



Planning Commission
Meeting:

First Wednesday of
every Month @ 7:00pm

Planning & Community
Development
Department

1812 Main Street
Lake Stevens, WA
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www.lakestevenswa.gov

Municipal Code

Available online:

www.codepublishing.com/WA/LakeStevens/

PLANNING COMMISSION AGENDA

Regular Meeting Date: 02.15.2017

- A. CALL TO ORDER: 7:00pm**
Pledge of Allegiance
- B. ROLL CALL**
- C. GUEST BUSINESS**
- D. ACTION ITEMS**
 - 1. Approval of February 1, 2017 Meeting Minutes**
- E. DISCUSSION ITEMS**
 - 1. LUA2016-0171 – Amendments to the municipal code to adopt the 2012 Department of Ecology Stormwater Management Manual for Western Washington – S. Pratschner**
 - 2. Permit Extensions for Subdivisions – S. Pratschner**
- F. COMMISIONER REPORTS**
- G. PLANNING DIRECTOR'S REPORT**
- H. 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, February 1, 2017

CALL TO ORDER: 7:00 pm by Chair Jennifer Davis

MEMBERS PRESENT: Chair Jennifer Davis, Janice Huxford, Vicki Oslund, Tracey Trout

MEMBERS ABSENT: Linda Hoult

STAFF PRESENT: Community Development Director Russ Wright, Senior Planner Melissa Place and Clerk Jennie Fenrich

OTHERS PRESENT: Rachel McDaniel, Gary Petershagen, Sammie Thurber

Excused Absence: Commissioner Huxford made a motion to excuse Commissioner Hoult, Commissioner Oslund 2nd, Motion carried 4-0-0-1.

Guest business: Ms.Thurber inquired about the RV Regulations that are being discussed. She had questions on how it will affect the Mobile Home park she manages.

Action Items:

1. *Approve January 4, 2017 Meeting Minutes.* Commissioner Huxford made a motion to approve minutes *January 4, 2017*, pending one spelling correction of a citizen who came as guest, Commissioner Trout 2nd. Motion carried 4-0-0-1.
2. *The commission made a recommendation to send the Recreational Park Trailer Regulation to Council for approval.* Commissioner Trout made the motion, Commissioner Huxford seconded. Motion carried 4-0-0-1.

Discussion Items:

1. Community Development Director Russ Wright shared there will be two city initiated code changes to Chapel Hill to semi-public/public designation.

Commissioner Reports: Chair Davis reminded the committee that the library construction ballots are out and to vote. Commissioner Huxford would like to see some electronic speed signs be installed on South Lake Stevens Road. Commissioner Trout attended the Downtown sub-area meeting and felt it was informative but there wasn't a huge turnout of citizens.

Director Report: Community Development Director Russ Wright gave an update on the Downtown Development plan. He said there were about a hundred citizens who participated throughout the day. He feels there is a lot of enthusiasm and is happy with the progress.

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

Adjourn: Motion by Commissioner Huxford to adjourn Commissioner Oslund 2nd. Motion carried 4-0-0-1. Meeting adjourned at 8:18 p.m.

Jennifer Davis, Chair

Jennie Fenrich, Clerk,
Planning & Community
Development

DRAFT



Staff Report
City of Lake Stevens Planning Commission
Briefing
Date: **February 15, 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*

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

ACTION REQUESTED OF PLANNING COMMISSION:

This is a briefing and no action is required.

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 has reached out to various stakeholders during the update process, including the Department of Ecology and the Master Builders Association. Staff has revised the scope of the required updates to include a closer review of municipal code regulations and ensure that the bulk and dimensional standards are not a barrier to implementing LID on development sites.¹

Planning and Public Works staff, the Fire Marshal and various stakeholders will be working to accomplish the following tasks in order to become compliant with the city's NPDES Phase II permit:

- An audit of Title's 11 and 14 to remove any impediments to implementing LID;
- A review of the city's Engineering Design and Development Standards to encourage LID principles;
- The completion of a reporting template for review by DOE; and
- Continued collaboration with the Master Builders Association on the structures of Title 11 and Chapter 14.64.

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.

RECOMMENDATION: No recommendation required at this time.

REFERENCES:

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



Staff Report
City of Lake Stevens Planning Commission

Planning Commission Briefing

Date: **February 15, 2017**

Subject: Permit Extensions for Subdivisions

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

SUMMARY:

A scope and schedule for proposed amendments to the city of Lake Stevens Municipal Code (LSMC) to review the city's permit extension sections LSMC 14.16A.245 and .250 and consider providing an additional two (2) year permit extension for subdivision applications.

ACTION REQUESTED OF PLANNING COMMISSION:

This is an informational briefing and no action is requested at this time.

BACKGROUND / DISCUSSION:

The purpose of this briefing is to discuss the schedule (**Exhibit 1**) and scope for revising the city's permit extension regulations found in LSMC 14.16A.245 and .250 and considering an additional two (2) year extension for subdivision applications. Staff is bringing this project forward, which is included in the 2017 work plan, at the request of the City Council.

To date, staff has started reviewing example codes from the city of Marysville and Snohomish County. The Snohomish County model is very comprehensive and provides a concise table. Staff would like to receive feedback from the Planning Commission on the proposed scope for the amendments to the city's extension regulations. A copy of the current regulations are enclosed (**Exhibit 2**).

LSMC 14.16A.245 contains provisions for the expiration of land use applications and building permits (subdivisions have separate provisions, as described below). Applications expire 180 days from the city's last request for information. The city may provide a single, 90-day extension per the caveats in section 14.16.245(1)(i-iii) and also use its discretion to grant further extensions. Construction plans (civil drawings approved by the Public Works department) are approved for 60 months and a single extension is possible. LSMC 14.16A.250 contains provisions for the extension of short and formal subdivisions, mirroring the language in the RCW 58.17 and providing applicants an avenue to request additional extensions for a maximum of up to 10 years. Per direction from the City Council, staff proposes a work program to develop code that provides an additional (2) years and simplifies the extension request process.

Other needed changes may be revealed as staff completes the initial research and review process for the code amendments. Staff is proposing a two to three month process to review the code and draft

revisions for the Planning Commission and the City Council to consider. Other tasks included in the scope of the project include SEPA notification and actions, various staff reports and briefings to the Planning Commission and City Council, WA Department of Commerce 60-day review, public notification and public hearings as needed.

Exhibits

1. Draft Schedule
2. LSMC 14.16A.245 and .250

City of Lake Stevens: Two (2) Year Permit Extensions (Chapter 14 LSMC) Code Amendment Work Program

ACTIVITY	Two (2) Year Permit Extensions in Municipal Code					
	FEBRUARY	MARCH	APRIL	MAY	JUNE	JULY
Research	02/01/2017 – 03/31/2017					
Draft Code Amendments			04/01/2017- 04/15/2017			
Draft Ordinances			04/15/2017 – 05/01/2016			
Attorney Review				05/01/2017- 05/15/2017		
Prepare & Issue SEPA (comment/appeal)			04/01/2017			
Commerce Review		03/01/2017 - 04/30/2017				
Publish Notice Planning Commission Public Hearing			Notice Twice – 1 st notice 10 Days Before Hearing			
Planning Commission Review (B-briefing; PH-public hearing)		03/01/2017 (B)	04/05/2017 (B)	05/03/2017 (PH)		
Publish Notice City Council Public Hearing			Notice Twice – 1 st notice 10 Days Before Hearing			
City Council Briefings & Workshops (B-briefing; PH-public hearing)			04/25/2017 (B)	05/09/2017 (B)		
City Council Public Hearing, 1 st and Final Reading				05/23/2017 (PH) - 1 st and Final Reading		
Effective date					Code Revisions Effective -5 Days After Publication	

Purpose: To allow a greater amount of time before a subdivision application expires pursuant to the Lake Stevens Municipal Code.

14.16A.245 Expiration of Inactive Applications.

(a) An application shall expire 180 days after the last date that additional information is requested, if the applicant has failed to provide the information, except that:

- (1) The Planning Director may grant one 90-day extension if the following criteria are met:
 - (i) A written request for extension is submitted at least 30 days prior to the expiration date;
 - (ii) The applicant demonstrates that circumstances beyond the control of the applicant prevent timely submittal of the requested information; and
 - (iii) The applicant provides a reasonable schedule for submittal of the requested information.
- (2) The Department may set an expiration date of less than 180 days, when the permit application is the result of a code enforcement action. Permit application expiration does not affect permits under code enforcement action.
- (3) No application shall expire, when under review by the Department following submittal of a complete application or timely resubmittal of an application when all required information has been provided.
- (4) The Department may extend an expiration date for an application with no written request from an applicant, when additional time for City processing or scheduling of appointments is required, when the Department needs information or responses from other agencies, or under other similar circumstances.

(b) A permit application approved for issuance, but not paid for and issued, shall expire 90 days after the date it is approved for issuance. (Ord. 811, Sec. 2 (Exh. 1), 2010)

14.16A.250 Expiration of Approvals and Approved Permits.

(a) Land use approvals/permits other than subdivisions or shoreline permits shall expire automatically within one year after the issuance of such permits, if:

- (1) The use authorized by such permits has not commenced, in circumstances where no substantial construction, excavation or demolition is necessary before commencement of such use; or
- (2) Less than 10 percent of the total cost of all construction, excavation or demolition of the approved development has been completed.

(b) Land use permits other than subdivisions shall also expire automatically if construction, grading or excavation is commenced but such work is discontinued for a period of one year.

(c) Shoreline Development Permits. Construction activities shall be commenced or, where no construction activities are involved, the use or activity shall be commenced within two years of the effective date of a substantial development permit. However, the City may authorize a single extension for a period not to exceed one year based on reasonable factors, if a request for extension has been filed before the expiration date and notice of the proposed extension is given to parties of record on the substantial development permit and to the Department of Ecology. [RCW [90.58.143\(2\)](#)]

(d) For land use permits other than preliminary short subdivisions, subdivisions and sign permits:

(1) The Planning Director may grant one six-month extension to a permit upon showing proper justification, if:

- (i) The extension is requested at least 30 calendar days before the permit expires;
- (ii) The permittee has proceeded with due diligence and in good faith; and
- (iii) The zoning designation of the property has not changed.

(2) Proper justification consists of one or more of the following conditions:

- (i) Economic hardship;
- (ii) Change of ownership;
- (iii) Unanticipated construction and/or site design problems;
- (iv) Other circumstances beyond the control of the applicant and determined acceptable by the appropriate department director.

(e) Preliminary short subdivision and subdivision approvals shall expire automatically if, within five years after the issuance of such approvals:

(1) The final plat or short plat has not been submitted to the City for approval; or

(2) An extension has not been granted. The Planning Director may approve a single one-year original extension to the approval, if:

- (i) The request was delivered in writing to the Planning Department at least 30 calendar days prior to the approval's expiration and meets one of the proper justifications listed in subsection (d)(2) of this section;
- (ii) The permittee has proceeded with due diligence and in good faith to complete the plat; and

- (iii) Conditions have not changed so substantially as to warrant a new application.

(f) Additional Extension of Original Approvals for Preliminary Short Subdivisions, Preliminary Subdivisions, Conditional Use Permits, Special Use Permits, Zoning Permits, and Site Plans.

- (1) After requesting and receiving the original permit extension provided in subsection (d) or (e) of this section, a permittee or his or her successors may request of the Planning Director six months prior to expiration of permit extension a one- or two-year extension as provided in subsections (f)(3) and (4) of this section for an extension above the original extension request in subsection (e) of this section, provided all other requirements of this section are met including:
 - (i) Filing with the Planning Director a sworn and notarized declaration that substantial work has not commenced as a result of adverse market conditions and an inability of the applicant to secure financing;
 - (ii) Paying applicable permit extension fees;
 - (iii) Paying all outstanding invoices for work performed on the permit review; and
 - (iv) There are no substantial changes in the approved plans or specifications.
- (2) The total combined time period for any preliminary short subdivision or preliminary subdivision may be extended by the Planning Department under this section and shall not exceed a total extension of two years for a total of seven years' approval; except for approvals dated on or before December 31, 2007, shall not exceed a total extension of five years by requesting additional one- or two-year extensions. The total combined time period for any conditional use permit, special use permit, zoning permit, or site plan may be extended by the department under this section and shall not exceed a total extension of one and one-half years.
- (3) The one-year original extension of preliminary short subdivisions and preliminary subdivisions established in subsection (e) of this section may be further extended by up to an additional four years for original approvals prior to December 31, 2007, and up to an additional two years for original approvals prior to March 31, 2010. Associated permit approvals before December 31, 2014, including construction plans, clearing and grading permits, rezones, right-of-way construction, sidewalk and street deviations, and building permits shall be automatically extended for the same period subject to subsection (f)(2) of this section.
- (4) The six-month extension of conditional use permits, special use permits, zoning permits, and site plans established in subsection (d) of this section may be further extended by up to an additional one year for original approvals prior to March 31, 2010. Associated permit approvals before March 31, 2010, including construction plans, clearing and grading permits, rezones, right-of-way construction, sidewalk

and street deviations, and building permits shall be automatically extended for the same period subject to subsection (f)(5) of this section.

(5) Related shoreline development permit time requirements may not be extended past the allowed limits in WAC [173-27-090](#) and RCW [90.58.143](#).

(6) Permits are vested to the codes in effect at the time of original approval.

(g) Construction Plan Approvals.

(1) Construction plans for projects reviewed under the development code shall be approved for a period of 60 months from the date the City signs the plans or until expiration of the preliminary plat, preliminary short plat, binding site plan, conditional use permit, or site plan approval. If the construction plan is not connected to another permit, it shall expire in one year with one six-month extension allowed.

(2) The City may grant an extension of up to 12 months if substantial progress has been made by the applicant to complete construction of the approved project. Extensions shall be considered on a case-by-case basis by the Public Works Director or designee and will require a letter to be submitted to the City requesting the extension at least 30 calendar days prior to the approval's expiration. Said letter shall demonstrate that the project has made substantial construction progress, the reason for the extension request, and an estimated timeline for completion of construction.

(3) When the approval period or any extension thereof expires, the City's approval of the construction plans shall be deemed automatically withdrawn. In order to receive further consideration by the City after such expiration and automatic withdrawal, construction plans must be re-submitted and must comply with the current code requirements.

(h) Once the time period and any extensions have expired, approval/permit shall terminate and the application is void and deemed withdrawn. (Ord. 903, Sec. 10, 2013; Ord. 811, Sec. 2 (Exh. 1), 2010)