

PLANNING COMMISSION MEETING AGENDA



City of Lake Stevens Vision Statement

We are a thriving community that promotes a vibrant economy, preserves natural beauty, and supports an exceptional quality of life for all.

February 19, 2025 - 6:00 PM
HYBRID via Zoom or at the Mill
Join Zoom Meeting: [Zoom Link](#)
or call in at: 253-215-8782 Meeting ID: 85655495736

1. **Call to Order**
2. **Roll Call**
3. **Guest Business**
4. **Action Items**
 - A. Approve minutes of Planning Commission Public Hearing Meeting of February 5, 2025.
5. **Discussion Items**

A. Introduction to Concurrency and Overview of the Streets and Parking Update	Christi Schmidt
B. 2025 Comprehensive Plan Docket Introduction	David Levitan
C. 2025 Critical Areas Ordinance Update Introduction	David Levitan
6. **Commissioner Report**
7. **Planning Director's Report**
8. **Adjourn**

THE PUBLIC IS INVITED TO ATTEND

The City of Lake Stevens strives to provide accessible opportunities for individuals with disabilities. Please contact Human Resources, City of Lake Stevens ADA Coordinator, (425) 622-9400, at least five business days prior to any City meeting or event if any accommodations are needed. For TDD users, please use the state's toll-free relay service, (800) 833-6384, and ask the operator to dial the City of Lake Stevens City Hall number.

PLANNING COMMISSION MEETING MINUTES



HYBRID/REMOTE AND IN PERSON AT CITY HALL

February 5, 2025

CALL TO ORDER: 6:00 PM by Chair Janice Huxford

MEMBERS PRESENT: (via Zoom due to weather) Commissioner Bruce Morton, Commissioner Michael Duerr, Commissioner Jennifer Davis, Commissioner Nathan Packard, Commissioner Connor Davis, Council Liaison Ryan Donoghue

MEMBERS ABSENT: No members were absent

STAFF PRESENT: Community Development Director Russ Wright (via Zoom at City Hall Conference Room A), Senior Planner David Levitan, Planning Manager Christi Schmidt, Administrative Assistant Dawn Erickson (via Zoom)

OTHERS PRESENT: No additional attendees

Chair Huxford called the meeting to order at 6:00 p.m. and led the Pledge of Allegiance.

Roll Call: All members present.

Guest business: None.

Approval of Minutes: The minutes of the Special Meeting of January 8, 2025, were approved as written. Commissioner Duerr made the motion, and Commissioner Connor Davis seconded; the motion carried unanimously.

Opening Public Comment: Commissioner Packard moved, and Commissioner Connor Davis seconded, to open the public hearing; the motion passed unanimously. No community members were present in person or on Zoom at the time, so Chair Huxford chose to defer closing public comment to provide additional time for people to arrive or join the meeting.

Discussion Items: Senior Planner Levitan stated that the first topic of tonight's meeting was to review some minor technical edits to the Comprehensive Plan made necessary after some comments from the Department of Commerce regarding the need for additional quantitative analysis to establish capacity for emergency housing (304 beds over the next 20 years). He stated that tonight's ask would be to request a recommendation to City Council from Commissioners to modify Ordinance 1188 to reflect these changes.

After discussion regarding:

- the methodologies used for the Land Capacity Analysis (LCA),

- whether or not the changes were requested or required (these changes are required),
- confirmation that any potential barriers would have ample opportunity for public discussion,
- AMI (average median income) calculation methodology for the city compared to the region as a whole,
- Land affordability and permitting/regulatory costs,
- The fact that all parties of record were notified of these changes, and no written comments were received,

Commissioner Morton moved to close public comment; Commissioner Packard seconded the motion, and it was passed unanimously. Public comment was closed.

Commissioner Morton then moved, with Commissioner Jennifer Davis seconding, that the Planning Commission recommend that the City Council amend Ordinance 1188 to include the technical edits to the Housing section (Chapter 3) of the Comprehensive Plan. The motion passed unanimously.

The next topic on the agenda was some educational information for Commissioners to help clarify the Planning Commission's and City Council's duties. Topics included:

- Legislative vs. Quasi-Judicial involvement
- The Open Public Meetings Act (RCW 42.30)
- Laws and regulations, including the Growth Management Act (state), Vision 2050 (PSRC), Countywide Planning Policies (county) and the local Comprehensive Plan (cities) and,
- Comprehensive Plan development and implementation.

Director Wright clarified that one of the slides indicated that the Planning Commission was involved in Development Agreements, which is not the case.

Commissioner Reports:

Commissioner Packard announced that he would be running for City Council this fall. Commissioner Jennifer Davis stated that the city website's currently active map of snowplow activity was extremely helpful and a great service to the community. No additional reports.

Director's Report:

Director Wright credited the Public Works and GIS staff with the snow plowing map. He then shared Planning & Community Development's 2024 Annual Report with the Commissioners and reviewed some of the year's highlights. He also provided a look ahead for future meetings. He recommended that the Planning Commission meet on 2/19/25. It was decided that the group would meet on that date.

Planning Manager Christi Schmidt advised the group that our Principal Planner, Melissa Place, will be leaving the City of Lake Stevens this Friday. She encouraged anyone who would like to reach out and wish her well to do so.

Adjourn: Commissioner Packard moved to adjourn the meeting at 7:27 p.m., seconded by Commissioner Duerr. The motion carried unanimously

Respectfully,

Dawn Erickson, Administrative Assistant

PLANNING COMMISSION STAFF REPORT



Agenda Date: 2/19/2025

Subject: Introduction to Concurrency and Overview of the Streets and Parking Update

Contact Person/Department: Christi Schmidt, Community Development

Budget Impact:

Legal Review: No

RECOMMENDATION(S)/ACTION REQUESTED:

No formal action or decision is required. Hold a work session on concurrency and provide input on the proposed changes to the streets and parking regulations and public outreach process.

SUMMARY/BACKGROUND:

In 2024 the Planning Commission worked on the periodic update to the comprehensive plan. As part of the requirement to update the comprehensive plan, the city updated and adopted the level-of-service standards (LOS) for general government services, police services, roads, [multi-modal travel](#), and parks while special purpose districts provide all other services and utilities as identified in Chapter 7, Public Utilities and Services Comprehensive Plan Element. The city is unique in the fact that we are not purveyors, and the city is served by multiple special purpose districts consisting of two school districts (Lake Stevens and Snohomish), wastewater (Lake Stevens Sewer District), potable water (Snohomish Public Utility District), library (Sno-Isle Rual Library District), fire prevention, suppression and emergency medical services (Snohomish Regional Fire and Rescue) and all other utility services. The city adopts the services districts capital plans and LOS within the comprehensive plan. City staff coordinates closely with the special purpose districts during the land use review process to ensure the LOS are maintained and adequate service are available.

The [GMA](#) specifically requires that transportation improvements or strategies to accommodate development impacts need to be made concurrently with land

development. Concurrency is a term defined by the State and is used to describe the regulatory mechanism for determining if a development proposal meets the concurrency provisions of the comprehensive plan and to ensure that public facilities are available to support the development's impact at adopted levels of service, or within a specified time thereafter per the [LSMC 14.110, Concurrency Management Systems](#) and [WAC 365-196-840](#). Concurrency ensures consistency in land use approval and the development of adequate public facilities as plans are implemented, and it prevents development that is inconsistent with the public facilities necessary to support the development.

Concurrent with the development is defined by the GMA to mean that any needed "improvements or strategies are in place at the time of development, or that a financial commitment is in place to complete the improvements or strategies within six years" ([RCW 36.70A.070\(6\)\(b\)](#)). The [Capital Facilities Element](#) establishes the capital improvements needed to satisfy the future planning horizon for twenty years to maintain adopted level of service standards. In addition, the Capital Improvement Plan provides a six-year financing plan for funded capital expenditures to be incurred on a year-by-year basis. It is based on priority improvements considering, the forecasted revenue over the next six years from various sources, including impact fees. With the completion of the comprehensive plan update the next step is for the city to update the regulatory framework to be consistent with the policies and LOS established.

Staff has identified the following regulations to be updated to be compliant and consistent with the comprehensive plan to implement concurrency or adequate facilities are in place at the time of the development. The Lake Stevens Municipal Code (LSMC) Chapters listed below have only had minor updates that have occurred over the years since the original codification, see dates cited below for each chapter. The purpose of the update is to meet regulatory compliance as well as integrate in best practices for design or administration based on changes in fire requirements, local regulations and state law. The city has contracted with Transpo to assist with the technical aspects of the regulatory updates.

Regulations and Standards to be Updated

- LSMC 14.38 Subarea Plans – last revised in 2021, 2018 (minor updates) and codified in 2012
- LSMC 14.56 Streets and Sidewalks – last revised in 2019 (minor updates) codified in 1995
- LSMC 14.72 Parking – last revised in 2019 (minor updates) codified in 1995
- LSMC 14.110 Concurrency Management System last revised in 2018 (minor updates) codified in 2010
- LSMC 14.112 Traffic Impact Mitigation Fees – last revised 2016 and codified in 2012

- Engineering, Design and Development Standards (EDDS) – last revised in May 2009
- Traffic Impact Fee Program Developer Worksheet -last revised in September 2024 (formula revision for clarify)
- LSMC 14.120 Park Impact Mitigation Fees – last revised in 2016 and codified in 2009 and to be revised after the 2025 docket

Summary of Proposed Updates

The purpose of these amendments is to provide a holistic review of the code chapters above to:

- Clarify administrative process and procedures for each chapter
- Ensure street standards align with the EDDS and industry standards
- Remove regulatory requirements from EDDS and locate in the LSMC
- Make certain parking standards align with industry standards and support the subareas regulations
- Emphasize low impact development and sustainable development where possible to improve street safety, multi-modal transportation, smaller roadways, integrated drainage, road diets, etc.
- Identify standards, exceptions and flexibility that balance aesthetics and property rights
- Provide private road standards
- Refine concurrency standards to be complaint with LOS standards in the comprehensive plan
- Incorporate industry best practices for multimodal street and sidewalk standards
- Update traffic impact fee methodology and latest ITE trip generation data

Public Outreach Component

Looking for feedback from the planning commission on what types of public outreach is most effective along with a suggested list of stakeholders such as fire, public works, utilities, police, master builders, cascade bicycle club, school districts, community transit and Snohomish land conservancy to provide a balanced scope of who uses city roads and get their input and concerns. The intent is to get meaningful feedback, not just "want a route around the lake" but also input on typical street sections. Suggested formats to obtain feedback are:

- Take a community survey(s) regarding parking and road design
- Coordinate a subcommittee of interested parties that cover all facets of the community and users
- Community meeting
- Planning commission open house

Discussion Items

At the meeting Staff will provide a power point presentation to talk about:

1. Concurrency overview
2. Summary of proposed revisions to each regulatory document
3. Recommended public outreach formats
4. Suggested stakeholders

Next Steps

Staff will bring for edits to the LSMC 14.110 Concurrency Management System and a discussion on parking ratios and best practices. This will be the first chapter before the planning commission for a work session. The intent is to have this project completed within 6-8 months or by the end of August 2025.

Attachments:

Attachment 1 - Code Revision Work Program

Attachment 2 - Summary of LSMC 14.110 Concurrency Management Systems

Attachment 3 - Summary of LSMC 14.110 Concurrency Management Systems

APPLICABLE CITY POLICIES:

ATTACHMENTS:

1. Attachmnet 1- Code Revision Work Program Streets and Parking
2. Attachment 2 - Summary of LSMC 14.112 Traffic Mitigation Impact Fees
3. Attachment 3 - Summary of LSMC 14.110 Concurrency Management System

City of Lake Stevens Code Revision Work Program
Code Amendments for Streets and Sidewalks (Chapter 14.56), Parking (14.72), Subareas (14.38) and Concurrency (14.110) and
Traffic Impact Fees (14.112)

	[Streets / Sidewalk and Parking / NO. 2024-XX] Draft Regulations							
ACTIVITY	OCTOBER	NOVEMBER	DECEMBER	JANUARY	FEBRUARY	MARCH	MAY	JUNE
Hire Consultant		30-days						
Research		30 – 60 days						
Draft Code Amendments				30 – 60 days				
Draft Ordinances					14-days			
Attorney Review							7 Days Before Hearing	
Prepare & Issue SEPA (comment/appeal)					14-day review			
Commerce Review					60-day review			
Publish Notice Planning Commission Public Hearing							Notice Twice – 1 st notice 10 Days Before Hearing	PC Public Hearing 1 st Reading
Planning Commission Review (B-briefing; PH-public hearing)			PC Briefing	PC Briefing	PC Briefing		PC Briefing	
Publish Notice City Council Public Hearing								Notice Twice – 1 st notice 10 Days Before Hearing
City Council Briefings & Workshops (B-briefing; PH-public hearing)				CC Briefing			CC Briefing	
City Council Public Hearing, 1 st Reading								DATE (PH) 1 st Reading
City Council Public Hearing, 2nd & Final Reading								DATE (PH) 2 nd Reading if needed
Effective date								Code Revisions Effective -5 Days After Publication

*Purpose: Update the city's streets / sidewalk, parking, subareas, concurrency and traffic impact fees chapters for inclusion in the Lake Stevens Municipal Code.



Staff Report City of Lake Stevens Planning Commission

February 19, 2025

Subject: Summary of LSMC 14.112 Traffic Mitigation Impact Fees

Contact Person/Department: Christi Schmidt, Planning Manager

ACTION REQUESTED: No formal action is required. Staff will provide an overview of the chapter purpose and key areas to be updated.

BACKGROUND/ HISTORY:

The LSMC Chapter 14.112 outlines how to determine if a development proposal meets concurrency rules and ensures public facilities can handle the impact. Please see the main purpose of the chapter below with a summary of each section addresses.

- **Purpose:** This chapter sets up rules to check if a development proposal aligns with the Comprehensive Plan and ensures public facilities can support the development at approved service levels.
- **Applicability:** The rules apply to all development approval applications filed after the effective date, changes in occupancy, and building reconstructions that increase demand on public facilities.
- **Exemptions:** Developments with no measurable impact on transportation or parks facilities, and certain permits and decisions, are exempt from these requirements.
- **Level of Service Standards:** All transportation facilities must meet the multimodal LOS as per the Comprehensive Plan, with specific standards for vehicular, active transportation, and transit LOS.
- **Relation to SEPA:** This chapter sets minimum standards for transportation, parks, and sewer improvements and does not replace SEPA requirements.
- **Administration:** The Directors of Public Works and Planning and Community Development are responsible for administering this chapter, including application requirements and monitoring.
- **Review of Development Proposals:** Development proposals are reviewed to determine their impact on public facilities. A certificate of concurrency is issued if the project meets the adopted LOS standards.

- **Meeting Concurrency:** If a project doesn't meet the LOS standards, the developer can reduce the project size, delay the project, or design and build necessary facilities.
- **Design and Construction Requirements:** If developers choose to build necessary facilities, they must meet specific requirements, including obtaining City approval and ensuring the improvements comply with SEPA.
- **Fees and Appeals:** The City charges fees for concurrency determinations and allows appeals of requirements imposed by this chapter.

NEXT STEPS:

City staff is currently finalizing a recommendation memorandum and draft revisions to this chapter with the city's consultant Transpo which will be presented at the next meeting.



Staff Report City of Lake Stevens Planning Commission

February 19, 2025

Subject: Summary of LSMC 14.110 Concurrency Management Systems

Contact Person/Department: Christi Schmidt, Planning Manager

ACTION REQUESTED: No formal action is required. Staff will provide an overview of the chapter purpose and key areas to be updated.

BACKGROUND/ HISTORY:

LSMC Chapter 14.110 outlines the Concurrency Management System, detailing how development proposals are assessed for their impact on public facilities and ensuring they meet adopted levels of service.

- **Purpose:** This chapter ensures that development proposals meet the concurrency provisions of the Comprehensive Plan and that public facilities support the development's impact at adopted levels of service.
- **Applicability:** The chapter applies to all development approval applications filed after its effective date, changes in occupancy that increase demand on public facilities, and reconstruction of buildings that increase trips, housing units, or sewage demand.
- **Exemptions:** Developments with no measurable additional impacts on transportation or parks facilities, and certain types of permits and decisions, are exempt from the requirements of this chapter.
- **Level of Service Standards:** Transportation facilities must maintain multimodal levels of service in accordance with the Comprehensive Plan, while vehicular, active transportation, and transit levels of service are detailed for specific subareas.
- **Relationship to SEPA:** This chapter establishes minimum standards for transportation, parks, and sewer improvements, and does not eliminate the application of the State Environmental Policy Act (SEPA) to specific proposals.
- **Administration:** The Directors of Public Works and Planning and Community Development are responsible for administering this chapter, including determining application requirements, maintaining records, and monitoring.
- **Review of Development Proposals:** Development proposals are reviewed to determine their impact on transportation, parks, and sewer facilities, and may require a traffic analysis to inform the concurrency determination.

- **Methods for Meeting Concurrency:** If mitigation is required to meet the level of service standard, applicants may reduce the size of the development, delay the development, or design and construct necessary facilities.
- **Requirements for Design and Construction:** Developers who choose to design and construct facilities must meet specific requirements, including providing financial security and ensuring improvements comply with engineering standards and SEPA.
- **Implementation of Nonconstruction Strategies:** Nonconstruction strategies to reduce demand for public facilities may be implemented with approval, provided they have a proven track record and their effectiveness can be measured.

NEXT STEPS:

City staff is currently finalizing a recommendation memorandum and draft revisions to this chapter with the city's consultant Transpo which will be presented at the next meeting.

PLANNING COMMISSION STAFF REPORT



Agenda Date: 2/19/2025

Subject: 2025 Comprehensive Plan Docket Introduction

Contact Person/Department: David Levitan, Community Development

Budget Impact:

Legal Review: No

RECOMMENDATION(S)/ACTION REQUESTED:

No formal action is required. Staff will introduce proposed amendments to the Comprehensive Plan as part of the 2025 Annual Docket. The Planning Commission is scheduled to hold a public hearing on March 5 and make a recommendation to City Council regarding ratification of the docket.

SUMMARY/BACKGROUND:

Under the Growth Management Act (GMA), the city can amend its Comprehensive Plan (including ancillary documents such as subarea plans) and Future Land Use Map once per year through an [annual docket process](#). As required by state law and Chapter 1 of the city's [2024 Comprehensive Plan](#) (adopted in October 2024), the city accepted applications for citizen-initiated amendments through January 31, 2025; no applications were received.

Given the recent adoption of the 2024 plan, staff is proposing a limited set of city-initiated amendments as part of the 2025 docket, which are summarized below.

M-1 – Staff is proposing to update the land use designation of two publicly-owned properties to Public/Semi-Public to reflect their public uses (Attachment 1). These include:

- A city-owned parcel (APN 00562300000801) at the NE corner of Mitchell Rd and N Lakeshore Drive that is the site of Lake Stevens Sewer District Lift Station 1C.

The current land use and zoning designations are Waterfront Residential, so a concurrent rezone to Public/Semi-Public is also proposed.

- The southern two parcels (APN 00562200000801 and 802) of the four-parcel Snohomish Regional Fire and Rescue Station 81 site located at 12409 21st Ave NE currently have a land use designation of Downtown/Local Commerce, which does not match the existing zoning designation (Public/Semi-Public) or the land use and zoning designations of the northern two parcels on the site (Public/Semi-Public). A land use map amendment is proposed for just the southern two parcels.

T-1 – Staff is proposing amendments to the city’s three adopted subarea plans – Downtown Lake Stevens, Lake Stevens Center, and 20th St SE Corridor – to reflect updated land use and zoning designations, policy language, growth assumptions, and design concepts that were adopted as part of the 2024 Comprehensive Plan.

T-2 – Staff anticipates minor text amendments to projects identified in the Capital Facilities Plan (Tables 9.1 and 9.2) to reflect updated project lists and city priorities. Along with the updates to the capital projects, staff so anticipates standard administrative amendments including the Cover, Title Page, Table of Contents, Introduction and Appendices (including SEPA Addenda).

T-3 – The most substantive amendment proposed is an update to the Parks Element to reflect the 2025 Parks, Recreation and Open Space (PROS) Plan, which must be adopted by December 2025 in order for the city to remain eligible for state grant funding for parks projects. Staff held off on major changes to the narrative and figures/tables to the Parks Element during the 2024 Periodic Update in anticipation of completing larger updates concurrently with the 2025 PROS Plan. Staff will work collaboratively with the Parks Department and Parks and Recreation Planning Board on this proposal.

NEXT STEPS:

Planning Commission will hold a public hearing on March 5, 2025, at the conclusion of which they will make a recommendation to City Council to ratify the 2025 Docket. Staff will complete the required public noticing in advance of the hearing and incorporate any proposed changes/additions to the docket based on Commission feedback. The public hearing packet will analyze each proposed amendment for consistency with the annual amendment and ratification criteria.

APPLICABLE CITY POLICIES:

ATTACHMENTS:

1. Attachment 1 - Proposed Map Amendments



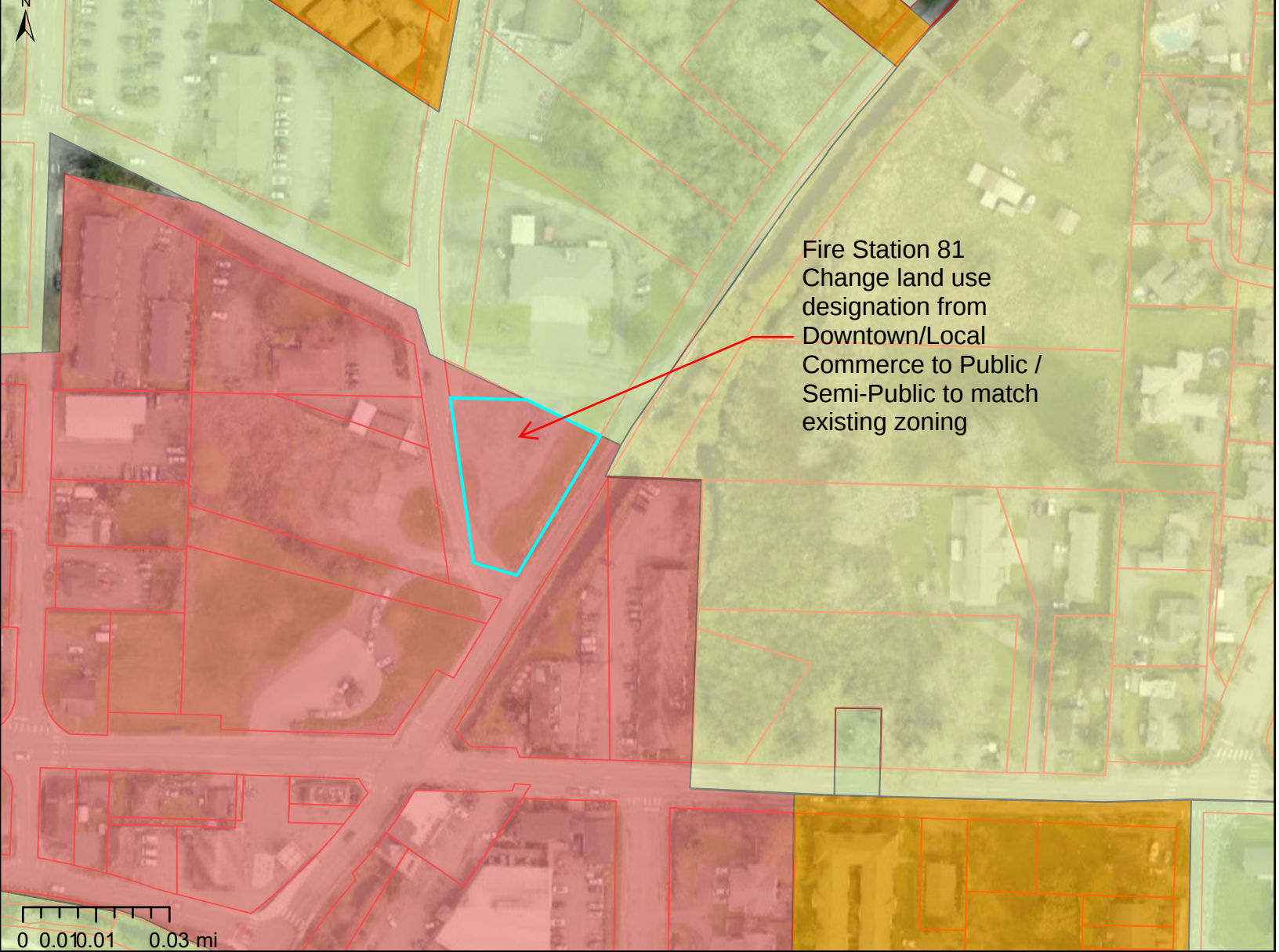
Legend

Land Use

	Commercial		Light Industrial		Urban Growth Area
	Downtown / Local Commerce		Local Commercial		Waterfront Residential
	GI Development Agreement		Med Density Residential		<all other values>
	General Industrial		Mixed Use		LakeStevensCityLimits_2020
	High Density Residential		Planned Business District		Parcels-Updates Weekly
			Public / Semi-Public		

DISCLAIMER

ALL DATA, INFORMATION AND MAPS ARE PROVIDED "AS IS" WITHOUT WARRANTY OR ANY REPRESENTATION OF ACCURACY, TIMELINESS OR COMPLETENESS. THE BURDEN FOR DETERMINING ACCURACY, COMPLETENESS, TIMELINESS, MERCHANTABILITY AND FITNESS FOR OR THE APPROPRIATENESS FOR USE RESTS SOLELY ON THE REQUESTER. THE CITY OF LAKE STEVENS MAKES NO WARRANTIES, EXPRESSED OR IMPLIED AS TO THE USE OF THE INFORMATION OBTAINED HERE. THERE ARE NO IMPLIED WARRANTIES OF MERCHANTABILITY OR FITNESS FOR A PARTICULAR PURPOSE. THE REQUESTOR ACKNOWLEDGES AND ACCEPTS ALL LIMITATIONS, INCLUDING THE FACT THAT THE DATA, INFORMATION AND MAPS ARE DYNAMIC AND IN A CONSTANT STATE OF CHANGE.



Legend

Land Use

	Commercial		Light Industrial		Urban Growth Area
	Downtown / Local Commerce		Local Commercial		Waterfront Residential
	GI Development Agreement		Med Density Residential		<all other values>
	General Industrial		Mixed Use		LakeStevensCityLimits_2020
	High Density Residential		Planned Business District		Parcels-Updates Weekly
			Public / Semi-Public		

DISCLAIMER

ALL DATA, INFORMATION AND MAPS ARE PROVIDED "AS IS" WITHOUT WARRANTY OR ANY REPRESENTATION OF ACCURACY, TIMELINESS OR COMPLETENESS. THE BURDEN FOR DETERMINING ACCURACY, COMPLETENESS, TIMELINESS, MERCHANTABILITY AND FITNESS FOR OR THE APPROPRIATENESS FOR USE RESTS SOLELY ON THE REQUESTER. THE CITY OF LAKE STEVENS MAKES NO WARRANTIES, EXPRESSED OR IMPLIED AS TO THE USE OF THE INFORMATION OBTAINED HERE. THERE ARE NO IMPLIED WARRANTIES OF MERCHANTABILITY OR FITNESS FOR A PARTICULAR PURPOSE. THE REQUESTOR ACKNOWLEDGES AND ACCEPTS ALL LIMITATIONS, INCLUDING THE FACT THAT THE DATA, INFORMATION AND MAPS ARE DYNAMIC AND IN A CONSTANT STATE OF CHANGE.

PLANNING COMMISSION STAFF REPORT



Agenda Date: 2/19/2025

Subject: 2025 Critical Areas Ordinance Update Introduction

Contact Person/Department: David Levitan, Community Development

Budget Impact:

Legal Review: No

RECOMMENDATION(S)/ACTION REQUESTED:

No formal action is required. Staff will provide an overview of the required update to the city's Critical Areas Ordinance (CAO), which must be completed by December 31, 2025.

SUMMARY/BACKGROUND:

The Growth Management Act (GMA) requires cities and counties to adopt policies and regulations to protect the following five types of environmentally sensitive areas, or "critical areas", as defined in [RCW 36.70A.030](#)(6):

- Wetlands
- Critical aquifer recharge areas
- Fish and wildlife habitat conservation areas
- Frequently flooded areas
- Geologically hazardous areas

The City of Lake Stevens regulates critical areas primarily through the city's Critical Areas Ordinance (CAO), which is codified in Lake Stevens Municipal Code (LSMC) [Chapter 14.88](#). Per LSMC 14.88.200, critical areas within jurisdiction of the Shoreline Management Act – those areas with 200 feet of the ordinary high water mark (OHWM) of a shoreline of the state (Lake Stevens, Little Pilchuck Creek, and Catherine Creek) - are subject to the critical areas regulations in Appendix B of the [Shoreline Master Program](#).

Similar to comprehensive plans, cities are required to periodically update their CAO to ensure compliance with changes to the GMA. The city's last major CAO update occurred in 2019 with the adoption of [Ordinance 984](#). The city is required to complete its next periodic update by December 31, 2025 in order to remain eligible for loans and grants that require GMA compliance.

An important component of CAO updates is the use and documentation of best available science (BAS) when developing critical area regulations, which is required by RCW [36.70A.172](#) and further detailed in [WAC Chapter 365-195](#). The Washington State Department of Commerce ("Commerce") issued a [Critical Areas Checklist](#) in May 2024 that outlines the various requirements that local CAO's must be consistent with, including the use of BAS.

In general, staff has determined that Chapter 14.88 LSMC is largely compliant with GMA requirements. Staff does not anticipate any substantive changes to regulations for frequently flooded areas (Chapter 14.88, Part V) or geologically hazardous areas (Chapter 14.88, Part VI). However, there are several updates that will be required as part of this CAO Update, which include:

- A general review of BAS and guidance issued by Commerce, the Washington State Department of Ecology ("Ecology"), Washington State Department of Fish and Wildlife (WDFW) and Federal Emergency Management Agency (FEMA). These include Ecology guidance on [wetlands](#) and [CARAs](#), WDFW guidance on [riparian areas](#) (areas along streams and rivers where aquatic and terrestrial environments interact) and the [role and functional value of trees in riparian areas](#), and FEMA guidance on [frequently flooded areas](#).
- The city is currently lacking BAS and regulations for [Critical Aquifer Recharge Areas](#) (CARAs), which are defined as "areas with a critical recharging effect on aquifers for potable area". There is small area in the northeast portion of the city that falls within the recharge area of local groundwater aquifers, and as such the city will be required to map, utilize best available science, and develop/adopt code language in Chapter 14.88 related to CARA protection and land use regulation.
- The city will be required to update its Fish and Wildlife Habitat Conservation Areas (Chapter 14.88, Part IV) to regulate riparian function based on WDFW science (see hyperlink above under first bullet point).

NEXT STEPS

Staff will be hiring an environmental consultant to prepare a BAS summary that will serve as the technical foundation for the city's CAO Update and will determine any changes needed to the city's current CAO; here is a recent [example from Kitsap County](#). At first glance, the city's Wetland Buffer Requirements (Table 14.88-II) are

consistent with BAS and do not need to be updated.

City staff is currently finalizing a Request for Proposals (RFP) for consultant assistance, including the BAS summary and mapping and regulations for CARAs and riparian areas. As part of the scope of work for the project, staff will develop a public engagement plan to allow for community input into the update process. Staff will provide an update on the process and begin periodic check-ins with the Planning Commission to discuss draft code language once a consultant is hired and public engagement begins.

APPLICABLE CITY POLICIES:

ATTACHMENTS:

None