



Planning Commission Meeting:

First Wednesday of every Month @ 7:00pm

Planning & Community Development Department

1812 Main Street  
Lake Stevens, WA

98258 (425) 377-3235

[www.lakestevenswa.gov](http://www.lakestevenswa.gov)

Municipal Code

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[www.codepublishing.com/WA/LakeStevens/](http://www.codepublishing.com/WA/LakeStevens/)

## PLANNING COMMISSION AGENDA

Regular Meeting Date: 04.05.2017

- **CALL TO ORDER: 7:00pm**  
Pledge of Allegiance
- **ROLL CALL**
- **GUEST BUSINESS**
- **ACTION ITEMS**
  1. **Approval of March 15, 2017 minutes**
- **DISCUSSION ITEMS**
  1. **LUA2016-0171 Amendments to LSMC to Adopt the 2012 DOE Stormwater Maunuel Breifing-Pratschner**
- **COMMISIONER REPORTS**
- **PLANNING DIRECTOR'S REPORT—**
- **ADJOURN**

### **SPECIAL NEEDS**

*The City of Lake Stevens strives to provide accessible opportunities for individuals with disabilities. Please contact Steve Edin, City of Lake Stevens ADA Coordinator, at (425) 377-3227 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,*

**PLANNING COMMISSION REGULAR MEETING MINUTES**

Community Center  
1808 Main Street, Lake Stevens  
Wednesday, March 15, 2017

CALL TO ORDER: 7:03 pm by Chair Jennifer Davis

MEMBERS PRESENT: Chair Jennifer Davis, Vicky Oslund, Tracey Trout, Karim Ali

MEMBERS ABSENT: Linda Hoult, Janice Huxford and Brett Gailey

STAFF PRESENT: Community Development Director Russ Wright and Clerk Jennie Fenrich

OTHERS PRESENT: Sally Jo Sebring

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**Excused Absence:** Commissioner Oslund made a motion to excuse Commissioner Huxford and Commissioner Gailey, and Commissioner Hoult, Commissioner Trout 2<sup>nd</sup>, Motion carried 3-0-0-1.

**Guest business:** None

**Action Items:** The minutes were approved for the February 15, as corrected. Commissioner Trout made a motion to approve minutes and Commissioner Oslund 2<sup>nd</sup>. Motion passed 3-0-0-1.

**Public Hearing: LUA2016-0171 Docket Ratification**

**PC Chair Opens Meeting**-Commissioner Oslund motioned to open the Public Hearing on the 2017 Docket Ratification, Commissioner Oslund seconded. The motion passed 3-0-0-1.

**Staff Presentation**

Community Development Director Russ Wright presented the proposed 2017 Comprehensive Plan docket that included two city-initiated changes to Chapel Hill Land Use Map Amendment and the Eagle Ridge Land Use Map Amendment. Secondly, he shared the proposed 2017 Comprehensive Plan Docket for capital facilities and parks project for Commission to approve.

**Commissioner's questions for staff-** Commissioner Trout asked for the definition of the term place holder. Director Russ Wright explained, that the Public Works Department and Parks will bring forward projects they want included and they whole Docket will go to Council.

**Proponent's comments-** none

**Comments from the audience-** none

**Close public comments portion of hearing by motion-** Commissioner Oslund made motion to close public portion. Commissioner Trout seconded. Motion carried 3-0-0-1.

**Close public hearing-** Commissioner Trout made a motion to close the public hearing. Commissioner Huxford seconded. The motion carried 3-0-0-1.

**Commission Action by Motion** – Commissioner Ali made motion to approve the recommendation to Council on 2017 Docket Ratification. Commissioner Trout seconded. The motion carried 3-0-0-1.

**Discussion items-** Community Development Director Russ Wright gave a report on Stormwater manual and that this year we will be looking specifically at street codes, parking statutes, bulk dimensions, clearing and grading and engineering standards.

**Commissioner Reports:**

Commissioner Trout inquired if there is a timeframe that floatation toys need to be removed off the lake and that she has received complaints that unsightly toys are being left out year-round. Commissioner Ali asked if Green Building has been emphasized in our City.

**Director Report:** Community Development Director Russ Wright shared that City is proposing a Buoy Safe Zone that will have a “No Wake Zone” that will have City provided navigational markers. There is a public meeting on March 29 at the Community Center at 6:00 and invited the commissioners to attend. The last Downtown “Big Ideas” meeting was held and there will be a presentation uploaded on the Downtown Planning website. The Commissioners asked about the William’s property. Community Development Director Russ Wright shared that the City Council has voted to proceed with condemnation.

**Future agenda items** will be the Permit Extensions Introduction, Local Business Codes and Docket Hearing.

**Adjourn:** Motion by Commissioner Oslund to adjourn Commissioner Ali 2<sup>nd</sup>. Motion carried 3-0-0-1. Meeting adjourned at 8:42 p.m.

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Jennifer Davis, Chair

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Jennie Fenrich, Clerk,  
Planning & Community  
Development



Staff Report  
City of Lake Stevens Planning Commission

Briefing  
Date: **April 5, 2017**

Subject: **LUA2016-0171:** Amendments to the City of Lake Stevens Municipal Code to Adopt the 2012 DOE Stormwater Manual

Contact Person/Department: Stacie Pratschner, *Senior Planner* / Russ Wright, *Community Development Director*

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**SUMMARY:** Amendments to the municipal code to adopt the 2012 Department of Ecology Stormwater Management Manual for Western Washington.

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**ACTION REQUESTED OF PLANNING COMMISSION:**

This is a briefing and no action is required.

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**BACKGROUND / HISTORY:**

Under the Federal Clean Water Act, jurisdictions must implement stormwater management programs and regulations within prescribed time frames. The Department of Ecology (DOE) has been delegated authority by the Environmental Protection Agency (EPA) to administer these regulations. The DOE issued the Western Washington Phase II Municipal Stormwater Permit (NPDES), effective August 1, 2013 through July 13, 2018, which requires local governments like the City of Lake Stevens to adopt the 2012 DOE Stormwater Management Manual for Western Washington.

A public hearing was held with the Planning Commission on January 4, 2017 to review the original scope of the proposed updates. A first reading and public hearing was held with the City Council on January 24, 2017, with a motion passed to continue the hearing and hold a second reading at a later date. Staff described the revised the scope of the required updates to the Planning Commission on February 15, 2017. Staff presented the completed LID Summary Reporting Template provided by DOE on March 15, 2017.<sup>1</sup>

Staff proposes the following amendments to the municipal code to eliminate barriers in effectively implementing LID BMP's (**Exhibits 1 and 2**):

- **Chapter 11.06** now includes sections that discuss the city's authority in administering the DOE Manual and the application and feasibility of LID measures;
- **Chapter 14.48** has been amended to include reduced lot width requirements for lots created through a cluster subdivision and a maximum setback is proposed for residential platted lots.
- **Chapter 14.56** has been amended to include a requirement for LID design.
- **Chapter 14.72** has been amended to allow more flexibility in parking space dimensions and vehicle accommodation area surfacing. The unloading/loading space requirements have

been re-organized by use. Staff proposes requiring one accessible Electric Vehicle Charging Station with each new development.

- **Chapter 14.76** proposes adoption of the “Seattle Green Factor Plant List” (**Exhibit 3**) to assist developer’s in choosing drought-tolerant, native plants appropriate for bioretention facilities, landscaping and screening. Staff proposes to offer alternatives to the 3:1 replanting ratio and add in requirements for wheel stops for parking spaces adjacent to landscape beds.

The Department of Ecology is in receipt of the city’s LID Summary Reporting Template and NPDES Phase II letter update. The city is not yet in receipt of any comments from the DOE. The modifications proposed to the EDDS standards will be processed by Public Works staff in concurrence or at a later date than the revisions to municipal code.

Staff issued a SEPA DNS on December 20, 2016 and sent the proposed amendments out for agency review. The city was granted expedited review from the Department of Commerce on January 4, 2017. Staff will re-issue SEPA pursuant to the new scope of work and coordinate with the Department of Commerce on any required additional review.

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**RECOMMENDATION:** No recommendation required at this time.

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#### **REFERENCES:**

1. AHBL for the Puget Sound Partnership.  
2012 Integrating LID into Local Codes: A Guidebook for Local Governments. Tacoma:  
Puget Sound Partnership.

#### **EXHIBITS:**

1. Proposed revisions to Chapter 11.06
2. Proposed revisions to sections of Title 14:
  - a. Chapter 14.48 LSMC
  - b. Chapter 14.56 LSMC
  - c. Chapter 14.72 LSMC
  - d. Chapter 14.76 LSMC
3. Seattle Green Factor Plant List

## Chapter 11.06 STORMWATER MANAGEMENT

Sections:

- [11.06.010](#) Purpose
- [11.06.020](#) Authority
- [11.06.02030](#) Stormwater Management Manual Adopted
- [11.06.03040](#) Stormwater Management Review and Approval Required
- [11.06.04050](#) Standards, Definitions, and Requirements
- [11.06.05060](#) Adjustments and Exceptions
- [11.06.06070](#) Low Impact Development: *Application of Measures—Alternative Standards*
- [11.06.080](#) Feasibility
- [11.06.07090](#) Construction and Maintenance of Stormwater Facilities
- [11.06.080100](#) Bonding and Insurance for Stormwater Facilities
- [11.06.090110](#) Prohibited, Allowable, and Conditional Discharges and Connections
- [11.06.100120](#) Administration, Inspection, and Fees
- [11.06.110130](#) Enforcement
- [11.06.120140](#) Appeals

### **11.06.010 Purpose.**

The City Council finds that this chapter is necessary in order to promote the public health, safety and welfare by providing for the comprehensive management of surface and stormwaters, erosion control, and flooding. The Council also finds that this chapter is necessary in order to minimize water quality degradation; to prevent flood damage, siltation and habitat destruction in the City's creeks, streams and other water bodies; to protect property owners adjacent to developing land from increased runoff rates which could cause stream erosion and damage to public and private property; to promote sound development and redevelopment policies which respect and preserve the City's watercourses and aquatic habitat; to *require*~~promote~~ low impact development strategies that reduce impervious surface and stormwater runoff; to ensure the safety of City streets and rights-of-way; and to prevent water quality degradation and promote ground water recharge through the implementation of comprehensive and thorough permit review, construction inspection, enforcement, and maintenance programs in order to promote the effectiveness of the requirements contained in this chapter.

*(Ord. xxx, Ord. 808, Sec. 1 (Exh. A), 2009)*

### **11.06.020 Authority.**

This chapter is enacted pursuant to the authority contained in Chapter 35A.63 RCW (Planning and Zoning in Code Cities), Chapter 36.70A RCW (Growth Management - Planning by Selected Counties and Cities), in compliance with the Federal Clean Water Act (Title 33 United States Code Section 1251 et seq.) and the requirements of the city's National Pollution Discharge Elimination System (NPDES) Phase II permit

issued by the Washington State Department of Ecology. Its provisions shall be liberally construed to accomplish the purposes of the program and the protection and preservation of the public health, safety and general welfare.

**11.06.02030 Stormwater Management Manual Adopted.**

The 20~~1205~~ State Department of Ecology Storm Water Management Manual for Western Washington, as amended by Sections 1 through ~~76~~ of Appendix 1 of the NPDES Phase II Municipal Stormwater Permit, as now or hereafter amended, is hereby adopted as the City's minimum stormwater regulations and as a technical reference manual and is hereinafter referred to as the "Stormwater Manual." ([Ord. xxx](#), Ord. 808, Sec. 1 (Exh. A), 2009).

**11.06.03040 Stormwater Management Review and Approval Required.**

Stormwater management review and approval by the City is required when any development or proposed project meets or exceeds the threshold conditions defined in the Stormwater Manual (e.g., new impervious area, drainage system modifications, redevelopments, etc.) and is subject to a City development permit or approval requirement. **Stormwater infrastructure shall be designed and constructed in accordance with the city's Engineering Design and Development Standards (EDDS)** (Ord. 808, Sec. 1 (Exh. A), 2009)

**11.06.04050 Standards, Definitions, and Requirements.**

- (a) Unless otherwise specified in this chapter, all standards, definitions, and requirements shall be in accordance with the Stormwater Manual.
- (b) Plan and Report Submittal. Stormwater site plans, supporting technical analyses and other required documentation shall conform to the requirements contained in the Stormwater Manual.
- (c) Where to Submit. All stormwater site plans prepared in connection with any of the permits and/or approvals set forth in this chapter shall be submitted to the Department of Public Works.
- (d) All plans, drawings and calculations designed to control surface water and subsurface water, submitted to the City, will be prepared by a licensed professional engineer, registered in the State of Washington, or by a person qualified as set forth in the Stormwater Manual, and those plans, drawings and calculations will be stamped showing that engineer's registration, if applicable.
- (e) Interpretation. The provisions of this chapter shall be held to be minimum requirements in their interpretation and application and shall be liberally construed to serve the purposes of this chapter.
- (f) More Strict Standard Applies. When any provision of any other ordinance of the City's regulations conflicts with this chapter, that which provides greater environmental protection shall apply unless otherwise provided for in this chapter.

(g) Determining Construction Site Sediment Damage Potential. Any person submitting a stormwater site plan must also determine the construction site sediment damage potential. Qualified personnel must use the rating system described in Appendix 7 of the NPDES Phase II permit to determine the site's potential to discharge sediment. (Ord. 808, Sec. 1 (Exh. A), 2009)

**11.06.05060 Adjustments and Exceptions.**

Adjustments and exceptions to the minimum standards and requirements may be granted as set forth in the Stormwater Manual. (Ord. 808, Sec. 1 (Exh. A), 2009)

**11.06.06070 Low Impact Development: Application of Measures.—Alternative Standards.**

(a) This section provides performance criteria for low impact development (LID). LID is a stormwater management and land development strategy utilized in site design and construction that emphasizes conversation and use of on-site natural features integrated with engineered, small-scale hydrologic controls in to mimic natural hydrologic functions. LID benefits the natural environment by moderating the impacts of storm water runoff generated by the built environment. LID techniques, implemented per the Stormwater Manual, are the required approach to site development with traditional structural stormwater. The City allows and encourages low impact development (LID) best management practices (BMPs), as an alternative to conventional stormwater management systems that rely on detention ponds and closed conveyance. Low impact development is intended to manage runoff close to the source of generation and to mimic the predeveloped hydrologic condition of a site.

(b) Low impact development is accomplished first through minimizing the impervious surface coverage and second by managing runoff through dispersion, infiltration, evapo-transpiration, or a combination of these approaches. Use of LID BMPs may reduce or eliminate the need for conventional detention facilities but does not remove the obligation to comply with the minimum requirements of the Stormwater Manual.

(c) A variety of BMPs to minimize impervious surfaces and to manage stormwater have been developed and tested for use in Western Washington. These BMPs and the overall LID approach are described in the LID Technical Guidance Manual for Puget Sound (LID Manual).

(d) The menu of LID BMPs identified in the LID Manual is accepted by the City for use in stormwater site plans to address the minimum requirements for flow control and runoff treatment in this chapter, subject to the specifications, performance standards, and design criteria in the LID Manual and review and approval under this chapter.

(e) A covenant or easement shall be recorded with the Snohomish County Auditor's Office for each lot containing or served by bioretention facilities in a form approved by the City Attorney. The covenant shall identify requirements and liability for preservation and maintenance of low impact development facilities approved under this chapter and privately held in individual or undivided ownership or intended for public

ownership, shall restrict conversion of LID facilities, and shall grant the City access to low impact development facilities on private property to allow inspection, maintenance, and repair. (Ord. 808, Sec. 1 (Exh. A), 2009)

**11.06.080 Feasibility.**

(a) Some development sites may have limitations that make attaining the LID performance standard not feasible. Project sites can choose to meet the LID performance standard or implement BMP's as listed in the LID Technical Guidance Manual for Puget Sound (LID Manual). The list option requires the use of the highest priority BMP's that are considered feasible for all surfaces of the site.

**11.06.07090 Construction and Maintenance of Stormwater Facilities.**

(a) All stormwater facilities required under this chapter shall be constructed and maintained as set forth in the Stormwater Manual and the permits and/or approvals of the City.

(b) Maintenance of Private Stormwater Facilities.

(1) The person or persons holding title to the property and the applicant required to construct a stormwater facility shall remain responsible for the facility's continual performance, operation, and maintenance in accordance with the standards and requirements of the Stormwater Manual, this chapter, and the permits and/or approvals of the City and shall remain responsible for any liability as a result of these duties. This requirement shall apply to all facilities not otherwise accepted by the City for maintenance as set forth in subsection (c) of this section.

(2) The City shall have authority to periodically enter upon the property and inspect the facilities to ensure such compliance and to issue orders requiring maintenance and/or repair. In event that the titleholders or other responsible parties do not effect such maintenance and/or repairs, the City may perform such work, and the cost thereof shall be recoverable by the City from said titleholders or other responsible parties and/or by filing a lien against the property.

(3) When an inspection identifies an exceedence of the maintenance standard, maintenance shall be performed in accordance with the following schedule:

- Within one year for typical maintenance of facilities, except catch basins.
- Within six months for catch basins.
- Within two years for maintenance that requires capital construction of less than \$25,000.

(c) Maintenance by City of Stormwater Facilities on Single-Family Residential Property.

- (1) The City is authorized to assume the total responsibility for all maintenance and repair of stormwater facilities serving single-family residential property if:
  - (i) The stormwater facilities have been conveyed to and accepted by the City, at the City's sole discretion, by bill of sale and accompanied by: (a) a warranty of the grantor that the utility lines, facilities and appurtenances are free of debt and were constructed in accordance with City standards and specifications; and (b) an agreement by the grantor to indemnify and hold the City harmless from any claims or damages arising from defective materials or workmanship;
  - (ii) If the lines or facilities are on or cross private property, the grantor shall have conveyed to the City the required easements for constructing, repairing, maintaining, altering, changing, controlling and operating the lines or facilities in perpetuity;
  - (iii) The bonding and insurance requirements of Section [11.06.080](#) have been fully complied with;
  - (iv) The facilities have been inspected and approved by the City;
  - (v) The City Council has adopted an increase in the stormwater user's fee for the single-family residential property being served by the stormwater facilities, which fee increase shall cover the City's cost of maintaining and repairing the facilities; and
  - (vi) All other requirements of this chapter have been fully complied with.
- (2) The City is authorized to assume the partial responsibility for only normal and routine maintenance of stormwater facilities serving single-family residential property if:
  - (i) The City and the titleholders or other responsible parties of the property have entered into an agreement in which the titleholders or other responsible parties: (a) indemnify and hold the City harmless from any claims or damages arising from the City's acts or omissions related to maintenance of the facilities; (b) give the City access rights to maintain the facilities; and (c) agree to remain responsible for all maintenance and repair of the facilities;
  - (ii) The bonding and insurance requirements of Section [11.06.080](#) have been fully complied with;
  - (iii) The facilities have been inspected and approved by the City;
  - (iv) The City Council has adopted an increase in the stormwater user's fee for the single-family residential property being served by the stormwater facilities, which fee increase shall cover the City's cost of maintaining the facilities; and
  - (v) All other requirements of this chapter have been fully complied with.

All major structural and nonstructural repairs beyond the scope of "normal and routine maintenance" shall remain the responsibility of the titleholders or responsible parties. (Ord. 808, Sec. 1 (Exh. A), 2009)

**11.06.080100 Bonding and Insurance for Stormwater Facilities.**

(a) The City may require all persons constructing stormwater facilities under this chapter to post with the City cash or surety bonds to cover the cost of defects in materials, workmanship, and installation and also to correct maintenance deficiencies during the initial two-year maintenance period following satisfactory completion of the facilities. Posting of such bonds shall be consistent with the City's policy for security deposits and subject to review by the City Attorney.

(b) The person constructing the stormwater facility and/or the property owner shall maintain a liability policy during the construction period and the initial two-year maintenance period or until the point in time if and when the City assumes maintenance responsibilities, with limits no less than \$1,000,000 combined single limit per occurrence and \$2,000,000 aggregate for personal injury, bodily injury and property damage, and with the City named as an additional insured. A copy of the endorsement naming the City as additional insured shall be attached to the certificate of insurance, which shall be provided to the City prior to commencement of the work. (Ord. 808, Sec. 1 (Exh. A), 2009)

**11.06.090110 Prohibited, Allowable, and Conditional Discharges and Connections.**

(a) Definitions. The following definitions shall be applicable to this section:

(1) "AKART" means all known, available, and reasonable methods of prevention, control, and treatment. See also the State Water Pollution Control Act, RCW [90.48.010](#) and [90.48.520](#).

(2) "Ground water" means water in a saturated zone or stratum beneath the surface of the land or below a surface water body.

(3) "Hazardous materials" means any material, including any substance, waste, or combination thereof, which because of its quantity, concentration, or physical, chemical, or infectious characteristics may cause, or significantly contribute to, a substantial present or potential hazard to human health, safety, property or the environment when improperly treated, stored, transported, disposed of, or otherwise managed.

(4) "Hyperchlorinated" means water that contains more than 10 mg/liter chlorine.

(5) "Illicit discharge" means any direct or indirect nonstormwater discharge to the City's storm drain system, except as expressly exempted by this chapter.

(6) "Illicit connection" means any man-made conveyance that is connected to a municipal separate storm sewer without a permit, excluding roof drains and other similar type connections. Examples

include sanitary sewer connections, floor drains, channels, pipelines, conduits, inlets, or outlets that are connected directly to the municipal separate storm sewer system.

(7) "Municipal separate storm sewer system (MS4)" means a conveyance or system of conveyances, including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, manmade channels, or storm drains, which are:

- (i) Owned or operated by the City of Lake Stevens;
- (ii) Designed or used for collecting or conveying stormwater;
- (iii) Not part of a publicly owned treatment works (POTW) ("POTW" means any device or system used in treatment of municipal sewage or industrial wastes of a liquid nature which is publicly owned); and
- (iv) Not a combined sewer ("combined sewer" means a system that collects sanitary sewage and stormwater in a single sewer system).

(8) "National Pollutant Discharge Elimination System (NPDES) Stormwater Discharge Permit" means a permit issued by the Environmental Protection Agency (EPA) (or by the Washington Department of Ecology under authority delegated pursuant to 33 USC Section 1342(b)) that authorizes the discharge of pollutants to waters of the United States, whether the permit is applicable on an individual, group, or general area-wide basis.

(9) "Nonstormwater discharge" means any discharge to the storm drain system that is not composed entirely of stormwater.

(10) "Person" means any individual, association, organization, partnership, firm, corporation or other entity recognized by law and acting as either the owner of a premises or as the owner's agent.

(11) "Pollution" means any pollutants which cause or contribute to adverse ecological effects or degradation. Pollutants may include, but are not limited to: paints, varnishes, and solvents; oil and other automotive fluids; nonhazardous liquid and solid wastes and yard wastes; refuse, rubbish, garbage, litter, or other discarded or abandoned objects and accumulations, so that same may cause or contribute to pollution; floatables; pesticides, herbicides, and fertilizers; hazardous substances and wastes; sewage, fecal coliform and pathogens; dissolved and particulate metals; animal wastes; wastes and residues that result from constructing a building or structure; and noxious or offensive matter of any kind.

(12) "Storm" or "stormwater drainage system" means publicly owned facilities, including the City's municipal separate storm sewer system, by which stormwater is collected and/or conveyed, including but not limited to any roads with drainage systems, municipal streets, gutters, curbs, inlets, piped storm

drains, pumping facilities, retention and detention basins, natural and human-made or altered drainage channels, reservoirs, and other drainage structures.

(13) "Stormwater" means runoff during and following precipitation and snowmelt events, including surface runoff and drainage.

(14) "Stormwater pollution prevention plan (SWPPP)" means a document which describes the best management practices and activities to be implemented by a person to identify sources of pollution or contamination at a premises and the actions to eliminate or reduce pollutant discharges to stormwater, stormwater conveyance systems, and/or receiving waters to the maximum extent practicable.

(b) Prohibited Discharges.

(1) No person shall throw, drain, or otherwise discharge, cause or allow others under his/her control to throw, drain or otherwise discharge into the municipal storm drain system any materials other than stormwater.

(2) Examples of prohibited contaminants include but are not limited to the following:

- (i) Trash or debris.
- (ii) Construction materials.
- (iii) Petroleum products including but not limited to oil, gasoline, grease, fuel oil and heating oil.
- (iv) Antifreeze and other automotive products.
- (v) Metals in either particulate or dissolved form.
- (vi) Flammable or explosive materials.
- (vii) Radioactive material.
- (viii) Batteries.
- (ix) Acids, alkalis, or bases.
- (x) Paints, stains, resins, lacquers, or varnishes.
- (xi) Degreasers and/or solvents.
- (xii) Drain cleaners.

- (xiii) Pesticides, herbicides, or fertilizers.
- (xiv) Steam cleaning wastes.
- (xv) Soaps, detergents, or ammonia.
- (xvi) Swimming pool cleaning wastewater or filter backwash.
- (xvii) Chlorine, bromine, or other disinfectants.
- (xviii) Heated water.
- (xix) Domestic animal wastes.
- (xx) Sewage.
- (xxi) Recreational vehicle waste.
- (xxii) Animal carcasses.
- (xxiii) Food wastes.
- (xxiv) Bark and other fibrous materials.
- (xxv) Lawn clippings, leaves, or branches.
- (xxvi) Silt, sediment, concrete, cement or gravel.
- (xxvii) Dyes. Unless approved by the City.
- (xxviii) Chemicals not normally found in uncontaminated water.
- (xix) Any other process-associated discharge except as otherwise allowed in this section.
- (xxx) Any hazardous material or waste not listed above.

(c) Allowable Discharges. The following types of discharges shall not be considered illegal discharges for the purposes of this chapter unless the City determines that the type of discharge, whether singly or in combination with others, is causing or is likely to cause pollution of surface water or ground water:

- (1) Diverted stream flows.
- (2) Rising ground waters.

- (3) Uncontaminated ground water infiltration - as defined in 40 CFR 35.2005(20).
- (4) Uncontaminated pumped ground water.
- (5) Foundation drains.
- (6) Air conditioning condensation.
- (7) Irrigation water from agricultural sources that is commingled with urban stormwater.
- (8) Springs.
- (9) Water from crawl space pumps.
- (10) Footing drains.
- (11) Flows from riparian habitats and wetlands.
- (12) Discharges from emergency fire fighting activities.

(d) Conditional Discharges. The following types of discharges shall not be considered illegal discharges for the purposes of this chapter, if they meet the stated conditions, or unless the City determines that the type of discharge, whether singly or in combination with others, is causing or is likely to cause pollution of surface water or ground water:

- (1) Potable water, including water from water line flushing, hyperchlorinated water line flushing, fire hydrant system flushing, and pipeline hydrostatic test water. These planned discharges shall be de-chlorinated to a concentration of 0.1 ppm or less, pH-adjusted if necessary and in volumes and velocities controlled to prevent re-suspension of sediments in the stormwater system.
- (2) Lawn watering and other irrigation runoff.
- (3) De-chlorinated swimming pool discharges. These discharges shall be de-chlorinated to a concentration of 0.1 ppm or less, pH-adjusted and reoxygenized if necessary, volumetrically and velocity controlled to prevent re-suspension of sediments in the stormwater system.
- (4) Street and sidewalk wash water, water used to control dust, and routine external building wash down that does not use detergents. These discharges shall be permitted, if the amount of street wash and dust control water used is minimized. At active construction sites, street sweeping must be performed prior to washing the street.

- (5) Nonstormwater discharges covered by another NPDES permit. These discharges shall be in full compliance with all requirements of the permit, waiver, or order and other applicable laws and regulations.
- (6) Other nonstormwater discharges. These discharges shall be in compliance with the requirements of a stormwater pollution prevention plan (SWPPP) reviewed and approved by the City, which addresses control of such discharges by applying AKART to prevent contaminants from entering surface or ground water.

(e) Prohibited Connections.

- (1) The construction, use, maintenance, or continued existence of illicit connections to the stormwater system is prohibited.
- (2) This prohibition expressly includes, without limitation, illicit connections made in the past, regardless of whether the connection was permissible under law or practices applicable or prevailing at the time of connection.
- (3) A person is considered to be in violation of this section, if the person connects a line conveying sewage to the MS4 or allows such a connection to continue. (Ord. 808, Sec. 1 (Exh. A), 2009)

**11.06.100120 Administration, Inspection, and Fees.**

(a) Administration.

- (1) This chapter shall be primarily administered by the Director of Public Works or a designee, hereafter referred to as the Director, with the cooperation and assistance of the Department of Planning and Community Development. The Director of Public Works and the Director of Planning and Community Development shall have the authority to develop and implement administrative procedures to administer and enforce this chapter.
- (2) The Director may approve, conditionally approve, or deny activities regulated by this chapter.

(b) Inspections.

- (1) The Director is authorized to gain access to private property as provided by law and in this chapter, make such inspections of stormwater facilities, and take such actions as may be required to enforce the provisions of this chapter.
- (2) Inspection prior to clearing and construction will apply to sites with a high potential for sediment damage, as identified by the applicant during civil review based on definitions and requirements of Appendix 7 of the Western Washington Phase II Municipal Stormwater Permit.

(3) Whenever necessary to make an inspection to enforce any of the provisions of this chapter, monitor for proper function of stormwater facilities, or whenever the Director has reasonable cause to believe that violations of this chapter are present or operating on a subject property or portion thereof, the Director or a designee may enter such premises at all reasonable times to inspect the same or perform any duty imposed upon the Director by this chapter; provided, that if such premises or portion thereof is occupied, the Director shall first make a reasonable effort to locate the owner or other person having charge or control of the premises or portion thereof and request entry. If after reasonable effort, the inspector is unable to locate the owner or other person having charge or control of the premises or portion thereof and has reason to believe an imminent hazard exists, the inspector may enter.

(4) Property owners shall provide proper ingress and egress to any stormwater facility to the Director or a designee to inspect, monitor or perform any duty imposed upon the Director by this chapter. The Director shall notify the responsible party in writing of failure to comply with this access requirement. Failing to obtain a response within seven days from the receipt of notification, the Director may order the work required completed or otherwise address the cause of improper access. The obligation for the payment of all costs that may be incurred or expended by the City in causing such work to be done shall thereby be imposed on the person holding title to the subject property and/or imposed against the subject property by filing a lien.

(c) Fees. Fees for all reviews, inspections, permits and/or approvals, and appeals, which are set forth in this chapter, shall be set by resolution of the City Council. (Ord. 808, Sec. 1 (Exh. A), 2009)

**11.06.110130 Enforcement.**

(a) Violations of this chapter shall be enforced pursuant to Title [17](#) of the Lake Stevens Municipal Code.

(b) Violations of this chapter shall either be (1) a misdemeanor subject to a jail term of not more than one year, a fine of not more than \$1,000, or both such fine and imprisonment, or (2) a civil violation subject to a monetary penalty of \$500.00 for each violation per day or portion thereof. (Ord. 808, Sec. 1 (Exh. A), 2009)

**11.06.120140 Appeals.**

The decisions of the Director may be appealed by an aggrieved party ~~to the Hearing Examiner by filing written notice of appeal, including an appeal fee as set by resolution of the City Council, with the City Clerk within 10 days of notice of the Director's decision~~ pursuant to the requirements of Section 14.16A.265. -(Ord. 808, Sec. 1 (Exh. A), 2009)

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## Chapter 14.48 DENSITY AND DIMENSIONAL REGULATIONS

Sections:

- [14.48.010](#) Minimum Lot Size Requirements
- [14.48.020](#) Duplexes in Single-Family Zones
- [14.48.030](#) Minimum Lot Widths
- [14.48.040](#) Building Setback Requirements
- [14.48.050](#) Exceptions to Building Setback Requirements
- [14.48.055](#) Maximum Impervious Surface
- [14.48.060](#) Building Height Limitations
- [14.48.070](#) Cluster Subdivisions
- [14.48.080](#) *Repealed*
- [14.48.090](#) Density on Lots Where Portion Dedicated to City for Park and Recreational Facilities
- [14.48.094](#) Minimum Lot Size on Lots Where Right-of-Way is Dedicated to the City
- [14.48.100](#) Rural Subdivisions

### **14.48.010 Minimum Lot Size Requirements.**

Table 14.48-1 indicates the basic minimum lot size required for each zone district, which shall apply to all created lots unless a reduction is otherwise allowed pursuant to a specific regulation contained elsewhere in this title. (Ord. 811, Sec. 55, 2010; Ord. 676, Sec. 43, 2003; Ord. 590, 1998; Ord. 468, 1995)

### **14.48.020 Duplexes in Single-Family Zones.**

Duplexes, two-family conversions, and primary residences with an accessory apartment, in single-family zones, shall be allowed only on lots having at least 150 percent of the minimum square footage required for one dwelling unit on a lot in such district. (Ord. 676, Sec. 44, 2003; Ord. 590, 1998; Ord. 468, 1995)

### **14.48.030 Minimum Lot Widths.**

(a) No lot may be created that is so narrow or otherwise so irregularly shaped that it would be impracticable to construct on it a building that:

- (1) Could be used for purposes that are permissible in that zoning district; and
- (2) Could satisfy any applicable setback requirements for that district.

(b) Without limiting the generality of the foregoing standard, Table 14.48-I indicates minimum lot widths that are recommended and are deemed presumptively to satisfy the standard set forth in subsection (a) of this section. The lot width shall be measured along a straight line connecting points A and B, where point A is the midpoint of the shorter side property line and point B is the point on the opposite side property line measured an equal distance from the front property line as point A.

(c) No lot created after the effective date of this title that is less than the recommended width shall be entitled to a variance from any building setback requirement. (Ord. 468, 1995)

**14.48.040 Building Setback Requirements.**

(a) Table 14.48-I sets forth the minimum building and freestanding sign setbacks required from lot lines, ultimate street rights-of-way and street centerlines.

(1) If the ultimate street right-of-way line is readily determinable (by reference to the Comprehensive Plan Transportation Plan, a recorded map, set irons, adopted plan, or other means), the setback shall be measured from the ultimate right-of-way line. If it is not so determinable, the setback shall be measured from the actual street centerline.

(2) As used in this section, the term "lot line, tract or easement" refers to all easements and lot boundaries other than those that abut streets. Setbacks from access easements and access tracts are considered lot line setbacks.

(3) As used in this section, the term "building" includes any substantial structure which by nature of its size, scale, dimensions, bulk, or use tends to constitute a visual obstruction or generate activity similar to that usually associated with a building. It also includes any element that is substantially a part of the building, such as bay windows and chimneys, and not a mere appendage, such as a flagpole. Without limiting the generality of the foregoing, for the purpose of determining setbacks the following structures are to be considered buildings:

(i) Gas pumps and overhead canopies or roofs;

(ii) Fences and hedges taller than 42 inches.

(4) Eaves and other minor architectural features may project into the required setback up to 18 inches.

(b) Whenever a lot in a residential district abuts a nonresidential district, and its required setback is greater than that of the nonresidential lot, the nonresidentially zoned lot shall observe the more restrictive setback. Where a lot zoned General or Light Industrial shares a boundary

with a residentially zoned lot, the setback for the industrial property along that common boundary shall be 30 feet.

(c) In the High Urban Residential District, one five-foot interior side yard setback of a lot may be reduced to zero feet for portions of the house that share a common wall with the home on the adjacent lot. Portions of a house which do not share a common wall must be set back a minimum of five feet. The Fire and Building Codes have special building requirements which must be met when setbacks are less than five feet.

(d) All docks and other permissible overwater structures shall be set back pursuant to the Shoreline Master Program, Chapter 4, Section C.3. For the purposes of this section each property line extending into the lake shall be construed as extending at the same angle as the property line on shore. (Ord. 903, Sec. 38, 2013; Ord. 898, Sec. 7, 2013; Ord. 796, Sec. 8, 2009; Ord 666, Sec. 8, 2002; Ord. 612, Sec. 1, 1999; Ord. 590, 1998; Ord. 468, 1995)

**14.48.050 Exceptions to Building Setback Requirements.**

(a) The following modifications to the setback requirements identified in Section [14.48.040](#) shall be allowed:

(1) In the Suburban Residential and Waterfront Residential districts only, where the high point of the roof or any appurtenance of an accessory building exceeds 12 feet in height, the accessory building shall be set back from the rear lot lines, tracts or easements an additional one foot for every foot of height exceeding 12 feet.

(2) In single-family residential zones, accessory structures may be located within the exterior side yard of a corner lot, provided the accessory structure meets the following conditions:

- (i) The gross floor area of all accessory structures within the reduced setback area does not exceed 200 square feet.
- (ii) The height of the accessory structure does not exceed eight feet.
- (iii) The accessory structure is screened to a minimum height of six feet with an opaque fence or densely planted vegetation.
- (iv) The accessory structure respects the minimum front yard setback and shall be no closer to the front property line than that of the principal house.
- (v) The accessory structure is located no closer than 10 feet to the exterior side property line.

(b) In all single-family residential zones, the building setbacks from the street of the underlying zone may be reduced by five feet for living portions of the principal house only. This reduction does not apply to garages or other nonhabitable areas.

(c) In all single-family residential zones, the setback from a critical area buffer may be reduced to five feet for uncovered decks, provided sufficient room is provided to construct and maintain the deck without disturbing the buffer area.

(d) In all single-family residential zones, unenclosed front porches may be constructed to be as close as 15 feet of the ultimate street right-of-way.

(e) ~~In all residential zones, fences which do not exceed six feet in height may be located along property lines which do not abut a public right of way. No fence may exceed 42 inches in height within the front yard setback abutting a public right of way or within 10 feet of an exterior side yard right of way. On exterior side yards, the area between the fence and sidewalk shall be maintained by the property owner. Where fences are built or hedges are maintained on top of or within five feet of a retaining wall on the uphill side, the retaining wall and fence or hedge shall be measured as one structure for the purposes of determining setback requirements. The height shall be the vertical distance measured from the mean elevation of the finished grade around the perimeter of the retaining wall to the highest point of the hedge or fence. (Ord. 903, Sec. 39, 2013; Ord. 811, Sec. 56, 2010; Ord. 741, Sec. 7, 2007; Ord. 676, Sec. 45, 2003; Ord. 666, Sec. 9, 2002; Ord. 595, 1999; Ord. 468, 1995)~~

**Commented [SP1]:** Move this to Chapter 14.80 and modify per your Admin Policy.

#### **14.48.055 Maximum Impervious Surface.**

Unless otherwise provided for elsewhere in Title 14 or the Shoreline Master Program, the maximum impervious surface shall not exceed 40 percent of a lot for development in single-family zoning districts, except that the impervious surface areas for development in the High Urban Residential (HUR) zoning district shall not exceed 65 percent of the lot. (Ord. 947, Sec. 2, 2015; Ord. 595, 1999)

#### **14.48.060 Building Height Limitations.**

(a) For purposes of this section the height of a building shall be the vertical distance measured from the mean elevation of the finished grade around the perimeter of the building to the highest point of the building.

(b) Building height limitations in the various zoning districts shall be as listed in Table 14.48-I.

(c) The following features are exempt from the district height limitations set forth in subsection (b) of this section, provided they conform to the standards contained in subsection (d) of this section:

- (1) Chimneys, church spires, elevator shafts, and similar structural appendages not intended as places of occupancy or storage;
- (2) Flagpoles and similar devices;
- (3) Heating and air conditioning equipment, solar collectors, and similar equipment, fixtures, and devices.

(d) The features listed in subsection (c) of this section are exempt from the height limitations set forth in subsection (b) of this section if they conform to the following requirements:

- (1) Not more than one-third of the total roof area may be consumed by such features.
- (2) The features described in subsection (c)(3) of this section must be set back from the edge of the roof a minimum distance of one foot for every foot by which such features extend above the roof surface of the principal building to which they are attached.
- (3) The permit-issuing authority may authorize or require that parapet walls be constructed (up to a height not exceeding that of the features screened) to shield the features listed in subsections (c)(1) and (3) of this section from view.

(e) In any zoning district the vertical distance from the ground to a point of access to a roof surface of any nonresidential building or any multifamily residential building containing four or more dwelling units may not exceed 35 feet unless the Fire Chief certifies to the permit-issuing authority that such building is designed to provide adequate access for firefighting personnel or the building inspector certifies that the building is otherwise designed or equipped to provide adequate protection against the dangers of fire. A point of access to a roof shall be the top of any parapet wall or the lowest point of a roof's surface, whichever is greater. Roofs with slopes greater than 75 percent are regarded as walls.

(f) Towers and antennas which exceed the height limit of the zone district are allowed to the extent authorized in the Table of Permissible Uses, use classification 18.000. (Ord. 676, Sec. 46, 2003; Ord. 590, 1998; Ord. 468, 1995)

**14.48.070 Cluster Subdivisions.**

(a) In any single-family residential subdivision or short subdivision of six lots or more, a developer may create lots that are smaller than those required by Section [14.48.010](#) if such developer complies with the provisions of this section and if the lots so created are not smaller than the minimums set forth in Table 14.48-I.

(b) The intent of this section is to authorize the developer to decrease lot sizes and leave the land "saved" by so doing as usable open space, thereby lowering development costs and increasing the amenity of the project without increasing the density beyond what would be permissible if the land were subdivided into the size of lots required by Section [14.48.010](#).

(c) The amount of usable open space that must be set aside shall be determined by:

- (1) Subtracting from the standard square footage requirement set forth in Section [14.48.010](#) the amount of square footage of each lot that is smaller than that standard;
- (2) Adding together the results obtained in subsection (c)(1) of this section for each lot.

(d) The provisions of this section may only be used if the usable open space set aside in a subdivision comprises at least 10,000 square feet of space that satisfies the definition of usable open space.

(e) The setback requirements of Sections [14.48.040](#) and [14.48.050](#) shall apply in cluster subdivisions. (Ord. 903, Sec. 40, 2013; Ord. 501, Sec. 10, 1995; Ord. 468, 1995)

**14.48.080 Architecturally Integrated Subdivisions.**

*Repealed by Ordinance 579.*

**14.48.090 Density on Lots Where Portion Dedicated to City for Park and Recreational Facilities.**

(a) Subject to the other provisions of this section, if (1) any portion of a tract lies within an area designated on any officially adopted City plan as part of a proposed public park, greenway, or bikeway, and (2) before the tract is developed, the owner of the tract, with the concurrence of the City, dedicates to the City that portion of the tract so designated, then, when the remainder of the tract is developed for residential purposes, the permissible density at which the remainder may be developed shall be calculated in accordance with the provisions of this section.

(b) If the proposed use of the remainder is a single-family detached residential subdivision, then the lot size in such subdivision may be reduced in accordance with the provisions of Sections [14.48.070](#) except that the developer need not set aside usable open space to the extent that an equivalent amount of land has previously been dedicated to the City in accordance with subsection (a) of this section.

**Commented [SP2]:** We're you envisioning integrating LID into the clustering provisions or creating a "LID Cluster" subdivision option? Mountlake Terrace recently passed an ordinance for LID subdivisions: <http://www.cityofmlt.com/DocumentCenter/Home/View/10204>.

(c) If the proposed use of the remainder is a two-family or multifamily project, then the permissible density at which the remainder may be developed shall be calculated by regarding the dedicated portion of the original lot as if it were still part of the lot proposed for development.

(d) If the portion of the tract that remains after dedication as provided in subsection (a) of this section is divided in such a way that the resultant parcels are intended for future subdivision or development, then each of the resultant parcels shall be entitled to its pro rata share of the "density bonus" provided for in subsections (b) and (c) of this section. (Ord. 590, 1998; Ord. 468, 1995)

**14.48.094 Minimum Lot Size on Lots Where Right-of-Way is Dedicated to the City.**

Where land is dedicated to the City for public rights-of-way for a short plat or a building permit for a single-family house or a duplex, the minimum parcel size may be reduced by an equivalent square footage as that dedicated, not to exceed 10 percent of the required minimum parcel size. (Ord. 590, 1998; Ord. 468, 1995)

**14.48.100 Rural Subdivisions.**

(a) Except as exempted in subsection (b) of this section, where dual densities/minimum parcel sizes are given for a zone in Table 14.48-I, the lesser density/larger minimum parcel size prevails unless the decision making authority is able to make all of the below listed findings, in which case the higher densities/smaller minimum parcel size prevails. The intent of the findings is graphically represented in Figure 14.1. The findings needed to be made to allow the higher density/smaller minimum parcel size are:

(1) The subject parcel(s) or tract(s) proposed for subdivision or development must be adjacent to an area of at least 1,000 acres ("core urban area"), of which at least 20 acres contiguous to the subject property is seventy-five percent (75%) subdivided and/or built at its allowed higher density. For the purpose of this section "adjacent" means sharing a common border for at least twenty-five percent (25%) of the subject property's entire boundary (roads are not considered to separate properties). The net developable area of the 20 acres shall be used in the calculations so that lands permanently dedicated to public uses (open space, schools, Lake Stevens, etc.) do not forestall the ability of a subject property to develop to its higher density. Intervening areas of non-residentially zoned land between the core urban area and the subject property may be counted as part of the developed core urban area regardless of whether or not it is built, since the development of commercial or industrial land often follows residential development.

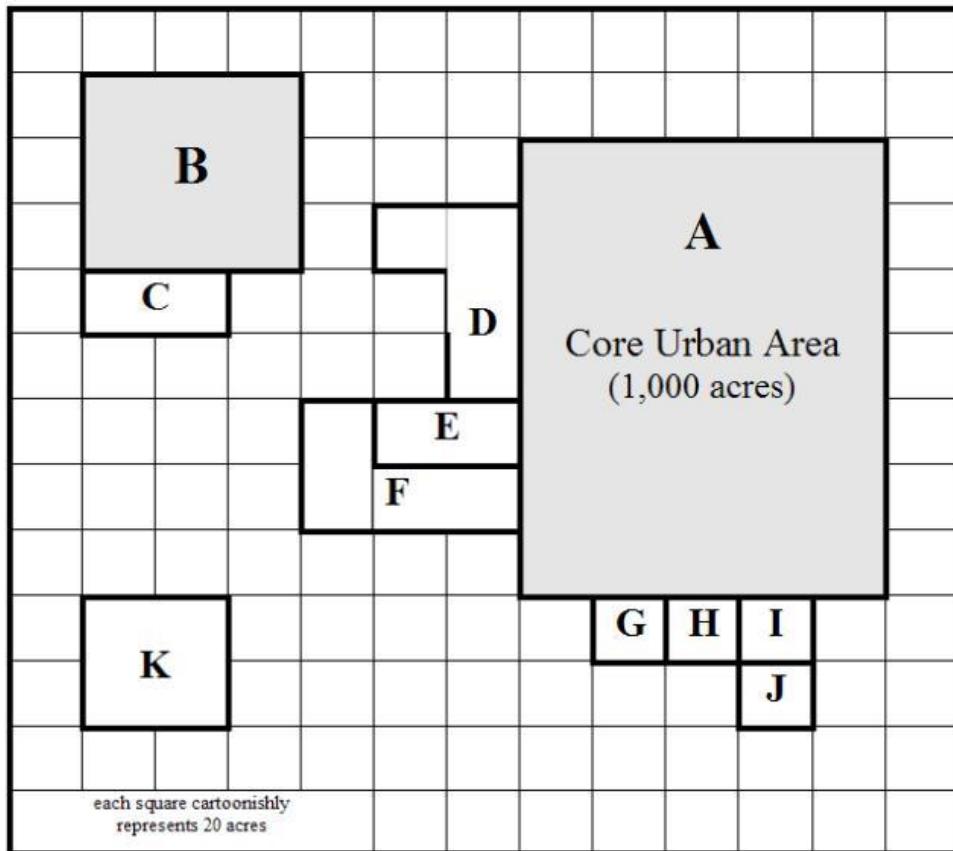
- (2) All urban services (i.e., sewer, water, roads, other utilities, police, etc.) must be physically and fiscally available. Fulfillment of this finding shall be supported by the applicant providing an analysis of availability, analyzing both costs and benefits to the agencies or districts providing the services.
- (3) All required infrastructure can be provided and provision is made a condition of the subdivision. This infrastructure must be provided consistent with the urban level of service established by the governing jurisdiction.
- (4) Either:
  - (1) The property is annexed to the City OR
  - (2) The governing jurisdiction has passed a resolution stating that it is willing to provide urban services and the applicant has signed and recorded an agreement committing the entire property to annex to the City upon the initiation of a request for annexation which encompasses the subject property. The governing jurisdiction's resolution should take into account the special service districts' ability to provide the needed services.

(b) Exemptions from subsection (a)(1) and which are allowed to develop at their higher densities upon the findings of subsection (a)(2-4) being made include:

- (1) Those portions of PNDs developed as single-family residential districts.
- (2) Properties within the City limits.

(c) For subdivisions into tracts of 5 acres or larger, provision of public improvements to an urban level shall not be required, although some provision may be required to adequately reduce the impacts of the proposed level of development. Specifically, public sewer facilities are not required and roads need only be developed to 28-feet of pavement with 6-foot gravel shoulders. However, dedication of all future rights-of-way as specified in the Transportation Plan of the Comprehensive Plan (or other adopted transportation plan) shall be made a condition of the subdivision. (Ord. 468, 1995)

Figure 14.1: Graphic Representation of the Intent of §14.48.100 (Suburban Subdivisions)



Key to Figure 14.1

A = The Urban Core Area of 1,000 acres, developed to its higher density.

B = An outlying area developed to its higher density, but the overall area contains less than 1,000 acres.

C = An undeveloped 40-acre tract that could subdivide into five-acre lots, but not to its higher density yet. Even = though more than a quarter of its boundary adjoins Area B, which is developed to its higher density, that area is not a "core urban area" (i.e., it is less than 1,000 acres in size).

D = An undeveloped 80-acre tract that could subdivide to its higher density, as more than a quarter of its = boundary adjoins the core urban area.

E = An undeveloped 40-acre tract that could subdivide into five-acre lots, but not to its higher density until Area D developed to its higher density.

F = An undeveloped 80-acre tract that could subdivide into five-acre lots, but not to its higher density until Area E developed to its higher density (and thus, not until Area D also developed to its higher density).

G = An undeveloped 20-acre tract that could subdivide to its higher density, as more than a quarter of its boundary adjoins the core urban area.

H = An undeveloped 20-acre tract that could subdivide to its higher density, as more than a quarter of its boundary adjoins the core urban area.

I = An undeveloped 20-acre tract that could subdivide to its higher density, as more than a quarter of its boundary adjoins the core urban area.

J = An undeveloped 20-acre tract that could subdivide into five-acre lots, but not to its higher density until Area I developed to its higher density.

K = An undeveloped 80-acre tract that could subdivide into five-acre lots, but not to its higher density until higher density development reached its boundaries.

(Ord. 468, 1995)

Table 14.48-I: Den

Zone	Minimum Lot Size		Minimum Residential Densities (Minimum Square Feet per Dwelling Unit)	Minimum Lot Width (ft.)	Minimum Lot Width (ft.): Cluster Subdivisions	Building Setback Requirements Minimum					
	Standard Subdivision	Cluster Subdivision				Nonarterial Street Right-of-Way Line					
						Building	Free Sign	Building			
Waterfront Residential	9,600 ft <sup>2</sup>	7,500 ft <sup>2</sup>	9,600 ft <sup>2</sup>	50	40	25	12.5	55			
Suburban Residential <sup>2</sup>	5 acres/ 9,600 ft <sup>2</sup>	5 acres/ 7,500 ft <sup>2</sup>	5 acres/ 9,600 ft <sup>2</sup>	80	70	25	12.5	55			
Urban Residential <sup>2</sup>	5 acres/ 7,500 ft <sup>2</sup>	6,000 ft <sup>2</sup>	7,500 ft <sup>2</sup>	60	50	20	10	50			
High Urban Residential	3,600 ft <sup>2</sup>	N/A	3,600 ft <sup>2</sup>	40	30	15	5	45			

Commented [SP3]: An option to lower the min. lot width with cluster subdivisions. I tried using a percentage but the numbers get weird. I didn't see any jurisdictions permitting under 25 feet in width.

Multi-Family Residential	3,000 ft <sup>2</sup>	N/A	0 ft <sup>2</sup>	50	40	0	0	30
Neighborhood Commercial	3,000 ft <sup>2</sup>	N/A	0 ft <sup>2</sup>	0	0	0	0	30
Mixed Use	3,000 ft <sup>2</sup>	N/A	0 ft <sup>2</sup>	0	0	0	0	30
Local Business	3,000 ft <sup>2</sup>	N/A	0 ft <sup>2</sup>	0	0	0	0	30
Central Business District	3,000 ft <sup>2</sup>	N/A	0 ft <sup>2</sup>	0	0	0	0	30
Planned Business District	0 ft <sup>2</sup>	N/A	0 ft <sup>2</sup>	0	0	0	0	30
<b>Sub-Regional Commercial</b>	<b>0 ft<sup>2</sup></b>	<b>N/A</b>	<b>0 ft<sup>2</sup></b>	<b>40</b>		<b>0</b>	<b>0</b>	<b>30</b>
Light Industrial	0 ft <sup>2</sup>	N/A	N/A	10	10	0	0	30
General Industrial	0 ft <sup>2</sup>	N/A	N/A	10	10	0	0	30
Public/Semi-Public	0 ft <sup>2</sup>	N/A	N/A	0	0	0	0	0

<sup>1</sup> See Section [14.48.040\(a\)\(1\)](#) for use of centerline.

<sup>2</sup> See Section [14.48.100](#) for use of five acres or square feet requirements.

<sup>3</sup> Eaves and other minor architectural features may project into the required setback up to 18 inches.

<sup>4</sup> If property is located on Lake Stevens or Catherine Creek or has wetlands, please refer to the required setbacks in the Shoreline Master Program and Chapter [14.88](#), Critical Areas.

<sup>5</sup> For platted lots, the maximum allowed setback shall be 35 feet.

(Ord. 903, Sec. 38, 2013; Ord. 855, Sec. 22, 2011; Ord. 811, Sec. 55, 2010; Ord. 796, Sec. 9 (Exh. 1), 2009; Ord. 773, Sec. 3, 2008; Ord. 744, Sec. 3, 2007; Ord. 676, Sec. 47, 2003; Ord. 468, 1995)

## Chapter 14.56 STREETS AND SIDEWALKS

Sections:

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- [14.56.010](#) Street Classification
- [14.56.020](#) Costs of Right-of-Way Installation and Improvements Borne by Applicant
- [14.56.030](#) Access to Lots
- [14.56.040](#) Access to Arterial Streets
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- [14.56.310](#) Authorization
- [14.56.320](#) Applications
- [14.56.340](#) Assessment Methods
- [14.56.350](#) Notice to Property Owners
- [14.56.360](#) City Council Action
- [14.56.370](#) Contract Execution and Recording

## **Part I. Requirements**

### **14.56.010 Street Classification.**

- (a) In all new subdivisions, streets shall be dedicated to public use, and shall be classified as provided in subsection (b) of this section.
  - (1) The classification shall be based upon the projected volume of traffic to be carried by the street, stated in terms of the number of trips per day;
  - (2) The number of dwelling units to be served by the street may be used as an indicator of the number of trips but is not conclusive;
  - (3) Whenever a subdivision street continues an existing street that formerly terminated outside the subdivision or it is expected that a subdivision street will be continued beyond the subdivision at some future time, the classification of the street will be based upon the street in its entirety, both within and outside of the subdivision.
- (b) The classification of streets generally shall be consistent with the Washington State Department of Transportation Design Manual and shall be described as follows:
  - (1) "Freeway/Expressway" is an inter-regional divided or undivided highway connecting major centers. Typically, freeways have two or more lanes for traffic in each direction. Access is limited to interchanges designed for higher speed merging/diverging traffic.
  - (2) "Major Arterial" is an inter-community roadway connecting community centers or major facilities. Major arterials are generally intended to serve predominantly through traffic. Direct access to abutting property will be discouraged. Spacing between parallel major arterials is generally two miles or greater.
  - (3) "Minor Arterial" is an intra-community roadway for areas bounded by the major arterial system. Minor arterials serve trips of moderate length. Direct access to abutting property will be discouraged. Spacing of minor arterials is typically less than two miles.

- (4) "Collector" is a roadway designed for movement within a community, including connecting neighborhoods with smaller community centers. Collectors also provide connections to minor and major arterials. Property access is generally a higher priority for collectors with a lower priority for through traffic movements. Spacing of collectors is generally one mile or less.
- (5) "Local Access" is a roadway designed for connections to arterial and collector systems for individual neighborhoods and provides circulation within and/or between neighborhoods. Spacing of neighborhood collectors is typically one-half mile or less.
- (6) "Access Tract" is a privately-owned tract of land used primarily for ingress/egress for one or more lots.
- (7) "Alley" is a right-of-way providing access to the rear boundary of two or more residential or commercial properties and is not intended for general traffic circulation.
- (8) "Cul-de-sac" is a street which terminates in a vehicular turnaround. (Ord. 796, Sec. 10, 2009)

**14.56.020 Costs of Right-of-Way Installation and Improvements Borne by Applicant.**

When rights-of-way improvements are required in conjunction with permit approval, all costs and expenses incident to the installation of rights-of-way to be dedicated to the public shall be borne by the applicant.

**14.56.030 Access to Lots.**

Every lot shall have access to it that is sufficient to afford a reasonable means of ingress and egress for emergency vehicles as well as for all those likely to need or desire access to the property in its intended use.

**14.56.040 Access to Arterial Streets.**

Whenever a major subdivision that involves the creation of one or more new streets borders on or contains an existing or proposed arterial street, no direct driveway access may be provided from the lots within this subdivision onto this street unless no other access is possible.

**14.56.050 Entrances to Streets.**

(a) All driveway entrances and other openings onto streets within the City's planning jurisdiction shall be constructed so that:

- (1) Vehicles can enter and exit from the lot in question without posing any substantial danger to themselves, pedestrians, or vehicles traveling in abutting streets; and
- (2) Interference with the free and convenient flow of traffic in abutting or surrounding streets is minimized.

(b) Driveway cuts shall be limited to the following widths:

Single-Family Residential

10 feet minimum

20 feet maximum

Multifamily Residential

20 feet minimum

30 feet maximum

Commercial and Industrial

30 feet minimum

40 feet maximum

(c) Specifications for driveway entrances are set forth in the currently adopted version of the Engineering Design and Development Standards for the City of Lake Stevens. If driveway entrances and other openings onto streets are constructed in accordance with the foregoing specifications and requirements, this shall be deemed *prima facie* evidence of compliance with the standard set forth in subsection (a) of this section.

(d) For purposes of this section, the term “*prima facie* evidence” means that the permit-issuing authority may (but is not required to) conclude from this evidence alone that the proposed development complies with subsection (a) of this section. (Ord. 796, Sec. 11, 2009)

**14.56.060 Coordination with Surrounding Streets.**

(a) The street system of a subdivision shall be coordinated with existing, proposed, and anticipated streets outside the subdivision or outside the portion of a single tract that is being divided into lots (hereinafter, “surrounding streets”) as provided in this section.

(b) Collector streets shall intersect with surrounding collector or arterial streets at safe and convenient locations.

(c) Local access residential streets shall connect with surrounding streets where necessary to permit the convenient movement of traffic between residential neighborhoods or to facilitate access to neighborhoods by emergency service vehicles or for other sufficient reasons, but connections shall not be permitted where the effect would be to encourage the use of such streets by substantial through traffic.

(d) Whenever connections to anticipated or proposed surrounding streets are required by this section, the street right-of-way shall be extended and the street developed to the property line of the subdivided property (or to the edge of the remaining undeveloped portion of a single tract) at the point where the connection to the anticipated or proposed street is expected. In addition, the permit-issuing authority may require temporary turnarounds to be constructed at the end of such streets pending their extension when such turnarounds appear necessary to facilitate the flow of traffic or accommodate emergency vehicles. Notwithstanding the other provisions of this subsection, no temporary dead-end street in excess of 1,000 feet may be created unless no other practicable alternative is available. (Ord. 796, Sec. 12, 2009)

**14.56.070 Relationship of Streets to Topography.**

(a) Streets shall be related appropriately to the topography. In particular, streets shall be designed to facilitate the drainage and storm water runoff objectives set forth in Chapter [14.64](#), and street grades shall conform as closely as practicable to the original topography.

(b) The maximum grade at any point on a street shall not exceed 15 percent unless no other practicable alternative is available. However, in no case may streets be constructed with grades that, in the professional opinion of the Public Works Director, create a substantial danger to the public safety. (Ord. 468, 1995)

**14.56.080 Street Width, Sidewalk, and Drainage Requirements in Subdivisions.**

(a) Streets are intended to serve several functions. These functions vary depending on the classification of the street: (1) to carry motor vehicle traffic, provide on-street parking; (2) to provide for safe and convenient pedestrian and nonmotorized travel; and (3) to aid in managing stormwater. The requirements outlined in this chapter are intended to ensure these objectives are met.

(b) All existing and planned streets which the City deems necessary for the completion of the City's transportation system are shown and classified in the City's Transportation Element of the Comprehensive Plan. However, the list of planned streets is nonexhaustive and other streets may be proposed by a permit applicant.

(c) Any permit application shall be reviewed for conformance with the Transportation Plan. If a planned street is shown to run through or adjacent to a property proposed for development, the proposal must include roadway dedication and improvements which are generally in conformance to the plan, and meet the development standards identified in this chapter.

(d) Whenever convenient access from a subdivision to adjacent schools, parks or other public facilities is not provided through the dedication and improvement of streets pursuant to this chapter, the developer may be required to include an unobstructed easement of at least 10 feet in width and construct a pathway to provide such access.

**Table 14.56-I: Street and Right-of-Way Improvement Requirements<sup>1</sup>**

Classification	ROW Width (ft)	Pavement Width (ft)	Standard Plan
Freeway/Expressway	*	*	-
Major Arterial	*	*	-

Minor Arterial	70	48	<u>2-010</u>
Reduced Standard Minor Arterial <sup>3</sup>	60	42	<u>2-010</u>
Collector	60	36	<u>2-020</u>
Reduced Standard Collector <sup>3</sup>	50	32	<u>2-020</u>
Local Access	50	28	<u>2-030</u>
Reduced Standard Local Access <sup>2</sup>	40	24	<u>2-040</u>
Access Tract (Private)	Varies	20	<u>2-050</u>
Alley	20	16	<u>2-090</u>
Cul-de-sac	50 radius	40 radius	<u>2-120</u>

<sup>1</sup>Access easements shall have a minimum 20-foot width.

<sup>2</sup>Used in short subdivisions.

<sup>3</sup>Allowed in nonconforming situations by the approval of the Public Works Director or designee.

\* Determined by the Director of Public Works, designee, or WSDOT.

(Ord. 903, Sec. 41, 2013; Ord. 811, Sec. 92, 2010; Ord. 796, Secs. 13, 14, 2009; Ord. 676, Sec. 49, 2003; Ord. 662, Sec. 4, 2002; Ord. 590, 1998; Ord. 468, 1995)

#### **14.56.090 General Layout of Streets.**

- (a) All streets shall be straight whenever practicable to the extent necessary to preserve and continue a grid system, except that variations in alignment are allowed as a part of a traffic calming project. Traffic calming projects are expected to be constructed in the context of the grid system, not in conflict with it.
- (b) The width of blocks should be that which is sufficient to allow for two tiers of lots (plus width of an alley or public utility easement, if any), unless existing conditions render such requirements undesirable or impractical.
- (c) The length of residential blocks should range between 500 and 700 feet, unless no other practicable alternative is available.
- (d) Streets shall be laid out so that the lengths, widths and shapes of blocks adequately:
  - (1) Provide suitable building sites for the type of use to be accommodated;
  - (2) Provide for subsequent construction to be able to comply with the zoning requirements;
  - (3) Address the limitations and opportunities presented by the topography;

- (4) Address the need for convenient access, circulation, control and safety of vehicles and pedestrians.
- (e) To the extent practicable, driveway access to collector streets shall be minimized to facilitate the free flow of traffic and avoid traffic hazards.
- (f) Pedestrian ways shall be required near the middle of all blocks longer than 800 feet unless deemed infeasible by the Planning Director.
- (g) Where a tract is subdivided into lots or tracts of an acre or more, the arrangement of lots and streets shall be such as to permit a later re-subdivision in conformance with the street and lot requirements specified in these regulations.
- (h) There shall be no reserve strips controlling access to streets, except where such strips are required by the City. (Ord. 662, Sec. 5, 2002; Ord. 468, 1995)

**14.56.100 Dead End Streets/Cul-de-Sacs.**

- (a) Dead-end streets shall be avoided. Cul-de-sacs may be used only when conditions warrant their use:
  - (1) Whenever a dead end street serves four or more units; or
  - (2) Extends more than 150 feet from edge of the intersecting right-of-way to the farthest extent of the road.
- (b) When allowed under subsection (a) of this section, all permanent dead-end streets (as opposed to temporary dead-end streets; see Section 14.56.060(d)) shall be developed as cul-de-sacs in accordance with the standards set forth in subsection (d) of this section.
- (c) Except where no other practicable alternative is available, such streets may not extend more than 500 feet (measured to the center of the turnaround).
- (d) The right-of-way of a cul-de-sac shall have a radius of 50 feet. The radius of the paved portion of the turnaround (measured to the face of the curb) shall be 40 feet, with curb, gutter, sidewalk and utility strip within the remaining 10 feet.
- (e) The city will consider the use of alternative turnarounds described in the EDDs on a case by case basis for private tracts and easements. (Ord. 903, Sec. 42, 2013)

**14.56.110 Temporary Half-Streets.**

- (a) Temporary half-streets (i.e., streets of less than the full required right-of-way and pavement width) may be allowed at the discretion of the decision-making authority under the following conditions:

- (1) Where such street, when combined with a similar street developed previously, simultaneously, or anticipated to be built within a reasonable time frame on property adjacent to the subdivision, creates or comprises a street that meets the right-of-way and pavement requirements of this title.
- (2) Where no more than 10 dwelling units will use the half-street.
- (3) Where a temporary half-street is allowed, the first half of the half-street to be built shall be paved, at a minimum, to a width equal to three quarters of the ultimate paved width. Curb, gutter, sidewalk, planter strip, and street trees are to be built in conjunction with each respective half-street on the side adjacent to the proposed project.
- (4) Where a public right-of-way easement has been or is being dedicated to the City over those portions of the adjacent property to be used as a half-street.

**14.56.120 Street Intersections.**

- (a) Streets shall intersect as nearly as possible at right angles, and no two streets may intersect at less than 60 degrees. Not more than two streets shall intersect at any one point, unless the Public Works Director certifies to the permit-issuing authority that such an intersection can be constructed with no extraordinary danger to public safety.
- (b) Whenever possible, proposed intersections along one side of a street shall coincide with existing or proposed intersections on the opposite side of such street. In any event, where a centerline offset (jog) occurs at an intersection, the distance between centerlines of the intersecting streets shall be not less than 150 feet.
- (c) Except when no other alternative is practicable or legally possible, no two streets may intersect with an arterial on the same side at a distance of less than 1,000 feet measured from centerline to centerline of the intersecting street.

**14.56.130 Construction Standards and Specifications.**

- (a) All public streets, sidewalks, curbs and gutters and other improvements shall be constructed in accordance with the current of the Engineering Design and Development Standards (EDDS) for the City of Lake Stevens. All such facilities shall be completed in accordance with these standards except for deviations as provided for in Section [14.56.135](#) and modifications allowed for traffic calming purposes in compliance with the requirements contained in Section [14.56.260](#). In cases where there is a conflict between the EDDS and municipal code, the municipal code shall be the controlling document. (Ord. 903, Sec. 43, 2013; Ord. 796, Sec. 15, 2009; Ord. 731, Sec. 3, 2006)
- (b) Street design shall include low impact development (LID) measures in accordance with the current Engineering Design and Development Standards (EDDS) and municipal code.

**14.56.135 Deviations to Construction Standards and Specifications.**

Deviations to the Engineering Design and Development Standards may be granted by the Public Works Director when situations arise where alternatives to the standards may better accommodate existing conditions, overcome adverse topography or allow for more cost-effective solutions without adversely affecting safety, operations, maintenance or aesthetics pursuant to subsection (c) of this section.

- (a) Unless otherwise specified in this title, deviations may only be granted for standards and specifications that relate to and implement Sections [14.56.080](#)(d), Table 14.56-I (except right-of-way type and standards for state highway), and Sections [14.56.100](#)(b) and (d).
- (b) Deviations shall be processed in accordance with the Engineering Design and Development Standards.
- (c) Requests for deviation shall, at a minimum, comply with the following criteria:
  - (1) The deviation will achieve the intended result of the standards with a comparable or superior design and quality of improvement;
  - (2) The deviation will not adversely affect safety or operations;
  - (3) The deviation will not adversely affect maintenance and related costs;
  - (4) The deviation will not adversely affect the environment; and
  - (5) The deviation will not adversely affect aesthetic appearance.
- (d) An annual report of deviation requests shall be submitted to the City Council. (Ord. 903, Sec. 44, 2013; Ord. 811, Sec. 92, 2010; Ord. 796, Sec. 16, 2009; Ord. 731, Sec. 3, 2006)

**14.56.140 Construction Drawings Required Prior to Construction.**

No right-of-way improvements shall be installed without first obtaining construction plan approval from the City Engineer. Said right-of-way improvement plans shall be certified by a licensed engineer for approval by the Public Works Director prior to starting construction. (Ord. 796, Sec. 17, 2009)

**14.56.150 Inspection of Public Improvements Required Prior to Issuance of Final Permits.**

All public improvement work shall be inspected by the Public Works Director or his representative prior to issuance of any final land use or building permit.

**14.56.160 Residential Public Streets and Private Roads.**

- (a) Except as otherwise provided in this section, all lots created after the effective date of the ordinance codified in this section shall abut a public street at least to the extent necessary to comply with the access requirement set forth in Section [14.56.030](#) (Access to Lots). For purposes of this section, the term "public street" includes a preexisting public street as well as a street created by the subdivider that meets the public

street standards of this title and is dedicated for public use. The recordation of a plat shall constitute an offer of dedication of such street.

- (b) Private roads shall not be allowed in major subdivided developments.
- (c) Private access tracts may only be created through the short plat process and shall provide access for four or fewer dwelling units. Where an existing private access tract is nonconforming with respect to minimum tract width or minimum pavement width, no additional dwelling units may take access off of the tract without bringing it into conformance with this chapter. Where a private access tract is used, and an adjacent property is capable of being short platted with a private access tract, such tracts shall be located in such a way so as to allow them to be combined into one 50-foot right-of-way in the event that the property owners wish to improve and dedicate it as a public street.
- (d) Access easements shall provide access to no more than two dwelling units. Where an existing access easement is nonconforming with respect to minimum easement width or minimum pavement width, no additional dwelling units may take access off of the easement without the developer bringing it into conformance with this chapter. Access easements shall be a minimum of 20 feet in width and shall have a minimum paved surface of 10 feet per dwelling unit accessed by that paved section of easement.
- (e) Shared driveways shall meet the requirements of minimum total easement width and minimum paved surface width as described in subsection (d) of this section. Because shared driveways have two easements, the total easement width shall include both easements. No shared driveway may provide access to more than two dwelling units. (Ord. 796, Sec. 18, 2009; Ord. 590, 1998; Ord. 468, 1995)

#### **14.56.170 Right-of-Way Dedication and Frontage Improvements.**

Right-of-way dedication to the public and frontage improvements are required for all new development unless the applicant or property owner shows the project qualifies for the exceptions described in this section. No building permit shall be issued for development until right-of-way dedication and frontage improvement requirements have been satisfied.

- (a) Right-of-Way Width. The width of right-of-way dedication shall be determined in accordance with the roadway classifications defined in this chapter, the Comprehensive Plan and the classification standards with the adopted Engineering Design and Development Standards (EDDS). Existing right-of-way widths matching or exceeding the current standards shall satisfy the width requirement. A reduction of right-of-way dedication width may be considered by the Public Works Director or his/her designee under the following conditions:
  - (1) Where critical areas or their buffers as defined in Chapter [14.88](#) exist within the proposed dedication area; or

(2) The dedication would deny reasonable economic use of the property under the standards of this title. The applicant or property owner must demonstrate all of the following to receive a reduction in right-of-way width dedication requirements:

- (i) The allowed land uses cannot reasonably be accomplished; and
- (ii) A reduction in the size, scope, configuration, density or consideration of alternative designs as proposed will not accomplish the project as allowed under existing land use regulations; and
- (iii) In cases where the applicant has rejected alternatives to the project as proposed due to other constraints such as zoning or parcel size, the applicant must show there has been a reasonable attempt to remove or accommodate such constraints.

The application or property owner pursuing a reduction in right-of-way dedication width must use the deviation process specified in Section [14.56.135](#). Supporting documentation and applicable application fees shall be submitted with the deviation request.

(b) Frontage Improvements Required. Frontage improvements are required to be installed along the abutting public street frontage of the property to be developed. Resurfacing an existing public street to its centerline shall not be required for single-family or duplex development.

(1) “Frontage improvements” used in this section as defined in the City’s adopted EDDS refer to the construction, reconstruction or repair of the following facilities along public rights-of-way abutting a property being developed:

- (i) Curbs, gutters, and sidewalks;
- (ii) Planter strips (or tree wells);
- (iii) Underground storm drainage and other utility facilities;
- (iv) Resurfacing of the existing public street to the centerline; and
- (v) Construction of new street within dedicated unopened right-of-way.

(2) Frontage improvements shall be constructed for the following new development:

- (i) Subdivisions and short subdivisions;
- (ii) Multifamily developments;
- (iii) Binding site plans;

- (iv) All other residential projects unless expressly exempt pursuant to subsection (b)(3) of this section or a waiver is granted in accordance with subsection (b)(5) of this section;
- (v) Commercial projects;
- (vi) Municipal or agency building projects; and
- (vii) Industrial projects.

(3) Frontage requirements related to the construction of a single-family or duplex dwelling unit shall be considered completed provided the following exceptions apply:

- (i) An existing lot in an existing single-family subdivision, short plat, or binding site plan where the lots are fully developed and frontage improvements were constructed to the standards in effect at the time of final plat recording; or
- (ii) A new single-family residence on an existing lot or replacement of an existing single-family residence where there are no frontage improvements meeting City standards constructed within 200 feet of the lot or improvements identified through an approved subdivision and potential exists for future development.

(4) The granting of an exception or waiver as outlined in subsection (b)(3) or (5) of this section does not waive the property owner's requirement to dedicate right-of-way as established in this section.

(5) The Public Works Director may waive or modify the requirement to construct frontage improvements for new development when the applicant or property owner demonstrates that at least one of the following conditions exist and the owner of the new development either executes a no-protest agreement to form a local improvement district for the subject street frontage or pays a fee in lieu of constructing frontage improvements as approved by the Public Works Director or designee. Said no-protest agreement shall have an effective term of eight years from the time of the City's acceptance:

- (i) There are no existing sidewalks along the same side of the street within two adjacent lots or 100 feet, whichever is less, of the property on either side or on one side for corner lots on each frontage;
- (ii) Construction of frontage improvements will adversely impact critical areas that cannot be adequately mitigated in accordance with Chapter [14.88](#) or the State Environmental Policy Act pursuant to Title [16](#);
- (iii) A safety issue is created by constructing the frontage improvements;

- (iv) A public roadway improvement project is scheduled and fully funded for construction and said project that includes the adjacent site frontage.

The applicant or property owner shall apply for a waiver using the deviation process specified in Section [14.56.135](#). The application shall address how the criteria set forth in Section [14.56.135\(c\)](#) are met and how the applicable conditions in this subsection above apply to the project. Any supporting documentation and applicable application fees shall be submitted with the deviation request.

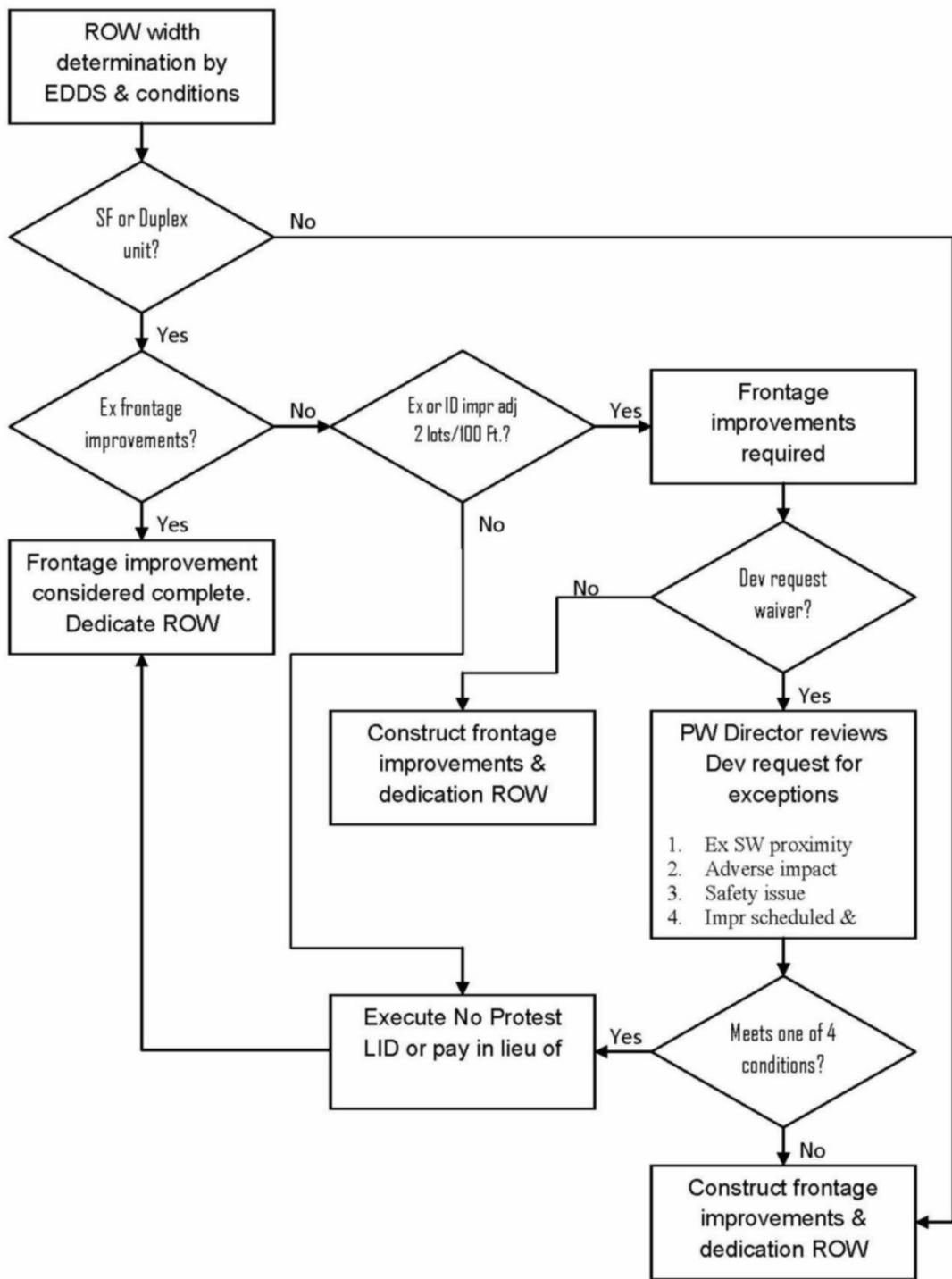
(c) Dedication of Right-of-Way. Dedication of right-of-way is required to be executed prior to building permit issuance or final project approval. For subdivisions, short subdivisions and binding site plans, the dedication shall be required on the final recording documents. For projects that are not part of a subdivision of land, the applicant shall submit the required executed documents on forms provided by the City. The City shall record the documents upon obtaining the appropriate City signatures and the applicant or property owner pays the recording fees.

(d) Acceptance of Frontage Improvements. The Public Works Director or designee may approve an extension for the completion of the improvements for up to one year if the Public Works Director or designee receives a surety bond or equivalent cash deposit ensuring the timely completion of the improvements. Said surety bond shall meet the requirements set forth in Section [14.16A.180](#) (Security Mechanisms).

(e) State or Federal Law. Where an applicant demonstrates under applicable State or Federal law that the required dedication or improvements are unlawful, the Public Works Director or designee, to the extent the obligation is unlawful, shall not require the dedication or improvements required by this section as a condition of final acceptance or of building permit issuance.

(f) Appeal of Director Decision. Any appeal of the Director or designee's determination shall be processed using the appeal processes specified for the underlying application pursuant to Section [14.16A.265](#). A timely appeal shall be required in order to constitute an exhaustion of remedies under this section.

Process Flow Chart



(Ord. 916, Sec. 2 (Exh. 1), 2014)

**14.56.180 Road and Sidewalk Requirements in Unsubdivided Developments.**

(a) Within unsubdivided developments, all private roads and access ways shall be designed and constructed to facilitate the safe and convenient movement of motor vehicle and pedestrian traffic. Width of roads, use of curb and gutter, and paving specifications shall be determined by the provisions of this title dealing with parking (Chapter 14.72) and drainage (Chapter 14.64). To the extent not otherwise covered in the foregoing chapters, and to the extent that the requirements set forth in this chapter for subdivision streets may be relevant to the roads in unsubdivided developments,

the requirements of this chapter may be applied to satisfy the standard set forth in the first sentence of this subsection.

(b) Whenever a road in an unsubdivided development connects two or more collector or arterial streets in such a manner that any substantial volume of through traffic is likely to make use of this road, such road shall be constructed in accordance with the standards applicable to subdivision streets and shall be dedicated to the public. In other cases when roads in unsubdivided developments within the city are constructed in accordance with the specifications for subdivision streets, the city may accept an offer of dedication of such streets.

(c) In all unsubdivided residential development, sidewalks shall be provided linking dwelling units with other dwelling units, the public street, and on-site activity centers such as parking areas, laundry facilities, and recreational areas and facilities. Notwithstanding the foregoing, sidewalks shall not be required where pedestrians have access to a road that serves not more than nine dwelling units.

(d) Whenever the permit-issuing authority finds that a means of pedestrian access is necessary from an unsubdivided development to schools, parks, playgrounds, or other roads or facilities and that such access is not conveniently provided by sidewalks adjacent to the roads, the developer may be required to reserve an unobstructed easement of at least 10 feet to provide such access.

(e) The sidewalks required by this section shall be at least five feet wide and constructed according to the specifications set forth in the currently adopted version of the Engineering Design and Development Standards for the City of Lake Stevens. (Ord. 796, Sec. 20, 2009)

#### **14.56.190 Off-Site Traffic Mitigation.**

(a) Applicants for all administrative conditional or conditional use permits, Planning Director or Public Works Director approvals for short subdivisions creating five or more lots, all multifamily residential (four dwelling units or greater), commercial, industrial, or recreational building permits shall, where warranted, contribute to off-site right-of-way improvements based upon traffic volumes generated by the project and other factors indicated below; provided, that in the event the City requires formation of a local improvement district (LID) for construction of right-of-way improvements the developer's contribution share shall be determined as provided in Chapter [36.88](#) RCW and by City ordinance. The volume of traffic generated by the project in relationship to the total of current traffic volumes plus the traffic generated by the development expressed in ADT will be used as the primary measurement in establishing the share of cost of the road improvement or its implementation

which the permit applicant will be required to fund. The ratio of traffic volumes will be determined by dividing the number of vehicles being added as a result of the applicant's proposal by the ADT using the road system following development. The number of vehicle trips being added by the development will be determined by using the following trip generation factors listed in Table 14.56-II.

(b) Other trip generation factors will be determined and supplied by the Planning Director or Public Works Director as needed using the document Trip Generation (Institute of Transportation Engineers, Arlington, VA, current edition). The Planning Director or Public Works Director may reduce such trip generation factors where adequate public transportation facilities are available, or where the type of development clearly will not generate the number of daily trips set forth as a factor above.

**Table 14.56-II: Trip Generation Factors**

LAND-USE TYPE	DAILY TRIPS	UNIT
Single-family	10.0	Dwelling unit
Apartments	6.1	Dwelling unit
Industrial & Warehouse	8.0	1,000 sq. ft. gross leasable floor area

(c) The analysis required in subsections (a) and/or (b) of this section shall be provided by the applicant, in the form of a traffic impact study prepared by a qualified traffic engineer and conforming to the administrative guideline entitled "Traffic Impact Analysis Guidelines (TIAG)." The traffic reports so generated shall be reviewed by the Planning Director, or its representative, for conformance to the intent of this section, the TIAG and traffic engineering standards. Where differences of professional opinion exist, the Planning Director's opinion shall be final.

(d) A fee for traffic report review, as set by resolution, shall be levied against the applicant. (Ord. 811, Sec. 58, 2010)

#### **14.56.192 Collection of Pre-Annexation Traffic Mitigation Fees.\***

Pursuant to the terms of an interlocal agreement with Snohomish County, the City may collect traffic impact mitigation fees that were imposed by the County under County code and for which the application was vested under County code, where the subject property has been annexed to the City since the fees were imposed by the County. The City may condition the issuance of building permits or a certificate of occupancy on the payment of such fees. When the fees are paid to the City, the City shall issue a receipt to the applicant which deems the fee obligation of the City and the County satisfied and which indemnifies the applicant from payment of such fees to the County. (Ord. 859, Sec. 1, 2011)

\* Code reviser's note: Section 3 of Ordinance 859 adopts sections of the Snohomish County Code concerning mitigation fees and concurrency determination. The text of these sections is attached as Exhibit 1 to the ordinance, on file with the City Clerk's office.

**14.56.200 Attention to Disabled Persons in Street and Sidewalk Construction.**

(a) Whenever curb and gutter construction is used on public streets, wheelchair ramps for disabled persons shall be provided at intersections and other major points of pedestrian flow. Wheelchair ramps and depressed curbs shall be constructed in accordance with published standards of the Washington State Building Code addressing accessibility.

(b) In unsubdivided developments, sidewalk construction for disabled persons shall conform to the requirements of the chapter of the Washington State Building Code addressing accessibility. (Ord. 468, Sec. 2, 1995)

**14.56.210 Street Names and House Numbers.**

Street names and house numbers assigning procedures are hereby established by policy. (Ord. 539, 1997; Ord. 515, Sec. 1, 1996; Ord. 468, Sec. 2, 1995)

**14.56.220 Bridges.**

All bridges shall be constructed in accordance with the standards and specifications of the Washington State Department of Transportation and the Washington State Department of Fish and Wildlife, except that bridges on roads not intended for public dedication may be approved if designed by a licensed architect or engineer and approved by the Washington State Department of Fish and Wildlife.

**14.56.230 Utilities.**

Utilities installed in public rights-of-way or along private roads shall conform to the requirements set forth in Chapter [14.60](#) (Utilities).

**14.56.240 Vacations of Public Rights-of-Way.**

Applications for vacations of public rights-of-way shall be processed according to Section [14.16C.095](#). (Ord. 811, Sec. 59, 2010)

**14.56.250 Right-of-Way Permit Required.**

Prior to performing any work within a public right-of-way, the person performing the work shall obtain a right-of-way permit from the Public Works Director, who may condition the permit as necessary to protect the public health, safety and welfare. (Ord. 468, 1995)

**14.56.260 Implementation of Traffic Calming Techniques.**

(a) The standards contained within this chapter may be varied on new roads or modifications of existing roads for the purpose of implementing traffic calming techniques and the following criteria are met:

- (1) There is a demonstrated need for calming (i.e., not an excuse to build substandard roads).
- (2) The modifications are limited to the least amount necessary to implement the desired technique.
- (3) It is demonstrated to the satisfaction of the Lake Stevens Public Works and Police Departments that the proposed techniques will be effective in achieving their objectives.
- (4) The proposal does not result in the level of service (LOS) dropping lower than the adopted standard for any City road.
- (5) The proposal does not create a traffic hazard.
- (6) The proposal does not come at cost of bike lane or pedestrian access.
- (7) Developers who install traffic calming techniques are encouraged to also incorporate low impact development techniques for stormwater management. Toward that end, projects may incorporate storm facilities in lieu of landscape strip.
- (8) The proposal must be acceptable to public works for purposes of not creating undue maintenance needs and for ensuring the replacement life of the facilities is acceptable relative to the costs of replacing the facilities.
- (9) The proposal must be acceptable to the fire and police chiefs for public safety purposes.
- (10) For modifications to existing streets where significant use of on-street parking already occurs, the proposal must accommodate on-street parking.
- (11) The proposal must accommodate installation of utilities to adopted standards. The proposal does not significantly increase the potential to adversely impact the environment than would building a standard street.
- (12) The proposal doesn't significantly impact residents access or adversely impact adjacent or nearby properties.

(b) Prior to approval of modifying an existing street not associated with a land use development, the City Council shall conduct a public meeting to solicit input from people in the affected neighborhood. In making a decision whether to approve a proposal, the Council shall consider public testimony in regards to the previous criteria, and any other information which demonstrates the appropriateness of the proposal.

(c) For new streets in new developments, public comments and testimony shall be afforded through the process set forth for the land use permit associated with the new development. (Ord. 796, Sec. 21, 2009; Ord. 662, Sec. 6, 2002)

**14.56.270 Private Landscape Usage of Public Right-of-Way.**

(a) Right-of-way dedicated for the purpose of public use may be used by an adjacent private property owner for landscape enhancement as described in subsection (b) of this section, or as described in subsection (c) of this section if approved in writing by the Public Works Director, and provided the enhancement does not:

- (1) Occur within a right-of-way adjacent to a designated state route without prior approval from WSDOT of the proposed enhancement; and
- (2) Create a sight distance condition for both the public and the adjacent properties within the public right-of-way; and
- (3) Impact or alter existing drainage flows or existing drainage systems within the right-of-way; and
- (4) Obstruct pedestrian movement as existing prior to any enhancement work; and
- (5) Come within three feet from the edge of the existing driving lane; and
- (6) Have a casted cement concrete, asphalt, or metal foundation; and
- (7) Add additional impervious surface; and
- (8) Create a glare from the sun or headlights that affect users of the public right-of-way; and
- (9) Have electrical power service; and
- (10) Require mechanical excavation for placement; and
- (11) Include a sign or moving object (i.e., wind- or self-power-operated yard display); and
- (12) Create a health, safety, and welfare concern or issue to the public as determined by the Public Works Director.

(b) Private enhancement allowed within the public right-of-way requires the approval of the Public Works Director unless included in the following:

- (1) Manicured lawn.
- (2) Ground cover, bushes, shrubs and plants.
- (3) City-approved street trees.
- (4) Nonstructure landscaping walls less than three feet in height.

- (5) Paver bricks and concrete patio type step blocks.
- (6) Landscaping rocks no larger than six inches at the widest point.
- (7) Landscaping bark.
- (8) Mailbox.
- (9) Irrigation system up to five-eighths-inch in diameter pipe size.
- (10) Gravel shoulder using a crush surface base course material with fines that allows for compaction.

(c) Requests for an approval for the placement of an enhancement within the public right-of-way not included in subsection (b) of this section shall be submitted in writing to the Public Works Director. The request must include a detailed description of the proposed enhancement and a sketch showing the location of the proposed enhancement. The Public Works Director shall provide a written response to all requests either approving or denying approval. If a request is denied, an explanation will be provided. The decision of the Public Works Director shall be final and conclusive and there shall be no right of appeal.

(d) A right-of-way permit per Section [14.56.250](#) will be required prior to private enhancement being placed in the public right-of-way with the following private enhancements being exceptions:

- (1) Manicured lawn.
- (2) Ground cover, bushes, shrubs and plants.
- (3) Paver bricks and concrete patio type step blocks.
- (4) Landscaping bark.

(e) Any private enhancement placed within the public right-of-way may be required by the City to be removed at some future date. When practical, the City shall give 15 calendar days' notification to the adjacent property owner to remove such enhancement. In the event that the adjacent property owner does not remove such enhancements following the 15 calendar days' notification or the Public Works Director determines that an immediate action is needed, such as a safety, weather related, or part of a construction project, that requires the use of the public right-of-way, the City may take immediate action to remove any enhancement within the public right-of-way. The costs of such abatement by the City shall be the responsibility of the owner of the adjacent property. Such costs may be recovered by the City in accordance with the provisions of Section [9.60.210](#).

(f) The owner of the adjacent property is responsible for the maintenance of private enhancement along its frontage and sides. If maintenance is needed for public safety, the City may perform the work without

notification to the property owner. The costs of such maintenance shall be deemed costs of abatement and shall be the responsibility of the owner of the adjacent property. Such costs may be recovered by the City in accordance with the provisions of Section [9.60.210](#).

(g) The City shall not be responsible to protect, preserve, or return any enhancements removed from the public right-of-way. No reimbursement will be made by the City for any loss, removal, or damage to said enhancements within the public right-of-way.

(h) The City's cost of abatement or costs of maintenance shall be the City's actual costs plus an administrative fee of not less than 15 percent.

(i) Enhancements installed and maintained in accordance with the provisions of this section shall not be deemed a nuisance under Section [9.60.170](#). (Ord. 843, Sec. 1, 2011)

#### **14.56.280 Complete Streets.**

(a) The City of Lake Stevens should, to the best of its ability, and subject to the limits of its financial resources, plan for, design and construct new transportation projects to provide appropriate accommodation for pedestrians, bicyclists, motor vehicle drivers, public transportation users and drivers, people of all ages and abilities including, but not limited to, children, youth, families, older adults, and individuals with disabilities.

(b) Exceptions. Exceptions to this policy may be determined by the Public Works Director, City Engineer, Mayor, City Council, City Administrator or designee. Facilities for pedestrians, bicyclists, transit users, motorists, and/or people of all abilities are not required to be provided:

(1) Where their establishment would promote or accommodate uses of the street that are prohibited by law;

(2) Where their establishment would be contrary to public health and safety;

(3) Where there is no City-identified need;

(4) Where ordinary maintenance activities, designed to keep assets in serviceable condition (e.g., striping, cleaning, sweeping, spot repair and pavement preservation), would be wholly or partially impeded;

(5) Where the costs associated with planning and implementing "complete streets" is, or would be, disproportionate to the current need or future benefit;

(6) Where a documented exception or deviation has been granted by the Public Works Director, City Engineer or designee;

- (7) Where implementing “complete streets” practices on a small project would create a short section of improvements that create problematic transitions on either end or that are unlikely to be followed by similar improvements at either end which result in little to no progress toward implementing “complete streets”;
- (8) Where implementing “complete streets” practices would have an adverse impact on environmental resources including, but not limited to, streams, rivers, lakes, wetlands, floodplains or historic structures/sites beyond the impacts of existing infrastructure;
- (9) Where implementing a “complete streets” practice would be contrary to or conflict with the City’s adopted street design standards and/or the City’s adopted Transportation Improvement Plan. (Ord. 965, Sec. 1, 2016)

## **Part II. Street Assessment Reimbursement Agreements**

### **14.56.300 Purpose.**

This part implements and makes available to the public the provisions of Chapter [35.72](#) RCW as the same now exists or may hereafter be amended.

### **14.56.310 Authorization.**

The Public Works Director is authorized to accept applications for the establishment by contract of an assessment reimbursement area as provided by state law, provided, such application substantially conforms to the requirements of this chapter.

### **14.56.320 Applications.**

Applications for the establishment of an assessment reimbursement area shall be accompanied by the application fee as set by the City Council by resolution and shall include the following items:

- (a) Detailed construction plans and drawings of the entire street project to be borne by the assessment reimbursement area prepared and stamped by a licensed engineer.
- (b) Itemization of all costs of the street project including, but not limited to, design, grading, paving, installation of curbs, gutters, storm drainage, sidewalks, street lights, engineering, construction, property acquisition and contract administration.
- (c) A map and legal description identifying the proposed boundaries of the assessment reimbursement area and each separately owned parcel within such area. Such map shall identify the location of the street project in relation to the parcels of property in such area.

- (d) A proposed assessment reimbursement roll stating the proposed assessment for each separate parcel of property within the proposed assessment reimbursement area as determined by apportioning the total project cost on the basis of the benefit of the project to each such parcel of property within said area.
- (e) A complete list of record owners of property within the proposed assessment reimbursement area certified as complete and accurate by the applicant and which states names and mailing addresses for each such owner.
- (f) Envelopes addressed to each of the record owners of property within the assessment reimbursement area who have not contributed their pro rata share of such costs. Proper postage for registered mail shall be affixed or provided.
- (g) Copies of executed deeds and/or easements in which the applicant is the grantee for all property necessary for the installation of such street project.

**14.56.340 Assessment Methods.**

The Public Works Director shall use a method of assessment which is based on the benefit to the property owner from the project, which may include the methods of assessment authorized in RCW Chapter [35.44](#) for local improvement districts.

**14.56.350 Notice to Property Owners.**

Prior to the execution of any contract with the City establishing an assessment reimbursement area, the Public Works Director or designee shall mail, via registered mail, a notice to all record property owners within the assessment reimbursement area as determined by the City on the basis of information and materials supplied by the applicant, stating the preliminary boundaries of such area and assessments along with substantially the following statement:

As a property owner within the Assessment Reimbursement Area whose preliminary boundaries are enclosed with this notice, you or your heirs and assigns will be obligated to pay under certain circumstances a pro rata share of construction and contract administration costs of a certain street project that has been preliminarily determined to benefit your property. The proposed amount of such pro rata share or assessment is also enclosed with this notice. You, or your heirs and assigns, will have to pay such share, if any development permits are issued for development on your property within \_\_\_\_\_ (\_\_\_\_) years of the date a contract establishing such area is recorded with Snohomish County provided such development would have required similar street improvements for approval.

You have a right to request a hearing before the City Council within twenty (20) days of the date of this notice. All such requests must be made in writing and filed with the City Clerk. After such contract is recorded it shall be binding on all owners of record within the assessment area who are not a party to the contract.

**14.56.360 City Council Action.**

If an owner of property within the proposed assessment reimbursement area requests a hearing, notice of the hearing shall be given to all affected property owners in addition to the regular notice requirements specified by this part, the cost of which shall be borne by the applicant. At a hearing the City Council shall take testimony from affected property owners and make a final determination of the area boundaries, the amount of assessments, length of time for which reimbursement shall be required and shall authorize the execution of appropriate documents. The City Council's ruling on these matters is determinative and final. If no hearing is requested, the Council may consider and take final action on these matters at any public meeting 20 days after notice was mailed to the affected property owners.

**14.56.370 Contract Execution and Recording.**

- (a) Within 30 days of final City Council approval of an assessment reimbursement agreement, the applicant shall execute and present such agreement for the signature of the appropriate City officials.
- (b) The agreement must be recorded in the Snohomish County Recorder's Office within 30 days of the final execution of the agreement.
- (c) If the contract is so filed and recorded, it shall be binding on owners of record within the assessment area who are not party to the agreement. (Ord. 468, 1995)

## Chapter 14.72 PARKING

Sections:

- [14.72.010](#) Number of Parking Spaces Required
- [14.72.020](#) Flexibility in Administration Required
- [14.72.030](#) Parking Space Dimensions
- [14.72.040](#) Required Widths of Parking Area Aisles and Driveways
- [14.72.050](#) General Design Requirements
- [14.72.060](#) Vehicle Accommodation Area Surfaces
- [14.72.070](#) Joint Use of Required Parking Spaces
- [14.72.080](#) Satellite Parking
- [14.72.090](#) Special Provisions For Lots With Existing Buildings
- [14.72.100](#) Loading and Unloading Areas
- [14.72.110](#) Bicycle Parking Facilities
- [14.72.120](#) Electric Vehicle Parking Facilities

**14.72.010 Number of Parking Spaces Required.**

- (a) All developments in all zoning districts other than the Central Business District shall provide a sufficient number of parking spaces to accommodate the number of vehicles that ordinarily are likely to be attracted to the development in question.
- (b) The presumptions established by this chapter are that: (1) a development must comply with the parking standards set forth in subsection (e) of this section to satisfy the requirement stated in subsection (a) of this section, and (2) any development that does meet these standards is in compliance. However, Table 14.72-I, Table of Parking Requirements, is only intended to establish a presumption and should be flexibly administered, as provided in Section [14.72.020](#).
- (c) Uses in the Table of Parking Requirements (subsection (e) of this section) are indicated by a numerical reference keyed to the Table of Permissible Uses, Section [14.40.010](#). When determination of the number of parking spaces required by this table results in a requirement of a fractional space, any fraction of one-half or less may be disregarded, while a fraction in excess of one-half shall be counted as one parking space.
- (d) The Council recognizes that the Table of Parking Requirements set forth in subsection (e) of this section cannot and does not cover every possible situation that may arise. Therefore, in cases not specifically covered, the permit issuing authority is authorized to determine the parking requirements using this table as a guide.
- (e) Table of Parking Requirements. Table 14.72-I describes the number of off-street parking stalls required for the various permissible uses.

**TABLE 14.72-I: TABLE OF PARKING REQUIREMENTS**

<b>Use</b>		<b>Parking Requirement</b>
1.110	Single family detached residences.	2 spaces per dwelling unit plus one space per room rented out (see Accessory Uses, Section 14.40.050)
1.200	Two family residences.	2 spaces for each dwelling unit, except that one-bedroom units require only one space
1.300	Multifamily residences.	2 spaces per unit plus 1 additional space for every four units in the development, except multifamily units limited to senior citizens require only 1 space per unit.
1.410	Level I health and social service facility.	3 spaces for every five beds except for uses exclusively serving children under 16, in which case 1 space for every three beds shall be required.
1.420 1.430	Level II and III health and social service facility.	To be determined by the Planning Director on a case by case basis.
1.440	Group Homes for Juvenile Offenders	1 space for each staff person on site during the maximum shift plus 1 space for each facility vehicle plus 1 space for every three beds.
1.510	Rooming and boarding houses.	1 space for each bedroom.
1.520		
1.530	Tourist homes, hotels and motels.	1 space for each room to be rented plus additional space (in accordance with other sections of this table) for restaurant or other facilities.
1.700	Temporary emergency, construction, and repair residences.	2 spaces per dwelling unit plus one space per room rented out (see Accessory Uses, Section 14.40.050)
2.111 2.210	Retail sales high volume traffic.	1 space per 200 square feet of gross floor area.
2.112	Convenience stores.	1 space per 150 square feet of gross floor area.
2.120 2.130	Retail sales low volume traffic, wholesale sales.	1 space per 400 square feet of gross floor area.

2.220 2.230		
3.110 3.120 3.130 3.210 3.220	Offices.	1 space per 400 square feet of gross floor area.
3.230	Banks.	1 space per 200 square feet of area within main building plus reservoir land capacity equal to 5 spaces per window (10 spaces if window serves two stations).
4.110	Manufacturing: majority of business from walk in trade.	1 space per 400 square feet of gross floor area.
4.120 4.200	Manufacturing: majority of business does not come from walk in trade.	1 space for every employee on the maximum shift except that, if permissible in the commercial districts, such uses may provide 1 space per 200 square feet of gross floor area.
5.110	Elementary and secondary schools.	1.75 spaces per classroom in elementary schools, 5 spaces per classroom in high schools.
5.120	Trade and vocational schools.	1 space per 100 square feet of gross floor area.
5.130	Colleges and universities.	1 space per 150 square feet of gross floor area.
5.200	Churches, synagogues and temples.	1 space for every four seats in the portion of the church building to be used for services plus spaces for any residential use as determined in accordance with the parking requirements set forth above for residential uses, plus 1 space for every 200 square feet of gross floor area designed to be used neither for services nor residential purposes.
5.300 5.400	Libraries, museums, art galleries, art centers. Social, fraternal clubs and lodges, union halls.	1 space per 300 square feet of gross floor area.
6.110	Bowling alleys, skating rinks, indoor tennis and squash courts, billiard and pool halls,	1 space for every three persons that the facilities are designed to accommodate when fully utilized (if they can be measured in such a fashion—example, tennis

	indoor athletic and exercise facilities.	courts or bowling alleys) plus 1 space per 200 square feet of gross floor area used in a manner not susceptible to such calculation.
6.120	Movie theaters.	1 space for every four seats.
6.130	Coliseums, stadiums, and all other facilities in the 6.100 use class designed to seat or accommodate more than 1,000 people at a time.	
6.210	Privately owned outdoor recreational facilities.	1 space per 200 square feet of area within enclosed buildings, plus 1 space for every three persons that the outdoor facilities are designed to accommodate when used to the maximum capacity.
6.220	Publicly owned outdoor recreational facilities.	
6.230	Golf driving ranges not accessory to golf courses, par 3 golf courses, miniature golf courses, skateboard parks, water slides.	Miniature golf course, skateboard park, water slide, and similar uses--1 space per 300 square feet of area plus 1 space per 200 square feet of building gross floor area; Driving range--1 space per tee plus 1 space per 200 square feet in building gross floor area; Par Three Course—2 spaces per golf hole plus 1 space per 200 square feet of building gross floor area.
6.240	Horseback riding stables.	1 space per horse that could be kept at the stable when occupied to maximum capacity.
6.250	Automobile and motorcycle racing tracks.	1 space for every three seats.
6.260	Drive-in movie theater.	1 space per speaker outlet.
6.300	Recreational activities compatible with regional recreation facilities and/or intended to cater to users of such facilities.	1 space for every three persons that the facilities are designed to accommodate when fully utilized (if they can be measured in such a fashion example, tennis courts or bowling alleys) plus 1 space per 200 square feet of gross floor area used in a manner not susceptible to such calculation. (Ord. 501, Sec. 13, 1995)

7.100	Secure community transition facilities	1.5 spaces for each staff person on site during the maximum shift plus 1 space for each facility vehicle plus 1 space for every three beds.
7.400	Penal and correctional facilities.	1 space for every two employees on maximum shift.
8.100	Restaurants without substantial carry-out or delivery service, no drive-in service, no outdoor seating.	1 space per 100 square feet of gross floor area.
8.200 8.300	Restaurant without substantial carry-out or delivery service, no drive-in service, but with outdoor seating.  Restaurants with carry-out and delivery service, and outside seating.	Same as 8.100 plus 1 space for every four outside seats.
8.400	Restaurants with carry-out and delivery service, drive-in and outside seating.	Same as 8.200 plus reservoir lane capacity equal to 5 spaces per drive in window.
9.100 9.200 9.300 9.400	Motor vehicle sales or rental; mobile home sales.  Sales with installation of motor vehicle parts or accessories.  Motor vehicle repair and maintenance.	1 space per 200 square feet of gross floor area.
9.500	Gasoline sales.	1 space per 200 square feet of gross floor area of building devoted primarily to gas sales operation, plus sufficient parking area to accommodate vehicles at pumps without interfering with other parking spaces.
9.600	Car wash.	Conveyer type--1 space for every three employees on the maximum shift plus reservoir capacity equal to five times the capacity of the washing operation. Self-service type--2 spaces for drying and cleaning purposes per stall plus two reservoir spaces in front of each stall.

10.210	Storage of goods not being sold on the same site.	1 space for every two employees on the maximum shift but not less than 1 space per 5,000 square feet of area devoted to storage (whether inside or outside).
11.000	Scrap materials, salvage yards, junkyards, automobile graveyards.	1 space per 200 square feet of gross floor area.
12.000	Veterinarian, kennel.	1 space per 200 square feet of gross floor area.
13.000	Emergency services (Police Stations, Fire Stations).	1 space per 200 square feet of gross floor area.
14.000	Agriculture, silviculture, mining, quarrying, soil processing .	1 space for every two employees on maximum shift.
15.100	Post office, airport.	1 space per 200 square feet of gross floor area.
15.200		
15.300	Solid waste facilities.	1 space for every two employees on maximum shift.
15.400	Military reserve, national guard centers.	1 space per 100 square feet of gross floor area.
16.000	Dry cleaner, Laundromat.	1 space per 200 square feet of gross floor area.
19.000	Open markets and horticultural sales.	1 space per 1,000 square feet of lot area used for storage, display, or sales.
20.000	Funeral home.	1 space per 100 square feet of gross floor area.
21.200	Crematorium.	1 space per 200 square feet of gross floor area.
22.000	Commercial nursery schools, day care centers.	1 space per employee plus 1 space per 200 square feet of gross floor area.
24.000	Bus and train stations.	1 space per 200 square feet of gross floor area.
25.000	Commercial greenhouse.	1 space per 200 square feet of gross floor area.

(Ord. 811, Sec. 92, 2010; Ord. 666, Sec 11, 2002; Ord. 468, 1995)

**14.72.020 Flexibility in Administration Required.**

(a) The Council recognizes that, due to the particularities of any given development, the inflexible application of the parking standards set forth in Section [14.72.010\(e\)](#) may result in a development either with inadequate parking space or parking space far in excess of its needs. The former situation may lead to traffic congestion or parking violations in adjacent streets as well as unauthorized parking in nearby private lots. The latter situation

wastes money as well as space that could more desirably be used for valuable development or environmentally useful open space. Therefore, as suggested in Section [14.72.010](#), the permit-issuing authority may permit deviations from the presumptive requirements of Section [14.72.010\(e\)](#) and may require more parking or allow less parking whenever it finds that such deviations are more likely to satisfy the standard set forth in Section [14.72.010\(a\)](#).

(b) Without limiting the generality of the foregoing, the permit-issuing authority may allow deviations from the parking requirements set forth in Section [14.72.010\(e\)](#) when it finds that:

- (1) A residential development is irrevocably oriented toward the elderly or other demographic group which, due to the driving characteristics of the group, requires fewer or more parking stalls than the general populace;
- (2) A sole business (not part of a larger mall) is primarily oriented to walk-in trade.

(c) Whenever the permit-issuing authority allows or requires a deviation from the presumptive parking requirements set forth in Section [14.72.010\(e\)](#), it shall enter on the face of the permit the parking requirement that it imposes and the reasons for allowing or requiring the deviation.

(d) If the permit-issuing authority concludes, based upon information it receives in the consideration of a specific development proposal, that the presumption established by Section [14.72.010\(e\)](#) for a particular use classification is erroneous, it shall initiate a request for an amendment to the Table of Parking Requirements in accordance with the procedures set forth in Section [14.16C.075](#). (Ord. 811, Sec. 67, 2010)

**14.72.030 Parking Space Dimensions.**

(a) Subject to subsections (b) and (c) of this section, each parking space shall contain a rectangular area at least 19 feet long and 9 feet wide. Lines demarcating parking spaces may be drawn at various angles in relation to curbs or aisles, so long as the parking spaces so created contain within them the rectangular area required by this section.

(b) In angled parking areas containing 10 or more parking spaces, up to 20 percent of the parking spaces need only contain a rectangular area of only seven and one-half feet in width by 156 feet in length. In perpendicular parking areas containing 10 or more parking spaces, up to 35 percent of the parking spaces need only contain a rectangular area of seven feet in width by 16 feet in length. If such spaces are provided, they shall be conspicuously designated as reserved for small or compact cars only.

(c) Wherever parking areas consist of spaces set aside for parallel parking, the dimensions of such parking spaces shall be not less than 22 feet by eight feet.

**Commented [SP1]:** Per the AASHTO/WSDOT document.

**14.72.040 Required Widths of Parking Area Aisles and Driveways.**

(a) Parking area aisle widths shall conform to Table 14.72-II, which varies the width requirement according to the angle of parking.

(b) Driveways shall be not less than 10 feet in width for one-way traffic and 20 feet in width for two-way traffic, except that 10-feet-wide driveways are permissible for two-way traffic when (1) the driveway is not longer than 50 feet, (2) it provides access to not more than six spaces, and (3) sufficient turning space is provided so that vehicles need not back into a public street. (Ord. 811, Sec. 92, 2010)

**Table 14.72-II: Parking Aisle Widths**

Aisle Width	Parking Angle				
	0°	30°	45°	60°	90°
One-Way Traffic	13	11	13	18	24
Two-Way Traffic	19	20	21	23	24

(Ord. 811, Sec. 92, 2010)

**Commented [SP2]:** The AASHTO/WSDOT manual coincides with our width requirements, but I couldn't find any national standard. I've reached out to the Fire Marshal for an opinion.

**14.72.050 General Design Requirements.**

(a) Unless no other practicable alternative is available, vehicle accommodation areas shall be designed so that, without resorting to extraordinary movements, vehicles may exit such areas without backing onto a public street. This requirement does not apply to parking areas consisting of driveways that serve one or two dwelling units, although backing onto arterial streets is discouraged.

(b) Vehicle accommodation areas of all developments shall be designed so that sanitation, emergency, and other public service vehicles can serve such developments without the necessity of backing unreasonable distances or making other dangerous or hazardous turning movements.

(c) Every vehicle accommodation area shall be designed so that vehicles cannot extend beyond the perimeter of such area onto adjacent properties or public rights-of-way. Such areas shall also be designed so that vehicles do not extend over sidewalks or tend to bump against or damage any wall, vegetation, or other obstruction.

(d) Circulation areas shall be designed so that vehicles can proceed safely without posing a danger to pedestrians or other vehicles and without interfering with parking areas.

**14.72.060 Vehicle Accommodation Area Surfaces.**

(a) Except as provided in subsection (b) of this section, ~~all vehicle accommodation areas shall be graded and surfaced with asphalt, concrete or other hard surfacing shall be required of all vehicle accommodation areas with material that will provide equivalent protection against potholes, erosion, and dust. Acceptable hard surfaces include asphalt, concrete, pervious pavement, grasscrete and permeable pavers. The Planning Director or their designee may on a case by case basis consider permitting a gravel parking facility. Such facilities shall be surfaced with no less than three inches of crushed gravel and be maintained in a dust-free and stable condition. The perimeter of such facilities shall be defined by bricks, stones, railroad ties or other similar devices. When parking facilities are surfaced with gravel, the driveway and approaches shall be paved with a hard surface as required by the Public Works Director and the Fire Marshal.~~

~~(b) Within the Light Industrial or General Industrial Districts where a proposed use is (1) clearly non-permanent (i.e., no permanent structure is proposed) and is not anticipated to be a permanent use, and (2) is not required to have more than 10 parking spaces per the Table of Parking Requirements, and (3) the parking spaces are not to be used regularly at least five days per week, then the vehicle accommodation areas that contain parking areas need not be paved as specified in subsection (a) of this section. Instead, the vehicle accommodation area may be graded and surfaced with crushed stone, gravel, or other suitable material (as provided in the specifications set forth in the administrative guideline entitled "Vehicle Accommodation Area Surfaces") to provide a surface that is stable and will help to reduce dust and erosion. The perimeter of such parking areas shall be defined by bricks, stones, railroad ties, or other similar devices. In addition, whenever such a vehicle accommodation area abuts a paved street, the driveway leading from such street to such area (or, if there is no driveway, the portion of the vehicle accommodation area that opens onto such streets), shall be paved as provided in subsection (a) of this section for a distance of 15 feet back from the edge of the paved street. This subsection shall not apply to single-family or two-family residences or other uses that are required to have only one or two parking spaces.~~

~~(c) (b) Parking spaces in areas surfaced in accordance with subsection (a) of this section shall be appropriately demarcated with painted lines or other markings. Parking spaces in areas surfaced in accordance with subsection (b) of this section shall be demarcated whenever practicable.~~

~~(d) (c) Vehicle accommodation areas shall be properly maintained in all respects. In particular, and without limiting the foregoing, vehicle accommodation area surfaces shall be kept in good condition (free from potholes, etc.) and parking space lines or markings shall be kept clearly visible and distinct.~~

**14.72.070 Joint Use of Required Parking Spaces.**

- (a) One parking area may contain required spaces for several different uses, but except as otherwise provided in this section, the required space assigned to one use may not be credited to any other use.
- (b) To the extent that developments that wish to make joint use of the same parking spaces operate at different times, the same spaces may be credited to both uses. For example, if a parking lot is used in

connection with an office building on Monday through Friday but is generally 90 percent vacant on weekends, another development that operates only on weekends could be credited with 90 percent of the spaces on that lot. Or, if a church parking lot is generally occupied only to 50 percent of capacity on days other than Sunday, another development could make use of 50 percent of the church lot's spaces on those other days.

(c) If the joint use of the same parking spaces by two or more principal uses involves satellite parking spaces, then the provisions of Section [14.72.080](#) are also applicable.

**14.72.080 Satellite Parking.**

(a) If the number of off-street parking spaces required by this title cannot reasonably be provided on the same lot where the principal use associated with these parking spaces is located, then spaces may be provided on adjacent or nearby lots in accordance with the provisions of this section. These off-site spaces are referred to in this section as satellite parking spaces.

(b) All such satellite parking spaces (except spaces intended for employee use) must be located within 400 feet of a public entrance of a principal building housing the use associated with such parking, or within 400 feet of the lot on which the use associated with such parking is located if the use is not housed within any principal building. Satellite parking spaces intended for employee use may be located within any reasonable distance.

(c) The developer wishing to take advantage of the provisions of this section must present satisfactory written evidence that he has the permission of the owner or other person in charge of the satellite parking spaces to use such spaces. The developer must also sign an acknowledgement that the continuing validity of his permit depends upon his continuing ability to provide the requisite number of parking spaces.

(d) Persons who obtain satellite parking spaces in accordance with this section shall not be held accountable for ensuring that the satellite parking areas from which they obtain their spaces satisfy the design requirements of this chapter.

**14.72.090 Special Provisions For Lots With Existing Buildings.**

Notwithstanding any other provisions of this title, whenever (a) there exists a lot with one or more structures on it constructed before the effective date of this title, and (b) a change in use that does not involve any enlargement of a structure is proposed for such lot, and (c) the parking requirements of Section [14.72.010](#) that would be applicable as a result of the proposed change cannot be satisfied on such lot because there is not sufficient area available on the lot that can practicably be used for parking, then the developer need only comply with the requirements of Section [14.72.010](#) to the extent that (a) parking space is practicably available on the lot where the development is located, and (b) satellite parking space is reasonably available as provided in Section [14.72.070](#). However, if satellite parking subsequently becomes reasonably available, then it shall be a continuing condition of the permit authorizing development on such lot that the developer obtain satellite parking when it does become available.

**14.72.100 Loading and Unloading Areas.**

(a) Subject to subsection (e) of this section, whenever the normal operation of any development requires that goods, merchandise, or equipment be routinely delivered to or shipped from that development, a sufficient off-street loading and unloading area must be provided in accordance with this section to accommodate the delivery or shipment operations in a safe and convenient manner.

(b) The loading and unloading area must be of sufficient size to accommodate the numbers and types of vehicles that are likely to use this area, given the nature of the development in question. [Table 14-72-III](#) indicates the number and size of spaces that, presumptively, satisfy the standard set forth in this subsection. All new buildings and uses shall meet the following loading and unloading requirements specified herein.

(1) Any building intended to be used for retail, a professional office, personal services, wholesale, warehousing, manufacturing, industrial or a hospital use shall be provided with off-street loading and unloading areas pursuant to the following limitations:

(i) One stall for each building containing 1,000 to 25,000 square feet of gross floor area.

(ii) Two stalls for each building containing 25,000 plus square feet of gross floor area.

(2) Any building intended to be used for a hotel, restaurant, bar, recreational facility, education, a community center or other similar uses shall be provided with off-street loading and unloading areas pursuant to the following limitations:

(i) One stall for each building containing 1,000 to 50,000 square feet of gross floor area.

(ii) Two stalls for each building containing 50,000 plus square feet of gross floor area.

(3) Each loading stall shall be at least 10 feet wide and 45 feet long.

(c) ~~However, the~~ The permit-issuing authority may require more or less loading and unloading area if reasonably necessary to satisfy the ~~foregoing~~ standards of Section 14.72.100 (b) (1) and (2).

(c) Loading and unloading areas shall be so located and designed that the vehicles intended to use them can (1) maneuver safely and conveniently to and from a public right-of-way, and (2) complete the loading and unloading operations without obstructing or interfering with any public right-of-way or any parking space or parking lot aisle.

(d) No area allocated to loading and unloading facilities may be used to satisfy the area requirements for off-street parking, nor shall any portion of any off-street parking area be used to satisfy the area requirements for loading and unloading facilities.

**Commented [SP3]:** This new section is similar to Lake Sammamish and Bellingham code. I didn't see an AASHTO standard for a minimum loading/unloading zone size, but Sammamish only requires 10 x 30.

(e) Whenever (1) there exists a lot with one or more structures on it constructed before the effective date of this title, and (2) a change in use that does not involve any enlargement of a structure is proposed for such lot, and (3) the loading area requirements of this section cannot be satisfied because there is not sufficient area available on the lot that can practicably be used for loading and unloading, then the developer need only comply with this section to the extent reasonably possible. (Ord. 811, Sec. 92, 2010; Ord. 468, 1995)

**Table 14.72-III: Loading Area Requirements**

<b>Gross Leasable Area of Building</b>	<b>Number of spaces*</b>
1,000-19,999	4
20,000-79,999	2
80,000-127,999	3
128,000-191,000	4
192,000-255,999	5
256,000-319,999	6
320,000-391,999	7
<b>Plus one (1) space for each additional 72,000 square feet or fraction thereof</b>	

\*Minimum dimensions of 12 feet x 55 feet and overhead clearance of 14 feet from street grade required.  
(Ord. 811, Sec. 92, 2010)

**14.72.110 Bicycle Parking Facilities.**

(a) All multifamily uses in excess of four units shall provide parking facilities for bicycles at a ratio of 1 stall per dwelling unit.

(b) All commercial and public uses shall provide a minimum of two stalls for bicycles per business address, or 10 percent of the required automobile parking spaces required for a business or group of businesses. The choice of which method to apply shall be based upon a finding made by the permit-issuing authority, after

consulting with the business owner, as to the potential demand for such facilities which will be generated by the business or group of businesses. After 20 stalls have been provided by any business or group of businesses, the ratio shall be five percent of the total required automobile parking spaces.

- (c) A bicycle stall shall include a delineated and safe parking area, and an appropriate structure to which bicycles can be locked.
- (d) The above requirements may be reduced by the permit-issuing authority if they can be shown to be unwarranted. The decision of said permit-issuing authority may be appealed to City Council. (Ord. 516, 1996; Ord. 511, Sec. 18, 1996)

**14.72.120 Electric Vehicle Parking Facilities.**

- (a) All commercial and public uses shall provide at least one accessible electric vehicle charging station. Accessible electric vehicle charging stations shall be located in close proximity to the building or facility entrance and shall be connected to a barrier-free and accessible route of travel.

**Commented [SP4]:** The EV station should be accessible to both able and disabled drivers.

## Chapter 14.76 SCREENING AND TREES

Sections:

### Part I. Screening

- [14.76.010](#) Council Findings Concerning the Need for Screening Requirements
- [14.76.020](#) General Screening Standard
- [14.76.030](#) Compliance With Screening Standard
- [14.76.040](#) Definition of Screens
- [14.76.050](#) **Table of Screening Requirements** [Stormwater Facility Landscaping](#)
- [14.76.090100](#) Additional Screening Requirements

### Part II. Shading

- [14.76.100110](#) Council Findings and Declaration of Policy on Shade Trees
- [14.76.110120](#) Required Trees Along Dedicated Streets
- [14.76.120130](#) Retention and Protection of Large Trees
- [14.76.124140](#) Shade Trees on Residential Lots
- [14.76.130150](#) Shade Trees in Parking Areas

### Part I. Screening

#### **14.76.010 Council Findings Concerning the Need for Screening Requirements.**

The Council finds that:

- (1) Screening between two lots lessens the transmission from one lot to another of noise, dust, and glare.
- (2) Screening can lessen the visual pollution that may otherwise occur within an urbanized area. Even minimal screening can provide an impression of separation of spaces, and more extensive screening can shield entirely one use from the visual assault of an adjacent use.
- (3) Screening can establish a greater sense of privacy from visual or physical intrusion, the degree of privacy varying with the intensity of the screening.
- (4) The provisions of this part are necessary to safeguard the public health, safety and welfare. (Ord. 468, 1995)

#### **14.76.020 General Screening Standard.**

Every development which abuts a different zone district shall provide sufficient screening so that:

- (1) Neighboring properties are shielded from any adverse external effects of that development;
- (2) The development is shielded from the negative impacts of adjacent uses in unlike zones. (Ord. 676, Sec. 61, 2003; Ord. 468, 1995)

**14.76.030 Compliance With Screening Standard.**

- (a) The type of screening required is based on the adjacent zoning designations. Table 14.76-I contains the list of zone districts
- (b) Required screening shall be installed at the time of new development, change of use, or increase in building area or site use of an existing use.
- (c) Developments may consider installing required landscaping or screening areas with Low Impact Development (LID) techniques in lieu of traditional landscaping and screening. Such areas shall meet or exceed the standard landscaping and screening techniques described in this chapter. LID techniques shall comply with the city's currently adopted EDDS document and the currently adopted DOE Stormwater Management Manual.
- (d) The administrative guideline titled "Seattle Green Factor Plant List" provides a list of native, drought-tolerant plant species for use in landscaping beds, bioretention facilities and vegetative screens.
- (e) No screening is required along public streets in places where the zone district boundary is located along such streets. (Ord. 811, Sec. 92, 2010; Ord. 676, Sec. 62, 2003; Ord. 468, 1995)

**14.76.040 Definition of Screens.**

- (a) Below are the definitions for the three types of screens. In general, the screens may be composed of a wall, fence, landscaped earth berm, planted vegetation, or existing vegetation. The use of vegetative screens will be judged on the basis of the average mature height and density of foliage of the particular species. The areas in which of intermittent visual obstruction is required may contain deciduous plants.
  - (1) Opaque screen with buffer, Type A. A screen that is opaque from the ground to a height of at least six feet, with intermittent visual obstructions from the opaque portion to a height of at least 20 feet. An opaque screen is intended to exclude all visual contact between uses and to create a strong impression of spatial separation. The opaque portion of the screen must be opaque in all seasons of the year. At maturity, the portion of intermittent visual obstructions should not contain any completely unobstructed openings more than 10 feet wide. In addition, a Type A screen includes a minimum ten-foot-wide landscaped planting strip parallel and adjacent to the property line where the screening is required.
  - (2) Semi-opaque screen with buffer, Type B. A screen that is opaque from the ground to a height of three feet, with intermittent visual obstruction from above the opaque portion to a height of at least 20 feet. The semi-opaque screen is intended to partially block visual contact between uses and to create a

strong impression of the separation of spaces. At maturity, the portion of intermittent visual obstructions should not contain any completely unobstructed openings more than 10 feet wide. In addition, a Type B screen includes a minimum five-foot-wide landscaped planting strip parallel and adjacent to the property line where the screening is required.

(3) Broken screen, Type C. A screen composed of intermittent visual obstructions from the ground to a height of at least 20 feet. The broken screen is intended to create the impression of a separation of spaces without necessarily eliminating visual contact between the spaces. (Ord. 676, Sec. 63, 2003; Ord. 639, Sec. 4, 2001; Ord. 590, 1998; Ord. 468, 1995)

14.76.050 Stormwater Facility Landscaping

(a) Stormwater facilities shall be screened with vegetation in order to improve their visual appearance.  
Earthen berms, infiltration and detention pond bottoms, filter beds, bioretention facilities, vegetated slopes and swales used for stormwater control, access roads for these facilities and any other areas required for the function, inspection, maintenance or repair of these facilities as described in the City's adopted EDDS shall be kept free of landscaping.

Commented [SP1]: Simplified.

(b) Where perimeter fencing of a stormwater flow control or treatment facility is required pursuant to the EDDS, Type C landscaping of at least five feet in width shall be installed pursuant to the requirements of Section 14.76.040(3). To maintain sight triangles, fenced facilities that abut public rights-of-way shall comply with setbacks and height restrictions pursuant to Section 14.48.040.

(d) The Community Development Director or their designee may consider on a case-by-case basis alternative screening treatments, including but not limited to proposals for masonry walls or wood enclosures that reflect the overall aesthetic of the development through the use of complementary colors, textures, proportions and materials.

(e) The Planning and Public Works Departments shall review proposed stormwater facility landscaping plans and may require revisions and/or enhancements to ensure that the landscaping provides an effective visual screen for fenced facilities without compromising safety, security and maintenance access and improves the overall appearance of a stormwater flow control or treatment facility.

(f) Where fencing is not required and the unfenced stormwater flow control or treatment facility is not completely screened pursuant to subsections (c) and (d) of this section, the facility shall be landscaped to improve its appearance as follows:

(1) If the facility is located adjacent to or near a lake, wetland, or fish and wildlife habitat conservation area or their buffers, the areas between the facilities and these critical areas shall be left in natural or near-natural conditions.

**Commented [SP2]:** Per MBA request.

**14.76.05060 Table of Screening Requirements.**

See Table 14.76-I. (Ord. 811, Sec. 92, 2010; Ord. 468, 1995)

**14.76.06070 Flexibility in Administration Required.**

(Deleted by Ord. 676, Sec. 64, 2003)

**14.76.07080 Combination Uses.**

(Deleted by Ord. 676, Sec. 65, 2003)

**14.76.08090 Subdivisions.**

(Deleted by Ord. 676, Sec. 66, 2003)

**14.76.090100 Additional Screening Requirements.**

- (a) Due to the potential for adverse impacts between the following noncompatible uses, a 30-foot-wide landscaped screen shall be maintained between State Route 204, State Route 92 and/or State Route 9 and all residential and industrial uses.
- (b) Due to the potential for adverse impacts, Light Industrial and General Industrial zoned properties directly abutting the Centennial Trail shall provide a Type A screen, pursuant to Section [14.76.040\(a\)\(1\)](#) in areas abutting the Centennial Trail.
- (c) The screen shall have a height of at least 30 feet at maturity. It is intended to exclude all visual and noise contact between uses in all seasons of the year. The use of existing significant trees which are not prone to windthrow within the screen is strongly encouraged.
- (d) The Planning Director may approve reduced buffer widths to prevent denial of all reasonable use of property. (Ord. 908, Sec. 9, 2014; Ord. 903, Sec. 48, 2013; Ord. 811, Sec. 68, 2010; Ord. 639, Sec. 4, 2001; Ord. 511, Sec. 17, 1996)

**TABLE 14.76-I: SCREENING REQUIREMENTS**

Zone in Which Development Occurs	SR, WR, UR, HUR	MFR	PRD	NC	CBD, MU, LB	SRC, PBD	LI	GI	P/SP
Zone of Adjacent Property									
SR,WR,UR, HUR		B	B	C	B	A	A	A	B
MFR	-		-	C	B	A	A	A	B
PRD	-	-		C	-	A	A	A	B
NC	C	C	C		-	-	A	A	-
CBD, MU, LB	B	-	B	-		-	A	A	-
SRC, PBD	C	B	B	-	-		A	A	-
LI	C	C	C	-	-	-		B	-
GI	A	A	A	A	A	A	B		A
P/SP	B	B	C	-	-	-	A	A	

(Ord. 908, Sec. 9, 2014; Ord. 811, Secs. 68, 92, 2010; Ord. 676, Sec. 68, 2003; Ord. 666, Sec. 12, 2002; Ord. 468, 1995)

## **Part II. Shading**

### **14.76.100 Council Findings and Declaration of Policy on Shade Trees.**

(a) The Council finds that:

- (1) Trees are proven producers of oxygen, a necessary element for human survival;
- (2) Trees appreciably reduce the ever increasing environmentally dangerous carbon dioxide content of the air and play a vital role in purifying the air we breathe;
- (3) Trees transpire considerable amounts of water each day and thereby purify the air much like the air-washer devices used on commercial air conditioning systems;
- (4) Trees have an important role in neutralizing waste water passing through the ground from the surface to ground water tables and lower aquifers;

- (5) Trees, through their root systems, stabilize the ground water tables and play an important and effective part in soil conservation, erosion control, and flood control;
- (6) Trees are an invaluable physical, aesthetic, and psychological counterpoint to the urban setting, making urban life more comfortable by providing shade and cooling the air and land, reducing noise levels and glare, and breaking the monotony of human developments on the land, particularly parking areas; and
- (7) For the reasons indicated in subsection (a)(6) of this section, trees have an important impact on the desirability of land and therefore on property values.

(b) Based upon these findings, the Council declares that it is not only desirable but essential to the health, safety, and welfare of all persons living or working within the City to protect certain existing trees and to require the planting of new trees in certain types of developments. (Ord. 639, Sec. 4, 2001; Ord. 468, 1995)

**14.76.110 Required Trees Along Dedicated Streets.**

Along both sides of all newly created, widened, or improved streets, the developer shall either plant or retain within the landscape strip every 30 feet of street frontage one deciduous tree of two inches dbh at the time of planting, with a canopy that starts at least eight feet above finished grade and will have a trunk at least 12 inches in diameter when fully mature. Root deflectors shall be provided for all street trees. When trees are planted by the developer pursuant to this section, the developer shall choose trees that meet the standards set forth in the administrative guideline entitled "Guide for Landscaping." Paving or covering the landscape strip with impervious material or to park motor vehicles on the landscape strip is prohibited. (Ord. 639, Sec. 4, 2001; Ord. 468, 1995)

**14.76.120 Retention and Protection of Large Trees.**

- (a) Every development shall retain all existing significant trees and significant stands of trees unless the retention of such trees would unreasonably burden the development or in the opinion of the Planning Director cause a significant safety problem. The applicant for a land use permit or preliminary subdivision approval shall, with the application, submit an assessment prepared by a certified arborist, which makes recommendations for protection of trees consistent with this chapter.
- (b) The retention of significant trees and significant stands of trees unreasonably burdens a development if the desired location of improvements on a lot or the proposed activities on a lot would have to be substantially altered and such alteration would work an unreasonable hardship upon the developer.
- (c) Where significant trees and significant stands of trees are removed because their retention would unreasonably burden a development, a tree survey shall be provided, showing size, type, and location of all significant trees and stands of trees. Prior to removal, the developer shall coordinate with the City which trees are to be protected.

(d) Any unprotected significant trees removed shall be replaced with one-gallon-sized native species at a ratio of 3:1. During plat and home construction the developer shall provide adequate protection of retained and replacement trees from damage. **On a case by case basis, the Community Development Director or their designee may consider alternative mitigation that may include, but is not limited to, planting larger trees at a decreased ratio or planting a mix of trees and shrubs when the screening and ecological value is improved. The applicant shall submit a landscape plan for staff review and approval requesting the alternative mitigation.**

(e) If it is physically impractical to replant all replacement trees on site, then the applicant shall mitigate the loss of trees by either planting trees on public property within the City as approved by the planning director, and/or paying a mitigation fee into the City's tree mitigation in-lieu fund. This fee shall be set forth in the City's fee resolution, and equal the cost of purchasing and planting the trees. **The Community Development Director or their designee may authorize the use of the funds for alternative measures.**

(f) Prior to any clearing activities, the city shall map and inventory all trees identified for protection. If any of the protected trees are removed or damaged to the extent that their ability to survive is seriously threatened, without the City's prior written consent, the loss shall be remedied pursuant to Section [14.28.040\(c\)](#).

(g) Replacement trees approved to be installed on public property shall be planted prior to recordation of a final plat, or issuance of a building permit, whichever comes first.

(h) Replacement trees approved to be installed on residential lots shall be planted prior to issuance of a certificate of occupancy for that lot.

(i) If space that would otherwise be devoted to parking cannot be so used because of the requirements of subsection (a) or (b) of this section, and, as a result, the parking requirements set forth in Chapter [14.72](#) cannot be satisfied, the number of required spaces may be reduced by the number of spaces lost because of the provisions of subsections (a) and (b) of this section, up to a maximum of 15 percent of the required spaces.

(j) Whenever construction, clearing or grading activities occur on a site in which trees are required to be protected pursuant to this title, the following measures shall be taken to ensure said protection:

- (1) Prior to commencing any site work, the applicant shall submit a plan to the Department of Planning and Community Development which identifies types and locations of barriers that will be placed around protected trees to aid in the avoidance of accidental damage to the trees. No site work will commence prior to the City inspecting and approving the location and installation of the barriers.
- (2) No fill, excavation or other subsurface disturbance, operating, stacking or storing of equipment or compacting of earth may be undertaken within the drip line of any of the protected trees, and no impervious surface may be located within 12 1/2 feet (measured from the center of the trunk) of any tree

18 inches in diameter or more. A drip line is defined as a perimeter formed by the points farthest away from the trunk of a tree where precipitation falling from the branches of that tree lands on the ground.

(3) Where vehicular/equipment access is required within the drip line of a tree, the soil, and incidentally the tree's roots, shall be protected with 10 inches of woodchips and/or plywood placed over the path of the vehicle to limit soil compaction and subsequent root damage. Before any vehicles may travel through the protected area, the developer shall submit an affidavit from a certified arborist that measures installed are sufficient to protect the tree(s) in question.

(4) Stumps of trees to be removed within one-half of the radius of the critical root zone (CRZ), which is defined as CRZ equals one foot radius for every one inch of the tree's diameter, shall not be excavated but may be ground down to below the ground surface.

(5) Unwanted vegetation within the CRZ of a protected tree shall be removed by hand.

(6) Backfilling into a CRZ of a protected tree shall be done only with the written approval of a certified arborist. Only well drained soil with sufficient air space (sandy soils) are permitted.

(7) Upon completion of site clearing, protected trees may be pruned for deadwood, low hanging limbs and proper balance under the supervision of a certified arborist. Trees may be cabled and braced as recommended by the arborist. (Ord. 903, Sec. 49, 2013; Ord. 666, Sec. 13, 2002; Ord. 639, Sec. 4, 2001; Ord. 596, 1999; Ord. 468, 1995)

**14.76.124 Shade Trees on Residential Lots.**

(a) Each residential lot shall maintain a minimum number of trees on site. This section shall be enforced at the time that any land use or building permit is issued. If fewer than the required trees exist on a lot for which a land use or building permit is applied, the granting of the permit shall be conditioned on the planting of trees to meet the requirements of this section.

(b) The minimum number of required trees depends on the zoning district in which the site falls, as follows:

Suburban Residential, Waterfront Residential - three trees/lot

Urban Residential, High Urban Residential - two trees/lot

Except: lots developed through a Planned Residential Development (Section 14.44.020) or a Cluster Subdivision (Section 14.48.070) - three trees/lot for lots greater than or equal to 9,600 square feet, two trees/lot for lots less than 9,600 square feet

(c) If street trees are present, or are required to be installed with a development, they may count toward one of the trees required by subsection (b) of this section.

- (d) On lake front properties only, one of the required trees may be substituted by installing and maintaining natural aquatic vegetation along the water's edge. The minimum area of the vegetation shall be 20 square feet.
- (e) Nonstreet trees required per this section shall be a native species, have a minimum two-inch diameter at breast height (dbh), and attain a minimum height of 25 feet at maturity.
- (f) At least one of the required trees shall be planted near the rear property line of the lot. The intent of this regulation is to create rows of trees behind and between rows of houses, thus affording privacy and creating a forested view of the community when seen from ground level. (Ord. 811, Sec. 69, 2010; Ord. 639, Sec. 4, 2001; Ord. 596, 1999)

**14.76.130 Shade Trees in Parking Areas.**

- (a) Paved vehicle accommodation areas must be shaded by deciduous trees that will have when fully mature a trunk at least ~~12 inches~~ in diameter. The developer shall choose trees that meet the standards set forth in the administrative guideline entitled ["Guide for Landscaping," "Seattle Green Factor Plant List."](#) Commented [SP3]: Need to research this more.
- (b) Each tree of the type described in subsection (a) of this section shall be presumed to shade a circular area having a radius of 15 feet with the trunk of the tree as the center, and there must be sufficient trees so that, using this standard, 20 percent of the vehicle accommodation area will be shaded.
- (c) Except as noted in subsection (d) of this section, no paving may be placed within 12 1/2 feet (measured from the center of the trunk) of any tree retained to comply with subsection (a) of this section.
- (d) Pervious paving (grasscrete, metal grating, etc.) may be used within 12 1/2 feet of a tree if (1) the parking lot is designed so that no significant run-off from the paved areas drains into the area around the base of the tree(s) and (2) barriers are placed in such a manner as to prevent vehicles from damaging such trees.
- (e) Vehicle accommodation areas shall be laid out and detailed to prevent vehicles from striking trees. [Wheel stops are required to prevent overhang into planter strips. Wheel stops shall be installed two feet from the end of the planting bed or the planting bed shall be increased by at least two feet.](#) Vehicles will be presumed to have a body overhang of three feet, six inches. (Ord. 639, Sec. 4, 2001; Ord. 590, 1998; Ord. 468, 1995)
- (f) Planter strips may be designed to serve as bioretention features, when feasible, as part of a sites primary stormwater system.

# Seattle Green Factor Plant List

Exhibit 3

## Notes:

- All plants on this list are drought-tolerant once they are established unless comments indicate otherwise.
- Seattle Department of Transportation's Right-of-Way Improvement Manual establishes height limits for non-street-tree plantings in rights-of-way. Maximum plant height within 30 feet of an intersection (as measured from the corner of the curb) is 24 inches. Elsewhere in the right-of-way, plantings are allowed to be 30 inches tall.
- "Bioretention Zone" describes where plants can appropriately be used in bioretention systems such as swales and rain gardens. Zone 1 is the designation for plants that can be used in the flat bottoms of bioretention facilities: 1A refers to species that prefer soil saturation or shallow inundation for long durations, while Zone 1B refers to plants that can alternate between dry and short-term saturated conditions. Zone 2 is the designation for plants best used at the well-drained slopes of bioretention facilities. All other species are appropriate for planting at the tops of bioretention areas.

GROUNDCOVERS										
Scientific Name	Common Name	Evergreen	Shade	Sun	Native	up to 24"	2-3' ht	Bioretention Zone	Notes	
<i>Arctostaphylos uva-ursi</i>	kinnikinnick	•		•	•	•				
<i>Asarum caudatum</i>	wild ginger	•	•		•					
<i>Calluna</i> , in variety	heather	•		•			•			
<i>Ceratostigma plumbaginoides</i>	hardy plumbago	•	•	•			•			
<i>Daboecia cantabrica</i>	Irish heath	•		•			•			
<i>Erica</i> , in variety	heath	•		•			•			
<i>Erigeron karvinskianus</i>	Latin American fleabane	•	•	•			•			
<i>Euonymous fortunei 'Colorata'</i>	wintercreeper euonymous	•	•	•			•			
<i>Festuca glauca</i>	blue fescue	•		•			•			
<i>Fragaria chiloensis</i>	beach strawberry	•	•	•	•		•		Aggressive	
<i>Fragaria x 'Lipstick'</i>	pink-flowered barren strawberry	•	•	•			•		Aggressive	
<i>Genista lydia</i>	hardy dwarf broom	•		•			•			
<i>Genista pilosa</i>	silkyleaf broom	•		•			•			
<i>Juniperus conferta</i>	shore juniper	•		•			•			
<i>Microbiota decussata</i>	Russian arborvitae	•		•			•		2	
<i>Pachysandra terminalis</i>	Japanese spurge	•	•				•			
<i>Pachysandra procumbens</i>	Allegheny pachysandra	•	•				•			
<i>Paxistima canbyi</i>	Canby paxistima	•	•	•			•			
<i>Rubus pentalobus</i>	creeping bramble	•	•	•			•			
<i>Vinca minor</i>	periwinkle	•	•				•			

PERENNIALS / FERNS / GRASSES										
Scientific Name	Common Name	Evergreen	Shade	Sun	Native	up to 24"	2-3' ht	Bioretention Zone	Notes	
<i>Achillea millefolium</i>	yarrow	•		•		•				
<i>Allium</i> , in variety	ornamental allium			•			•			
<i>Aruncus sylvestre 'Misty Lace'</i>	dwarf goatsbeard		•	•	•			1B		
<i>Aster</i> , in variety	aster			•		•	•			
<i>Athyrium filix-femina</i>	lady fern	•		•	•		•			

<i>Bergenia</i> , in variety	bergenia	•	•	•	•	•			
<i>Blechnum spicant</i>	deer fern	•	•	•	•	•			
<i>Calluna vulgaris</i>	heather	•		•		•			
<i>Carex amplifolia</i>	ample-leaved sedge		•		•		•	1A, 1B	Not drought-tolerant
<i>Carex dolichostachya</i>	gold fountain sedge	•		•			•	1A	Not drought-tolerant
<i>Carex morrowii</i>	Morrow's sedge	•		•		•			
<i>Carex obnupta</i>	slough sedge	•	•	•	•	•	•	1A, 1B	Not drought-tolerant
<i>Carex pachystachya</i>	thick-headed sedge	•		•	•	•		1B	
<i>Carex stipata</i>	beaked sedge		•	•	•		•	1A	Not drought-tolerant
<i>Carex testacea</i>	orange sedge	•		•		•		1A, 1B, 2	
<i>Cineraria maritima</i>	dusty miller	•		•		•			
<i>Deschampsia cespitosa</i>	tufted hairgrass		•	•	•		•	1A, 1B	Not drought-tolerant
<i>Dierama pulcherrimum</i>	angel's fishing rods	•		•			•		
<i>Epimedium</i> , in variety	bishop's hat	•	•	•		•			
<i>Gaillardia</i> , in variety	blanket flower			•		•			
<i>Geranium macrorrhizum</i>	bigroot cranesbill	•		•		•		2	
<i>Geranium x cantabrigiense</i> 'Biokovo'	Biokovo geranium	•	•	•		•			
<i>Hemerocallis</i> , in variety	daylily			•			•	2	
<i>Heuchera</i> , in variety	heuchera, coral bells	•		•		•		2	
<i>Iberis sempervirens</i>	evergreen candytuft	•		•		•			
<i>Iris</i> "Pacific Coast Hybrids"	Pacific Coast iris	•	•	•	•	•			
<i>Juncus balticus</i>	Baltic rush	•		•	•			1A, 1B	Not drought-tolerant
<i>Juncus effusus</i>	soft rush	•	•	•	•			1A, 1B, 2	Aggressive, not drought-tolerant
<i>Juncus ensifolius</i>	daggerleaf rush		•	•	•			1A	Not drought-tolerant
<i>Juncus patens</i> 'Elk blue'	California gray rush	•	•	•			•	1A, 1B	Not drought-tolerant
<i>Lavandula angustifolia</i>	lavender	semi		•			•		
<i>Liatris spicata</i>	gay feather			•		•			
<i>Liriope</i> , in variety	lilyturf	•	•			•			
<i>Lupinus</i> , in variety	lupine			•	•	•			
<i>Monarda didyma</i> 'Petite Wonder'	bee balm	•		•		•			
<i>Muscari botryoides</i>	grape hyacinth		•	•		•			
<i>Narcissus</i> , in variety	daffodil			•		•			
<i>Nepeta</i> , in variety	catmint		•	•			•	2	
<i>Origanum</i> , in variety	marjoram, ornamental oregano	•		•		•			
<i>Penstemon</i> , in variety	penstemon			•		•			
<i>Petasites frigidus</i>	coltsfoot		•		•	•		1A, 1B	Not drought-tolerant
<i>Phlox subulata</i>	phlox			•		•			
<i>Polystichum munitum</i>	western swordfern	•	•	•		•		2	
<i>Rudbeckia</i> , in variety	coneflower			•		•			
<i>Sagittaria latifolia</i>	arrowhead		•		•				
<i>Salvia</i> , in variety	sage	•		•		•			
<i>Scirpus acutus</i>	hardstem bulrush			•	•			1A	Not drought-tolerant

<i>Scirpus atrocinatus</i>	wool-grass	•		•	•		•	1A, 1B	Not drought-tolerant
<i>Scirpus microcarpus</i>	small-fruited bulrush			•	•	•		1A	Not drought-tolerant
<i>Thymus</i> , in variety	thyme	•		•	•				
<i>Tolmiea menziesii</i>	youth-on-age	•		•		•			
<i>Tulipa</i> , in variety	tulip				•		•		
<i>Yucca filamentosa</i>	yucca	•		•			•		

**LOW SHRUBS (pruning may be required to maintain 24" or 30" maximum height in ROW)**

Scientific Name	Common Name	Evergreen	Shade	Sun	Native	up to 24"	2-3' ht	Bioretention Zone	Notes
<i>Abelia x grandiflora</i> 'Rose Creek'	abelia	•	•	•			•	2	
<i>Arctostaphylos densiflora</i>	Vine Hill manzanita	•		•			•	2	
<i>Arctostaphylos pumila</i>	manzanita	•		•			•		
<i>Berberis buxifolia</i> 'Pygmaea' or 'Nana'	dwarf boxleaf barberry	•		•			•		
<i>Berberis candidula</i>	paleleaf barberry		•	•			•		
<i>Berberis darwinii</i> 'Compacta'	dwarf Darwin barberry	•		•			•		
<i>Berberis stenophylla</i> 'Corallina Compacta'	dwarf coral hedge barberry	•		•			•		
<i>Berberis thunbergii</i>	Japanese barberry	•		•			•		
<i>Berberis verruculosa</i>	warty barberry	•	•				•	2	
<i>Buxus microphylla</i> 'Compacta'	little-leaf boxwood		•	•			•		
<i>Buxus sempervirens</i> 'Suffruticosa'	common edging boxwood		•	•			•	2	
<i>Caryopteris</i> , in variety	caryopteris			•			•		
<i>Cassinia leptophylla</i>	cassinia	•		•			•	2	
<i>Ceanothus gloriosus</i>	Point Reyes ceanothus	•		•		•		2	
<i>Chamaecyparis obtusa</i> 'Nana'	dwarf hinoki cypress	•	•	•			•		
<i>Cistus</i> , in variety	rockrose	•		•			•	2	
<i>Cornus sericea</i> 'Kelseyi'	Kelsey redstem dogwood		•	•			•	1B, 2	
<i>Cotoneaster dammeri</i>	bearberry cotoneaster	•		•			•		
<i>Daboecia cantabrica</i>	Irish heath	•		•			•		
<i>Escallonia</i> 'Compacta'	compact escallonia	•	•	•			•	2	
<i>Euonymus japonicus</i> 'Microphyllus'	evergreen euonymous	•	•	•			•	2	
<i>Euryops</i> , in variety	euryops	•		•		•	•	2	
<i>Gaultheria shallon</i>	salal	•	•		•		•	2	
<i>Halimocistus x sahucii</i>	halimocistus	•		•		•			
<i>Halimocistus x wintonensis</i>	halimocistus	•		•		•		2	
<i>Hebe</i> , in variety	hebe	•		•		•	•	2	
<i>Hydrangea quercifolia</i> 'Pee Wee'	dwarf oak-leaf hydrangea		•	•			•	1B, 2	
<i>Ilex crenata</i> 'Compacta'	Japanese holly	•	•	•			•	2	
<i>Ilex crenata</i> 'Helleri'	Heller Japanese holly	•	•	•			•		
<i>Lavandula</i> , in variety	lavander	•		•			•	2	
<i>Mahonia nervosa</i>	low Oregon holly-grape	•	•		•		•	2	
<i>Mahonia repens</i>	creeping Oregon holly-grape	•	•	•	•		•		
<i>Nandina domestica</i> 'Compacta' or 'Harbor Dwarf' or 'Gulf Stream'	dwarf heavenly-bamboo	•	•	•			•	2	

<i>Olea europaea</i> 'Little Ollie' ['Montra']	dwarf olive	•		•			•	2	
<i>Phlomis purpurea</i>	phlomis	•		•			•	2	
<i>Phormium tenax</i> 'Tiny Tim' or 'Jack Sprat'	compact New Zealand flax	•		•			•		
<i>Pieris japonica</i> 'Cavatine'	Cavatine' andromeda	•		•			•		
<i>Pittosporum tobira</i> 'Wheeler's Dwarf' and 'Shima'	dwarf Japanese mock-orange	•	•	•			•	2	
<i>Potentilla fruticosa</i>	shrubby cinquefoil			•			•	2	
<i>Prunus laurocerasus</i> 'Mount Vernon'	Mount Vernon cherry laurel	•	•				•		
<i>Rhododendron</i> 'PJM Princess Susan' (compact/dwarf form)	compact PJM rhododendron	•		•			•	2	
<i>Rhododendron</i> , in variety	rhododendron and azalea	•	•	•			•	2	
<i>Rhus aromatica</i> 'Gro-Low'	dwarf lemonade sumac		•	•			•	2	
<i>Rosa nutkana</i>	Nootka Rose			•	•			1B, 2	
<i>Rosa rugosa</i>	Rugosa Rose			•				1B, 2	
<i>Rosmarinus officinalis</i> 'Collingwood Ingram'	dwarf rosemary	•		•			•	2	
<i>Rosmarinus officinalis</i> "Majorca Pink"	Rosemary	•		•				2	
<i>Ruscus aculeatus</i> and <i>R. hypoglossum</i>	butchers broom	•	•				•		
<i>Senecio greyii</i>	senecio	•		•			•	2	
<i>Sarcococca hookeriana</i> var. <i>humilis</i>	sweet box	•	•			•			
<i>Spiraea betulifolia</i>	shiny-leaf spirea		•	•	•		•	2	
<i>Spiraea douglasii</i>	Steeplebush		•	•	•		•	1A, 1B, 2	
<i>Spiraea japonica</i> 'Little Princess'	dwarf Japanese spirea			•			•	2	
<i>Spiraea x bumalda</i> 'Magic carpet'	bumalda spirea		•	•			•	1B	
<i>Symporicarpos albus</i>	snowberry		•	•	•		•	1A, 1B, 2	
<i>Teucrium chamaedrys</i>	wall germander	•		•		•			
<i>Viburnum acerifolium</i> 'Nana'	dwarf cranberry bush viburnum		•	•			•	1B	
<i>Viburnum davidii</i>	David viburnum	•	•	•			•	2	
<i>Viburnum trilobum</i> 'Compactum'	dwarf cranberry bush viburnum		•	•			•	1B, 2	

**TALL SHRUBS (subject to site-specific approval if used in ROW)**

Scientific Name	Common Name	Evergreen	Shade	Sun	Native	up to 24"	2-3' ht	Bioretention Zone	Notes
<i>Arbutus unedo</i> 'Compacta'	compact strawberry tree	•	•	•				2	
<i>Camelia sasanqua</i> 'Yuletide'	yuletide camelia	•	•	•					
<i>Ceanothus Julia Phelps</i>	Small leaf Mountain lilac	•		•				2	
<i>Chamaecyparis obtusa</i> 'nana gracilis'	dwarf hinoki cypress	•		•				2	
<i>Choisya ternata</i>	Mexican mock orange	•	•	•					
<i>Cornus stolonifera</i>	Red -osier Dogwood		•	•	•			1A, 1B, 2	
<i>Cornus sericea</i> 'Isanti'	compact redtwig dogwood	•	•	•				1B, 2	
<i>Hydrangea quercifolia</i>	oak-leaf hydrangea		•	•				2	
<i>Holodiscus discolor</i>	Ocean Spray		•	•	•			1A, 1B, 2	
<i>Mahonia aquifolium</i>	Tall Oregon Grape	•	•	•	•			1A, 1B, 2	

<i>Mahonia x media 'Arthur Menzies'</i>	hybrid mahonia	•	•	•			•	2	
<i>Myrica californica</i>	California wax-myrtle	•		•	•			2	
<i>Philadelphus lewisii</i>	Mock-orange			•	•			1B,1A, 2	
<i>Phormium tenax</i>	New Zealand flax		•	•				2	
<i>Physocarpus capitatus</i>	Pacific Ninebark		•	•	•			1B,1A, 2	
<i>Physocarpus opulifolius 'Diablo'</i>	Diablo Ninebark		•	•				1B,1A, 2	
<i>Ribes sanguineum</i> and cultivated varieties	red-flowering currant		•	•	•			2	
<i>Salix hookeriana</i>	Hooker's Willow		•	•	•			1A,1B, 2	Not drought-tolerant
<i>Taxus baccata 'Fastigiata'</i>	Irish yew	•	•	•					
<i>Vaccinium ovatum</i>	evergreen huckleberry	•	•	•	•			2	

BIORETENTION TREES (appropriate for zones 1A or 1B), subject to site-specific approval in ROW. See Green Factor tree list for non-bioretention options.									
Scientific Name	Common Name	Evergreen	Shade	Sun	Native	up to 24"	2-3' ht	Bioretention Zone	Notes
<i>Abies grandis</i>	Grand Fir	•		•	•			1B, 2	
<i>Acer circinatum</i>	Vine Maple		•	•	•			1A,1B, 2	
<i>Acer glabrum</i>	Rocky Mountain Maple		•	•	•			1A,1B, 2	
<i>Acer saccharum 'Commemoration'</i>	Commemoration Sugar Maple		•	•				1A,1B, 2	
<i>Alnus crispa</i>	Sitka Alder		•	•	•			1A,1B, 2	
<i>Alnus rubra</i>	Red Alder		•	•	•			1A,1B, 2	
<i>Betula papyrifera</i>	White Birch		•	•	•			1A,1B, 2	
<i>Chamaecyparis nootkatensis</i>	Alaskan Cedar	•	•	•	•			1A,1B, 2	
<i>Corylus cornuta</i>	Beaked Hazelnut		•	•	•			1A,1B, 2	
<i>Fraxinus latifolia</i>	Oregon Ash			•	•			1A,1B, 2	
<i>Liquidambar styraciflua</i>	Sweet Gum			•				1A,1B, 2	
<i>Populus tremuloides</i>	Quaking Aspen			•	•			1A,1B, 2	
<i>Pseudotsuga menziesii</i>	Douglas Fir	•	•	•	•			1B, 2	
<i>Rhamnus purshiana</i>	Cascara		•	•	•			1A,1B, 2	
<i>Salix lucida</i>	Pacific Willow			•	•			1A,1B, 2	
<i>Salix scouleriana</i>	Scouler's Willow			•	•			1A,1B, 2	
<i>Taxodium distichum</i>	Bald Cypress			•				1A,1B, 2	
<i>Thuja plicatum</i>	Western Red Cedar	•	•	•	•			1A,1B, 2	
<i>Tsuga heterophylla</i>	Western Hemlock	•	•	•	•			1A,1B, 2	

VINES											
Scientific Name	Common Name	Evergreen	Shade	Sun	Native	up to 24"	2-3' ht	Bioretention Zone	Notes		
<i>Actinidia kolomikta</i>	Kolomikta kiwi		•	•							
<i>Akebia quinata</i>	5-leaf akebia	•	•	•					Aggressive		
<i>Aristolochia macrophylla</i>	Dutchman's pipe		•	•							
<i>Clematis armandii</i>	evergreen clematis	•		•							
<i>Clematis x cartmanii "Blaaval"</i>	Avalanche evergreen clematis	•		•							
<i>Clematis montana</i>	anemone clematis			•							
<i>Euonymous fortunei 'Kewensis' or 'Radicans'</i>	climbing wintercreeper	•	•	•							
<i>Hydrangea anomala</i>	climbing hydrangea			•							
<i>Jasminum grandiflorum</i>	climbing jasmine	•	•								
<i>Lonicera ciliosa</i>	orange honeysuckle		•		•						
<i>Lonicera sempervirens</i> or <i>L. heckrottii</i>	trumpet honeysuckle / coral honeysuckle			•							
<i>Passiflora</i> , in variety	passion vine	•		•					Aggressive		
<i>Parthenocissus quinquefolia</i>	Virginia creeper			•							
<i>Parthenocissus tricuspidata</i>	Boston ivy		•								
<i>Trachelospermum jasminoides</i>	star jasmine	•	•	•							
<i>Wisteria</i> , in variety	wisteria			•							

GREEN ROOF PLANTS											
Scientific Name	Common Name	Evergreen	Shade	Sun	Native	up to 24"	2-3' ht	Bioretention Zone	Notes		
<i>Allium schoenoprasum</i>	chives			•		•					
<i>Allium senescens</i>	lavender-flowered onion		•	•			•				
<i>Delosperma nubigenum</i>	yellow ice plant	•	•	•			•				
<i>Festuca idahoensis</i>	Idaho fescue	•		•	•		•				
<i>Fragaria chiloensis</i>	barren strawberry	•	•	•	•		•				
<i>Hebe decumbens</i>	ground hebe	•	•	•			•				
<i>Helianthemum nummularium</i> , in variety	sunrose	•		•			•				
<i>Heuchera micrantha</i>	coral bells/alumroot	•	•		•		•				
<i>Iberis sempervirens</i>	evergreen candytuft	•	•	•			•				
<i>Montia parviflora</i>	small-flowered spring-beauty	•	•		•		•				
<i>Rosmarinus officinalis 'Prostratus'</i>	prostrate rosemary	•		•			•				
<i>Sedum dasyphyllum</i>	thick-leaf stonecrop	•		•	•		•				
<i>Sedum divergens</i>	Pacific stonecrop	•		•	•		•				
<i>Sedum kamtschaticum</i>	Russian stonecrop	•		•			•				
<i>Sedum laxum</i>	roseflower stonecrop	•		•	•		•				
<i>Sedum oreganum</i>	Oregon stonecrop	•		•	•		•				
<i>Sedum spathulifolium</i>	broadleaf stonecrop	•		•	•		•				
<i>Sedum stefco</i>	stonecrop	•		•			•				
<i>Sempervivum arachnoideum</i>	hens and chicks	•		•			•				
<i>Sisyrinchium bellum</i>	blue-eyed grass			•	•		•				
<i>Talinum calycinum</i>	fame flower	•		•			•				
<i>Trifolium repens</i>	New Zealand White Clover	semi		•							

**SPECIES NOT PERMITTED IN ROW OR NEW LANDSCAPE PLANS**

Scientific Name	Common Name
<i>Hedera helix</i> --all varieties	English ivy
<i>Buddleia</i>	butterfly bush
<i>Clematis vitalba</i>	old man's beard
<i>Ilex aquifolium</i>	English holly
<i>Prunus laurocerasus</i>	English Laurel
<i>Polygonum aubertii</i>	silver lace vine
Any plant species classified by King County as a Class A, B, or C Noxious Weed	