

# MEMORANDUM



## *Planning and Community Development*

DATE: March 5, 2021

TO: Department of Ecology, SEPA Unit

FROM: David Levitan, AICP, *Senior Planner*

SUBJECT: Public Notice and Public Comment Opportunities for Newly Exempt Development Projects

The City of Lake Stevens is proposing to adopt the following flexible categorical exemption thresholds for minor new construction, pursuant to WAC 197-11-800(1)(c):

- Single family residential: Fifteen (15) units
- Multifamily residential: Thirty (30) units
- Agricultural: Ten thousand (10,000) square feet (Unchanged)
- Office/School/Commercial: Thirty thousand (30,000) square feet
- Parking Facilities: Ninety (90) parking spaces
- Grading Quantity: One thousand (1,000) cubic yards

Below is an analysis of the public notice and public comment opportunities that will remain for newly exempt projects under the flexible thresholds, which the city believes meets the WAC requirements. Analysis of local, state and federal environmental regulations is provided in a separate document.

- Single Family Residential (Increase from 4 units to 15 units)
  - The city only permits one detached SFR per lot
  - Additional single family residential units are created through the subdivision process
  - Subdivisions are governed by [LSMC 14.18.010-070](#)
  - The threshold for a short plat is 9 lots, while 10 or more lots is a long plat
  - Short plats are a [Type II review](#) while long plats are a [Type III review](#)
  - Both Type II and Type III permits require a Notice of Application be mailed to property owners within 300 feet and posted to the site, and also be published in the Everett Herald and posted on the city website
  - Affected agencies and tribes and members of the public have the opportunity to comment on both Type II and Type III permits and to become a party of record, receive a copy of the Notice of Decision, and have the option to appeal the decision.
  - Type III permits also require a public hearing before the Hearing Examiner
  - Subdivisions between 5 and 9 units will continue to require a Type II review, while those with 10 and 15 units will continue to require a Type III review
  - Notices of SEPA Threshold Determinations are typically combined with the Notice of Application for the subdivision
  - As such, there is no loss of public notice or opportunities to comment on proposals involving between 5 and 15 single family residential units

- Multifamily Residential (Increase from 4 units to 30 units)
  - The city's infill and Innovative Housing Chapter ([LSMC 14.46](#)) allows up to 4 units (duplexes, triplexes, fourplexes, townhouses) in single family zones
  - Projects with 5 or more MFR units are only permitted in multifamily and mixed use/subarea zones
  - All new MFR development requires Design Review per [LSMC 14.16C.050\(d\)](#), which is Type II land use permit
  - As previously noted, Type II review requires a Notice of Application be mailed to properties within 300 feet and posted to the site, and also be published in the Everett Herald and posted on the city website
  - As previously noted, affected agencies and tribes as well as members of the public have the opportunity to comment on Type II permits, and to become a party of record, receive a copy of the Notice of Decision, and have the option to appeal the decision.
  - Notices of SEPA Threshold Determinations are typically combined with the Notice of Application for Design Review
  - As such, there is no loss of public notice or opportunities to comment on proposals involving between 5 and 30 multifamily residential units
- Agricultural (Maintain existing 10,000 sf exemption)
  - No analysis needed, as city is maintaining standard exemption
- Office, School, Commercial/Recreation/Service/Storage (Increase from 4,000 sf to 30,000 sf)
  - All new commercial, industrial, civic, institutional, and public assembly buildings require Design Review per [LSMC 14.16C.050\(d\)](#), which is Type II land use permit
  - As previously noted, Type II review requires a Notice of Application be mailed to properties within 300 feet and posted to the site, and also be published in the Everett Herald and posted on the city website
  - As previously noted, affected agencies and tribes as well as members of the public have the opportunity to comment on Type II permits, and to become a party of record, receive a copy of the Notice of Decision, and have the option to appeal the decision.
  - Notices of SEPA Threshold Determinations are typically combined with the Notice of Application for Design Review
  - As such, there is no loss of public notice or opportunities to comment on proposals involving between 4,000 sf and 30,000 sf of office/school/commercial development
- Grading (Increase from 100 cubic yards to 1,000 cubic yards)
  - Grading is governed by the city's Land Disturbance Chapter ([LSMC 14.50](#))
  - The threshold for a Type II Major Land Disturbance permit is 100 cubic yards, per [LSMC 14.50.120\(b\)](#)
  - As previously noted, Type II review requires a Notice of Application be mailed to properties within 300 feet and posted to the site, and also be published in the Everett Herald and posted on the city website
  - As previously noted, affected agencies and tribes as well as members of the public have the opportunity to comment on Type II permits, and to become a party of record, receive a copy of the Notice of Decision, and have the option to appeal the decision.
  - Notices of SEPA Threshold Determinations are typically combined with the Notice of Application for Type II Land Disturbance permits
  - As such, there is no loss of public notice or opportunities to comment on proposals involving grading between 100 and 1,000 cubic yards