out in **LSMC 14.88.278**.

***This brochure is for informational purposes only and is not intended to replace adopted rules and policies of the City of Lake Stevens. Please consult Title 14 of the Lake Stevens Municipal Code or the Planning and Community Development Department or actual regulations and requirements.***

Revised 11/19/12



# Critical Areas Protection & Development Checklist

**Project File Number:** \_\_\_\_\_

**Accepted By:** \_\_\_\_\_

**Project Name:** \_\_\_\_\_

**Date:** \_\_\_\_\_

The city identifies the location of critical areas through a review of a citywide critical areas inventory and other applicable sources. Once city staff determines that a critical area exists, they consider development standards and associated impacts to critical areas during the review process for development applications per **Chapter 14.88 LSMC**.

For the city to accept an application as complete, applicants must submit the following information:

## Required Submittal Items

Applicant / Staff Verify

- /  Completed Application Form
- /  Preliminary Site Plan
- /  Draft SEPA Environmental Checklist (if determined applicable)
- /  Critical Area Checklist
- /  Site/Resources Specific Report(s) per **LSMC 14.88.270**
- /  Intake Fee (consultant estimate plus an additional 10% of cost)
- /  Other materials required by Planning Director (see permit requirements for mandatory pre-application reviews)

## Report Requirements

Applicant / Staff Verify

- /  The report must be prepared by a qualified professional (e.g., biologist, geotechnical engineer, etc.) using the best available science per **LSMC 14.88.270**
- /  Site Description that details environmental limitations, critical area type(s), buffers, setbacks, signs/ fencing, etc.
- /  Mitigation/Enhancement Plan per **LSMC 14.88.275** (as applicable)
  - /  Data collection/methodology       /  Contingency plan
  - /  Goals and objectives                       /  Progress assessment
  - /  Performance standards                       /  Ecological assessment
  - /  Site Plan     /  Suitability for proposed mitigation
- /  Maintenance/Monitoring Plan per **LSMC 14.88.277** (as applicable)
- /  Performance and maintenance security per **LSMC 14.88.278** (as applicable – bond not required at time of application)
- /  Method of permanent protection per **LSMC 14.88.290**
  - /  Native Growth Protection Area with Critical Areas Site Plan for most developments
  - /  Non-Buildable Critical Areas Tract for subdivisions
- /  Any other information applicable to the individual critical area, development, or site