CITY OF LAKE STEVENS  
Lake Stevens, Washington  
ORDINANCE NO. 889

AN ORDINANCE OF THE CITY OF LAKE STEVENS, WASHINGTON APPROVING AMENDMENTS TO THE APPROVED CITY OF LAKE STEVENS 2011 SHORELINE MASTER PROGRAM AND THE ACCOMPANYING ENVIRONMENT DESIGNATIONS, GOALS AND POLICIES, REGULATIONS, CUMULATIVE IMPACTS ANALYSIS, RESTORATION PLAN, AND NO NET LOSS REPORT SUMMARY UNDER THE PROCEDURES SET FORTH IN CHAPTER 90.58 RCW; AND DIRECTING THAT THE APPLICABLE SHORELINE MASTER PROGRAM UPDATE AMENDED MATERIALS BE PROVIDED TO THE WASHINGTON STATE DEPARTMENT OF ECOLOGY FOR ITS REVIEW.

WHEREAS, the Washington Shoreline Management Act (Chapter 90.58 RCW, “SMA” or the “Shoreline Management Act”) recognizes that shorelines are among the most valuable and fragile resources of the State, and that State and local government must establish a coordinated planning program to address the types and effects of development occurring along shorelines of statewide significance; and

WHEREAS, the City of Lake Stevens (“City”) is required to update its Shoreline Master Program (“SMP” or “Shoreline Master Program”), adopted in 1974, pursuant to the Shoreline Management Act and Chapter 173-26 WAC; and

WHEREAS, the City updated its Shoreline Master Program under a two year grant (No. G1000027) from the Washington State Department of Ecology (“Ecology” or the “Department of Ecology”) to complete a comprehensive shoreline master program update (LS2009-11); and

WHEREAS, the Department of Ecology is authorized under the Shoreline Management Act to approve, deny or propose modifications to the City’s SMP; and

WHEREAS, Lake Stevens is classified as a unique shoreline by the State due to its size of 1,014 acres, and is known as a Shoreline of Statewide Significance; and

WHEREAS, the areas under State shoreline jurisdiction include, in general, the area around and within 200 feet of the shoreline of Lake Stevens, the shorelines of Catherine Creek and Little Pilchuck Creek where the creeks run at least 20 cubic feet per second, and three associated wetland complexes, Stevens Creek, Lundeen Creek and Stitch Lake; and

WHEREAS, the City has engaged in extensive public participation with respect to the Shoreline Master Program Update preceding the Local Adoption Process, including but not limited to the following: a Shoreline Citizens Advisory Committee, three public open houses, two Council workshops, four Council Subcommittee Meetings, four briefings to Planning Commission, four briefings to City Council, emails to interested parties, postcard notices to shoreline property owners, published notices in the local newspapers, and meetings with residents and developers, as requested; and

WHEREAS, on February 15, 2010, the City issued a Draft Shoreline Analysis Report, an inventory and characterization of the City’s shorelines to be used to record the existing or baseline
conditions upon which the development of shoreline master program provisions are examined to ensure the adopted regulations provide no net loss of shoreline ecological functions; and

WHEREAS, on April 19, 2011, the City issued a Final Draft Cumulative Impact Analysis for City of Lake Stevens shorelines and on November 17, 2011, issued a Preliminary Final Cumulative Impact Analysis for City of Lake Stevens shorelines, an inventory and characterization of the City’s shorelines to assess ecological functions and ecosystem-wide processes operating within the City’s shoreline jurisdiction and to serve as a baseline from which future development actions in the shoreline jurisdiction will be measured; and

WHEREAS, on April 19, 2011, the City issued a Final Draft 2011 Shoreline Master Program and on November 17, 2011, issued a Preliminary Final 2011 Shoreline Master Program, including goals and policies, environmental designations for areas within the City and in the Urban Growth Area, and regulations, and replacing the previously adopted 1974 Shoreline Master Program; and

WHEREAS, on April 19, 2011, the City issued a Final Draft Shoreline Restoration Plan for the City of Lake Stevens shorelines and on November 17, 2011, issued a Preliminary Final Shoreline Restoration Plan, listing restoration goals and objectives and discussing existing or potential programs and projects that positively impact the shoreline environment; and

WHEREAS, a No Net Loss Report confirms the goals, policies and regulations of the proposed 2011 Shoreline Master Program with mitigation for impacts pursuant to the Restoration Plan will result in “no net loss” in shoreline ecological function relative to the baseline due to its implementation and will ultimately produce a net improvement in shoreline ecological function; and

WHEREAS, it is anticipated that the City will consider and enact final code amendments and comprehensive plan amendments related to the Shoreline Master Program Update shortly after the adoption of the Shoreline Master Program by Ecology; and

WHEREAS, on April 15, 2011, the City issued a State Environmental Policy Act (SEPA) Determination of Non-Significance for the adoption of the Shoreline Master Program and related code amendments and comprehensive plan amendments and published the notice in the Everett Herald; and

WHEREAS, the amendments to the Shoreline Master Program and Cumulative Impacts Analysis adopted in this ordinance do not require additional SEPA review as they do not affect the overall previously adopted SMP and related documents, but are minor wording changes; and

WHEREAS, in taking the actions set forth in this ordinance, the City has complied with the requirements of the State Environmental Policy Act, Chapter 43.21C RCW; and

WHEREAS, the City submitted the proposed comprehensive plan amendments and code amendments related to the 2011 Shoreline Master Program to the Washington State Department of Commerce on April 5, 2011 for its 60-day review and received documentation of completion of the procedural requirement on June 6, 2011; and

WHEREAS, the Lake Stevens Planning Commission, after review of the proposed comprehensive plan amendments, code amendments and 2011 Shoreline Master Program, held duly noticed public hearings on May 4 and 18, 2011, and all public testimony was given full consideration before a recommendation was made to the City Council; and
WHEREAS, on May 23, June 13, July 11, November 21, and November 28, 2011, the Lake Stevens City Council reviewed the Planning Commission’s recommendation relating to the proposed 2011 Shoreline Master Program and associated comprehensive plan amendments and code amendments and held duly noticed public hearings, and on November 28, 2011 adopted Ordinance No. 856 approving the Shoreline Master Program and related documents and directed the Planning Director to make approved revisions to the documents and submit to Ecology; and

WHEREAS, on December 10, 2011 the Planning Director forwarded the adopted 2011 Shoreline Master Program and related documents to Ecology for review; and

WHEREAS, on February 27, 2012, the SMP Amendment Package was deemed complete by Ecology;

WHEREAS, on April 19, 2012, Ecology held a public hearing in Lake Stevens and held a public comment period from April 19 to May 21, 2012; and

WHEREAS, Ecology summarized public hearing comments and requested the City respond to the comments and the City submitted responses to Ecology on September 10, 2012; and

WHEREAS, on January 4, 2013, Ecology sent a final Conditional Approval Letter to Mayor Vern Little with ten required changes and one proposed change and requested City response within 30 days; and

WHEREAS, the City requested an extension to April 30, 2013 in place of the 30-day response requirement to allow time for Council discussion and a public process before responding to Ecology; and

WHEREAS, the Council held a public workshop on February 24, 2013 to hear public comments on Ecology’s required changes; and

WHEREAS, on March 25, 2013, Council approved additional consultant analysis on Ecology’s required changes #6 and #9 to support proposed alternative language; and

WHEREAS, on April 8 and 22, 2013, the City Council held duly noticed public hearings on Ordinance No. 889 adopting amendments to the previously adopted 2011 Shoreline Master Program and adopting specific Ecology required changes, adopting the Addendum to the Cumulative Impacts Analysis and directing the Planning Director to submit a formal response to Ecology’s Conditional Approval Letter.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF LAKE STEVENS DO
ORDAIN AS FOLLOWS:

Section 1. Conclusions. The City Council hereby concludes the following with regard to the amendments to the previously adopted 2011 Shoreline Master Program and specific Ecology required changes, and Addendum to the Cumulative Impacts Analysis as revised and readopted and approved in this ordinance:

A. Implementation of the Adopted 2011 Shoreline Master Program with adopted amendments will result in “no net loss” in shoreline ecological function relative to the established baseline and will ultimately produce a net improvement in shoreline ecological function; and
B. The Adopted 2011 Shoreline Master Program and amendments are consistent with and meet the State Shoreline Guidelines established under Chapter 173-26 WAC; and

C. The Adopted 2011 Shoreline Master Program and amendments are consistent with and implement the Shoreline Management Act (Chapter 90.58 RCW) and the Growth Management Act (Chapter 36.70A RCW).

Section 2. Addendum to the Cumulative Impacts Analysis Adopted. The Addendum to the City of Lake Stevens Adopted 2011 Cumulative Impacts Analysis, as set forth in Exhibit 1 (attached to this ordinance and incorporated by reference) is hereby adopted.

Section 3. Shoreline Master Program Amendments Adopted. The City of Lake Stevens Adopted 2011 Shoreline Master Program is hereby amended as follows:

1. The Adopted 2011 Shoreline Master Program, Chapter 1, Section E.1 definition for “Substantial development” is hereby amended for consistency with Engrossed Substitute House Bill 1090, if approved by the Washington State Legislature:

“Substantial development” is any “development” where the total cost or fair market value exceeds five thousand seven hundred eighteen dollars ($5,718), adjusted for inflation by the Office of Financial Management every five years, or any development that materially interferes with the normal public use of the water or shoreline of the state. The five thousand seven hundred eighteen dollar ($5,718) threshold will be adjusted for inflation by the office of financial management every five years, beginning July 1, 2007, based upon changes in the consumer price index during that time period. A dock is not considered substantial development if the fair market value of the dock does not exceed ten thousand dollars ($10,000), adjusted for inflation by the Office of Financial Management every five years. If subsequent construction having a fair market value exceeding two thousand five hundred dollars ($2,500) occurs within five years of completion of the prior construction, the subsequent construction shall be considered a substantial development.

2. The Adopted 2011 Shoreline Master Program is hereby amended by the Ecology required change #1 as set forth in Attachment B of Ecology’s Conditional Approval Letter and to read as follows for Chapter 2, Section B:

The Shoreline Environment Designation Maps can be found in Appendix A. Pursuant to WAC 173-26-211, the maps illustrate the shoreline environment designations that apply to all shorelines of the state within the City of Lake Stevens’ Jurisdiction. The lateral extent of the shoreline jurisdiction shall be determined for specific cases based on the location of the ordinary high water mark (OHWM), effective floodway, and presence of associated wetlands. The maps should be used in conjunction with the Environment Designation tables in Section C below. In the event of a mapping error, the City will rely upon the boundary descriptions and the criteria in Section C below.

3. The Adopted 2011 Shoreline Master Program is hereby amended for consistency with Ecology required change #10 described in Attachment B of Ecology’s Conditional Approval Letter and to read as follows for Chapter 2, Section C.4.c.:

c. Management Policies

Uses

1. Water-oriented recreational uses should be allowed.
2. New residential development should be supported by adequate land area and services.

3. Land division and development should be permitted only 1) when adequate setbacks or buffers are provided to protect ecological functions and 2) where there is adequate access, water, sewage disposal, and utilities systems, and public services available and 3) where the environment can support the proposed use in a manner which protects or restores the ecological functions.

4. Development standards for setbacks or buffers, shoreline stabilization, vegetation conservation, critical area protection, and water quality should be established to protect and, where significant ecological degradation has occurred, restore ecological functions over time.

5. New multi-family development and new subdivisions of land into more than four parcels (shall) provide public access, which could include benches for viewing in a public right of way, community access, or similar types of public access.

6. New residential development should be located and designed so that future shoreline stabilization is not needed.

4. The Adopted 2011 Shoreline Master Program is hereby amended for consistency with Ecology required change #10 described in Attachment B of Ecology's Conditional Approval Letter and to read as follows for Chapter 3, Section B.7.b.:

b. Policies

1. Public access (shall) be considered in the review of all private and public developments with impacts on public access and related to the size of the impacts and with the exception of the following:

   a. Single-family residential including one- and two-family dwelling units and residential subdivisions of four lots or less and their accessory structures (e.g., docks, garages, shoreline modification, etc.); or

   b. Where deemed inappropriate due to health, safety and environmental concerns or constitutional limitations.

2. Developments, uses, and activities on or near the shoreline should not impair or detract from the public's access to the water or the rights of navigation.

3. Public access should be provided as close as possible to the water's edge without causing significant ecological impacts and should be designed in accordance with the Americans with Disabilities Act.

4. Opportunities for public access should be identified on publicly owned shorelines. Public access afforded by shoreline street ends, public utilities and rights-of-way should be preserved, maintained and enhanced.

5. Public access should be designed to provide for public safety and comfort and to minimize potential impacts to private property and individual privacy. There should be a physical separation or other means of clearly delineating public and private space in order to avoid unnecessary user conflict.

6. Views from public shoreline upland areas should be enhanced and preserved. Enhancement of views should not be construed to mean excessive removal of existing native vegetation that partially impairs views.
7. Public access and interpretive displays should be provided as part of publicly funded restoration projects where significant ecological impacts can be avoided.

8. City parks, trails and public access facilities adjacent to shorelines should be maintained and enhanced in accordance with City and County plans.

9. Commercial and industrial waterfront development should be encouraged to provide a means for visual and pedestrian access to the shoreline area, wherever feasible.

10. The acquisition of suitable upland shoreline properties to provide access to publicly owned shorelands should be encouraged.

11. The City should acquire and develop waterfront property in the recently annexed portion of Lake Stevens to provide additional public access to the shoreline.

12. The City should work with the School District to ensure that Catherine Creek Park will continue to provide public access to Catherine Creek for future generations.

5. The Adopted 2011 Shoreline Master Program, Chapter 4, Section B, Table 4 notes is hereby amended based on recently Council adopted amendments to Title 10 LSMC related to private buoys:

**Shoreline Modification Matrix Notes:**

1. Fill in the floodplain must meet all federal, state, and local flood hazard reduction regulations.

2. Fill in aquatic areas for the purposes of shoreline ecological restoration may be allowed as a permitted use if the Shoreline Administrator determines that there will be an increase in desired ecological functions.

3. New non-public piers and docks are prohibited on Little Pilchuck Creek and Catherine Creek.

4. A shoreline modification may be allowed in the Aquatic Environment if the chart indicates that it is allowed in both the Aquatic Environment and the adjacent upland environment.

5. New shoreline stabilization structures are not allowed in the Aquatic Designation. Replacement walls or bulkheads shall not encroach waterward of the OHWM or existing structure unless the residence was occupied prior to January 1, 1992, and there are overriding safety or environmental concerns. In such cases, the replacement structure shall abut the existing shoreline stabilization structure (WAC 173-26-231(3)[a][iii][C]). All other shoreline stabilization structures in the Aquatic Designation require a conditional use permit.

6. A maximum of two private mooring piles or buoys per dock in lieu of fingers or ells are allowed only within the envelope of the dock and no farther waterward than the end of the dock pursuant to LSMC 10.16.070. Also a maximum of two private piles or buoys are allowed in lieu of dock if it includes markings for navigational safety where it shall be colored white and shall have a horizontal blue band around the circumference of the buoy centered midway between the top of the buoy and the water line (WAC 352-66-100 and LSMC 10.16.070(d)). “Envelope of the dock” is defined as the area measured 30 feet from shore and only as far from the side of the dock as required for the size of the boat to be moored at the dock. Mooring buoys or piles do require review by the Washington Department of Fish and Wildlife to determine if an HPA is required.

6. The Adopted 2011 Shoreline Master Program is hereby amended by the Ecology required change #2 as set forth in Attachment B of Ecology’s Conditional Approval Letter and to read as follows for Chapter 4, Provision C.3.c.20:
20. Alternative Design. The City shall approve new, replaced or additions to docks different from the standards below subject to Washington Department of Fish and Wildlife approval of an alternate project design (of a width up to 6 feet for new docks or up to existing width on legally existing docks in the first 30 feet) limited to the following features: size of piling, replacement area, and/or different decking requirements subject to a Hydraulic Permit Approval. With submittal of a building permit, the applicant shall provide documentation that the Washington Department of Fish and Wildlife has approved the alternative proposal design.

7. The Adopted 2011 Shoreline Master Program is hereby amended by increasing the maximum allowable dock length to get to 5.5 foot depth and to read as follows for Chapter 4, Provision C.3.c.24.c:

c. Length,
   i. The maximum waterward intrusion of any portion of the dock shall not extend beyond the average of the two most adjacent legally existing docks within 300 feet on either side of the proposed dock. If the most adjacent legally existing docks are 50 feet long or less, then any legally existing docks within 300 feet on either side of the proposed dock may be used to determine the average length for the proposed dock with documentation showing all dock lengths within 300 feet and identification of the two docks, one on each side of the proposed dock, being used to determine the average length. If no legal docks exist within 300 feet, the maximum length of the dock is the minimum necessary to reach a 5 ½ -foot water depth below the low water mark.

   Exception: If the above dock limits do not allow the dock to reach an adequate depth to moor a boat, the Shoreline Administrator may approve a longer dock up to the minimum necessary to reach 5½ feet of depth, as measured from the low water mark. However, in no case shall a dock extend more than (150)200 feet from the shoreline, measured perpendicularly to the shoreline.

8. The Adopted 2011 Shoreline Master Program is hereby amended by the Ecology required change #3 as set forth in Attachment B of Ecology’s Conditional Approval Letter and to read as follows for Chapter 4, Provision C.3.c.25:

   Replacement of Existing Private Pier or Dock

25. Proposals involving replacement of the entire private pier or dock, or 50 percent or more of the pier-support piles can be replaced up to 100% of the area (square footage (and dimension)) of the existing pier or dock and shall comply with the following standards:

   a. Decking: All replacement piers must include decking with a minimum of 40 percent open space as described in subsection c.24.a. above.

   b. Replacement piles must be sized as described above under subsection 24.b, and must achieve the minimum 12-foot spacing to the extent allowed by site-specific engineering or design considerations.

   c. Width shall comply with “New Private, Non-Commercial Piers” standards (see Chapter 4 Section C.3.c.24.d).

9. The Adopted 2011 Shoreline Master Program is hereby amended by the Ecology required change #4 as set forth in Attachment B of Ecology’s Conditional Approval Letter and to read as follows for Chapter 4, Provision C.3.c.27:
27. When proposed additions to a private residential pier result in a pier that exceeds the maximum total length or width allowances for new docks as described in c.24 above, the addition may be proposed under a Variance application and subject to the following provisions:
   a. The applicant must remove any in-water structures rendered obsolete by the addition;
   b. The additional length of walkway or ell must be no wider than 4 feet within the first 30 feet from shore and up to 6 feet for walkway or ell sections located more than 30 feet from shore;
   c. The decking of all new pier elements include decking with a minimum of 40 percent open space as described in subsection c.24.a. above; and
   d. Any proposed new piles must comply with standards under subsection c.24.b. above.

10. The Adopted 2011 Shoreline Master Program is hereby amended by adding clarification for Boating Facilities related to non-walled structures for consistency with Council’s intent when adopting the SMP on November 28, 2011 and to read as follows for Chapter 5, Provision C.3.c.12:

    Design/Renovation/Expansion
   7. Boating facilities shall be designed to avoid or minimize significant ecological impacts. The Shoreline Administrator shall apply the mitigation sequence defined in Chapter 3 Section B.4 in the review of boating facility proposals. On degraded shorelines, the Shoreline Administrator may require ecological restoration measures to account for new environmental impacts and risks to the ecology to ensure no net loss of ecological function.

   The Shoreline Administrator will consult the provisions of this SMP and determine the applicability and extent of ecological restoration required. The extent of ecological restoration shall be proportionate to the impact of the new or expanded proposed boating facility.

   8. Boating facility design shall:
      a. Provide thorough flushing of all enclosed water areas and shall not restrict the movement of aquatic life requiring shallow water habitat.
      b. Minimize interference with geohydraulic processes and disruption of existing shoreline ecological functions.

   9. Dry moorage shall require a conditional use permit.

10. The perimeter of parking, dry moorage, and other storage areas shall be landscaped to provide a visual and noise buffer between adjoining dissimilar uses or scenic areas. See Chapter 14.76 LSMC for specific landscape requirements.

11. Moorage of floating homes is prohibited.

12. New covered moorage is prohibited except non-walled structures pursuant to Chapter 4 Section C.3.c.34.

11. The Adopted 2011 Shoreline Master Program is hereby amended by the Ecology required change #5 as set forth in Attachment B of Ecology’s Conditional Approval Letter and to read as follows for Chapter 5, Provision C.8.a.8.a:

   8. Residential Development
      a. Applicability
Residential development means one or more buildings(s) or structures(,- lots, parcels or portions thereof,) which are designed for and used or intended to be used to provide a place of abode, including single-family residences, duplexes(,- other detached dwellings, floating homes), multi-family residences, mobile home parks, residential subdivisions, residential short subdivisions, and planned residential development, together with normal appurtenances common to a single-family residence pursuant to WAC 173-27-040 (2)(a), (accessory uses and structures normally applicable to residential uses, including, but not limited to, garages, sheds, tennis courts, swimming pools, parking areas, fences, cabanas, saunas, and guest cottages.) Residential development does not include hotels, motels, or any other type of overnight or transient housing or camping facilities.

12. The Adopted 2011 Shoreline Master Program is hereby amended based on Ecology’s required change #6 with alternative language to read as follows for Chapter 5, Provision C.8.c.3.a.:

3. New residential development, including new structures, new pavement, and additions, within shoreline jurisdiction on lakes shall adhere to the following standards:

a. Setbacks:

i. New buildings: Set back all covered or enclosed structures with a standard minimum setback, which is a lake setback of 60 feet from the OHWM (consisting of 50 feet from the OHWM plus an additional 10 foot building setback). Where the Shoreline Administrator finds that an existing site does not provide sufficient area to locate the residence entirely landward of this setback, the Shoreline Administrator may allow the residence to be located closer to the OHWM, provided all other provisions of this SMP are met and impacts are mitigated.

ii. Existing buildings: The setback is at the face of the existing single-family residence if less than the standard setback. The footprint of the existing structure may be expanded up to 600 square feet within the area between the standard setback and the face of the structure, pursuant to mitigation sequencing in Chapter 3 Section B.4.c.4, and including mitigation proportional (1:1) to the setback area impacted through planting of vegetation or low impact development techniques on the shore and up to 20 feet landward and in conformance with all other regulations including side setbacks and impervious surface requirements. Additional expansion may occur landward of the standard setback in conformance with all other regulations.

iii. Building overhangs are allowed to extend no more than 18 inches into the building setback.

iv. Patios and decks: Uncovered patios made with porous materials or above grade decks may extend a maximum of 10 feet into the building setback, up to within 50 feet of the OHWM. See Section d below for exception to this requirement.

13. The Adopted 2011 Shoreline Master Program, Chapter 5, Provision C.8.c.3.b, is hereby amended to modify the reference for designing and constructing pervious concrete and asphalt:

b. Maximum amount of impervious surface: The maximum amount of impervious surface for each lot, including structures and pavement shall be no greater than 40 percent of the total lot area above OHWM.

In calculating impervious surface, pavers on a sand bed may be counted as 50 percent impervious and wood decks with gaps between deck boards may be counted as permeable if over bare soil or loose gravel (such as pea gravel). Pervious concrete and asphalt (may be counted as per manufacturer’s specifications) should be designed and constructed to 2005...
Stormwater Manual, as amended, and Puget Sound Partnership Low Impact Development Manual, as amended. To calculate the net impervious surface, multiply the area of the pavement by the percentage of imperviousness.

14. The Adopted 2011 Shoreline Master Program is hereby amended by the Ecology required change #7 as set forth in Attachment B of Ecology's Conditional Approval Letter and to read as follows for Chapter 5, Provision C.8.c.3.d:

   d. If there is no bulkhead, or if a bulkhead is removed, a small waterfront deck or patio can be placed (along__) within the shoreline setback provided the property owner agrees to not construct a bulkhead or install any hard shoreline stabilization to protect the deck in the future, and:

15. The Adopted 2011 Shoreline Master Program is hereby amended by the Ecology required change #8 as set forth in Attachment B of Ecology's Conditional Approval Letter and to read as follows for Chapter 5, Provision C.8.c.3.e:

   e. All property owners who obtain approval for a waterfront deck or patio in exchange for removing a bulkhead and retaining or planting native vegetation must prepare, and agree to not construct a bulkhead or install hard shoreline stabilization to protect the deck in the future, and adhere to, a shoreline vegetation management plan prepared by a qualified professional and approved by the Shoreline Administrator that:

16. The Adopted 2011 Shoreline Master Program is hereby amended based on the Cumulative Impact Analysis Addendum and related to Ecology’s required change #9 related to retention of shoreline vegetation by removing Provision C.8.c.4 of Chapter 5 because other code provisions are more protective.

17. The Adopted 2011 Shoreline Master Program is hereby amended by the Ecology required change #10 as set forth in Attachment B of Ecology’s Conditional Approval Letter to read as follows for Chapter 5, Provision C.8.c.7:

   7. The creation of new residential lots within shoreline jurisdiction on lakes shall be prohibited unless the applicant demonstrates that all of the provisions of this SMP, including setback and size restrictions, can be met on the proposed lot. Specifically, it must be demonstrated that:
   a. The residence can be built in conformance with all applicable setbacks and development standards in this 2011 SMP.
   b. Adequate water, sewer, road access, and utilities can be provided.
   c. The intensity of development is consistent with the City’s Comprehensive Plan.
   d. The development will not cause flood or geological hazard to itself or other properties.
   e. Land-division creating four or more new parcels shall provide Public Access (see Chapter 2 Section 4.c.5, and Chapter 3 Section B.7).

18. The Adopted 2011 Shoreline Master Program is hereby amended based on Ecology’s suggested change #A as set forth in Attachment C of Ecology’s Conditional Approval Letter and to read as follows for Chapter 5, Provision C.8.c.13.b:

   b. Detached ((6))garages and vehicle (motorized and recreational) parking areas ((land pavements for motorized vehicles (drives and parking areas))) shall be set back at least 200
feet from the OHWM. If the Shoreline Administrator determines that the property is not sufficiently deep (measured perpendicularly from the shoreline) to allow construction of garages or parking areas outside of shoreline jurisdiction then (s)he may allow such elements to be built closer to the water, provided that the garage or parking area is set back from the water as far as physically possible.

Section 4. The City Planning Director or designee shall make final revisions to the documents as adopted at the April 22, 2013 public hearing and any necessary format, numbering, or reference changes necessary to finalize adopted documents.

Section 5. The City Planning Director or designee shall forward the adopted 2011 Shoreline Master Program amendments and the Addendum to the Cumulative Impacts Analysis with a response to the Washington State Department of Ecology Conditional Approval Letter dated January 4, 2013 by April 30, 2013 pursuant to local approval submittal requirements in WAC 173-26-110, for formal review and approval.

Section 6. Severability. If any section, clause, phrase, or term of this ordinance is held for any reason to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance, and the remaining portions shall be in full force and effect.

Section 7. Effective Date and Publication. A summary of this ordinance consisting of its title shall be published in the official newspaper of the City. This ordinance shall take effect and be in full force following approval of the updated Shoreline Master Program by the Washington State Department of Ecology.

PASSED by the City Council of the City of Lake Stevens this 22 day of April, 2013.

Vern Little, Mayor

ATTEST.AUTHENTICATION:

Norma J. Scott, City Clerk/Admin. Asst

APPROVED AS TO FORM:

Grant K. Weed, City Attorney

First & Final Reading: April 22, 2013
Published: May 1, 2013
Effective Date: After Ecology Adoption
Exhibit 1

Addendum to the 2011 Cumulative Impacts Analysis Adopted by the City of Lake Stevens