



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

Municipal Code

Available online:

www.codepublishing.com/WA/LakeStevens/

PLANNING COMMISSION AGENDA

Regular Meeting Date: 11.01.2017

- **CALL TO ORDER: 7:00pm**
Pledge of Allegiance
- **ROLL CALL**
- **GUEST BUSINESS**
- **ACTION ITEMS**
 1. Approve minutes for October 4, 2017
 2. Approve minutes for October 18, 2017
- **DISCUSSION ITEMS**
 1. **2nd Briefing**- Stormwater Manual and Low Impact Development Regulations- Senior Planner Machen
- **COMMISIONER REPORTS**
- **PLANNING DIRECTOR'S REPORT**
- **FUTURE AGENDA ITEMS**
 1. Marijuana Public Hearing and Planning Commission Recommendation
 2. Storage Unit Public Hearing and Planning Commission Recommendation
 3. Comprehensive Plan
- **ADJOURN**

SPECIAL NEEDS

The City of Lake Stevens strives to provide accessible opportunities for individuals with disabilities. Please contact Human Resources, 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, 04, 2017

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

MEMBERS PRESENT: Chair Jennifer Davis, Vicky Oslund, Tracey Trout, Karim Ali, Linda Hoult, Janice Huxford, Brett Gailey

MEMBERS ABSENT: None

STAFF PRESENT: Community Development Director Russ Wright, Senior Planner Machen, Associate Planner Roth, Assistant Planner Meis

OTHERS PRESENT: Shaun Preder, Dave Huber, Sally Jo Seibring, Michelle Hampton, CJ Antonyuk

Excused Absence: None

Guest business: None

Action Items: The minutes were approved for the September 6, 2017 meeting, as corrected. Commissioner Gailey made a motion to approve minutes and Commissioner Ali 2nd. Motion passed 7-0-0-0.

Discussion items- Community Development Director Russ Wright gave a briefing on I-502. The Commissioner wishes to keep it out of Frontier Village. Lively discussion ensued. The commission recommends only one retail shop until we are mandated to have two, and that it only be allowed in Industrial zones.

Planner Roth discussed Huber development site. Mr. Roth gave a history of the proposal. He explained that the City has come up with permit path to allow Storage Units to be applied for and would like to know the Commission's recommendation. There was a lengthy conservation in regards to how to proceed. Mr. Huber argued his project was consistent with Comprehensive Plan. Staff responded that it was in conflict with Comprehensive Plan. Planning Commission discussed three options for permitting this project. Outright permitted, Administrative Conditional Use(ACUP) permit or Conditional Use permit(CUP) were discussed with a consensus reached for Administrative Conditional Use Permit as their preferred route.

Commissioner Reports:

Commissioner Hoult attended a Snohomish County Tomorrow Steering Committee Assembly. It was the highest attended assembly in 23 years that she has been on this board.

Director Report: Community Development Director Wright introduced Josh Machen to the Commission. The City is helping with some downtown events, Safe Halloween and Winterfest.

Future agenda items Stormwater, Land Disturbance and High Urban Regulations.

Adjourn: Motion by Commissioner Hoult to adjourn Commissioner Trout 2nd. Motion carried 7-0-0-0. Meeting adjourned at 8:4 p.m.

Jennifer Davis, Chair

Jennie Fenrich, Clerk,
Planning & Community
Development

DRAFT

PLANNING COMMISSION REGULAR MEETING MINUTES

Community Center
1808 Main Street, Lake Stevens
Wednesday October 18, 2017

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

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

MEMBERS ABSENT: Linda Hoult (excused), Karim Ali (not excused)

STAFF PRESENT: Planning and Community Development Director Russ Wright, Senior Planner Josh Machen, Stormwater Technician Leah Everett and Clerk Jennie Fenrich

OTHERS PRESENT: Rauchel McDaniel, Gary Petershagen, Michelle Hampton

Excused Absence: Commissioner Huxford made a motion to excuse Commissioner Hoult, Commissioner Trout 2nd, Motion carried 5-0-0-2.

Guest business None

Action Items: None

Discussion Items: Senior Planner Machen and Leah Everett reintroduced proposed code amendments related Stormwater and Low Impact Development regulations. Staff reviewed prior work by the city and Planning Commission as it related to the stormwater updates. Staff presented a power point presentation slideshow that focused on Low Impact Development (LID) techniques. The new manual emphasizes LID and requires all new developments to conduct a feasibility analysis and identify which LID techniques can be employed. Site assessment review of land at the beginning of the project would be required. Commissioner Huxford asked if the regulations were applicable to both residential and commercial projects. Staff responded that these regulations applied to both and let the commissioners know that the city is already requiring these techniques to be consistent with recent court decisions. Adopting the new manual stormwater manual and LID regulations are Statewide requirements. Discussion followed. Commissioner Gailey asked how vaults within developments are monitored if there is an inactive HOA. Leah Everett, Stormwater Engineering Tech, said there are several ways they are monitored. There is an inspection schedule and if there is a non-active HOA, the City can take ownership of the vault as a last resort. There are very few in the City limits that are not attended to privately.

Commissioner Reports: Commissioner Gaily attended the City Council meeting. Commissioner Huxford asked for confirmation that the numbers being quoted for retail and grow operations for marijuana be verified [Staff sent a follow-up email addressing this question, 53.06% of Lake Stevens voters approved allowing production, processing and retail sales]. Commissioner Huxford also asked that a year's accounting of attendance at Planning Commission be sent to Council.

Director Report: Community Development Director Russ Wright gave an update on a recent forum he attended hosted by the Master Builder Association on affordable and attainable housing. The need for housing diversity was discussed. He will be asking for Planning Commissions' recommendations to help with housing barriers, to include accessory dwelling units and micro-housing code language in the following year.

Future agenda items

1. Marijuana Public Hearing and Planning Commission recommendation
2. Storage Unit Public Hearing and Planning Commission recommendation
3. 2nd review of Stormwater Manual and Low Impact Development.

Adjourn: Motion by Commissioner Huxford to adjourn Commissioner Gailey 2nd. Motion carried 5-0-0-2. Meeting adjourned at 8:16 p.m.

Jennifer Davis, Chair

Jennie Fenrich, Clerk,
Planning & Community
Development

DRAFT



Staff Report
City of Lake Stevens Planning
Commission

Briefing
Date: **November 1, 2017**

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

Contact Person/Department: Joshua Machen, *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 and adopt Low Impact Development standards.

ACTION REQUESTED OF PLANNING COMMISSION:

Review proposed code amendments and set date for public hearing.

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 (amended 2014) 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 later. Staff described the revised scope of the required updates to the Planning Commission on February 15, 2017. Staff presented the completed Low Impact Development (LID) Summary Reporting Template provided by DOE on March 15, 2017. In April, staff had briefed you on some revised code, however due to comments received from DOE and change in staff, new revised sections throughout the municipal code are now proposed to remove barriers to and implement LID practices throughout. On October 18, 2017, staff briefed you on some of the LID principals and prepared you to review implementing code provisions.

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** proposes sections that discuss the city's authority in administering the DOE Manual and the application and feasibility of LID measures;
- **Chapter 14.08** the definitions in this section are proposed to identify low impact development, hard surfaces and to help provide clarity in the code regarding setbacks and where front, rear and side yards are located.
- **Chapter 14.38** is proposed to be amended to provide limit hard surfaces while promoting the use of pervious surfaces, changing some parking requirements for restaurants, changing the landscaping section to allow for LID Facilities within landscape areas and requiring the use of more evergreen trees and vegetation and modifying setbacks to provide rear yard setbacks that are larger than side yards to help maintain vegetation and screening between developments.
- **Chapter 14.44** would modify "impervious surfaces" to "hard surfaces" to recognize the Washington State Department of Ecology definition, and to make minor modifications to the previously recommended "Land Disturbance" section of code-LSMC14.50.
- **Chapter 14.46** would modify "impervious surfaces" to "hard surfaces" to recognize the Washington State Department of Ecology definition.
- **Chapter 14.48** the suggested amendment to this chapter include maximum setbacks, modified lot coverage standards, reduced lot width requirements for lots created through a cluster subdivision and a reduction in the hard surface coverage for residential lots.
- **Chapter 14.56** proposes a requirement for LID design and to ensure hard surfaces are properly reviewed.
- **Chapter 14.64** would modify "impervious surfaces" to "hard surfaces" to recognize the Washington State Department of Ecology definition.
- **Chapter 14.72** proposes to allow more flexibility in the number of parking spaces, 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 commercial development.
- **Chapter 14.76** is proposed to be amended to allow LID facilities within required landscape areas, to increase the size of landscape buffers between development types, to provide a more prescriptive approach to landscaping screening requirement, proposed 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 that significant tree replacement should be with larger trees and staff suggest alternatives to the 3:1 replanting ratio and adding requirements for wheel stops for parking spaces adjacent to landscape beds.
- **Chapter 14.88** would modify "impervious surfaces" to "hard surfaces" to recognize the Washington State Department of Ecology definition.

Staff will also be proposing changes to the Engineering Design and Development Standards (EDDS) to be consistent with State Law and implement LID techniques. For example, staff will review our current street standards to incorporate LID components and develop standards for rain gardens and other bio-retention facilities.

While the SEPA official previously issued a SEPA DNS on December 20, 2016, a revised SEPA checklist and determination will be completed and sent out for agency review. The city was granted expedited review from the Department of Commerce on January 4, 2017. Staff will provide the Department of Commerce our final code amendments.

RECOMMENDATION: Set a date for the Public Hearing on the proposed amendments.

EXHIBITS:

1. Proposed revisions to Chapter 11.06
2. Proposed revisions to sections of Title 14:
 - a. Chapter 14.08 LSMC
 - b. Chapter 14.38 LSMC
 - c. Chapter 14.44 LSMC
 - d. Chapter 14.46 LSMC
 - e. Chapter 14.48 LSMC
 - f. Chapter 14.56 LSMC
 - g. Chapter 14.64 LSMC
 - h. Chapter 14.72 LSMC
 - i. Chapter 14.76 LSMC
 - j. Chapter 14.88 LSMC
3. Seattle Green Factor Plant List



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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-~~Alternative Standards~~Application of Measures](#)
- [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](#)
- [11.06.110.130 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 ~~promote require~~ low impact development strategies as the preferred and commonly used approach that reduces ~~s impervioushard~~ 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.

(a.) The 200512 Washington State Department of Ecology's Storm Water Management Manual for Western Washington, as amended in 2014 by Sections 1 through 6 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).

(b.) Low Impact Development Manual Adopted. The 2012 Low Impact Development (LID) Technical Guidance Manual for Puget Sound is hereby adopted by reference and is hereinafter referred to as the LID manual.

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~~hard~~ 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.

(a) LID is a stormwater management approach that mimics a site's predevelopment hydrology by employing design techniques that infiltrate, store, evaporate and detain runoff close to its source. LID addresses stormwater through landscape features such as rain gardens, bioretention cells and permeable pavements. 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's Municipal 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 impervioushard 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 impervioushard 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). They include but are not limited to the following:

1. To retain or restore native forest cover to capture, infiltrate, and evaporate all or a portion of the rainfall on a site;
2. To confine development to the smallest possible footprint and minimize land disturbance and site grading;
3. To preserve or restore the health and water-holding capacity of soils;
4. To incorporate natural site features that promote storm water infiltration;

5. To minimize all hard surfaces and especially those that drain to conventional piped conveyances;
6. To manage storm water through infiltration, bioretention, and dispersion;
7. To manage storm water runoff as close to its origin as possible in small, dispersed facilities;
8. Locate buildings away from critical areas and soils that provide effective infiltration;
9. Increase reliability of the storm water management system by providing multiple or redundant LID flow control practices; and
10. Integrate storm water controls into the development design and utilize the controls as amenities to create a multifunctional landscape.

(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) All development subject to the requirements of the 2012 DOE Stormwater Manual must demonstrate the application of LID principles in the overall site design, including management strategies that emphasize conservation and the use of on-site natural features that minimize native vegetation loss and stormwater runoff. Some development sites may have limitations that make attaining the LID performance standards not feasible. Project sites that cannot meet the LID performance standards may implement more traditional 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.

(b) Site Assessment. To determine the feasibility of LID techniques, applicants must perform a site assessment prior to submitting land use or construction permits. See Chapter 2 of *Low Impact Development Technical Guidance Manual for Puget Sound* for a full description of the requirements of a site assessment. This assessment will be reviewed for adequacy by the City at the time of a pre-application conference or at the time of construction permit submission for all projects subject to minimum Requirement #5 of the Stormwater Manual. The site assessment shall include at a minimum the following items and analysis:

- i. Existing public/private development and utility infrastructure on and adjacent to site
- ii. Minor hydrologic features including seeps, springs, closed depression areas and swales
- iii. Major hydrologic features including streams, wetlands, waterbodies, and buffers
- iv. Flood hazards
- v. Geologic hazards and buffers
- vi. Aquifer and wellhead protection areas
- vii. Topographic features that may act as natural stormwater storage, infiltration, or conveyance
- viii. Existing vegetation, land cover, and trees
- ix. Contours at 2-foot intervals up to 10% slope, 5-foot intervals over 10% up to 20%, 10-foot intervals for slopes 20% or greater
- x. Soil and subsurface hydrology characterization
- xi. Identified native forest and soil protection areas
- xii. Potential access points

Additional supporting information for the LID assessment includes:

B. Soils report prepared by a certified soil scientist, professional engineer, geologist, hydrogeologist or engineering geologist registered in the State of Washington or suitably trained persons working under the supervision of the above professionals.

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 exceedance 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)

Chapter 14.08 **BASIC DEFINITIONS AND INTERPRETATIONS**

Sections:

[14.08.010](#) Definitions of Basic Terms

[14.08.020](#) Recodified

14.08.010 Definitions of Basic Terms.

Unless otherwise specifically provided, or unless clearly required by the context, the words and phrases defined in this section shall have the meaning indicated when used in this title.

Access Easement. An easement for vehicle access over another piece of property and dedicated primarily for ingress/egress to one or more lots.

Access Tract. A privately owned tract of land used primarily for ingress/egress for four or fewer dwelling units.

Accessory Use. (See Section 14.40.050)

Accommodation Services. Facilities that provide lodging or short-term accommodations for travelers, vacationers, and others that include bed and breakfasts, hotels, inns, and motels.

Administrative Conditional Use (previously *Special Use*). A use allowed in a zone after review by the department and with approval of permit conditions as necessary to make the use compatible with other permitted uses in the same vicinity and zone.

Adult Entertainment.

(a) “Adult entertainment establishments” means adult motion picture theaters, adult drive-in theaters, adult bookstores, adult cabarets, adults video stores, adult retail stores, adult massage parlors, adult sauna parlors or adult bathhouses, which are defined as follows:

(1) “Adult bathhouse” means a commercial bathhouse which excludes any person by virtue of age from all or any portion of the premises.

(2) “Adult bookstore” means a retail establishment in which:

(i) Ten percent or more of the “stock-in-trade” consists of books, magazines, posters, pictures, periodicals or other printed materials distinguished or characterized by an emphasis on matter depicting, describing or relating to “specified sexual activities” or “specified anatomical areas”; and

(ii) Any person is excluded by virtue of age from all or part of the premises generally held open to the public where such material is displayed or sold.

(3) "Adult cabaret" means a commercial establishment which presents go-go dancers, strippers, male or female impersonators, or similar types of entertainment and which excludes any person by virtue of age from all or any portion of the premises.

(4) "Adult massage parlor" means a commercial establishment in which massage or other touching of the human body is provided for a fee and which excludes any person by virtue of age from all or any portion of the premises in which such services are provided.

(5) "Adult motion picture theater" means a building, enclosure, or portion thereof, used for presenting material distinguished or characterized by an emphasis on matter depicting, describing, or relating to "specified sexual activities" or "specified anatomical areas" for observation by patrons therein.

(6) "Adult retail store" means retail establishment in which:

(i) Ten percent or more of the "stock-in-trade" consists of books, magazines, posters, pictures, periodicals or other printed materials distinguished or characterized by an emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas"; and

(ii) Any person is excluded by virtue of age from all or part of the premises generally held open to the public where such material is displayed or sold.

(7) "Adult sauna parlor" means a commercial sauna establishment which excludes any person by virtue of age from all or any portion of the premises.

(8) "Adult video store" means a retail establishment in which:

(i) Ten percent or more of the stock-in-trade consists of books, magazines, posters, pictures, periodicals or other printed materials distinguished or characterized by an emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas; and

(ii) Any person is excluded by virtue of age from all or part of the premises generally held open to the public where such material is displayed or sold.

(b) "Specified anatomical areas" means:

(1) Less than completely and/or opaquely covered human genitals, pubic region, buttock, or female breast below a point immediately above the top of the areola;

(2) Human male genitals in a discernably turgid state even if completely or opaquely covered.

(c) "Specified sexual activities" means:

(1) Acts of human masturbation, sexual intercourse, or sodomy; or

(2) Fondling or other erotic touching of human genitals, pubic region, buttock or female breast; or

(3) Human genitals in a state of sexual stimulation or arousal.

(d) "Stock-in-trade" means:

(1) The dollar value of all products, equipment, books, magazines, posters, pictures, periodicals, prerecorded video tapes, discs, or similar material readily available for purchase, rental, viewing, or use by patrons of the establishment, excluding material located in any storeroom or other portion of the premises not regularly open to patrons; or

(2) The number of titles of all products, equipment, books, magazines, posters, pictures, periodicals, other printed materials, prerecorded video tapes, discs, or similar material readily available for purchase, rental, viewing, or use by patrons of the establishment, excluding material located in any storeroom or other portion of the premises not regularly open to patrons.

Agency with Jurisdiction. An agency with authority to approve, veto, or finance all or part of a SEPA-nonexempt proposal (or part of a proposal). The term does not include an agency authorized to adopt rules or standards of general applicability that could apply to a proposal, when no license or approval is required from the agency for the specific proposal. The term also does not include a local, State, or federal agency involved in approving a grant or loan, that serves only as a conduit between the primary administering agency and the recipient of the grant or loan. Federal agencies with jurisdiction are those from which a license or funding is sought or required.

Agriculture Land. Land used for commercial production (as shown by record of any income) of horticultural, viticultural, floricultural, dairy, apiary, or animal products, or of vegetables, Christmas trees, berries, grain, hay, straw, turf, seed, or livestock, and that has long-term (six years or longer) commercial significance for agricultural production.

Alley. A thoroughfare or right-of-way, usually narrower than a street, which provides access to the rear boundary of two or more residential or commercial properties and is not intended for general traffic circulation. Alleys are only permitted for properties fronting a public road.

Alteration. Any human-induced action which impacts the existing condition of a critical area. Alterations include but are not limited to grading; filling; dredging; draining; channelizing; cutting, pruning, limbing or topping, clearing, relocating or removing vegetation; applying herbicides or pesticides or any hazardous or toxic substance; discharging pollutants; grazing domestic animals; paving, construction, application of gravel; modifying for surface water management purposes; or any other human activity that impacts the existing vegetation, hydrology, wildlife or wildlife habitat. Alteration does not include walking, passive recreation, fishing or other similar activities.

Amusement and Recreation. Enterprises that operate facilities or provide services that enable patrons to participate in recreational activities or pursue amusement, hobby, and leisure-time interests that may include specific uses, such as amusement parks, arcades, golf courses, and bowling centers.

Animated Display Boards. Any display designed to catch attention by using animated graphics or moving text, excluding information screens located on drive-through window menu boards which are used to convey order information to the customer.

Antenna. Equipment designed to transmit or receive electronic signals.

Antenna Array. Consists of one or more rods, panels, discs or similar devices used for the transmission or reception of radio frequency signals, which may include omni-directional antenna (rod), directional antenna (panel) and parabolic antenna (disc).

Appeal (Definition related to flood permits only). A request for a review of the interpretation of any provision of this title or a request for a variance.

Applicant. A person, partnership, corporation, or other legal entity who applies for any approval under this title and who is an owner of the subject property or the authorized agent of the owner. The applicant for a project permit is deemed to be a participant in any comment period, open record hearing, or closed record appeal.

Aquifer Recharge Area. Geological formations with recharging areas having an effect on aquifers used for potable water where essential source of drinking water is vulnerable to contamination.

Arts and Entertainment. Enterprises involved in producing or promoting performances, events, exhibits, or spectator sports intended for public viewing; and enterprises that exhibit objects of historical, cultural, and educational interest or animals, such as art galleries, museums and zoos.

Base Flood. The flood having a one percent chance of being equaled or exceeded in any given year (also referred to as the "100-year flood"). The area subject to the base flood is the special flood hazard area designated on Flood Insurance Rate Maps as Zones "A" or "V" including AE, AO, AH, A1-99 and VE.

Base Flood Elevation (BFE). The elevation of the base flood above the datum of the effective FIRM to which floodwater is anticipated to rise during the base flood.

Basement. Any area of a building having its floor below ground level (subgrade) on all sides in relationship to Chapter [14.64](#), Part I, and Chapter [14.88](#), Part V.

Best Available Science. Current scientific information, which is used to designate, regulate, protect, or restore critical areas and which is derived from a valid scientific process as set forth in WAC [365-195-900](#) through [365-195-925](#) and Section [14.88.235](#).

Best Management Practices (BMPs). The best available conservation practices or systems of practices and management measures that:

- (a) Control soil loss and protect water quality from degradation caused by nutrients, animal waste, toxins, and sediment; and
- (b) Minimize adverse impacts to surface water and groundwater flow, circulation patterns, and to the chemical, physical, and biological characteristics of critical areas.

Billboard. An off-premises sign owned by a person, corporation, or other entity that engages in the business of selling the advertising space on that sign.

Binding Site Plan. A drawing to a scale specified in this title which: (a) identifies and shows the areas and locations of all streets, roads, improvements, utilities, open spaces, and any other matters specified herein; (b) contains inscriptions or attachments setting forth such appropriate limitations and conditions for the use of the land as are established in this title; and (c) contains provisions making any development be in conformity with the site plan.

Block. A group of lots, tracts, or parcels within well defined and fixed boundaries.

Boarding House. A residential use consisting of at least one dwelling unit together with more than two rooms that are rented or are designed or intended to be rented but which rooms, individually or collectively, do not constitute separate dwelling units. A rooming house or boarding house is distinguished from a tourist home in that the former is designed to be occupied by longer term residents (at least month-to-month tenants) as opposed to overnight or weekly guests.

Boathouse or Boat Shelter. An over-water structure specifically designed or used for storage of boats with permanent walls and/or roofs.

Bog. A wetland with limited drainage and generally characterized by extensive peat deposits and acidic waters. Vegetation can include, but is not limited to, sedges, sphagnum moss, eriogonums, shrubs, and trees.

Bond. A written certificate guaranteeing to pay up to a specified amount of money if specified work is not performed; or any similar mechanism whereby the City has recourse to an identified fund from which to secure performance of specified work.

Boundary Line Adjustment. The adjustment of boundary lines between two abutting platted or unplatted lots, tracts or parcels, which does not create any additional lot, tract, parcel, or site and which results in no lot, tract, parcel, or site that contains insufficient area and dimension to meet minimum requirements for width and area.

Breakaway Wall. A wall that is not part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces, without causing damage to the elevated portion of the building or supporting foundation system in relationship to Chapter [14.64](#), Part I, and Chapter [14.88](#), Part V.

Buffer Areas. Areas which provide a margin of safety through protection of slope stability, attenuation of surface water flows, and landslide hazards reasonably necessary to minimize risk to the public from loss of life or well-being or property damage resulting from natural disasters; or an area which is an integral part of a stream or wetland ecosystem and which provides shading, input of organic debris and coarse sediments, room for variation in stream or wetland edge, habitat for wildlife and protection from harmful intrusion necessary to protect the public from losses suffered when the functions and values of aquatic resources are degraded.
Wetlands. Areas that are contiguous to and protect a critical area and are required for the continued maintenance, functioning, and/or structural stability of a critical area.

Buffer Management. An activity proposed by a public agency, public utility, or private entity, and approved by the Planning and Community Development Director, within a buffer required by this title, that is proposed to:

- (a) Reduce or eliminate a verified public safety hazard;
- (b) Maintain or enhance wildlife habitat diversity; or
- (c) Maintain or enhance a fishery or other function of stream, wetland, or terrestrial ecosystems.

Building. A structure designed to be used as a place of occupancy, storage or shelter.

Building, Accessory. A minor building that is located on the same lot as a principal building and that is used incidentally to a principal building or that houses an accessory use.

Building Permit. An official document or certificate issued by the Building Official authorizing performance of construction or alteration of a building or structure.

Building, Principal. The primary building on a lot or a building that houses a principal use.

Bulletin Board. A board or wall on which bulletins, notices or displays are attached by pushpin, tape, staple or similar method and which are intended for communicating information to the target audience at a close distance, usually not to exceed four feet.

Cannabis. All parts of the plant Cannabis, whether growing or not; the seeds thereof; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds, or resin. For the purposes of this definition, "cannabis" does not include the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks, except the resin extracted therefrom, fiber, oil, or cake, or the sterilized seed of the plant which is incapable of germination. The term "cannabis" includes cannabis products and useable cannabis.

Carriage House. A single-level unit on top of a common garage in a cottage housing development.

Certificate of Concurrency. The certificate issued by the Department of Planning and Community Development upon finding that an application for a development approval will not result in the reduction of the level of service standards set forth in the Comprehensive Plan.

Certify. Whenever this title requires that some agency certify the existence of some fact or circumstance to the city, the city may require that such certification be made in any manner that provides reasonable assurance of the accuracy of the certification. By way of illustration, and without limiting the foregoing, the city may accept certification by telephone from some agency when the circumstances warrant it, or the city may require that the certification be in the form of a letter or other document.

Change of Use. A change of the type of use of a building from one principal use category to another. It shall be determined to have occurred when it is found that the general character of the building use has been modified and results in an intensification of land use that will require new development conditions to comply with existing regulations.

Channel Migration Area. The area within the lateral extent of likely stream channel movement due to stream bank destabilization and erosion, rapid stream incision, aggradations, avulsions, and shifts in location of stream channels locally characterized to include the outer limits of the special flood hazard area.

Child Care Center (definition related to recreational marijuana facilities regulations only). An entity that regularly provides child day care and early learning services for a group of children for periods of less than 24 hours licensed by the Washington State Department of Early Learning under Chapter [170-295](#) WAC. Child care centers include "Commercial Day Care Center" and "In-Home Day Care" entities.

Circulation Area. That portion of the vehicle accommodation area used for access to parking or loading areas or other facilities on the lot. Essentially, driveways and other maneuvering areas (other than parking aisles) comprise the circulation area.

City. The City of Lake Stevens.

City-Sponsored/Co-Sponsored Event. The City Administrator may consider some events for City sponsorship or co-sponsorship. City-sponsored events must benefit the community as a whole, be open to the general public and offer activities that would encourage the participation of residents.

Classes, Wetland. The wetland taxonomic classification system of the United States Fish and Wildlife Service (Cowardin, et al. 1978).

Clearing. The act of removing or destroying vegetation or other organic plant materials by physical, mechanical, or chemical means.

Cluster. A group of residential dwelling units arranged around usable open space (Cluster Subdivisions, Section 14.48.070) or a common open area (Cottage Housing Development Standards, Chapter 14.46).

Combination Use. A use consisting of a combination on one lot of two or more principal uses separately listed in the Table of Permissible Uses, Section [14.40.010](#). (Under some circumstances, a second principal use may be regarded as accessory to the first, and thus a combination use is not established. See Section [14.40.050](#) (Accessory Uses). In addition, when two or more separately owned or separately operated enterprises occupy the same lot, and all such enterprises fall within the same principal use classification, this shall not constitute a combination use.)

Common Open Area. An area improved for passive recreational use or gardening. A common open area is required to be owned and maintained commonly, through a homeowners' or condominium association or similar mechanism. It does not include cottages, other buildings, driveways, parking areas, and the individual dwelling unit areas that define the spacing around each cottage. Except for interior walkways, it does not include paved surfaces.

Community Group-Care Facility. An agency, other than a foster-family home, which is maintained and operated for the care of a group of children on a 24-hour basis.

Compensation. The replacement, enhancement, or creation of an undevelopable critical area equivalent in functions, values and size to those being altered by or lost to development.

Complete Application. An application which contains all required information and signatures and which is accompanied by payment of all fees required to be submitted by Title [14](#) or by any formal written rule or procedure adopted by the City. (See Section 14.16A.220(f).)

Comprehensive Plan. The City's adopted land use plan.

Concurrency. When adequate public facilities meeting the level of service standard are in place at the time a development permit is issued, or a development permit is issued subject to the determination that the necessary facilities will be in place when the impacts of the development occur, or that improvements or strategy are in place at the time of development or that a financial commitment is in place to complete the improvements or strategies within six years of the time of the development.

Concurrency Determination. A non-binding determination of what public facilities and services are available at the date of inquiry.

Concurrency Management System. The procedures and processes utilized by the City to determine that development approvals, when issued, will not result in the reduction of the level of service standards set forth in the Comprehensive Plan.

Conditional Use. A use allowed in a zone only after review by the Hearing Examiner and with approval of permit conditions as necessary to make the use compatible with other permitted uses in the same vicinity and zone.

Consistency. For the purpose of reviewing a project per ESHB 1724, the term "consistency" shall include all terms used in Chapter IV of that bill and Chapter [36.70A](#) RCW to refer to performance in accordance with Chapter IV of that bill and Chapter [36.70A](#) RCW, including but not limited to compliance, conformity, and consistency.

Construction Facilities. Establishments designed primarily to store construction equipment and materials for the construction of buildings or engineering projects.

Convenience Store. A one story, retail store containing less than 2,000 square feet of gross floor area that is designed and stocked to sell primarily food, beverages, and other household supplies to customers who purchase only a relatively few items (in contrast to a "supermarket"). It is designed to attract and depends upon a large volume of stop and go traffic. Illustrative examples of convenience stores are those operated by the "Arco AM/PM" and "7/11" chains.

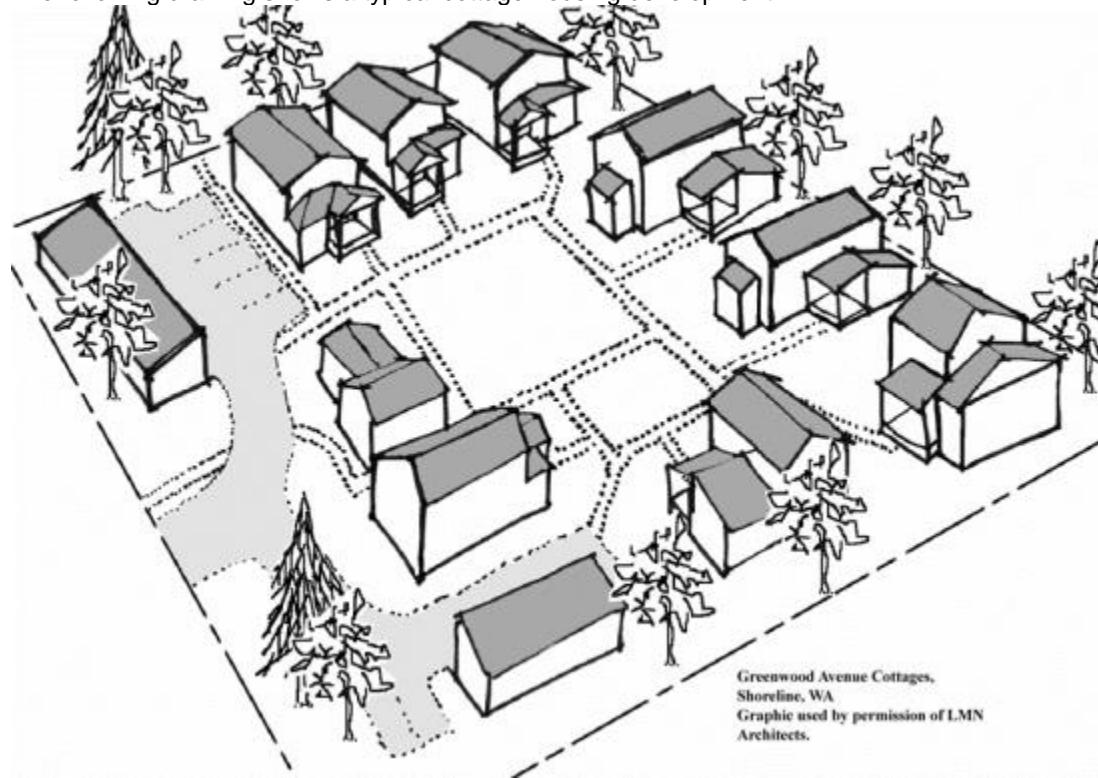
Cooperative. A cooperative established under RCW [69.51A.250](#) to produce and process marijuana only for the medical use of members of the cooperative (definition related to medical marijuana regulations only).

Cottage. A single-family detached dwelling unit, not larger than 1,500 square feet, constructed as part of a cottage housing development. More than one cottage may occupy a single lot.

Cottage Housing Development. One or more clusters of cottages developed under a single land development plan or as part of another land development plan (mixed use development or planned business district) (see Chapter 14.46). A cottage housing development shall have the following characteristics:

- (a) Each cottage is of a size and function suitable for one to three people;
- (b) Each cottage has the construction characteristics of a single-family house as set forth in this chapter;
- (c) Cottages are developed as a detached dwelling or carriage house, common interest community, and share use of common elements such as a common open area, tool shed, community building, gazebo, workshop or parking areas; and
- (d) The site is designed with a unified concept that includes homes surrounding a shared common open area, detached parking arranged on site perimeters, access within the site and from the site, and visually consistent landscaping and architecture.

The following drawing shows a typical cottage housing development:



Cottage Housing Development Lot. The undivided lot on which a cottage housing development takes place.

Council. The City Council of the City of Lake Stevens.

County Auditor. As defined in Chapter [36.22](#) RCW or the office or person assigned such duties under a county charter.

County Treasurer. As defined in Chapter [36.29](#) RCW or the office or person assigned such duties under a county charter.

Covered Animal. Any hoofed animal usually found on farms, such as horses, ponies, mules, bovine animals, sheep and goats.

Creation, Wetland Mitigation. The manipulation of the physical, chemical, or biological characteristics present to develop a wetland on an upland or deepwater site, where a wetland did not previously exist. Activities typically involve excavation of upland soils to elevation that will produce a wetland hydroperiod, create hydric soils, and support the growth of hydrophytic plant species. Establishment results in a gain in wetland acres.

Crisis Residential Center. An agency which is a temporary protective residential facility operated to perform the duties specified in Chapter [13.32A](#) RCW, in the manner provided in RCW [74.13.032](#) through [74.13.036](#).

Critical Areas. Areas of the City that are subject to natural hazards or any landform feature that carries, holds, or purifies water and/or supports unique, fragile or valuable natural resources including fish, wildlife, and other organisms and their habitat. Critical areas include the following features: geologically hazardous areas, wetlands, streams, frequently flooded hazard areas, fish and wildlife conservation areas, aquifer recharge areas, and groundwater discharge areas.

Critical Facility. A facility necessary to protect the public health, safety and welfare during a flood. Critical facilities include, but are not limited to, schools, nursing homes, hospitals, police, fire and emergency operations installations, water and wastewater treatment plants, electric power stations, and installations which produce, use, or store hazardous materials or hazardous waste (other than consumer products containing hazardous substances or hazardous waste intended for household use) in relationship to Chapter [14.64](#), Part I, and Chapter [14.88](#), Part V.

Critical Habitat. Habitat necessary for the survival of endangered, threatened, sensitive species as listed by the Federal Government or the State of Washington. Habitat for species listed on the candidate list, or monitored species as listed by the Federal Government or the State of Washington, may be considered critical habitat.

Day Care Center, Commercial. Any child care arrangement that provides day care on a regular basis for more than 12 children of whom at least one is unrelated to the provider. See *Child Care Center*.

Day Care, In-Home. Any child care arrangement that provides day care on a regular basis for less than 12 children of whom at least one is unrelated to the provider. See *Child Care Center*.

De Minimis. Lacking significance, importance, or so minor as to merit disregard.

Dedication. The deliberate appropriation of land by an owner for any general and public uses, reserving to himself no other rights than such as are compatible with the full exercise and enjoyment of the public uses to which the property has been devoted. The intention to dedicate shall be evidenced by the owner by the presentment for filing of a final plat or short plat showing the dedication thereon; and the acceptance by the public shall be evidenced by the approval of such plat for filing by the appropriate governmental unit.

Degraded Wetland. A wetland in which the vegetation, soils, and/or hydrology have been adversely altered, resulting in lost or reduced functions and values.

Developable (e.g., land, acres). Land on which development can occur per the regulations of this and other titles of the Lake Stevens Municipal Code. Specifically, lands that are considered critical areas per Chapter [14.88](#) (Critical Areas) are not considered developable.

Developable Area. Land outside of critical areas, their setback, and buffers.

Developer. A person, firm or corporation applying for or receiving a permit or approval for a development.

Development (Definition related to flood permits only). Any manmade change to improved or unimproved real estate in the regulatory floodplain, including but not limited to buildings or

other structures, mining, dredging, filling, grading, paving, excavation or drilling operations, storage of equipment or materials, subdivision of land, removal of more than five percent of the native vegetation on the property, or alteration of natural site characteristics in relationship to Chapter [14.64](#), Part I, and Chapter [14.88](#), Part V.

Development (Definition related to shoreline permits only). A use consisting of the construction or exterior alteration of structures; dredging, drilling, dumping, filling, removal of sand, gravel or minerals, bulkheading, driving of pilings, placing of obstructions, or any project of a permanent or temporary nature which interferes with the normal public use of the surface of the waters of the State subject to Chapter [90.58](#) RCW at any stage of water level.

Development Activity. Any construction or expansion of a building, structure or use; any change in use of a building or structure; or any changes in the use of land.

Development Approval. An approval issued by a body or officer of the City that authorizes a developer or applicant to take or initiate specific development actions within the City.

Development or Development Proposal. Any land use action or manmade change to improved or unimproved real estate, including but not limited to buildings or other structures, site work, or installation of utilities, regulated by Title [14](#) of the Lake Stevens Municipal Code.

Dimensional Nonconformity. A nonconforming situation that occurs when the height, size, floor space, lot coverage, or other dimensional requirements of a structure or the relationship between an existing building or buildings and other buildings or lot lines does not conform to the regulations applicable to the district in which the property is located.

Disabled. Qualified persons with a disability as that term is defined by the Federal Fair Housing Act Amendments, [42](#) USC Section [12131](#)(2), [442](#) USC 3602(h) and (i) and [42](#) USC Section [12210](#)(b)(1) and (2). The term includes persons with a handicap as that term is defined by applicable Federal and State law as the same exists or is hereafter amended. A handicap is:

- (a) A physical or mental impairment which substantially limits one or more of a person's major life activities;
- (b) A record of having such an impairment; or
- (c) Being regarded as having such an impairment.

The term "disabled" includes alcoholics and recovering drug addicts but does not include those who currently and illegally use controlled substances or who constitute a threat to the community.

DNS (Determination of Nonsignificance). The written decision by the responsible official of the lead agency that a proposal is not likely to have a significant adverse environmental impact, and therefore an EIS is not required. See WAC [197-11-734](#).

Driveway. That portion of the vehicle accommodation area that consists of a travel lane bounded on either side by an area that is not part of the vehicle accommodation area.

DS (Determination of Significance). The written decision by the responsible official of the lead agency that a proposal is likely to have a significant adverse environmental impact, and therefore an EIS is required. See WAC [197-11-736](#).

Duplex. See *Residence, Duplex*.

Dwelling Unit. A single unit providing complete, independent living facilities for one family, including permanent provisions for living, sleeping, eating, cooking and sanitation.

Easement. Land which has specific air, surface, or subsurface rights conveyed for use by someone other than the owner of the subject property or to benefit some property other than the subject property.

Edge. The boundary of a wetland as delineated based on the criteria contained in Chapter [14.88](#).

Educational Services. Facilities that provide instruction and training in a wide variety of subjects by specialized enterprises, such as schools, colleges, universities, and training centers.

Effective Date of This Chapter. Whenever this title refers to the effective date of this chapter, the reference shall be deemed to include the effective date of the chapter as originally adopted, or the effective date of an amendment to it if the amendment creates a nonconforming situation.

Effective Date of This Title. Whenever this title refers to the effective date of this title, the reference shall be deemed to include the effective date of any amendments to this title if the amendment, rather than this title as originally adopted, creates a nonconforming situation.

EIS (Environmental Impact Statement). Defined in WAC [197-11-738](#).

Elementary School (definition related to recreational marijuana facilities regulations only). A school for early education that provides the first four to eight years of basic education and recognized by the Washington State Superintendent of Public Instruction.

Elevated Building. A non-basement building which has its lowest elevated floor raised above ground level by foundation walls, shear walls, post, piers, pilings, or columns.

Elevation Certificate. The official form (Form 81-31) used by FEMA to provide elevation information necessary to determine the proper flood insurance premium rate.

Emergency. An action that must be undertaken immediately or within a time frame too short to allow full compliance with this chapter, in order to avoid an immediate threat to public health or safety, to prevent an imminent danger to public or private property, or to prevent an imminent threat of serious environmental degradation.

Emergent Wetland. A wetland with at least 30 percent of its surface covered by erect, rooted, herbaceous vegetation at the uppermost vegetative strata.

Enhancement, Wetland Mitigation. The manipulation of the physical, chemical or biological characteristics of a wetland site, in order to heighten, intensify or improve functions or to change the growth stage or composition of the vegetation present. Enhancement is undertaken for specified purposes such as water quality improvement, flood water retention or habitat improvement. Activities typically consist of planting vegetation, controlling non-native or invasive species, modifying the site elevation or the proportion of open water to influence hydroperiods, or some combination of these activities. Enhancement results in a benefit to some wetland functions and can lead to a decline in other wetland functions but does not result in a gain in wetland acres. Activities typically consist of planting vegetation, controlling non-native or invasive species, modifying site elevations or the proportion of open water to influence hydroperiods, or some combination of these activities.

Erosion Hazard Areas. Lands or areas that, based on a combination of slope inclination and the characteristics of the underlying soils, are susceptible to varying degrees of risk of erosion.

Essential Public Facility. Any facility owned, operated or contracted to be operated by a unit of local or State government, by a public utility or transportation company, or by any other entity providing a public service as its primary mission may qualify as an essential public facility. In general, an essential public facility is a necessary component of a system or network which provides a public service or good; and may be difficult to site because of potential significant opposition.

Essential Public Facility of a County-Wide Nature. Essential public facilities which serve a population base extending beyond the host community, which may include several local jurisdictions within Snohomish County or a significant share of the total County population.

Essential Public Facility of a Regional or Statewide Nature. Essential public facilities which serve a multi-county population base; and other large public facilities appearing on the Office of Financial Management (OFM) list created and maintained pursuant to Chapter [36.70A](#) RCW.

Event. An “event” is:

- (a) Any organized formation, parade, procession or assembly consisting of persons, animals, motorized or nonmotorized vehicles or any combination thereof, traveling in unison and with a common purpose upon any public street, highway, alley, sidewalk, body of water, or other public right-of-way which does not normally comply with normal and usual traffic regulations or controls; or
- (b) Any organized assemblage of 100 or more persons at any public park, beach, body of water, right-of-way, or other publicly owned property, gathering for a common purpose under the direction and control of a responsible person or agency; or
- (c) Any other organized activity or set of activities conducted by an individual, group or entity for a common or collective use or benefit and which may be conducted on public or private property which would have a direct significant impact on:
 - (1) Traffic congestion or traffic flow to and from the event over public streets, bodies of water or rights-of-way;
 - (2) Public streets or rights-of-way near the event; or
 - (3) City-provided emergency and/or public services such as those provided by police, fire, medical aid or public works personnel.

Event Sponsor. A person making application to hold, host or sponsor an event or person authorized to make application on behalf of a group, organization or agency to hold, host or sponsor an event and who is responsible for being in compliance with any conditions outlined in the event permit for which application was made.

Exotic Species. Plants or animals that are not native to the Puget Sound Lowlands region.

Expenditure. A sum of money paid out in return for some benefit or to fulfill some obligation. The term also includes binding contractual commitments to make future expenditures, as well as any other substantial changes in position.

Exterior Side Property Line. Means the property line, on a corner lot, that abuts the street that is not the front property line.

Extraordinary Hardship. Prevention of all reasonable economic use of the parcel due to strict application of this chapter and/or programs adopted to implement this chapter.

Facade. Any face of a building.

Family. One or more persons related by blood, marriage or adoption, or a group of not more than six persons (excluding servants), not related by blood, marriage or adoption, living together as a single housekeeping unit in a dwelling unit. The term "family" shall also include consensual living arrangements of any number of disabled persons living in a family-like setting which are protected by the provisions of the Federal Fair Housing Act and the Washington Fair Housing Practices Act, RCW [36.70.990](#).

Farm Animals. Includes but is not limited to covered animals, poultry and rabbits.

FEMA. The Federal Emergency Management Agency, the agency responsible for administering the National Flood Insurance Program.

Final Plat. The final drawing of the subdivision and dedication prepared for filing for record with the county auditor and containing all elements and requirements set forth in Chapter [58.17](#) RCW and in this title.

Finance and Insurance. Enterprises engaged in financial transactions and/or in facilitating financial transactions including banking, insurance and annuities, specialized services facilitating or supporting financial intermediation, insurance, and employee benefit programs.

Fire Department. Lake Stevens Fire District.

Fire Marshal. The City of Lake Stevens Fire Marshal or his designee.

Fish and Wildlife Habitats (of Local Importance). A seasonal range or habitat element with which a given species has a primary association, and which, if altered, may reduce the likelihood that the species will maintain and reproduce over the long-term. These might include areas of relative density or species richness, breeding habitat, winter range, and movement corridors. These also include habitats of limited availability or high vulnerability to alteration, such as cliffs and wetlands.

Flood or Flooding. A general and temporary condition of partial or complete inundation of normally dry land areas from the overflow of inland or tidal waters, and/or the unusual and rapid accumulation of runoff of surface waters from any source.

Flood Fringe. The portion of the floodplain lying outside of the floodway.

Flood Insurance Rate Map (FIRM). The official map on which the Federal Insurance Administration has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

Flood Insurance Study. The official report provided by the Federal Emergency Management Agency that includes flood profiles, the Flood Insurance Rate Map, and the water surface elevation of the base flood.

Floodplain. See *Regulatory Floodplain*.

Flood Protection Elevation (FPE). The base flood elevation plus one foot.

Floodway. The channel of a stream or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot at any point. As used in this title, the term refers to that area designated as a floodway on the Flood Insurance Rate Map prepared by the U.S. Federal Emergency Management Agency, a copy of which is on file in the Planning and Community Development Department.

Flood Zones. Geographic areas that the FEMA has defined according to varying levels of flood risk. These zones, as depicted on the city's Flood Insurance Rate Map (FIRM), reflect the severity or type of flooding in the area.

Floor Area Ratio (FAR). The ratio of the floor area of a building to the area of the lot on which the building is located.

Flow. The flow rate of a water supply, measured at 20 pounds per square inch (psi) (138 kPa) residual pressure, that is available for firefighting (2006 International Fire Code).

Food Services. Enterprises that prepare meals, snacks, and beverages for on-premises and off-premises consumption including full service restaurants, cafes, fast food restaurants, coffee shops, and taverns.

Footprint. The total floor area, measured at ground level, within the inside perimeter of the exterior walls of the building under consideration.

Forest Land. Land used for growing trees, not including Christmas trees, for commercial purposes (as shown by record of any income) that has long-term (six years or more) commercial significance.

Forested Wetland. Wetlands with at least 20 percent of the surface area covered by woody vegetation greater than 30 feet in height.

Foster-Family Home. An agency which regularly provides care on a 24-hour basis to one or more children, expectant mothers, or persons with developmental disabilities in the family abode of the person or persons under whose direct care and supervision the child, expectant mother, or person with a developmental disability is placed.

Fowl. Birds which are sometimes raised for their eggs or meat including but not necessarily limited to, chickens, turkeys, pigeons, doves, geese, pheasants, and peacocks.

Freestanding Sign. See *Sign, Freestanding*.

Frequently Flooded Areas. Lands indicated on the most current FEMA map to be within the 100-year floodplain. These areas include, but are not limited to, streams, lakes, coastal areas, and wetlands.

Front Property Line. Means the property line abutting a street. In the event of a corner lot, flag lot, or lot that does not abut a street, the front property line is that which faces the principal entry into the principal structure.

Functions and Values. The beneficial roles served by critical areas including, but not limited to, water quality protection and enhancement, fish and wildlife habitat, food chain support, flood storage, conveyance and attenuation, groundwater recharge and discharge, erosion control, wave attenuation, aesthetic value protection, and recreation. These roles are not listed in order of priority.

Game Arcade (definition related to recreational marijuana facilities regulations only). An entertainment venue featuring primarily video games, simulators, and/or other amusement devices where persons under 21 years of age are not restricted.

Garage setback. The required setback from a street, access easement, or access tract to the face of the vehicular garage door.

Geologically Hazardous Areas. Areas susceptible to erosion, sliding, seismic activity, or other geological events. They may pose a threat to the health and safety of citizens when used as sites for incompatible commercial, residential or industrial development.

G.I.S. Geographic Information System.

G.P.S. Global Positioning System.

Grading. Any excavating or filling of land, including the duff layer, or any combination thereof.

Gross Floor Area. The total area of a building measured by taking the outside dimensions of the building at each floor level intended for occupancy or storage.

Habitable Floor. Any floor usable for living purposes, which includes working, sleeping, eating, cooking, or recreation, or any combination thereof. A floor used only for storage is not a habitable floor.

Hard surfaces. Are all impervious surfaces (asphalt, concrete pavement, compacted gravel areas, buildings, driveways, parking lots, sidewalks, etc) and permeable surfaces like pavements, or vegetated roofs. Hard surfaces can be impervious or pervious.

Harmony. For the purposes of this title, a project may be found to be in harmony with the area in which it is located in terms of design and use when it meets the following criteria:

Harmony of Design. Where a project is subject to the City's Development Design Guidelines or design regulations within this Title it is presumed to be in harmony with the neighborhood in terms of design when it is found to be in conformance with those guidelines or regulations, even if it does not resemble existing development, as it is the intent of the City Council that neighborhoods should eventually develop or redevelop according to those design specifications. Where a project is

not subject to those design guidelines or regulations, it may be found to be in harmony with the neighborhood in terms of design when it generally conforms to the architectural aspects (i.e., those aspects addressed in the Development Design Guidelines) of the existing development.

Harmony of Use. A project may be found to be in harmony with the existing uses of a neighborhood if it causes no significant impacts on surrounding uses or, if it could cause significant impacts, that those impacts have been mitigated through project design or by conditioning the permit to restrict or limit certain aspects of the use so as to minimize those impacts.

Health and Social Service Facilities- Levels I, II and III:

Level I Health and Social Service Facility (Level I HSSF). A Level I HSSF means a use which occupies a residential structure used by the disabled as a residence along with their family members and caregivers. By way of illustration and not limitation, this definition shall include:

- (a) Group homes for the disabled and consensual living arrangements equivalent to a familial setting which are protected by State or federal law as residential uses.
- (b) Adult family homes, licensed pursuant to RCW [70.128.050](#).
- (c) Foster homes licensed pursuant to Chapter [74.15](#) RCW for the placement of youth, disabled or expectant mothers in a residential setting, including but not limited to Foster Family homes, Community Group Care facilities and Crisis Residential Centers.

(d) Any other residential facilities for the disabled which must be accommodated in a single-family zone pursuant to RCW [36.70.990](#) (Washington Fair Housing Practices Act).

Level II Health and Social Service Facility (Level II HSSF). A Level II HSSF means a use which is licensed or regulated by the State to provide emergent medical treatment on a 24-hour per day basis or which houses persons in an institutional setting that provides chronic care or medical service on a regular recurring basis to its residents and which includes, but are not limited to a:

- (a) Hospital (including acute alcoholism/drug, psychiatric and State mental hospitals).
- (b) Nursing home.
- (c) Private adult treatment home.
- (d) Mental health facility, adult and child residential.
- (e) Soldiers' home and veterans home.
- (f) Large institutional boarding home for the care of senior citizens and the disabled (sometimes known as assisted living facilities).
- (g) State residential school for hearing and visually impaired.
- (h) Alcoholism and drug residential treatment facility.
- (i) Child birthing center/facility.
- (j) Hospice.

Level III Health and Social Service Facility (Level III HSSF). A Level III HSSF means a use, including commercial enterprises and charitable institutions, which provides social, medical, counseling or other forms of treatment in a clinical setting or on an outpatient basis. Shelters providing services to the homeless or other transients shall be included in this category. Level III HSSF includes, but are not limited to an:

- (a) Ambulatory surgical center.
- (b) Blood bank.
- (c) Medical claims processing facility.
- (d) Counseling, psychological and psychiatric treatment clinics in an office setting.
- (e) Eye bank.

(f) Renal disease center and kidney dialysis treatment center.

(g) Home health care agency.

(h) Medical laboratory.

(i) Occupational and physical therapy facility.

(j) Rehabilitation facility.

(k) Homeless and transient shelter.

Health and Social Service Facilities Levels I, II and III do not include:

(a) Correctional facilities, including but not limited to, group homes for juvenile offenders, juvenile detention facilities, work release, pre-release, or similar facilities, prisons and jails.

(b) Secure community transition facilities.

Health Care Services. Facilities that provide health care and social assistance for individuals, such as physicians, dentists, mental health and social health care specialists, nursing facilities, and clinics.

Hearing Examiner. A person appointed by the City to conduct public hearings, make decisions, and prepare a record and findings of fact and conclusions on those permit applications outlined in this title.

Hearing Officer. The person, or chair of the board, before whom a hearing is being held. This can be the Planning Director or the Hearing Examiner.

High Volume Traffic Generation. All uses in the 2.000 classification other than low volume traffic generation uses.

Home Occupation. A commercial activity that: (i) is conducted by a person on the same lot (in a residential district) where such person resides, and (ii) is not so insubstantial or incidental or is not so commonly associated with the residential use as to be regarded as an accessory use (see Section [14.40.050](#), Accessory Uses).

Household Pet. Any domestic or exotic animal which because of its relatively small size, generally gentle temperament, and ability to learn from or serve man is normally bred and raised to live in or around a residence. The term does not include fowl, livestock or bees.

Hydrant, Private. A fire hydrant which is situated and maintained so as to provide water for firefighting purposes, with restrictions as to its use and accessibility as to public use.

Hydrant, Public. A fire hydrant that is situated within a public or private easement or right-of-way and maintained so as to provide water for firefighting purposes without restrictions as to use or accessibility for fire suppression.

Hydric Soil. Soil that is saturated, flooded, or ponded long enough during the growing season to develop anaerobic conditions in the upper part. The presence of hydric soil shall be determined following the methods described in the Washington State Wetlands Identification and Delineation Manual 1997, or as amended hereafter.

Impervious Surface. A type of hard surface area, which either prevents or retards the entry of water into the soil mantle as it entered under natural conditions prior to development, and/or a hard surface area, which causes water to run off the surface in greater quantities or at an increased rate of flow from the flow present under natural conditions prior to development. Common impervious surfaces include, but are not limited to, roofs, walkways, patios, driveways, parking lots, storage areas, areas that are paved, graveled or made of packed or oiled earthen materials, or other surfaces which similarly impede the natural infiltration of surface and stormwater. Open, uncovered retention/detention facilities shall not be considered as impervious surfaces for the purpose of this chapter.

Infill Development. The creative recycling of vacant or underutilized lands within cities and suburbs. Examples include a vacant lot within an existing neighborhood, surface parking lots, or empty buildings. Infill development can reduce traffic congestion, save open space, and create more livable communities. Infill development contributes to a more compact form of development, which consumes less land and resources and offers increased mobility for those who cannot drive or prefer not to drive.

Information Services. Enterprises that produce and distribute information and cultural products, provide the means to transmit or distribute these products as well as data or communications, and process data including publishing (software, traditional media, and Internet); recording industries; broadcasting industries; and telecommunications industries.

Innovative Housing Options. Different housing styles that provide a choice of housing in the City including, but not limited to, cottages, compact single-family homes, accessory dwelling units, "skinny" houses, and duplexes, triplexes, and fourplexes designed to look like single-family homes.

Internally Illuminated Signs. Signs where the source of the illumination is inside the sign and light emanates through the message of the sign, rather than being reflected off the surface of the sign from an external source. Without limiting the generality of the foregoing, signs that consist of or contain tubes that (a) are filled with neon or some other gas that glows when an electric current passes through it and (b) are intended to form or constitute all or part of the message of the sign, rather than merely providing illumination to other parts of the sign that contain the message, shall also be considered internally illuminated signs.

International Building Code (IBC). The International Building Code as adopted and amended by the City of Lake Stevens.

International Fire Code (IFC). The International Fire Code as adopted and amended by the City of Lake Stevens.

Junk. Any scrap, waste, reclaimable material, or debris, whether or not stored, for sale or in the process of being dismantled, destroyed, processed, salvaged, stored, baled, disposed, or other use or disposition.

Junkyard. Any area, lot, land, parcel, building, or structure, or part thereof, used for the storage, collection, processing, purchase, sale, salvage, or disposal of junk.

Kennel. A commercial operation that: (a) provides food and shelter and care of animals for purposes not primarily related to medical care (a kennel may or may not be run by or associated with a veterinarian), or (b) engages in the breeding of animals for sale.

Lake Stevens. Any lands or waters contained within the incorporated boundaries of the City.

Land Clearing. The cutting, logging, or removal of enough vegetation so that the overall nature of a site's vegetation is altered, except for what would otherwise be considered gardening, landscaping, or yard maintenance on a developed lot or portion of a lot where not all of the lot is developed. For example, selectively logging a few mature trees from many trees would not be considered clearing, while logging all mature trees (even if immature ones are left) so that habitat value or shading is altered, shall be considered clearing. Another example of clearing would be to grub or remove all groundcover (blackberries, etc.) over the area limits specified in the code, while partial grubbing of this area may not be.

Land Uses, High Intensity. Uses which are associated with moderate or high levels of human disturbance or substantial impacts including, but not limited to, a zone classification allowing four or more dwelling units per acre, active recreation, and commercial and industrial land uses.

Land Uses, Low Intensity. Land uses which are associated with low levels of human disturbance or low habitat impacts, including, but not limited to, passive recreation and open space.

Landslide Hazard Areas. Areas that, due to a combination of slope inclination and relative soil permeability, are susceptible to varying degrees of risk of landsliding.

Library (definition related to recreational marijuana facilities regulations only). An organized collection of resources made accessible to the public for reference or borrowing supported with money derived from taxation.

Light Manufacturing and Assembly. Enterprises engaged in the mechanical, physical, or chemical transformation of materials, substances, or assemblage of components into new products. This category typically includes electronics production and assembly, machine shops, medical supplies, clothing manufacturing and similar industries, but does not include smelting, pulp mills, fertilizer production, refineries, animal products, and similar intensive industries that require large footprints and land area.

Live/Work Unit. A structure or portion of a structure combining a commercial/office activity and a residential unit, where the owner of the business or the owner's employee and that person's household occupy the residential space.

Loading and Unloading Area. That portion of the vehicle accommodation area used to satisfy the requirements of Section [14.72.100](#) (Loading and Unloading Areas).

Lot. A fractional part of divided lands having fixed boundaries, being of sufficient area and dimension to meet minimum zoning requirements for width and area. The term shall include tracts or parcels.

If a public body or any authority with the power of eminent domain condemns, purchases, or otherwise obtains fee simple title to or a lesser interest in a strip of land cutting across a parcel of land otherwise characterized as a lot by this definition, or a private road is created across a parcel of land otherwise characterized as a lot by this definition, and the interest thus obtained or the road so created is such as effectively to prevent the use of this parcel as one lot, then the land on either side of this strip shall constitute a separate lot.

Subject to Section [14.32.020](#) (Nonconforming Lots), the permit-issuing authority and the owner of two or more contiguous lots may agree to regard the lots as one lot if necessary or convenient to comply with any of the requirements of this title.

Lot Area. The total area circumscribed by the boundaries of a lot, except that: (a) when the legal instrument creating a lot shows the boundary of the lot extending into a public street right-of-way, then the lot boundary for purposes of computing the lot area shall be the street right of way line, or if the right-of-way line cannot be determined, a line running parallel to and 30 feet from the center of the traveled portion of the street; and (b) in a residential district, when a private road that serves more than three dwelling units is located along any lot boundary, then the lot boundary for purposes of computing the lot area shall be the inside boundary of the traveled portion of that road.

Lot, Parent. The initial lot from which unit lots are subdivided.

Lot, Unit. One of the individual lots created by the subdivision of a parent lot pursuant to Section [14.46.030](#).

Lowest Floor. The lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage, in an area other than a basement area, is not considered a building's lowest floor, provided that such enclosure is not built so as to

render the structure in violation of the applicable non-elevation design requirements per Chapter [14.64](#) (Floodways, Floodplains, Drainage and Erosion).

Low-impact development (LID). Is a stormwater and land use management strategy that strives to mimic pre-disturbance hydrologic processes of infiltration, filtration, storage, evaporation, and transpiration by emphasizing conservation, use of on-site natural features, site planning, and distributed stormwater management practices that are integrated into a project design.

Low-Volume Traffic Generation. Uses such as furniture stores, carpet stores, major appliance stores, etc. that sell items that are large and bulky, that need a relatively large amount of storage or display area for each unit offered for sale, and that therefore generate less customer traffic per square foot of floor space than stores selling smaller items.

Management of Companies and Enterprises. Enterprises that administer, oversee, and manage the operation of companies, corporations, or enterprises.

Marijuana. All parts of the plant Cannabis, whether growing or not, with a THC concentration greater than 0.3 percent on a dry weight basis; the seeds thereof; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds or resin. The term does not include the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks (except the resin extracted therefrom), fiber, oil, or cake, or the sterilized seed of the plant which is incapable of germination.

Marijuana Concentrates. Any product consisting wholly or in part of the resin extracted from any part of the plant Cannabis and having a THC concentration greater than 10 percent.

Marijuana Facility. A State-licensed marijuana facility and is either a marijuana processing facility or a marijuana retailer.

Marijuana-Infused Products. Products that contain marijuana or marijuana extracts, are intended for human use, are derived from marijuana as defined in this section, and have a THC concentration no greater than 10 percent. The term "marijuana-infused products" does not include either usable marijuana or marijuana concentrates.

Marijuana Processing Facility (definition related to recreational marijuana facilities regulations only). A person or entity licensed by the Washington State Liquor and Cannabis Board to process marijuana into marijuana concentrates, usable marijuana and marijuana-infused products, package and label marijuana concentrates, usable marijuana and marijuana-infused products for sale in retail outlets, and sell marijuana concentrates, usable marijuana and marijuana-infused products at wholesale to marijuana retailers.

Marijuana Production Facility (definition related to recreational marijuana facilities regulations only). A person or entity licensed by the Washington State Liquor and Cannabis Board to produce marijuana at wholesale to marijuana processor licensees and to other marijuana producers.

Marijuana Products. Usable marijuana, marijuana concentrates, and marijuana-infused products as defined in this section.

Marijuana Retailer (definition related to recreational marijuana facilities regulations only). A person or entity licensed by the Washington State Liquor and Cannabis Board to sell marijuana concentrates, usable marijuana, and marijuana-infused products in a retail outlet.

Marina. A system of piers, buoys, or floats to provide moorage for four or more boats.

Medical Cannabis (Marijuana) Collective Gardens or Collective Garden. A garden where qualifying patients engage in the production, processing, and delivery of cannabis for medical use as set forth in Chapter [69.51A](#) RCW and subject to the limitations therein and in the ordinance codified in this definition.

Medical Cannabis (Marijuana) Dispensary or Dispensary. Any facility or location where medical marijuana is grown, made available to and/or distributed by or to two or more of the following: a primary caregiver, a qualified patient, or a person with an identification card.

Mineral Resource Lands. Lands primarily devoted to the extraction of gravel, sand, other construction materials, or valuable metallic or mineral substances.

Mining, Quarrying, and Oil and Gas Extraction. Enterprises that extract naturally occurring mineral solids (e.g., coal and ores), liquid minerals (e.g., petroleum), and gases (e.g., natural gas); processing of these materials (e.g., crushing, screening, washing, and flotation); and other preparation customarily performed at the mine site, or as a part of mining activity or mining support activities.

Mitigation (Definition related to critical areas and shoreline permits only). An action or combination of actions which avoids, minimizes, or compensates for adverse impacts to critical areas or sensitive resources. Mitigation is considered in the following order of preference:

- (a) Avoiding the impact altogether by not taking a certain action or parts of an action;
- (b) Minimizing impacts by limiting the degree or magnitude of the action and its implementation by using appropriate technology or by taking affirmative steps to avoid or reduce impacts;
- (c) Rectifying the impacts by repairing, rehabilitating, or restoring the affected environment;

- (d) Reducing or eliminating the impact over time by preservation and maintenance operations during the life of the action;
- (e) Compensating for the impact by replacing, enhancing, or providing substitute resources or environments;
- (f) Monitoring the impact and the compensation project and taking appropriate corrective measures.

Mitigation (Definition related to flood permits only). An action taken to reduce or eliminate the risk of a hazard such as flooding; mitigation

actions attempt to prevent flood hazards from developing into disasters, or to reduce the effects of flooding when it occurs in relationship to Chapter [14.64](#), Part I, and Chapter [14.88](#), Part V.

Mixed Use. A building or site with two or more different land uses, such as residential, office, manufacturing, retail, public or entertainment.

Mobile Home, Class A. A mobile home constructed after July 1, 1976, that meets or exceeds the construction standards promulgated by the U.S. Department of Housing and Urban Development that were in effect at the time of construction and that satisfies each of the following additional criteria:

- (a) The home has a length not exceeding four times its width;
- (b) The pitch of the home's roof has a minimum vertical rise of one foot for each five feet of horizontal run, and the roof is finished with a type of shingle that is commonly used in standard residential construction;
- (c) The exterior siding consists of wood, hardboard, or aluminum (vinyl covered or painted, but in no case exceeding the reflectivity of gloss white paint) comparable in composition, appearance, and durability to the exterior siding commonly used in standard residential construction;
- (d) A continuous, permanent masonry foundation, unpierced except for required ventilation and access, is installed under the home; and
- (e) The tongue, axles, transporting lights, and removable towing apparatus are removed after placement on the lot and before occupancy.

Mobile Home, Class B. A mobile home constructed after July 1, 1976, that meets or exceeds the construction standards promulgated by the U.S. Department of Housing and Urban Development that were in effect at the time of construction but that does not satisfy the criteria necessary to qualify the house as a Class A mobile home.

Mobile Home, Class C. Any mobile home that does not meet the definitional criteria of a Class A or Class B mobile home.

Mobile Home Park. A residential use in which more than one mobile or manufactured home is located on a single lot.

Mobile or Manufactured Home. A dwelling unit that: (a) is not constructed in accordance with the standards set forth in the International Building Code applicable to site-built homes; and (b) is composed of one or more components, each of which was substantially assembled in a manufacturing plant and designed to be transported to the home site on its own chassis; and (c) exceeds 40 feet in length and eight feet in width.

Moderate-to-Low-Risk Areas or Non-Special Flood Hazard Area. Lands outside the one percent special flood hazard areas where the risk of being flooded is reduced, but not completely removed. FIRM maps designate non-special flood hazard areas with the letters B, C or X (or a shaded X).

Modular Home. A dwelling unit constructed in accordance with the standards set forth in the International Building Code applicable to site-built homes and composed of components substantially assembled in a manufacturing plant and transported to the building site for final assembly on a permanent foundation. Among other possibilities, a modular home may consist of two sections transported to the site in a manner similar to a mobile home (except that the modular home meets requirements of the International Building Code applicable to site-built homes), or a series of panels or room sections transported on a truck and erected or joined together on the site.

National Marine Fisheries Service (NMFS). One of two federal agencies responsible for overseeing the Endangered Species Act (ESA). NMFS is primarily responsible for marine species and anadromous species.

Native Growth Protection Areas (NGPA). Areas where native vegetation is permanently preserved for the purpose of preventing harm to property and the environment, including, but not limited to, controlling surface water runoff and erosion, maintaining slope stability, buffering and protecting plants and animal habitat.

Native Vegetation. Plant species which are indigenous to the Puget Sound Lowlands region.

Natural Floodplain Functions. The contribution that a floodplain makes to support habitat, including, but not limited to, providing flood storage and conveyance, reducing flood velocities, reducing sedimentation, filtering nutrients and impurities from runoff, processing organic wastes, moderating temperature fluctuations, and providing breeding and feeding grounds, shelter, and refugia for aquatic or riparian species.

Natural Resource Lands. Agriculture, forest, and mineral resource lands as defined in Chapter [14.88](#).

Nonconforming Lot, Legal. A lot which does not meet the current minimum area requirement of the district in which the lot is located, but at the time of its creation, it was legally subdivided consistent with the laws in place at the time the lot was created, as well as it met all area and dimension standards for such a lot at that time.

Nonconforming Project. Any structure, development, or undertaking that is incomplete at the effective date of this title and would be inconsistent with any regulation applicable to the district in which it is located if completed as proposed or planned.

Nonconforming Sign. See *Sign, Nonconforming.*

Nonconforming Situation. A situation that occurs when, on the effective date of this title, any existing lot or structure or use of an existing lot or structure does not conform to one or more of the regulations applicable to the district in which the lot or structure is located. Among other possibilities, a nonconforming situation may arise because a lot does not meet minimum acreage requirements, because structures exceed maximum height limitations, because the relationship between existing buildings and the land (in such matters as density and setback requirements) is not in conformity with this title, or because land or buildings are used for purposes made unlawful by this title. Nonconforming signs shall not be regarded as nonconforming situations for purposes of Chapter [14.32](#) but shall be governed by the provisions of Sections [14.68.150](#) and [14.68.160](#) (Amortization of Nonconforming Signs).

Nonconforming Use. A nonconforming situation that occurs when property is used for a purpose or in a manner made unlawful by the use regulations applicable to the district in which the property is located. (For example, a commercial office building in a residential district may be a nonconforming use.) The term also refers to the activity that constitutes the use made of the property. (For example, all the activity associated with operating a retail clothing store in a residentially zoned area constitutes a nonconforming use.)

Occupancy. The purpose for which a building or part thereof is used, or intended to be used.

On-Premises Sign. See *Sign, On-Premises.*

Open Space. Areas of varied size which contain distinctive geologic, botanic, zoologic, historic, scenic or other critical area or natural resource land features.

Ordinary High Water Mark. A mark that has been found where the presence and action of waters are common and usual and maintained in an ordinary year long enough to mark a distinct character from that of the abutting upland.

Ordinary High Water Mark on Lake Stevens. The mark that will be found by examining the bed and banks and ascertaining where the presence and action of waters are so common and usual, and so long continued in all ordinary years, as to mark upon the soil a character distinct from that of the abutting upland, in respect to vegetation, as that condition exists on June 1, 1971, as it may naturally change thereafter, or as it may change thereafter in accordance with permits issued by the City or the Department of Ecology; provided, that in any area where the ordinary high water mark cannot be found, the ordinary high water mark shall be the line of mean high water. (RCW [90.58.030](#)(2)(b) and (c))

Owner. All persons, partnerships, corporations, and other legal entities that have an ownership interest (including purchasers and sellers under a real estate contract) in the subject property.

Parking Area Aisles. A portion of the vehicle accommodation area consisting of lanes providing access to parking spaces.

Parking Space. A portion of the vehicle accommodation area set aside for the parking of one vehicle.

Parking Structures/Lots, Commercial. Facilities that provide motor vehicle parking spaces on an hourly, daily, or monthly basis and/or valet parking services.

Party of Record. The following persons in an application or appeal are considered a party of record:

- (a) The applicant and any appellant;
- (b) Any person who submitted written comments to the department prior to a Type I or II decision;
- (c) Any person, City department and/or public agency who individually submitted written comments or testified at the open record hearing (excluding persons who have only signed petitions or mechanically produced form letters); and
- (d) Any person, City department and/or public agency who specifically requests notice of decision by entering their name and mailing address on a register provided for such purpose at the open record hearing.

A party of record does not include a person who has only signed a petition or mechanically produced form letters. A party of record to an application/appeal shall remain such through subsequent City proceedings involving the same application/appeal. The City may cease mailing material to any party of record whose mail is returned by the postal service as undeliverable.

Permit-Issuing Authority. Person, board, office, or institution having jurisdiction over the permit in question, as specified in Chapters [14.16A](#) and [14.16B](#).

Person. An individual, trustee, executor, other fiduciary, corporation, firm, partnership, association, organization, or other entity acting as a unit.

Person (Definition related to shoreline permits only). An individual, partnership, corporation, association, organization, cooperative, public or municipal corporation or agency of the State or local governmental unit however designated. (RCW [90.58.030\(1\)\(e\)](#))

Personal Services. Enterprises that provide personal benefits to individuals, such as repair shops, laundry services, personal care services, death care services, pet care services, etc.

Pervious Hard Surface. A hard surface that is porous allowing water to pass through, ie: porous concrete, permeable asphalt or pavers, grasscrete.

Pesticide Management Plan. A guidance document for the prevention, evaluation, and mitigation for occurrences of pesticides or pesticide breakdown products in ground and surface waters.

Places of Worship. A church, synagogue, temple, or other place of religious worship.

Planned Neighborhood Development (PND). A development constructed on at least 15 acres under single application, planned and developed as an integral unit, and consisting of a combination of residential and nonresidential uses on land within a PND district (see Section [14.36.040](#), Planned Neighborhood Development Districts Established) in accordance with Section [14.16C.080](#).

Planned Residential Development. A development constructed on at least five acres under single application, planned and developed as an integral unit, and consisting of single-family detached residences and may be combined with two-family residences, multi-family residences, public/semi-public amenities (e.g., usable open space, a community center, recreational facilities, etc.), or a combination thereof, all developed in accordance with Section [14.44.020](#), Planned Residential Developments.

Planning Director. The Director of the Department of Planning and Community Development.

Planning Jurisdiction. The area within the City limits as well as any area beyond the City limits within which the City is authorized to plan for and regulate development, as set forth in Section [14.04.030](#) (Jurisdiction).

Planning Official. The Director of the Department of Planning and Community Development or his/her designee.

Plat. A map or representation of a subdivision, showing thereon the division of a tract or parcel of land into lots, blocks, streets and alleys, or other divisions and dedications.

Plat, Final. The final drawing of a long or short subdivision and dedication prepared for filing for record with the county auditor and containing all elements and requirements set forth in this title.

Plat, Formal. See *Plat, Long*.

Plat, Long. A map or representation of a long or formal subdivision.

Plat, Preliminary Long, or Plat, Preliminary Short. A neat and approximate drawing of a proposed subdivision showing the general layout of streets and alleys, lots, blocks, restrictive covenants, and other elements of a subdivision consistent with the requirements of this title. The preliminary plat shall be the basis for the approval or disapproval of the general layout of a subdivision.

Plat, Short. A map or representation of a short subdivision.

Playground (definition related to recreational marijuana facilities regulations only). A public outdoor recreation area for children, usually equipped with swings, slides, and other playground equipment, owned and/or managed by a city, county, state, or federal government.

Practicable Alternative. An alternative that is available and capable of being carried out after taking into consideration cost, existing technology, and logistics in light of overall project purposes, and having less impacts to critical areas. It may include an area not owned by the applicant which can reasonably be obtained, utilized, expanded, or managed in order to fulfill the basic purpose of the proposed activity.

Principal Entry. The primary pedestrian entry into a building, for a residence it is the location of the front door/front porch providing for pedestrian access into the structure.

Priority Habitats. Areas that support diverse, unique, and/or abundant communities of fish and wildlife, as determined by the Washington Department of Fish and Wildlife Map Products 2006.

Priority Species. Wildlife species of concern due to their population status and their sensitivity to habitat alteration.

Professional, Scientific, and Technical Services. Enterprises that perform professional, scientific, and technical activities for others that require a high degree of expertise and training. Activities performed may include legal services; accounting, bookkeeping, and payroll services; architectural, engineering, and specialized design services; computer services; consulting services; research services; advertising services; veterinary services; and other professional, scientific, and technical services.

Protected Area (Definition related to flood permits only). The lands that lie within the boundaries of the floodway, the riparian habitat zone, and the channel migration area. Because of the impact that development can have on flood heights and velocities and habitat, special rules apply in the protected area in relationship to Chapter [14.64](#), Part I, and Chapter [14.88](#), Part V.

Public Administration. Federal, State, and local government agencies that administer, oversee, and manage public programs and have emergency, executive, legislative, or judicial authority within a given area.

Public Park (definition related to recreational marijuana facilities regulations only). An area of land for the enjoyment of the public, having facilities for rest and/or recreation, such as a baseball diamond or basketball court, owned and/or managed by a city, county, state, federal government, or metropolitan park district. Public park does not include trails.

Public Place of Adult Entertainment. Any exhibition or dance constituting “adult entertainment,” as defined in this section, which is for the use or benefit of a member or members of the adult public, or advertised for the

use or benefit of a member or members of the adult public, held conducted, operated or maintained for a profit, direct or indirect.

Public Transit Center (definition related to recreational marijuana facilities regulations only). A facility located outside of the public right-of-way that is owned and managed by a transit agency or city, county, state, or federal government for the express purpose of staging people and vehicles where several bus or other transit routes converge. They serve as efficient hubs to allow bus riders from various locations to assemble at a central point to take advantage of express trips or other route to route transfers.

Public Water Supply System. Any water supply system furnishing potable water to two or more dwelling units or businesses or any combination thereof.

Public Water System. A water system that serves two or more connections.

Receive-Only Earth Station. An antenna and attendant processing equipment for reception of electronic signals from satellites.

Rear lot line. Means the lot line opposite and most distant from the front lot line; when the lot extends to open water, the rear lot line is the ordinary high water mark.

Recreation Center or Facility (definition related to recreational marijuana facilities regulations only). A supervised center that provides a broad range of activities and events intended primarily for use by persons under 21 years of age, owned and/or managed by a charitable nonprofit organization, city, county, state, or federal government.

Recreational Vehicle. A vehicle which is:

- (a) Built on a single chassis;
- (b) 400 square feet or less when measured at the largest horizontal projection;
- (c) Designed to be self-propelled or permanently towable by a light-duty truck; and
- (d) Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel or seasonal use.

Re-establishment, Wetland Mitigation. The manipulation of the physical, chemical, or biological characteristics of a site with the goal of returning natural or historic functions to a former wetland. Activities could include removing fill material, plugging ditches, or breaking drain tiles. Re-establishment results in a gain in wetland acres.

Regulatory Floodplain. The regulatory floodplain is comprised of the special flood hazard area and all protected areas within the jurisdiction.

Regulated Wetlands. Wetlands, including their submerged aquatic beds, and those lands defined as wetlands under the 1989 Federal Clean Water Act, [33 USC Section 251](#), et seq., and rules promulgated pursuant thereto, and shall be those areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Regulated wetlands generally include swamps, bogs, and similar areas. Wetlands created as mitigation and wetlands modified for approved land use activities shall be considered as regulated wetlands. Regulated wetlands do not include those constructed wetlands intentionally created from nonwetland sites, including, but not limited to, irrigation and drainage ditches, grass-lined swales, canals, detention/retention facilities, wastewater treatment facilities, farm ponds, and landscape amenities or those wetlands created after July 1, 1990, that were unintentionally created as a result of the construction of a road, street, or highway.

Rehabilitation, Wetland Mitigation. The manipulation of the physical, chemical, or biological characteristics of a site with the goal of repairing natural or historic function of a degraded wetland. Activities could involve breaching a dike or reconnecting wetland to a floodplain or returning tidal influence to a wetland. Rehabilitation results in a gain in wetland function but does not result in a gain in wetland acres.

Religious, Political, or Other Noncommercial Messages. Messages which state scripture, opinion, ideas, sentiments and postures and do not advertise events, goods and services of any kinds.

Repair or Maintenance Activities. An action to restore the character, size, or scope of a project only to the previously authorized condition.

Residence, Duplex. A two-family residential use in which the dwelling units share a common wall (including without limitation the wall of an attached garage or porch) and in which each dwelling unit has living space on the ground floor and a separate, ground floor entrance.

Residence, Multi-Family. A residential use consisting of a building containing three or more dwelling units. For purposes of this definition, a building includes all dwelling units that are enclosed within that building or attached to it by a common floor or wall (even the wall of an attached garage or porch).

Residence, Multi-Family Apartments. A multi-family residential use other than a multi-family conversion or multi-family townhouse.

Residence, Multi-Family Conversion. A multi-family residence containing not more than four dwelling units and results from the conversion of a single building containing at least 2,000 square feet of gross floor area that

was in existence on the effective date of this provision and that was originally designed, constructed and occupied as a single-family residence.

Residence, Multi-Family Townhomes and Row Houses. A multi-story structure containing a group of three or more attached dwelling units, in which each dwelling unit shares a common wall (including without limitation the wall of an attached garage or porch) with at least one other dwelling unit; has a separate, ground floor entrance; and each dwelling unit has open space on at least two sides.

Residence, Primary with Accessory Apartment. A residential use having the external appearance of a single-family residence but in which there is located a second dwelling unit that comprises not more than 25 percent of the gross floor area of the building nor more than a total of 750 square feet.

Residence, Single-Family Attached, One Dwelling Unit Per Lot. A residential use consisting of a single building containing two dwelling units which share a common wall (including without limitation the wall of an attached garage or porch), but located on two separate lots containing no other dwelling units in such a manner that a lot line bisects the building along the common wall and that each dwelling unit is completely on a separate lot.

Residence, Single-Family Detached, More Than One Dwelling Per Lot. A residential use consisting of two or more single-family detached dwelling units on a single lot.

Residence, Single-Family Detached, One Dwelling Unit Per Lot. A residential use consisting of a single detached building containing one dwelling unit and located on a lot containing no other dwelling units.

Residence, Two-Family. A residential use consisting of a building containing two dwelling units. If two dwelling units share a common wall, even the wall of an attached garage or porch, the dwelling units shall be considered to be located in one building.

Residence, Two-Family Apartment. A two-family residential use other than a duplex, two-family conversion, or primary residence with accessory apartment.

Residence, Two-Family Conversion. A two-family residence resulting from the conversion of a single building containing at least 2,000 square feet of gross floor area that was in existence on the effective date of this provision and that was originally designed, constructed and occupied as a single-family residence.

Restaurant, Fast Food, A place of public accommodation that serves their food and beverages primarily in disposable containers and does not provide table service and often includes a drive-thru window.

Restaurant, /Tavern, A Place of public accommodation the serves their food and beverages primarily in or on non-disposable dishware and table service is provided.

Retail Trade. Enterprises, such as department stores, electronic stores and hardware stores, engaged in direct retail sales of goods and merchandise to the public.

Right-of-Way. Land dedicated primarily to the movement of vehicles and pedestrians and providing for primary access to adjacent parcels. Secondarily, the land provides space for utility lines and appurtenances and similar components.

Riparian Area. A transitional area between terrestrial and aquatic ecosystems and which is distinguished by gradients in biophysical conditions, ecological processes, and biota.

Riparian Habitat. An ecosystem that borders a stream which is occasionally flooded and periodically supports predominantly hydrophytes.

Riparian Habitat Zone. The riparian habitat zone includes those watercourses within the special flood hazard area and adjacent land areas that are likely to support aquatic and riparian habitat that correlate locally to the applicable, adopted fish and wildlife conservation area buffers. The size and location of the riparian habitat zone is dependent on the type of water body, as described in Section [14.88.430](#). The riparian habitat zone includes the water body and adjacent lands, measured perpendicularly from ordinary high water on both sides of the water body.

Riparian Zone. A transitional area between aquatic ecosystems (lakes, streams, and wetlands) and upland terrestrial habitats.

Road. An open way for vehicles. All public and private ways used to provide motor vehicle access to and from a destination.

Road, Private. A privately maintained easement or parcel created to provide vehicle access from a public road to one or more lots or units.

Rooming House. See *Boarding House*.

Scrub-Shrub Wetland. A wetland with at least 30 percent of its surface area covered with woody vegetation less than 20 feet in height.

Secondary School (definition related to recreational marijuana facilities regulations only). A high and/or middle school: A school for students who have completed their primary education, usually attended by children in grades seven to 12 and recognized by the Washington State Superintendent of Public Instruction.

Secure Community Transition Facility. A residential facility for persons civilly committed and conditionally released to a less restrictive alternative under Chapter [71.09](#) RCW. A secure community transition facility has supervision and security, and either provides or ensures the provision of sex offender treatment services.

Secure community transition facilities include but are not limited to the facilities established pursuant to RCW [71.09.250](#) and any community-based facilities established under this chapter and operated by the secretary or under contract with the secretary.

Seismic Hazard Areas. Areas that, due to a combination of soil and groundwater conditions, are subject to severe risk of ground shaking, subsidence or liquefaction of soils during earthquakes.

SEPA. The Washington State Environmental Policy Act of 1971 (Chapter [43.21C](#) RCW).

SEPA Rules. Chapter [197-11](#) WAC.

Servient Lot. Any lot which has the burden of providing an access easement for use by other lots.

Setbacks. ~~Means the required distance measured horizontally between every building, structure or use and the lot lines, planned rights-of-way, rights-of-way or streets. Protective buffers which provide a margin of safety through protection of slope stability, attenuation of surface water flows, and landslide hazards reasonably necessary to minimize risk to the public from loss of life or well-being or property damage resulting from natural disasters; or an area which is an integral part of a stream or wetland ecosystem and which provides shading, input of organic debris and coarse sediments, room for variation in stream or wetland edge, habitat for wildlife and protection from harmful intrusion necessary to protect the public from losses suffered when the functions and values of aquatic resources are degraded.~~

Shared Driveway. A private driveway located on two easements used for the access of one or more dwelling units, where each easement provides half the width of the driveway.

Shorelands or Shoreland Areas. Lands extending landward for 200 feet in all directions as measured on a horizontal plane from the ordinary high water mark; floodways and contiguous floodplain areas landward 200 feet from such floodways; and all wetlands and river deltas associated with the streams, lakes, and tidal waters which are subject to the provisions of this chapter; the same to be designated as to location by the Department of Ecology. (RCW [90.58.030](#)(2)(d))

Shoreline Master Program. The City's comprehensive shoreline plan and supplemental land use regulations for shorelines adopted pursuant to Chapter [90.58](#) RCW.

Shoreline Substantial Development. Any development of which the total cost or fair market value exceeds \$6,416 (WSR 07-15-090), as adjusted for inflation by the Office of Financial Management every five years, or any development which materially interferes with the normal public use of the water or shorelines of the State; except that the types of development defined in Section [14.16C.100](#)(c) shall not be considered substantial developments for the purpose of this chapter. A dock is not considered substantial development if the fair market value of the dock does not exceed \$10,000, but if subsequent construction having a fair market value exceeding \$2,500 occurs within five years of completion of the prior construction, the subsequent construction

shall be considered a substantial development for the purpose of Chapter [14.92](#) and the Shoreline Master Program.

Shorelines. All of the water areas of the State, including reservoirs, and their associated wetlands, together with the lands underlying them; except:

- (a) Shorelines of Statewide significance;
- (b) Shorelines on segments of streams upstream of a point where the mean annual flow is 20 cubic feet per second or less and the wetlands associated with such upstream segments;
- (c) Shorelines on lakes less than 20 acres in size and wetlands associated with such small lakes. (RCW [90.58.030\(2\)\(e\)](#))

Shorelines of Statewide Significance. In the Lake Stevens area, those lakes, whether natural, artificial or a combination, with a surface acreage of 1,000 acres or more measured at the ordinary high water mark, and those natural rivers or segments thereof downstream of a point where the annual flow is measured at 1,000 cubic feet per second or more.

Shorelines of the State. The total of all “shorelines and shorelines of Statewide significance” within the State.

Short Plat. See *Plat, Preliminary.*

Short Subdivision. See *Subdivision, Short.*

Side lot line. Means any lot line that is neither a front nor rear lot line.

Sign. Any device that (a) is sufficiently visible to persons not located on the lot where such device is located to accomplish either of the objectives set forth in subdivision (b) of this definition; and (b) is designed to attract the attention of such persons or to communicate information to them.

Sign, Freestanding. A sign that is attached to, erected on, or supported by some structure (such as a pole, mast, frame, or other structure) that is not itself an integral part of or attached to a building or other structure having a principal function other than the support of a sign. A sign that stands without supporting elements, such as a “sandwich sign,” is also a freestanding sign.

Sign, Informational/Directional. A small sign of a noncommercial nature intended primarily for the convenience of the public. Included are signs designating restrooms, address numbers, hours of operation, entrances to buildings, directions, help wanted, public telephone, parking directions, etc.

Sign, Internally Illuminated. Any lighted sign whereby the light source is located within the sign cabinet, excluding use of lighting for animated display boards.

Sign, Monument. A ground-mounted, freestanding sign with a wide, solid, and decorative base attached to the ground.

Sign, Nonconforming. A sign that, on the effective date of this title, does not conform to one or more of the regulations set forth in this title, particularly Chapter [14.68](#), Signs.

Sign, Off-Premises. A sign that draws attention to or communicates information about a business, service, commodity, accommodation, attraction, or other activity that is conducted, sold, or offered at a location other than the premises on which the sign is located.

Sign, On-Premises. A sign that draws attention to or communicates information about a business, service, commodity, accommodation, attraction, or other enterprise or activity that exists or is conducted, sold, offered, maintained, or provided on the premises where the sign is located.

Sign Permit. A permit issued by the Planning Director that authorizes the recipient to erect, move, enlarge, or substantially alter a sign.

Sign, Portable. A sign not permanently attached to a building or the ground that includes A-frame, sandwich boards, and signs with mobile bases, etc., but does not include real estate, open house, or political signs.

Sign, Projecting. A sign that extends out from the face of a building supported by a frame or arm attached to the structure.

Sign, Suspended. A sign hanging down from a marquee, awning, canopy, or similar structure.

Sign, Temporary. A sign that (a) is used in connection with a circumstance, situation, or event that is designed, intended or expected to take place or to be completed within a reasonably short or definite period after the erection of such sign; or (b) is intended to remain on the location where it is erected or placed for a period of not more than 15 days. If a sign display area is permanent but the message displayed is subject to periodic changes, that sign shall not be regarded as temporary.

Significant Tree(s). See *Tree(s), Significant*.

Site Plan Review. The process whereby local officials review the site plans or master plans to ensure they meet the stated purposes and standards of the zone, provide for necessary public facilities such as roads, and accomplish the goals of the City as stated in adopted comprehensive plans and development regulations.

Special Flood Hazard Area (SFHA). Land subject to inundation by the base flood having a one percent chance of being equaled or exceeded in any given year. FIRM maps designate special flood hazard areas as Zone A, Zone AO, Zone AH, Zones A1-A30, Zone AE, Zone A99, Zone AR, Zone AR/AE, Zone AR/AO, Zone AR/A1-A30, Zone AR/A, Zone V, Zone VE, and Zones V1-V30.

Sphagnum. Any of a large genus of mosses that grow only in wet acidic soils and whose remains become compacted with other plant debris to form peat.

Standard Record of Survey. A record of survey form approved by the City of Lake Stevens and in accordance with Chapter [58.09](#) RCW.

Start of Construction (Definition related to flood permits only). Includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, placement or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

Streams. Water contained within a channel, either perennial or intermittent, and classified according to a locally appropriate stream classification system based on WAC [222-16-030](#). Streams also include open natural watercourses modified by man. Streams do not include irrigation ditches, waste ways, drains, outfalls, operational spillways, channels, stormwater runoff facilities or other wholly artificial watercourses, except those that directly result from the modification to a natural watercourse. Streams are further characterized as S, F, Np, or Ns.

Street. A facility providing access, including the roadway and all other improvements.

Street, Arterial. A main street in the City's street system that serves as an avenue for the circulation of traffic onto, out, or around the City and carries high volumes of traffic. Major arterials are inter-community roadways connecting community centers or major facilities. Minor arterials are intra-community roadways for areas bounded by the major arterials.

Street, Collector. A street whose principal function is to carry traffic between local access streets and arterial streets, but they may also provide direct access to abutting properties.

Street, Cul-de-sac. A street that terminates in a vehicular turnaround.

Street, Freeway/Expressway. An inter-regional divided or undivided highway connecting major centers.

Street, Local Access. A street whose sole function is to provide access to abutting properties.

Street, Private. See *Road, Private.*

Structure. Anything constructed or erected.

Structure (Definition related to flood permits only). A walled and roofed building including a gas or liquid storage tank that is principally above ground in relationship to Chapter [14.64](#), Part I, and Chapter [14.88](#), Part V.

Subdivision. The division or redivision of land into lots, tracts, parcels, sites, or divisions for the purpose of sale, lease, or transfer of ownership; but the following shall not be included within this definition nor be subject to the regulations of this title applicable strictly to subdivisions: the public acquisition by purchase or dedication of strips of land for widening or opening streets.

Subdivision, Architecturally Integrated. (Deleted by Ord. 676)

Subdivision, Formal. See *Subdivision, Long.*

Subdivision, Long. The division or redivision of land into 10 or more lots, tracts, parcels, sites, or divisions for the purpose of sale, lease, or transfer of ownership; provided, however, unbuildable areas outside of such lots, tracts, parcels, sites or divisions for other purposes, such as access, drainage, and the protection of critical areas, shall not be considered a lot, tract, parcel, site or division.

Subdivision, Short. The division or redivision of land into nine or fewer lots, tracts, parcels, sites, or divisions for the purpose of sale, lease, or transfer of ownership; provided, however, unbuildable areas outside of such lots, tracts, parcels, sites or divisions for other purposes, such as access, drainage, and the protection of critical areas, shall not be considered a lot, tract, parcel, site or division.

Substantial Damage. Damage of any origin sustained by a structure whereby the cost of restoring the structure to its pre-damaged condition would equal or exceed 50 percent of the assessed market value of the structure before the damage occurred. Substantial damage also means flood-related damage sustained by a structure on two separate occasions during a 10-year period for which the cost of repairs at the time of each such flood event, on the average, equals or exceeds 25 percent of the assessed market value of the structure before the damage occurred in relationship to Chapter [14.64](#), Part I, and Chapter [14.88](#), Part V.

Substantial Improvement (Definition related to flood permits only). Means any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure either:

- (a) Before the improvement or repair is started; or
- (b) If the structure has been damaged and is being restored, before the damage occurred. For the purpose of this definition "substantial improvement" is considered to occur when the first alteration of any wall, ceiling,

floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure.

The term can exclude:

- (a) Any project for improvement of a structure to correct pre-cited existing violations of state or local health, sanitary, or safety code specifications which have previously been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions; or
- (b) Any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.

Swamp. A wetland whose dominant vegetation is composed of woody plants and trees.

Temporary Emergency, Construction, or Repair Residence. A residence (which may be a mobile home) that is: (a) located on the same lot as a residence made uninhabitable by fire, flood, or other natural disaster and occupied by the persons displaced by such disaster; or (b) located on the same lot as a residence that is under construction or undergoing substantial repairs or reconstruction and occupied by the persons intending to live in such permanent residence when the work is completed; or (c) located on a nonresidential construction site and occupied by persons having construction or security responsibilities over such construction site.

Temporary Sign. See *Sign, Temporary.*

Temporary Use. An incidental use of limited duration and/or frequency allowed over a specified period.

Tourist Home. A single-family structure in which rooms are rented by the day or week.

Tower. Any structure whose principal function is to support an antenna.

Tract. A lot (see *Lot*). The term “tract” is used interchangeably with the term “lot,” particularly in the context of subdivisions, where one tract is subdivided into several lots.

Traffic Calming Technique. Any technique, whether physical, visual or regulatory, which is designed to slow the speed of vehicles to safe and posted speed limits.

Transit-Oriented Development. Developments that emphasize access to public transportation and often incorporate features that encourage pedestrian activity and transit ridership.

Travel Trailer. A structure that (a) is intended to be transported over the streets and highways (either as a motor vehicle or attached to or hauled by a motor vehicle) and (b) is designed for temporary use as sleeping quarters but that does not satisfy one or more of the definitional criteria of a mobile home.

Tree(s), Significant. Any deciduous tree eight inches or greater in diameter (25 inches in circumference or greater), and any evergreen tree 12 inches or greater in diameter (37 inches in circumference or greater), measured one foot above the root crown.

Trees(s), Significant Stands of. Any stand of healthy trees, not particularly of a large size, that has a high likelihood of withstanding wind-throw even after adjacent trees are removed, and serves or could serve as biological habitat, a recreational or aesthetic amenity, or screening as required by this title.

Unavoidable and Necessary Impacts. Impacts that remain after a person proposing to alter critical areas has demonstrated that no practicable alternative exists for the proposed project.

Undetermined-Risk Areas. Land where no flood-hazard analysis has been conducted, but a flood risk still exists. FIRM maps designate these areas with the letter D on the flood maps.

Urban Growth Area. That portion of the City's planning jurisdiction that lies outside the corporate limits of the City and within the urban growth boundary.

Usable Open Space. Land to be devoted to meet usable open space requirements of this title must not be encumbered with any substantial structure; not devoted to use as a roadway and associated sidewalks or parking area; be left in its natural or undisturbed state if wooded, except for the cutting of trails for walking or jogging, or, if not wooded, is landscaped for ball fields, picnic areas, or similar facilities, or is properly vegetated and landscaped with the objective of creating a wooded area; is capable of being used and enjoyed for purposes of informal and unstructured recreation and relaxation; is legally and practicably accessible to the public; and consists of land no more than 25 percent of which lies within a floodplain or floodway as those terms are defined in Section [14.08.010](#).

Use. The activity or function that actually takes place or is intended to take place on a lot.

Use, Principal. A use listed in the Table of Permissible Uses.

Utility Facilities. Any above ground structures or facilities (other than buildings, unless such buildings are used as storage incidental to the operation of such structures or facilities) owned by a governmental entity, a nonprofit organization, a corporation, or any entity defined as a public utility for any purpose by RCW [80.04.015](#) and used in connection with the production, generation, transmission, delivery, collection, or storage of water, sewage, electricity, gas, oil, or electronic signals. Excepted from this definition are utility lines and supporting structures listed in Section [14.60.450](#).

Utility Facilities, Community or Regional. All utility facilities other than neighborhood facilities.

Utility Facilities, Neighborhood. Utility facilities that are designed to serve the immediately surrounding neighborhood and that must, for reasons associated with the purpose of the utility in question, be located in or near the neighborhood where such facilities are proposed to be located.

Variance. A grant of permission by the City for the purpose of granting relief from specific development standards of this title as applied to a particular piece of property.

Vehicle Accommodation Area. That portion of a lot that is used by vehicles for access, circulation, parking, and loading and unloading. It comprises the total of circulation areas, loading and unloading areas, and parking areas.

Vested Right. The guarantee that an application will be reviewed and a project can be developed (if a permit is issued) under regulations and procedures existing at one moment in time and regardless of changes that may have been made later and prior to final completion of a project or use.

Warehousing, Storage and Distribution. Enterprises that provide facilities to store general merchandise, refrigerated goods, and other warehouse products. These establishments generally handle goods in containers, such as boxes, barrels, and/or drums, using equipment, such as forklifts, pallets, and racks.

Waste Management and Remediation Services. Enterprises engaged in the collection, treatment, and disposal of waste materials, including hauling waste materials; operating materials recovery facilities; remediation services and facilities (i.e., those that provide for the cleanup of contaminated buildings, mine sites, soil, or groundwater); and septic pumping and other miscellaneous waste management services.

Water-Dependent. A use for which the use of surface water would be essential in fulfilling the purpose of the proposed project.

Water Purveyor, Recognized. Any entity legally bound to supply to any area of the City of Lake Stevens and, in addition, shall have a water supply capable of delivering at least 500 gallons per minute for one hour for fire protection above the maximum daily demand rate as defined by State statute.

Wetland Mitigation Bank. A site where wetlands and buffers are restored, created, enhanced, or, in exceptional circumstances, preserved expressly for the purpose of providing compensatory mitigation in advance of authorized impacts to similar resources.

Wetlands. Areas that are inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, bogs, marshes, and similar areas. Wetlands do not include those artificial wetlands intentionally created from nonwetland sites, including but not limited to irrigation and drainage ditches, grass-lined swales, canals, detention facilities, wastewater treatment facilities, farm ponds, and landscape amenities or those wetlands created after July 1, 1990, that

were unintentionally created as a result of the construction of a road, street, or highway. However, wetlands include those artificial wetlands intentionally created to mitigate conversion of wetlands. See the Washington State Wetlands Identification and Delineation Manual.

Wholesale Sales. On-premises sales of goods primarily to customers engaged in the business of reselling the goods.

Wholesale Trade. Enterprises that sell or arrange the purchase of goods for resale (i.e., goods sold to other wholesalers or retailers), nonconsumer goods, and raw and intermediate materials and supplies used in production that are normally operated from a warehouse or office, characterized by having little or no display of merchandise.

Wireless Communication Tower. A support structure to which is attached equipment used for the transmission and/or reception of wireless telecommunications services, usually consisting of an antenna array, connection cables, and equipment cabinet.

Wireless Communications. Any personal wireless services as defined in the Telecommunications Act of 1996 or as may be subsequently amended. This includes FCC licensed commercial wireless telecommunications services including cellular, personal communication services (PCS), specialized mobile radio (SMR), enhanced specialized mobile radio (ESMR), paging and similar services that currently exist or that may in the future be developed.

Wooded Area. An area of contiguous wooded vegetation where trees are at a density of at least one six-inch or greater caliper tree per 325 square feet of land and where the branches and leaves form a contiguous canopy.

Work Release, Pre-Release or Similar Facilities. Any dwelling or place licensed, certified or authorized by State, Federal or local authorities for inmates on release from more restrictive custodial confinement or initially placed in lieu of such more restrictive custodial confinement, wherein supervision, rehabilitation and counseling are provided to transition residents back into society, enabling them to live independently.

Zone. A classification of land use that provides a range of allowed uses that are subject to bulk and performance standards. A zone is applied to parcels within the City limits and depicted on the zoning map.

Zoning. The process by which the City legally controls the use of property and physical configuration of development upon tracts of land within its jurisdiction by establishing zones and adopting the zoning map. Zoning is an official control that implements the Comprehensive Plan and is enacted for the protection of the public health, safety and welfare.

Zoning Map or Official Zoning Map. A map adopted by the City which depicts the boundaries of the various zones established by this title. (Ord. 969, Sec. 2, 2016; Ord. 964, Sec. 2, 2016; Ord. 958, Sec. 1, 2016; Ord. 908, Sec. 4, 2014; Ord. 903, Secs. 3 – 5, 2013; Ord. 898, Sec. 1, 2013; Ord. 894, Sec. 1, 2013; Ord. 876,

Secs. 7, 8, 2012; Ord. 860, Sec. 2 (Exh. 1), 2011; Ord. 855, Secs. 1 – 4, 2011; Ord. 821, Secs. 4, 5, 2009; Ord. 811, Secs. 17, 18, 19, 2010; Ord. 798, Sec. 1, 2009; Ord. 797, Sec. 2, 2009; Ord. 796, Secs. 2 – 4, 2009; Ord. 775, Secs. 2 – 15, 2008; Ord. 746, Secs. 2, 3, 2007; Ord. 741, Sec. 4, 2007; Ord. 737, Sec. 2, 2006; Ord. 699, Sec. 1, 2005; Ord. 676, Sec. 1, 2003; Ord. 666, 2002; Ord. 662, Sec. 1, 2002; Ord. 661, Sec. 1, 2002; Ord. 643, 2001; Ord. 615, 1999; Ord. 608, 1999; Ord. 607, 1999; Ord. 595, 1999; Ord. 590, 1998; Ord. 511, 1996; Ord. 510, 1996; Ord. 499, 1995; Ord. 468, 1995)

Chapter 14.38 SUBAREA PLANS

Sections:

- [14.38.010](#) Adoption
- [14.38.015](#) Purpose
- [14.38.017](#) Nonconforming Situations
- [14.38.020](#) Zoning Districts
- [14.38.030](#) Other Uses
- [14.38.040](#) Dimensional Regulations
- [14.38.050](#) Development Intensity
- [14.38.060](#) Parking Regulations
- [14.38.070](#) Landscaping, Screening, and Natural Vegetation
- [14.38.080](#) Lighting
- [14.38.090](#) Street Standards
- [14.38.100](#) Signs
- [14.38.110](#) Design Standards and Guidelines
- [14.38.120](#) Planned Action and Mitigation

14.38.010 Adoption.

The City of Lake Stevens has adopted the following subarea plans, as identified on the Official Zoning Map and illustrated in Figure 14.38-I:

- (a) Lake Stevens Center Subarea Plan - located around the intersection of State Route 9 and State Route 204.
- (b) 20th Street SE Corridor Subarea Plan - located along the southern border of the City along 20th Street SE.



Figure 14.38-I Combined Subarea Locations

(Ord. 876, Sec. 5 (Exh. 3), 2012)

14.38.015 Purpose.

This chapter provides detailed planning and zoning regulations for the subareas that supersede some sections of the Lake Stevens Municipal Code (LSMC). All development, within the subareas, is subject to the provisions of the LSMC, except when sections of this chapter modify the standard municipal code requirements or the section does not provide detailed provisions. (Ord. 876, Sec. 5 (Exh. 3), 2012)

14.38.017 Nonconforming Situations.

The City will allow legal nonconforming situations to continue within the subareas subject to Chapter 14.32.

Legal nonconforming signs may continue subject to Section 14.38.100(i). (Ord. 876, Sec. 5 (Exh. 3), 2012)

14.38.020 Zoning Districts.

The following zoning districts implement the goals, policies and distribution of land uses set forth in the subarea plans.

(a) Business District (BD). The purpose of this district is to promote community and regional employment and accommodate land uses such as corporate offices, general offices, research and development, medical clinics, technology, and light manufacturing and assembly. Secondary uses include warehousing, storage and

distribution associated with a principal use and small-scale retail and services that support the principal uses and objectives of the district. This district should be located in areas with direct access to highways and arterials in addition to transit facilities, adequate public services and traffic capacity.

(1) Principal Uses.

- (i) Educational services (colleges and/or technical schools);
- (ii) Finance and insurance;
- (iii) Health care services;
- (iv) Light manufacturing and assembly;
- (v) Management of companies and enterprises;
- (vi) Professional, scientific, and technical services; and
- (vii) Transit-oriented development (including transit facilities/stops).

(2) Secondary Uses.

- (i) Food services;
- (ii) Information services;
- (iii) Personal services;
- (iv) Retail trade;
- (v) Wholesale trade; and
- (vi) Warehousing, storage and distribution.

(3) Special Regulations.

- (i) Secondary service uses and retail trade shall not exceed 5,000 gross square feet;
- (ii) Wholesale trade accessory to the principal use shall not exceed 25 percent of the gross floor area of individual structures, unless a conditional use permit is granted per Section [14.16C.045](#);

- (iii) Places of worship over 10,000 gross square feet require a conditional use permit per Section [14.16C.045](#);
- (iv) Wireless and cellular communications facilities require an administrative conditional use permit per Section [14.16C.015](#); and
- (v) Marijuana facilities are not allowed.

(b) Commercial District (CD). The purpose of this district is to accommodate the high-intensity retail needs of the community and regional market by attracting a mix of large to small format retail stores and restaurants to create a vibrant and unified regional shopping center. Transportation accessibility, exposure to highways and arterials with adequate public services and traffic capacity characterize this district.

- (1) Principal Uses.
 - (i) Accommodation services;
 - (ii) Arts and entertainment;
 - (iii) Food services;
 - (iv) Retail trade; and
 - (v) Transit-oriented development (including transit facilities/stops).
- (2) Secondary Uses.
 - (i) Amusement and recreation industries;
 - (ii) Commercial parking structures/lots;
 - (iii) Educational services (colleges and/or technical schools);
 - (iv) Finance and insurance;
 - (v) Health care services;
 - (vi) Information services;
 - (vii) Personal services;
 - (viii) Professional, scientific, and technical services;

- (ix) Public administration; and
- (x) Warehousing, storage and distribution.

(3) Residential Uses.

- (i) Mixed use multi-family residential units including apartments, condominiums, and live/work units, where the majority of residential units are located above commercial uses.

(4) Special Regulations.

- (i) Health care, professional, scientific, and technical services require a conditional use permit per Section [14.16C.045](#) when the structure's footprint exceeds 10,000 gross square feet;

- (ii) Places of worship over 10,000 gross square feet require a conditional use permit per Section [14.16C.045](#);

- (iii) Wireless and cellular communications facilities require an administrative conditional use permit per Section [14.16C.015](#);

- (iv) Warehousing, storage and distribution accessory to the principal use shall not exceed 25 percent of the gross floor area of individual structures, unless a conditional use permit is granted per Section [14.16C.045](#);

- (v) Outdoor retail sales of building materials, garden equipment and supplies, and vehicles are permitted; and

- (vi) Marijuana retail facilities are permitted, subject to Section [14.44.097](#).

(c) Main Street District (MS). The purpose of this district is to provide pedestrian-oriented commercial uses that serve the community and region by attracting a variety of small (up to 10,000 gross square feet) to mid-sized (approximately 30,000 gross square feet) businesses along with high-density residential uses in proximity to other retail and residential areas. Building design and pedestrian-oriented features would support an active and pleasant streetscape. This district should include enhanced sidewalks, public spaces and amenities for pedestrians and cyclists that emphasize pedestrian movement over vehicular movement.

(1) Principal Uses.

- (i) Arts and entertainment;
- (ii) Food services;

(iii) Small to mid-size retail trade; and

(iv) Transit facilities/stops.

(2) Secondary Uses.

(i) Amusement and recreation industries;

(ii) Commercial parking structures/lots;

(iii) Finance and insurance;

(iv) Health care services;

(v) Personal services;

(vi) Professional, scientific, and technical services; and

(vii) Public administration.

(3) Residential Uses.

(i) Mixed use multi-family residential units including apartments, condominiums, and live/work units, where the majority of residential units are located above commercial uses.

(4) Special Regulations.

(i) Automotive, boat, and recreational vehicle sales and services are not allowed.

(ii) Drive-through uses are not allowed between the building and right-of-way and are subject to screening requirements found in the applicable design guidelines.

(iii) Theaters and performing arts venues are limited to a maximum size of 500 seats.

(iv) The footprint of small to mid-size retail trade uses, in any single-use structure, may not exceed 30,000 gross square feet.

(v) Health care, professional, scientific, or technical service structures' footprints may not exceed 5,000 gross square feet.

(vi) Wireless and cellular communications facilities require an administrative conditional use permit per Section [14.16C.015](#).

(vii) Marijuana facilities are not allowed.

(d) Mixed Use Neighborhood (MUN). The purpose of this district is to accommodate higher density residential development in proximity to employment and retail centers and provide basic convenience goods and services in areas with available public services and adequate traffic capacities. This district would have a minimum density of 15 dwelling units per acre. This district would create a transition between higher and lower intensity land uses.

(1) Principal Uses.

- (i) Multi-family apartments and condominiums;
- (ii) Townhomes and row houses; and
- (iii) Residential over retail/office including live/work units.

(2) Secondary Uses.

- (i) Neighborhood-oriented retail trade and personal services that meet the convenience shopping and services needs of the immediate and surrounding area.

(3) Special Regulations.

- (i) Mixed use building configurations may include a vertical or horizontal stratification.
 - a. Retail and service uses located in attached mixed use buildings are limited to the ground level;
 - b. Sites with retail and service uses located in detached buildings are limited to a maximum floor area of 10,000 gross square feet;
 - c. Detached buildings with a footprint greater than 10,000 gross square feet require a conditional use permit per Section [14.16C.045](#);
 - d. Commercial uses should be oriented toward the primary frontage, with residential uses behind.
- (ii) In the 20th Street SE Corridor, the district will allow innovative housing options per Chapter [14.46](#).
- (iii) Automotive, boat, and recreational vehicle sales and services are not allowed.

- (iv) Drive-through uses are not allowed between the building and right-of-way and are subject to screening requirements found in the applicable design guidelines.
- (v) Wireless and cellular communications facilities require an administrative conditional use permit per Section [14.16C.015](#).
- (vi) Marijuana facilities are not allowed.

(e) Neighborhood Business (NB). The purpose of this district is to provide convenience goods, services, and opportunities for smaller scale shopping centers near neighborhoods that cater to pedestrians and commuters. This district should be located in areas with available public services, transportation accessibility to arterials and adequate traffic capacities.

- (1) Principal Uses.
 - (i) Arts and entertainment;
 - (ii) Food services;
 - (iii) Personal services;
 - (iv) Small retail trade; and
 - (v) Transit facilities/stops.
- (2) Secondary Uses.
 - (i) Amusement and recreation industries;
 - (ii) Finance and insurance;
 - (iii) Professional, scientific, and technical services; and
 - (iv) Public administration.
- (3) Special Regulations.
 - (i) Automotive, boat, and recreational vehicle sales are not allowed.
 - (ii) Drive-through uses are subject to screening requirements found in the applicable design guidelines.
 - (iii) The footprint of any single structure may not exceed 10,000 gross square feet.

(iv) Wireless and cellular communications facilities require an administrative conditional use permit per Section [14.16C.015](#).

(v) Marijuana facilities are not allowed.

(f) Other Zones. The subareas may also contain the Urban Residential (UR), High Urban Residential (HUR), and Public/Semi-Public (P/SP) zoning districts, as described in Chapter [14.36](#) or as modified below.

(1) High Urban Residential (HUR). Within the subareas, the purpose of the HUR district is to accommodate higher-density residential uses that may include multi-family condominiums, apartments, townhouses and row houses, as well as any small lot single-family residential units or innovative housing options per Chapter [14.46](#) in areas served by public water and sewer facilities, as well as the other uses described in Table 14.40-I of Chapter [14.40](#).

(2) Public/Semi-Public (P/SP). Within the subareas, the purpose of P/SP district is to accommodate public and semi-public uses, such as schools, government facilities, public utilities, community facilities, parks, etc., as well as the other uses described in Table 14.40-I of Chapter [14.40](#). (Ord. 923, Sec. 2 (Exh. A), 2015; Ord. 908, Sec. 6, 2014; Ord. 876, Sec. 5 (Exh. 3), 2012)

14.38.030 Other Uses.

The intent of all of the subarea zoning districts is to encourage a wide range of uses, while restricting uses that do not support the primary purpose of the zoning district. The identified uses are derived from the North American Industry Classification System (NAICS).

(a) Director's Authority. The Director has the authority to determine if uses comply with the intent of the zoning district and support the principal uses and objectives of the district following the methodology described in Section [14.40.040\(a\)](#) and based on a review of specific use categories defined in the NAICS.

(b) Prohibited Uses within the Subarea Districts:

(1) Adult entertainment;

(2) Construction facilities;

(3) Industrial uses, except as allowed in Section [14.38.020](#);

(4) Mining, quarrying, and oil and gas extraction;

(5) Waste management and remediation services;

(6) Uses involving outdoor sales and storage of inventory, equipment, vehicles, or materials, including towing, wrecking, and impound lots, except as allowed in Section [14.38.020\(b\)](#); and

(7) Warehousing, storage and distribution, except as allowed in Section 14.38.020(a) and (b). (Ord. 923, Sec. 2 (Exh. A), 2015; Ord. 876, Sec. 5 (Exh. 3), 2012)

14.38.040 Dimensional Regulations.

Table 14.38-I Dimensional Regulations

Zone	Minimum Lot Size	Minimum Building Setback (from lot line, tract or easement) (ft) ²²		Maximum Building Setback	Min. Landscape Buffer (ft) ⁷	Min. First Floor Height (ft)	Max. Height (ft) ^{9, 10}
		Front	Side/Rear				
Commercial Zones							
BD	NA	5	10/10 ^{4,5}	<u>N/A</u>	<u>510</u>	12	55
CD	NA	5	10/10 ^{4,5}	<u>N/A</u>	<u>510</u>	15	55
NB	NA	5	10/10 ^{4,5}	<u>N/A</u>	<u>510</u>	15	35
Mixed Use Zones							
MS	NA	5 ¹	0 ^{4,5,6}	<u>10</u>	<u>510</u>	15	55
MUN	NA	10 ^{2,3}	10/10 ^{5,6}	<u>10</u>	<u>510</u>	15 ⁸	45
Residential Zones							
HUR ¹¹	3,600 sq. ft. ¹²	10/20 ^{2,3}	5/5 ⁵	<u>20/25</u>	<u>510</u>	NA	45
UR	7,500 sq. ft. ¹²	20 ³	5/5	<u>20/25</u>	NA	NA	35

Notes:

1. The minimum required setback is five feet and the maximum allowed setback is 10 feet in the MS district.

2.1. The minimum required setback is 10 feet for living space and 20 feet for garages, and the maximum allowed setback is twenty 20 feet for living space and 25 feet for garages. The maximum front lot line setback requirements are applicable in subdivided developments or from the outside edge of access easements; maximum setbacks for irregular or infill lots will be evaluated on a case by case basis subject to the requirements of LSCM 14.16C.120.-

3.2 Porches, covered entries, or pedestrian-oriented spaces may project up to five feet into front yard setbacks in residential districts.

43. Districts that allow commercial uses shall maintain a 10-foot, Type B screen when adjacent to residential zones, per Section [14.76.040\(a\)](#).

54. Structures 35 feet or taller next to single-family districts must be stepped back five feet for every floor over 35 feet per Figure 14.38-II.



Figure 14.38-II illustrates stepping back the upper stories of a structure, adapted from the Everett Municipal Code.

6.5 Attached housing units or attached commercial structures built on separate lots can be built to the common property line. The outside setback for attached structures abutting a right-of-way, separate detached structures, or a different zone shall be 10 feet.

76. Landscape buffers will be comprised of a Type C screen per Section [14.76.040\(a\)](#) along property lines; however, the City may waive the landscape buffer when adjacent commercial properties share parking, access, or other common features that make intensive landscaping impractical. In addition, perimeter landscape buffer along property lines of adjacent high-density single-family lots is not required; however, Perimeter landscape buffers are not required in residential zones when the adjacent property is the same zone, except that new subdivisions shall provide perimeter landscape buffers around the exterior subdivision boundary. ~~Screening~~ different developments from neighboring properties will provide separation, vegetation and define each development. The front landscaping buffer does not apply in the MS or MUN district. All landscape buffers may include stormwater LID facilities when defined screening criteria is maintained.

87. The first floor height of residential structures in the MUN district, without an attached retail/service component, not facing a public right-of-way may be reduced to industry standard.

98. If a project includes a parking structure or affordable housing FAR bonus, as described in Section [14.38.050\(b\)](#), the City will also allow an overall height increase of 10 feet above maximum height.

109. The City will consider an increase in maximum height up to 80 feet with a conditional use permit per Section [14.16C.045](#).

140. Maximum impervious hard surface for parcels in the HUR district is 65 50 percent, an additional 15 percent hard surface coverage is allowed when pervious materials are used.

121. When developed as a planned residential development (Section 14.44.020) the per unit lot size may be reduced to 3,000 square feet for HUR district and 6,000 square feet for the UR district in return for the dedication of additional open space at the ratio of 400 square feet per dwelling unit.

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

(Ord. 903, Sec. 26, 2013; Ord. 876, Sec. 5 (Exh. 3), 2012)

14.38.050 Development Intensity.

(a) Floor Area Ratios. FAR expresses the relationship between lot area and a building's total floor area. To determine FAR, multiply the lot area by the FAR percentage, for the district, listed in Table 14.38-II. For example, in the NB district, a 10,000-square-foot lot would allow a basic 3,000-square-foot building with an FAR of 0.30 (10,000 x 30% = 3,000) as illustrated in Figure 14.38-III.

Table 14.38-II Floor Area Ratios

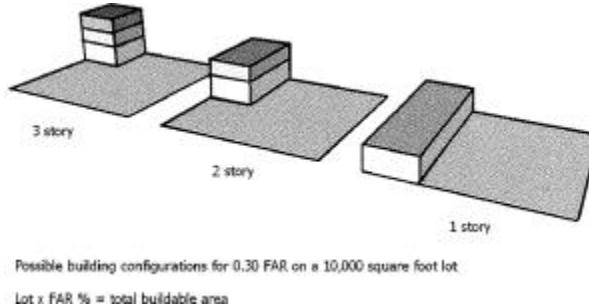
District	Basic Allowable		Maximum Allowable with Bonuses	
	Non-residential	Residential	Non-residential	Residential
BD	0.5	NA	0.7	NA
CD	0.4	0.2	0.6	0.4
MS	0.5	0.6	0.7	1.0
MUN	0.2	0.4	0.4	0.6
NB	0.3	NA	0.5	NA

Notes:

1. Surface, tuck-under at grade or below grade parking shall be excluded from FAR calculations.

2. Allowable FAR for residential and nonresidential uses occupying the same building footprint area may be added together for a combined total.
3. Hotel and other lodging shall be considered residential for purposes of this chart.

Figure 14.38-III Floor Area Ratio Example



(b) Eligible Floor Area Ratio Bonus Features. Including any of the following elements in the subject development project will qualify for an increase in the basic allowable FAR set out in Table 14.38-II by 0.2, up to the maximum allowable.

(1) Public Plaza. This is an outdoor space not less than 500 square feet in size, or less than 20 feet in dimension, provided at the ratio of 1.5 square foot of plaza per 100 square feet of building area beyond any other required plaza area.

(i) The public plaza must contain substantial design features, defined in the applicable design guidelines.

(ii) For larger development sites, the total percentage of area used as a public plaza may be allocated among multiple spaces, so long as each public plaza area complies with the criteria in subsection (b)(1)(i) of this section.

(iii) Outdoor seating for restaurants adjacent to the plaza may occupy up to 20 percent of the total area.

(iv) The public plaza shall be open to the public during business hours.

(2) Public Art.

(i) The value of the artwork must equal at least one percent of the value of the total project construction.

(ii) The artwork must be displayed in a prominent outdoor location (such as a plaza, sidewalk, wall, entry) for public viewing.

- (iii) The City must approve the form and content of the proposed artwork.
- (3) Public Use. Any use normally provided by government, involving general public access that may include a post office, library, City offices, community center, museum, interpretive center, meeting rooms, visitor information centers, etc. Purely administrative space, storage or maintenance operations do not qualify.
- (4) Public Restroom. A single unisex restroom or two gender-specific restrooms open to the public during normal business hours with signs posted in prominent locations that inform the public of its availability and location.
- (5) Parking Facilities. In order to qualify for this bonus feature, a minimum of 60 percent of the parking for the development must be contained within the principal structure and/or in an adjacent detached structure.
- (6) Sustainable Development Feature. New construction or significant alterations are encouraged to use "green" building methods and incorporate low impact development techniques, be highly energy efficient, and/or seek varying levels of Leadership in Energy and Environmental Design (LEED) certification. To qualify for this bonus, the development must include at least one of the following:
 - (i) Achieve LEED Certification (Silver, Gold, Platinum Rating); and/or
 - (ii) Employ low impact development techniques that may include a combination of the use of high-efficiency building materials, "green-roofs," porous paving, tree retention, rain gardens, or other methods, as defined in the Low Impact Development Technical Guidance Manual for Puget Sound; and/or
 - (iii) Provide incentives for alternative or high-efficiency transportation modes that may include a combination of priority HOV spaces, bicycle parking, and/or electrical hookups for electric vehicles.
- (7) Affordable Housing. Provide at least 15 percent of any housing units, contained within the development, as affordable housing to diverse households.
 - (i) The maximum housing costs for rental units including basic utilities shall not exceed 30 percent of the average median income limit for a comparable housing unit within Snohomish County.
 - (ii) The maximum sales price for any housing unit shall not exceed 80 percent of the average median sales price for a comparable market rate home within Snohomish County. All affordable

units developed under this chapter shall remain affordable, as defined in this section, for a period of not less than 30 years, or the minimum period required under applicable state law.

(iii) Prior to issuance of a certificate of occupancy, the proponent shall record a binding covenant, with the Snohomish County Auditor's Office, that specifies the terms and conditions of the affordable units to assure that the units remain affordable as required under this section, in a form approved by the City.

(iv) Affordable units shall be dispersed throughout the housing development with market rate units; constructed concurrently with market rate units; and provided in a range of sizes, with comparable interior and exterior appearance and a similar number of bedrooms to market rate units in the housing development.

(v) In the case of developments constructed solely to provide affordable housing, whether owner-occupied or rental, the development shall provide housing units comparable to market rate units, as defined in subsection (b)(7)(iv) of this section, available to other residents within Lake Stevens.

(8) Contribution to Off-Site Public Space. To qualify for this bonus, the developer shall contribute monetarily to the construction of a public trail, park or plaza located within the subarea. The contribution shall not be less than two percent of the construction cost of the development and separate from any park mitigation fees assessed under Chapter [14.120](#) or other credits for fees in lieu related to development. The City shall maintain any contributed funds in a dedicated account for the public space(s). (Ord. 876, Sec. 5 (Exh. 3), 2012)

14.38.060 Parking Regulations.

(a) Purpose and Application. Ensure that parking requirements are adequate to different land uses and that the parking lot configurations contribute to an inviting and safe development. Developments within the subareas are subject to the parking regulations found in Chapter [14.72](#), except when this chapter modifies the standard municipal code requirements.

(b) Parking Ratio. Table 14.38-III establishes the specific parking requirements for the subareas.

Table 14.38-III Parking Standards^{1,2}

Land Use	Minimum	Maximum
Commerce and Industry (per gross floor area)		

Health Care	2.5 stalls per 1,000 gfa	5 stalls per 1,000 gfa
Office and Business Services	2 stalls per 1,000 gfa	4 stalls per 1,000 gfa
<u>Fast Food Service Restaurants</u>	10 stalls per 1,000 gfa	<u>2015</u> stalls per 1,000 gfa
<u>Restaurant and Taverns</u>	<u>4 stalls per 1,000 gfa</u>	<u>10 stalls per 1,000 gfa</u>
Retail Trade and Personal Services	2 stalls per 1,000 gfa	4 stalls per 1,000 gfa
Wholesale Trade	1 stall per 1,000 gfa	2 stalls per 1,000 gfa
Residential (per residential unit or room)		
Group, Convalescent and Nursing Homes	1 per room	1.5 per room
Multi-Family Residential ³	1.25 stalls per unit ⁴	2.5 stalls per unit ⁵
Senior Housing	0.5 stalls per unit	1 stall per unit
Single-Family Residential	2 per unit	NA

Notes:

1. Parking requirements for uses not listed shall be per Table 14.72-I: Table of Parking Requirements in Section [14.72.010](#).
2. Off-street parking shall include the sum of the requirements for the various uses as listed in the required parking table or consistent with subsection (c) of this section. For example, if a site has office and residential uses, the parking area would need to include the required number of parking spaces for both uses. Reductions for complementary uses will be considered per LSMC 14.72.070.
3. Includes mixed use developments.
4. One and one-quarter spaces minimum to a maximum of two spaces for units with one or less bedrooms.
5. Two and one-quarter spaces minimum to two and one-half maximum for units with two or more bedrooms.

(c) Modifications. The Director or designee may approve a modification (increase or decrease) of up to 25 percent of the required off-street parking spaces.

(1) Parking may be located off site in satellite parking lots, subject to Section [14.72.080](#), if the satellite parking lot is within 400 feet of the property and connected to the property by a lighted sidewalk or pathway.

(2) In cases where there are compatible uses within 400 feet of each other, operated or used at entirely different times of the day or week, the uses may share the parking facilities, subject to Section [14.72.070](#) and by execution of a parking agreement, approved by the City, between the owners or responsible officials of the compatible uses.

(3) Increases above the maximum allowed parking standard will be allowed when a traffic/parking study, conducted for a similar use and circumstances, documents that a particular use consistently requires a higher parking standard for the use than allowed.

(4) For zones that contain on-street parking spaces along improved frontages, adjacent uses may reduce their off-street parking requirements by a maximum 25 percent based upon a parking study demonstrating adequate on-street parking availability.

(d) Configuration. Parking lots shall be configured as follows:

(1) Parking lots that front on designated access streets may not have more than 60 feet fronting on such street.

(2) Parking lots that contain 50 or more parking spaces must be divided into smaller individual lots of no more than 50 spaces per lot.

(3) Individual lots must be separated with one of the following elements that are elevated approximately six inches above the adjacent parking lot:

(i) A minimum 10-foot-wide Type C landscape screen per Section [14.76.040\(a\)\(3\)](#) within a planter bed; or

(ii) A minimum five-foot-wide pedestrian pathway flanked on each side with a two-foot-wide Type C landscape screen per Section [14.76.040\(a\)\(3\)](#) within a planter bed.

(4) Parking areas shall be divided into bays of not more than 10 contiguous parking spaces in a row.

(5) At the end of each parking bay, there shall be a curbed planter with a minimum width of five feet measured from the outside of the curb.

(6) All parking spaces adjacent to landscape beds must provide a setback for all trees and shrubs where vehicle overhang extends into landscape areas by:

(i) Increasing planting bed to seven feet in width; or

(ii) Installing wheel stops set back two feet from the end of planting bed. (Ord. 876, Sec. 5 (Exh. 3), 2012)

(7) All required parking lot landscaping beds allow LID stormwater facilities, when other landscape requirements are met.

14.38.070 Landscaping, Screening, and Natural Native Vegetation.

(a) Purpose and Application. Ensure that landscaping complements the architecture of the development and creates an inviting environment. Developments within the subareas are subject to the landscaping, screening, tree retention, and vegetation regulations found in Chapter [14.76](#) except when this chapter modifies the standard municipal code requirements.

(b) Parking Lot Planting Requirements. Each planter shall contain at a minimum:

(1) One shade tree (minimum two-inch caliper if deciduous and 4-6 ft. high if evergreen) per parking area planting bed or one tree per 30 feet along paths, perimeters, or other linear planting areas. Fifty percent of the trees shall be evergreen;

(2) One two-gallon shrub for every 10 square feet of landscape area; and

(3) Ground cover spaced to achieve complete coverage within five years.

(4)(3) Mulch to a depth of three inches.

(c) Irrigation. All landscaped areas shall provide underground irrigation, unless the landscape area is planted entirely with drought resistant native or naturalized plants. At a minimum, 50 percent of all planted vegetation shall be native species or drought resistant naturalized species.

(d) Maintenance of Landscaping.

(1) The property owner or responsible lessee shall maintain all landscaped areas in a healthy and safe manner; ensure landscaped areas remain free of weeds and debris; and replace dead or diseased plants with in-kind plants.

(2) The property owner or responsible lessee shall provide eye level visibility between the street, sidewalks, buildings, and parking areas:

(i) The property owner or responsible lessee shall prune shrubs and other low plantings to a height of three feet or less above the ground; and

(ii) The property owner or responsible lessee shall prune lower branches of mature trees to approximately eight feet above the ground. (Ord. 876, Sec. 5 (Exh. 3), 2012)

14.38.080 Lighting.

(a) Lighting design must comply with the Illuminating Engineering Society of North America's Lighting Handbook or Recommended Practices and Design Guidelines, latest editions, for each applicable lighting type.

(b) Lighting Levels and Shielding.

(1) Exterior lighting fixtures shall include timers, dimmers, sensors, or controllers that turn the lights off during daylight hours.

(2) Exterior lighting fixtures shall avoid harsh contrasts in lighting levels, prevent glare from normal viewing angles, and shield adjacent properties from light sources.

(i) Light fixtures shall not have bulbs or reflectors that project below the bottom rim of the fixture unless shielded by a softening diffuser.

(ii) Parking lot lighting fixtures should create adequate visibility at night and provide uniform lighting coverage to increase security.

(iii) Lighting levels shall be a maximum of two-tenths foot candles, measured five feet or beyond from an exterior property line.

(3) Lighting fixtures used to accent architectural features, materials, colors, style of buildings, or art shall be directed only to highlight those features.

(c) Height Standards.

(1) Lighting fixtures used in parking lots shall not exceed a maximum height of 30 feet.

(2) Lighting fixtures over 16 feet in height shall be fitted with a full cut-off shield.

(3) Lighting fixtures along sidewalks and paths shall not exceed a maximum height of 16 feet.

(d) Maintenance.

(1) Lighting fixtures used for safety and security shall be maintained in good working order.

(2) Vegetation and landscaping shall be maintained in a manner that does not obstruct lighting fixtures. (Ord. 876, Sec. 5 (Exh. 3), 2012)

14.38.090 Street Standards.

- (a) Purpose and Application. Provide a street network unique to the subareas that emphasizes multi-modal travel and grid connectivity. Street design, within the subareas, is subject to the street and sidewalk standards found in Chapter [14.56](#), except when this chapter modifies the standard municipal code requirements.
- (b) Street classifications shall be per the applicable subarea plan's layered street network, but follow individual construction standards found in the current City's Engineering Design and Development Standards.
- (c) Block lengths should not exceed 400 feet in length; shopping districts should provide mid-block crosswalks to allow additional crossing opportunities.
- (d) Vehicular driveways for ingress and egress are encouraged to be located off arterials, whenever possible, to minimize the number of driveways and curb cuts onto public streets.
- (e) Adjacent developments should share driveways, for ingress and egress, to the greatest extent possible (cross-over agreements between properties strongly encouraged).
- (f) The sidewalk pattern and material shall continue across the driveways and curb cuts. (Ord. 876, Sec. 5 (Exh. 3), 2012)

14.38.100 Signs.

- (a) Purpose and Application. Ensure that signage provides effective advertising and identification with appropriate design, scale, and placement. Developments within the subareas are subject to the sign regulations found in Chapter [14.68](#) and applicable design guidelines, except when this chapter modifies the standard municipal code requirements.
- (b) Allowed Signs.
 - (1) Changeable text signs per Section [14.68.084](#).
 - (2) Freestanding signs.
 - (3) Informational/directional signs.
 - (4) Projecting/suspended signs.
 - (5) Residential signs per Section [14.68.090](#).
 - (6) Signs excluded from regulation per Section [14.68.020](#).
 - (7) Temporary signs per Section [14.68.030](#).
 - (8) Wall signs.

(9) Window signs.

(c) Prohibited Signs.

- (1) Animated or flashing signs, except as allowed in Section [14.68.120](#).
- (2) Off-site signs, except as allowed by Section [14.68.030](#) and subsection (f) of this section.
- (3) Portable signs.
- (4) Roof signs.
- (5) Signs which are located on or extend over public rights-of-way.
- (6) Temporary signs except as allowed by Section [14.68.030](#).

(d) Projecting/Suspended Signs, Wall Signs, and Window Signs.

- (1) Table 14.38-IV establishes the dimensional and quantitative requirements for projecting/suspended signs, wall signs, and window signs.
- (2) Projecting/Suspended Signs.
 - (i) Projecting signs shall not extend more than five feet from a building facade;
 - (ii) Suspended signs are limited to approximately two inches in thickness and may not extend beyond the structure to which it is attached;
 - (iii) Projecting/suspended signs must provide a minimum of eight feet of clearance from the ground to the bottom of the sign; and
 - (iv) A minimum spacing of 20 feet between signs must separate projecting/suspended signs.
- (3) Wall Signs.
 - (i) Wall signs shall be generally located in the storefront area above the main entrance along primary facades and beneath the roofline or cornices on secondary facades;
 - (ii) Second story signs shall be generally located directly above or below windows, but not higher than the belt course between the next story or below the roofline or cornices, as illustrated in Figure 14.38-IV;

- (iii) Wall signs shall be generally centered between defined architectural elements and may not extend beyond defined architectural features;
- (iv) Wall signs may be located on building focal points, if the sign does not extend beyond defined architectural features;
- (v) Wall signs shall not project more than 10 inches from the building;
- (vi) Wall signage may be located on awnings and marquees or similar structures only when the design of the building facade prohibits wall signs on the storefront facade and the signage does not extend beyond defined architectural features; and
- (vii) The wall sign area calculation is defined in Table 14.38-IV and the maximum area will be based on the size of the associated gross business area, as follows:
 - a. Five thousand gross square feet or less: 32 square feet;
 - b. Five thousand one to 15,000 gross square feet: 96 square feet; and
 - c. Over 15,001 gross square feet: 192 square feet.

- (viii) Sign area is not transferable.



Figure 14.38-IV Signage Placement Diagram from Mill Creek Town Center Design Guidelines

Table 14.38-IV Sign Standards

Sign Type ¹	BD	CD ²	NB	MS ²	MUN ²
------------------------	----	-----------------	----	-----------------	------------------

Projecting/Suspended	Sign Area	NA	10 sq. ft. max. and no more than 5 ft. in width	6 sq. ft. max. and no more than 3 ft. in width
	Maximum Number	NA	1 projecting or suspended sign per main facade or leasable frontage	
Wall³	Sign Area	Main: 10% of building facade Secondary: 5% of building facade	Main: 15% of building facade Secondary: 10% of building facade	Main: 10% of building facade Secondary: 5% of building facade
	Maximum Number	1 per facade 2 facades may have signs	1 per facade ⁴ 3 facades may have signs	1 per facade 2 facades may have signs
Window⁵	Sign Area	10% percent of window area	20% percent of window area	10% percent of window area

Notes:

1. Each leased space or building frontage may have one projecting sign or one suspended sign, but not both.
2. Residential signage shall conform to Section [14.68.090](#).
3. Wall sign calculation: the facade area (first 12 feet of the building height) multiplied by the total facade length or leasable frontage for multi-tenant buildings (example: [12 x 30 = 360] [360 x 15% = 54 sq. ft.]). The sign calculation for second story signage would be the leasable frontage multiplied by the height of the story (example: [12 x 20 = 240] [240 x 15% = 36 sq. ft.]).
4. Building over 15,000 gross square feet, with a primary facade length over 100 linear feet, may have two signs along the primary facade for the primary businesses and one sign per enclosed secondary business. Sign area for all signs will be included in the maximum sign area.
5. Commercial signage for businesses on third stories and above would be limited to window signs.

(e) Freestanding Signs.

- (1) Table 14.38-V establishes the dimensional and quantitative requirements for freestanding signs including monument and pole/pylon signs.
- (2) Freestanding signs shall be located no closer than five feet to public rights-of-way or access easements measured from the face of the sign to the back of the ROW or easement.

(3) No signs shall obstruct sight distance at street intersections or driveways per Section [14.68.120\(d\)](#).

(4) The height of freestanding signs shall be measured from the average ground level at the sign's base.

(5) Freestanding signs must provide an architectural base, with a minimum height of 12 inches.

(6) Each freestanding sign shall provide a landscaped area around the base of the sign per the following:

- (i) One and one-quarter square feet of landscaping per one square foot of sign area with a minimum area of 50 square feet and a minimum width of five feet measured from the outside of the curb or the edge of the landscape bed;
- (ii) The landscape area and sign base shall be protected from vehicles by a six-inch curb, if adjacent to drive aisles or parking areas;
- (iii) The landscape area must include a mix of shrubs, perennials and/or annual flowers, and other standard landscape material; and
- (iv) The landscape area may include other materials and components such as brick or concrete bases, planter boxes, pole covers, decorative framing, and accent lighting.

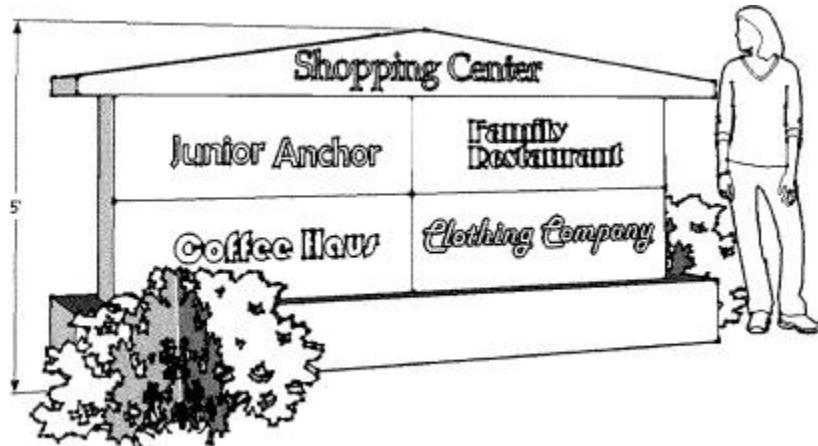


Figure 14.38-V Monument Sign

Table 14.38-V Freestanding Sign Standards

Sign Type		CD	NC	BD	MS	MUN
Monument	Sign Area ¹ (sq. ft.)	75	50	50	50	25
	Sign Height	15 ft.	10 ft.	10 ft.	5 ft.	5 ft.
	Number ^{2,3,4}	1	1	1	1	1
Pole/Pylon ⁵	Sign Area ¹ (sq. ft.)	100	NA	NA	100	NA
	Sign Height	20 ft.			20 ft.	
	Number	1			1	

Notes:

1. For freestanding signs with multiple faces, only the sign area of a single face is calculated per Section [14.68.040](#).
2. Each site with commercial uses may install one freestanding identification sign or multi-tenant identification sign per site.
3. Commercial centers with more than one frontage may install two identification and/or multi-tenant identification signs with one freestanding sign along the primary frontage and a second sign along the secondary frontage, with a minimum separation of 100 feet between the signs, including separation of off-site and highway-oriented signs. Freestanding signs located along secondary frontages must be reduced by 25 percent in sign area and height.
4. Any detached structure greater than 5,000 square feet in gross area, occupied by a single business, located on a defined building pad, within a commercial center over five acres may have an additional freestanding sign not exceeding 25 square feet in area and having a maximum height of five feet.
5. Pole/pylon signs are limited to highway-oriented sign requirements pursuant to subsection (f) of this section.

(f) Off-Site Signage.

(1) The provisions contained in this section recognize the need for certain businesses located within the Commercial district, Business district and Main Street district, in proximity to state highways (SR-9 and SR-204) and/or major arterials, but with limited visibility to install off-site signs.

(2) The City shall review the need for off-site signage against the following criteria:

(i) The business(es) is located more than 100 feet from the right-of-way, measured from the nearest point to the edge of right-of-way;

- (ii) The business(es) shall demonstrate that on-site signs cannot adequately convey the location and identity of the business(es) because of poor visibility or traffic patterns unique to its location;
- (iii) The off-site sign does not create adverse impacts to surrounding businesses, pedestrians, or motorists including, but not limited to, glare and sight obstructions;
- (iv) The sign is not out of scale or character with allowed signs for nearby uses and employs distinct architectural features associated with the primary building or complex;
- (v) The advertising structure does not detract from the goals, objectives, and policies of the subarea plan; and
- (vi) The applicant has provided a recorded easement or expressed written permission, including maintenance provisions, from the property owner of the premises where the off-site sign is to be located.

(3) Content of Off-Site Signage.

- (i) The off-site sign contains a message area that identifies the complex by name or district and may contain its address;
- (ii) The off-site sign identifies one or more businesses in the complex or district by name and may include corporate logos; and
- (iii) The off-site sign contains directional information, such as exit number, route information (e.g., next left), and may contain directional arrows.
- (iv) The off-site sign may not include promotional information for individual businesses or display or support temporary signs, banners, pennants, etc.

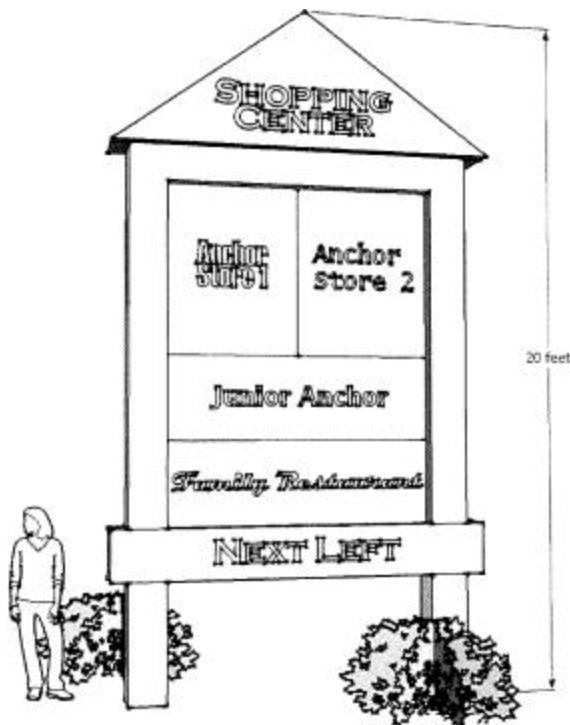


Figure 14.38-VI Off-Site Sign

(g) Informational/directional signs mean signs within a commercial or business park development that convey information; indicate the name of a particular use, such as "pharmacy" or "lumber"; and provide direction to specific uses such as "drive-through" or "exit," but do not contain specific advertising, except for building directories.

- (1) Attached signs are limited to a maximum of two percent of the building facade or leased storefront area.
- (2) Freestanding signs are limited to a maximum of four square feet.
- (3) Building directories are limited to a maximum of 10 square feet for the purpose of identifying upper floor tenants or first floor tenants that do not have outside building frontage adjacent to the entrance for such businesses.
- (4) Primary restaurant menu signs are limited to a maximum of 32 square feet and secondary menu signs are limited to a maximum of 12 square feet. Only one menu sign of each type is allowed per business. Menu signs are subject to the design requirements for freestanding signs.

(h) Sign Modifications. To provide flexibility, the City will consider modifications to the sign regulations for signs that display outstanding design elements per the requirements of Section [14.68.124](#).

(i) Legal Nonconforming Signs.

- (1) All legally existing signs at the time of the adoption of the ordinance codified in this chapter that are not in compliance with the requirements of this chapter are nonconforming signs. The burden of establishing a sign's legal status, under this chapter, is the responsibility of the sign or business owner.
- (2) Legal nonconforming signs are subject to the requirements of Section [14.68.150](#) (Nonconforming Signs).
- (3) Violations. Any violation of this chapter shall terminate immediately the right to maintain a legal nonconforming sign. (Ord. 903, Sec. 27, 2013; Ord. 876, Sec. 5 (Exh. 3), 2012)

14.38.110 Design Standards and Guidelines.

All development within the subarea districts shall comply with the adopted Subarea Design Guidelines. (Ord. 876, Sec. 5 (Exh. 3), 2012)

14.38.120 Planned Action and Mitigation.

(a) Purpose. The purpose of this chapter is to:

- (1) Designate areas and land uses that qualify as a planned action for purposes of environmental review of subsequent implementing projects pursuant to the State Environmental Policy Act (SEPA), Chapter [43.21C](#) RCW;
- (2) Establish criteria and procedures to determine whether projects qualify as planned actions;
- (3) Streamline and expedite the land use review and approval process by relying on the environmental impact statement (EIS) completed for the planned action, including draft and final EIS; and
- (4) Apply the City's development regulations together with the mitigation measures described in the EIS, planned action ordinance and this chapter to address the impacts of future development contemplated by the planned action.

(b) Planned Action Procedures.

- (1) Planned Action Area. The planned action designation shall apply to those areas, identified on the Official Zoning Map, and according to the individual adopting ordinances. Each area has specific development thresholds that will be reviewed and documented for the appropriate area:
 - (i) The Lake Stevens Center Subarea; and

(ii) The 20th Street SE Corridor Subarea.

(2) Environmental Document. A planned action determination for a qualifying project shall be based on the environmental analysis contained in the applicable planned action EIS, as published or hereafter revised, for the areas identified in subsections (b)(1)(i) and (ii) of this section.

(3) Planned Action Designated. Land uses and activities described in the applicable planned action EIS, subject to the thresholds described in subsection (c) of this section and the mitigation measures contained in subsection (d) of this section, are designated planned actions or planned action projects pursuant to Chapter [43.21C](#) RCW.

(4) Pre-Application Conference. Applications for a planned action certification require a pre-application conference with City staff pursuant to Section [14.16A.220](#)(d).

(5) Public Notice. Public notice requirements for qualifying projects are considered Type II permits pursuant to Section [14.16B.225](#). Notice shall be mailed or otherwise verifiably provided to:

(i) All affected federally recognized tribal governments; and

(ii) Agencies with jurisdiction over the future development anticipated for the planned action.

The notice shall state that the project has qualified as a planned action. Other notice may be required for the underlying permit.

(c) Development Thresholds.

Table 14.38-VI Planned Action Development

Thresholds

	Lake Stevens Center	20th Street SE Corridor
Land Use		
Retail and Services	150,000 gross sq. ft.	450,000 gross sq. ft.
Office/Employment	150,000 gross sq. ft.	1.25 million gross sq. ft.

Residential	200 dwelling units	1,000 dwelling units
Transportation (PM peak hour)		
Total Trips	915	3,441

(d) Mitigation Measures.

- (1) The specific mitigation measures identified for the Lake Stevens Center Subarea are contained in Exhibit B of Ord No. 877.
- (2) The specific mitigation measures identified for the 20th Street SE Corridor Subarea are contained in Exhibit B of Ord No. 878.

(e) Planned Action Review Criteria.

- (1) The SEPA Responsible Official will designate applications that meet the following criteria as qualifying projects, pursuant to Chapter [43.21C](#) RCW, WAC [197-11-164](#), and this chapter when the project meets the following criteria:
 - (i) The proposal is located within a planned action area as identified on the Official Zoning Map;
 - (ii) The proposal is consistent with the City of Lake Stevens Comprehensive Plan and the applicable subarea plan;
 - (iii) The proposed uses and activities are consistent with those described in the planned action EIS and zoning requirements of Section [14.38.020](#);
 - (iv) The proposal is consistent with the cumulative planned action thresholds identified in Table 14.38-VI of subsection (c) of this section;
 - (v) The proposal's significant adverse environmental impacts have been identified in the planned action EIS;
 - (vi) The proposal's significant impacts have been mitigated by application of the measures identified in subsection (d) of this section, and other applicable City regulations, together with any modifications, variances, or special permits that may be required;
 - (vii) The proposal complies with all applicable local, state and/or federal laws and regulations and the SEPA Responsible Official determines that these constitute adequate mitigation; and

(viii) The proposal is not an essential public facility as defined by RCW [36.70A.200](#)(1) and Section [14.16C.060](#), except as permitted by Chapter [43.21C](#) RCW.

(2) The City shall base its decision on review of a SEPA checklist, or an alternative form, adopted pursuant to Chapter [43.21C](#) RCW, and review of the application and supporting documentation.

(f) Effect of Planned Action.

(1) Upon determination by the SEPA Responsible Official that the proposal qualifies as a planned action, in accordance with this chapter, the proposal shall not require a SEPA threshold determination or be subject to further environmental review pursuant to SEPA.

(i) Following this determination, the City will provide the applicant with written certification that their project qualifies as a planned action project and that it is subject to the final conditions of project approval.

(2) Projects that create a substantial change in the type or degree of impacts analyzed in the planned action EIS would not qualify as a planned action.

(3) Should environmental conditions change significantly from those analyzed in the planned action EIS, the SEPA Responsible Official may determine that the planned action designation is not applicable until:

(i) The applicant provides supplemental environmental review limited to those issues and environmental impacts not previously addressed or that are inconsistent with the planned action EIS; or

(ii) The applicant undergoes a separate SEPA review consistent with the City's SEPA regulations and the requirements of state law.

(g) Monitoring and Review.

(1) The City will monitor development progress in the designated planned action area to ensure it is consistent with the applicable planned action EIS regarding the type and amount of development and associated impacts, and with the mitigation measures and improvements planned for the individual subareas.

(2) The SEPA Responsible Official shall review the planned action ordinance no later than five years from its effective date to determine the continuing relevance of its assumptions and findings with respect to environmental conditions in the planned action areas, the probable impacts of

development, and required mitigation measures. Based on this review, the City may amend, addend, or supplement the planned action ordinance and/or EIS.

(3) If, during monitoring, a project proposal, within the planned action area, is nearing the development thresholds or full build-out capacity identified in the planned action EIS, the SEPA Responsible Official shall determine if the planned action ordinance and/or EIS warrant amendments, addenda, or supplemental analysis. (Ord. 876, Sec. 5 (Exh. 3), 2012)

Chapter 14.44 SUPPLEMENTARY USE REGULATIONS

Sections:

Part I. General Provisions

- [14.44.010](#) Mixed Use
- [14.44.015](#) Residential Transition in the Central Business District
- [14.44.020](#) Planned Residential Developments
- [14.44.030](#) Development within Adopted Subareas
- [14.44.035](#) Cottage Housing Developments
- [14.44.040](#) Temporary Emergency, Construction, or Repair Residences
- [14.44.044](#) *Repealed*
- [14.44.048](#) Temporary Public Structures
- [14.44.050](#) *Repealed*
- [14.44.060](#) *Repealed*
- [14.44.064](#) Tourist Homes
- [14.44.065](#) Accessory Apartment in Industrial Zones
- [14.44.070](#) *Repealed*
- [14.44.074](#) Over- and In-Water Structures (Docks, Boathouses, Etc.)
- [14.44.075](#) Farm Animals
- [14.44.080](#) Mobile Sales and Delivery
- [14.44.085](#) *Repealed*
- [14.44.090](#) Planned Business District
- [14.44.095](#) Neighborhood Commercial
- [14.44.097](#) Marijuana Facilities

Part II. Grading, Filling, and Excavation

- [14.44.100](#) Grading and Clearing Permits
- [14.44.110](#) Restrictions and Requirements
- [14.44.120](#) Drainage Impacts
- [14.44.130](#) Top Soil

Part III. Manufacturing/Processing Performance Standards

- [14.44.200](#) *[Intentionally Blank]*
- [14.44.210](#) Noise
- [14.44.220](#) Vibration
- [14.44.230](#) Odors

- [14.44.240](#) Smoke and Air Pollution
- [14.44.250](#) Disposal of Liquid and Hazardous Wastes
- [14.44.260](#) Water Consumption
- [14.44.270](#) Electrical Disturbance or Interference

Part IV. Design

- [14.44.300](#) *Repealed*
- [14.44.310](#) *Repealed*
- [14.44.320](#) Diversity within Planned Residential Districts
- [14.44.330](#) Location of Parking in Multifamily Structures
- [14.44.340](#) Site Design in the Central Business and Mixed Use Districts
- [14.44.350](#) Drive-Through Windows
- [14.44.360](#) Wireless Communication Towers and Antennas
- [14.44.370](#) *Repealed*
- [14.44.380](#) *Repealed*
- [14.44.390](#) *Repealed*
- [14.44.400](#) Sales of Food from Stationary Motor Vehicles on City-Owned Property
- [14.44.410](#) Sales of Food from Stationary Motor Vehicles on Property Not Owned by the City
- [14.44.420](#) Fence Permit Required

Part V. Multifamily Apartments Annexed into the City

- [14.44.500](#) Authority
- [14.44.510](#) Conditional Use Permit Required
- [14.44.520](#) Additional Requirements

Part I. General Provisions

14.44.010 Mixed Use.

(a) Where new structures or the addition of more than 50 percent of the existing floor area is proposed within any 12-month period, a mix of uses in the following configuration is required:

- (1) One-story structures: residential uses not allowed.
- (2) Two-Story Structures.
 - (i) First floor: residential uses not allowed.
 - (ii) Second floor: residential and nonresidential uses allowed.

(3) Three-Story and Larger Structures.

- (i) First floor: residential uses not allowed.
- (ii) Second floor: residential and nonresidential uses allowed.
- (iii) Third floor and higher: only residential uses allowed.

(b) Cottage housing developments shall be permitted in the Mixed Use zone if proposed as part of the overall development concept, which includes one or more commercial uses, and each commercial use is built before or at the same time as the cottage housing development portion of the site. A minimum of 50 percent of the total square footage of the site shall be developed in mixed use. (Ord. 798, Sec. 4, 2009; Ord. 676, Sec. 30, 2003; Ord. 662, Sec. 2, 2002; Ord. 468, 1995)

14.44.015 Residential Transition in the Central Business District.

Residential uses may be located in the Central Business District without being located over a permitted nonresidential use if the following criteria are met:

- (a) The property is located on the perimeter of the CBD and the abutting property is zoned Multi-Family Residential. For the purpose of this subsection, properties that are separated by a public right-of-way are not considered to be abutting.
- (b) The residential development is a part of a master site plan approved by the City, which may involve one lot or more. The commercial element of the plan must be developed within the boundaries of the master site plan concurrently with, or prior to the construction of single use residential structures. The process for the specified land use permit shall be used for approval of the master site plan.
- (c) The total area of the footprint(s) of the single-use residential building(s) shall not exceed the total area of the footprint(s) of the new commercial building(s) at any time.
- (d) All portions of the single-use residential buildings are within 100 feet of the perimeter of the Central Business Distinct boundary.
- (e) The commercial buildings front along at least 60 percent of the abutting public rights-of-way.
- (f) The free standing residential buildings do not front along more than 25 percent of the abutting public rights-of-way. (Ord. 588, 1998)

14.44.020 Planned Residential Developments.

It is intended that a PRD will: result in a residential environment of higher quality than traditional lot-by-lot development by being held to higher standards of design of buildings, parks, open space, landscaping,

roadways, entrance and other project features; provide flexibility to the property owners; protect critical areas and significant stands of trees; encourage a variety or mixture of housing types; and encourage compatibility of the development with the surrounding neighborhood. In addition to meeting the other relevant requirements of this title, planned residential developments (PRDs) must comply with the following:

- (a) The PRD may only be located on tracts of at least five acres within a Suburban Residential, Urban Residential, High Urban Residential, or Multi-Family Residential zoning district.
- (b) The gross density of a PRD shall not exceed the allowable density specified in Section [14.48.010](#).
- (c) Permissible types of residential uses within a PRD include single-family detached dwellings (use classification 1.111), single-family attached (1.130), two-family residences (1.200), and multifamily residences (1.300) regardless of the underlying zone.
- (d) In the SR and UR zones the developer may create lots and construct buildings with reduced lot size, width, or setback restrictions, except that:
 - (1) In the SR zone, perimeter lots must have a minimum area of 7,500 square feet and width of 60 feet, and in the UR zone, perimeter lots must have a minimum area of 6,000 square feet and width of 45 feet.
 - (2) At least 50 percent of the total number of dwelling units must be single-family detached residences on lots of at least 6,000 square feet in all zones except for the Multi-Family Residential.
 - (3) Comply with the fire protection requirements of the International Building Code (IBC) and the International Fire Code (IFC). Additional fire protection is required by these rules when setbacks are reduced below the standard five feet.
 - (4) Setback requirements of the underlying zone shall apply for all property lines located on the perimeter of the PRD.
 - (5) Each lot must be of a size and shape to contain the proposed improvements.
 - (6) The lots are designed so that homes can be constructed at least 15 feet from any environmentally critical area buffer.
 - (7) In providing additional amenity pursuant to subsection (h) of this section, priority shall be given to maintaining native areas in a natural condition.
 - (8) Homes shall be designed so as to minimize the visual impact of garages and automobiles from the streets and sidewalks through either:

- (i) Providing alleys which provide access to the garage at the rear of the lot; or
- (ii) Locate the garage at least 20 feet behind the front of the house; or
- (iii) Locate the garage at least five feet behind the front of the house, with the combined width of garage doors no wider than 18 feet or 50 percent of the width of the front of the house (including garage), whichever is less.

(e) The design of a PRD, including site layout, landscaping, public facilities (e.g., storm drainage, parks, streets, etc.) and building design shall be subject to Design Review Board (DRB) approval and shall meet the City's adopted Development Design Guidelines. In lieu of the DRB approving each SFR structure, the applicant may propose project-specific design guidelines, in which case the DRB may approve the guidelines, to be implemented administratively by the Department of Planning and Community Development. Where authority is granted by the DRB to staff to review individual single-family residential structures, the DRB shall be the arbiter between the applicant and staff.

(f) When located in the SR, UR or HUR zone, multifamily portions of a PRD shall be developed more toward the interior rather than the periphery of the tract so that only single-family detached residences border adjacent properties and roads.

(g) Type A screening (Chapter 14.76) shall apply to the exterior boundaries of the PRD, but are not required between uses within the PRD.

(h) When creating a PRD, the applicant must improve 10 percent of the site with common amenities, in addition to the open space requirements. The amenities can include, but are not limited to, additional usable open space area, landscaped entries into the project (in addition to the standard roadway dedication and landscaping requirements), landscape islands in the center of roads, special treatment of roads (such as concrete pavers), protection of significant clusters of trees, or other amenities as may be appropriate. Common amenities do not include protected critical areas and their buffers, unless passive recreation is provided within the buffer areas. In such case, credit for trails will be given at a rate of 10 square feet for each lineal foot of trail, 10 square feet for each park bench and five square feet for each interpretive sign. Park space will be given credit towards meeting this requirement only when it meets the criteria for dedication contained in Chapter [14.120](#).

(i) Protected critical areas and significant stands of trees will be used as an amenity to the project through such techniques as providing pervious trails and benches in buffers and significant stands of trees, orienting buildings to create views, and any other technique to provide visual and physical access. (Ord. 903, Sec. 31, 2013; Ord. 746, Sec. 5, 2007; Ord. 741, Sec. 6, 2007; Ord. 639, Sec. 3, 2001; Ord. 579, 1998; Ord. 501, Sec. 9, 1995; Ord. 468, 1995)

14.44.030 Development within Adopted Subareas.

Developments within adopted subareas are subject to the regulations found in the standard municipal code requirements of this title, except when modified by subarea specific regulations in Chapter [14.38](#). (Ord. 876, Sec. 20, 2012)

14.44.035 Cottage Housing Developments.

Cottage housing developments (Chapter 14.46) shall be permitted only in the following residential zoning districts: Suburban Residential, Waterfront Residential, Urban Residential, and High Urban Residential.

Cottage housing developments shall also be permitted in the Mixed Use zone if proposed as part of the overall development concept, which includes one or more commercial uses, and if each commercial use is built before or at the same time as the cottage housing development portion of the site. Cottage housing developments shall also be permitted in the Planned Business District to serve as a buffer between adjacent higher and lower density uses that are included in the master development plan. (Ord. 798, Sec. 5, 2009)

14.44.040 Temporary Emergency, Construction, or Repair Residences.

- (a) Temporary residences used on construction sites of nonresidential premises shall be removed immediately upon the completion of the project.
- (b) Permits for temporary residences to be occupied pending the construction, repair, or renovation of the permanent residential building on a site shall expire within six months after the date of issuance, except that the Planning Director may renew such permit for one additional period not to exceed three months if he determines that such renewal is reasonably necessary to allow the proposed occupants of the permanent residential building to complete the construction, repair, renovation, or restoration work necessary to make such building habitable.
- (c) When sudden, unforeseen damage occurs to a residence making it uninhabitable, thus necessitating occupancy in a temporary residence, occupancy may occur immediately provided an application for the temporary use permit is made within seven days from the first day of occupancy in the temporary residence. (Ord. 676, Sec. 31, 2003; Ord. 468, 1995)

14.44.044 Recreational Vehicles as Temporary Dwelling Units.

Repealed by Ord. 811. (Ord. 676, Sec. 32, 2003; Ord. 468, 1995)

14.44.048 Temporary Public Structures.

Public agencies may erect and use temporary structures (e.g., portable school classrooms, civic uses, emergency command centers, health and social services centers, etc.) upon demonstrating that such a use is in the public benefit and that the use is temporary in nature. Permits for temporary public structures shall expire one year after issuance, but may be renewed annually by the Planning Director upon demonstration of demonstrated public benefit. (Ord. 468, 1995)

14.44.050 Events.

Repealed by Ord. 811. (Ord. 821, Sec. 7, 2009; Ord. 676, Sec. 33, 2003; Ord. 468, 1995)

14.44.060 Class “A,” “B,” or “C” Mobile Homes.

Repealed by Ord. 811. (Ord. 468, 1995)

14.44.064 Tourist Homes.

All tourist homes shall comply with the following standards:

- (a) Only one tourist home is allowed per site and shall be operated by the owner of the property, who shall live on site.
- (b) When located in residential zones, outward appearances of the tourist home shall be of a single-family residential structure.
- (c) The tourist home shall be owner-occupied.
- (d) Guests stay shall be limited to 10 consecutive days and a total of 30 days in any one calendar year.
- (e) In a single-family residential district, the number of rooms that may be rented shall not exceed five, or the area of said rooms shall not exceed 25 percent of the gross floor area of the house, whichever is less.
- (f) Meals provided shall be made available only to overnight guests.
- (g) In single-family residential zones, accessory buildings shall be limited to those customarily found at single-family residences.
- (h) No business activity other than providing a room and meals shall be allowed on the site. (Ord. 590, 1998)

14.44.065 Accessory Apartment in Industrial Zones.

Any accessory apartments permitted in the Light or General Industrial Zone pursuant to Use Class 1.117 shall meet the following standards:

- (a) The total number of accessory dwellings on a site shall not exceed one.
- (b) The gross floor area of an accessory apartment site shall not exceed 1,000 square feet.
- (c) The accessory apartment shall be integrated into a larger building which also houses activities for the principally permitted use.
- (d) The apartment use shall not enjoy the protection of the Manufacturing and Processing Performance Standards as contained in Part III of Chapter [14.40](#). (Ord. 606, 1999)

14.44.070 Uses Within Commercial Recreational Districts to Be Compatible with Regional Recreation Facilities.

Repealed by Ord. 811.

14.44.074 Over- and In-Water Structures (Docks, Boathouses, Etc.).

(a) It is unlawful to erect or construct any building or structure, except for docks, outward from the shores of Lake Stevens. This section shall not prohibit the construction or maintenance of docks, or maintenance of existing boathouses built upon piling, or floating docks, provided the same have been constructed or maintained in accordance with a lawful permit or have legal nonconforming status.

(b) All private docks shall meet the following standards:

(1) Maximum Length. No permit may be issued for a private dock that extends beyond an imaginary line drawn between the two most adjacent legally existing docks within 300 feet on either side of the proposed dock. If no legal docks exist within 300 feet of either side of the proposed dock, then the maximum length of the dock shall be 50 feet.

(2) Maximum Height of Decking. The maximum height of private docks shall be 30 inches above the mean high water mark.

(3) Maximum Height of Hand Railings. The maximum height of hand railings on private docks shall be 36 inches.

(4) Minimum Side Yard Requirements. See Section [14.48.040](#) (Building Setback Requirements).

(c) All public docks shall meet the following standards

(1) Maximum Length. No permit may be issued for a public dock that extends beyond the shore more than 150 feet.

(2) Maximum Height of Decking. The maximum height of private docks shall be 30 inches above the mean high water mark.

(3) Maximum Height of Hand Railings. The maximum height of hand railings on public docks shall be 42 inches.

(4) Minimum Side Yard Requirements. See Section [14.48.040](#) (Building Setback Requirements).
(Ord. 590, 1998; Ord. 468, 1995)

14.44.075 Farm Animals.

Farm animals are permitted in residential zoning districts, provided the following standards are met:

- (a) The keeping of animals complies with the animal regulations contained in Title [5](#) of the Lake Stevens Municipal Code.
- (b) Farm animals may be kept only on lots of two and one-half acres or larger except small farm animals such as rabbits, fowl, and household pets (including pot-belly pigs) may be kept on residential lots of any size, provided they are kept in a manner so as not to constitute a nuisance pursuant to Chapter [9.60](#) (Nuisance Activity).
- (c) Farm animals may be kept only for the personal use, whether it be for recreational, personal enjoyment, social and educational purposes or food production. Keeping of animals for commercial purposes is prohibited in residential zones, except where specifically allowed pursuant to Table 14.40-I.
- (d) Farm animals must be kept a minimum of 50 feet from any stream buffer or wetland buffer. (Ord. 903, Sec. 32, 2013; Ord. 607, Sec. 2, 1999; Ord. 468, 1995)

14.44.080 Mobile Sales and Delivery.

Mobile sales and delivery (Class 2.300 uses) is permitted in all zones. Review will occur annually in conjunction with a business license renewal. (Ord. 811, Sec. 43, 2010; Ord. 468, 1995)

14.44.085 Motor Vehicle Sales in the Central Business District.

Repealed by Ord. 903. (Ord. 682, 2004)

14.44.090 Planned Business District.

- (a) The Planned Business District is designed to accommodate commercial or mixed use development on sites containing sensitive resources or other sites where, due to property-specific circumstances, detailed planning would benefit all property owners involved as well as the public by allowing for comprehensive site planning and a transfer of densities among parcels in order to avoid impacts to sensitive resources.
- (b) Development of all contiguous properties within a Planned Business District shall be in conformance with a master development plan developed for each of the Planned Business Districts in conformance with subsection (g) of this section. A master development plan is an area plan adopted by the City Council, which includes single and/or multiple ownerships of parcel(s) that relate through common objectives and design elements. The boundaries of the master development plan shall be an area generally delineated by principal/intermediate/minor arterial/collector streets within the PBD Zone.
- (c) The master development plan shall not create a contract or be considered as absolutely binding upon the City or adjacent owners as to future development of adjacent land (unless so specified in a separate development agreement), but shall be used as a guide to landowners, developers, and the City.

- (d) If a master development plan has not been adopted, property owners may request grading or building permits for existing or accessory structures. No new residential structures are allowed unless allowed as a permissible use pursuant to Chapter [14.40](#).
- (e) The master development plan for any Planned Business District may be developed either by an applicant or group of applicants working collectively or by the City. However, the City is not obligated to do so.
- (f) The master development plan shall be processed (and amended) as a conditional use permit. However, once a master development plan is adopted for a Planned Business District, all subsequent individual permitted uses shall be permitted through a site plan review and subsequent building permits and shall be consistent with the master development plan.
- (g) Master development plans shall address the following:
 - (1) Site Design. A site plan for the entire Planned Business District shall be developed, indicating where the various land uses and the below listed elements will be located.
 - (2) Permitted Uses. Individual residential uses consistent with Table 14.40-I may be allowed when:
 - (i) An economic analysis is submitted with the master development plan application, supporting the change or mix of commercial and/or nonresidential uses and the increased need for residential development within the immediate area of the Planned Business District. The analysis, at a minimum, shall demonstrate that the potential commercial components being replaced by residential uses do not diminish the City's overall economic viability as set forth in the goals, policies, and strategies of the Comprehensive Plan; and
 - (ii) The uses proposed in the master development plan include at least five percent commercial and/or civic uses based on the total square footage of the use structure. If the exact residential square footage is not known at the time of application for the master development plan, the applicant may use 1,500 per residential unit square footage factor to calculate the required commercial and/or civic use component; and
 - (iii) The residential development is proposed at a minimum of three dwelling units per acre on the site area allocated to the residential uses. A single-family residence may be permitted on sites where the property qualifies for a reasonable use provision pursuant to Sections [14.88.900](#) through [14.88.950](#). Development rights only shall be calculated using a base of three dwelling units per acre and may only be transferred to other sites within the same PBD master development plan area; and
 - (iv) Multifamily apartments shall be limited to 75 percent of the total residential uses on site. This provision does not apply to mixed use structures.

- (3) Transportation and Circulation. The layout and design of all streets, rights-of-way, parking, ingress and egress, and mass transit facilities for the entire Planned Business District shall be provided.
- (4) Utilities. The layout and design of all major utility facilities, including stations, main pipes, and detention facilities shall be provided.
- (5) Recreational and Cultural Facilities. At least 10 percent of the portions of a Planned Business District that are not within sensitive areas or buffers shall be developed as usable open space. Such open space may be comprised of park space, public or private porches and patios, public trails, art facilities, or other similar uses which are intended to provide opportunities for recreational, cultural, or personal experiences.
- (6) Critical Areas. All critical areas shall be identified and protected in conformance with Chapter [14.88](#) (Critical Areas). A protection and mitigation program for the entire site may be developed; provided, that mitigation for approved impacts shall be required at the time of the impact, regardless of whether the impact is located on the same parcel as the mitigation.
- (7) Design. A master design concept shall be developed in conformance with the City's development design guidelines, addressing architecture, massing, signage, streetscape, street furniture, etc. All development within the Planned Business District shall then need to conform to the design concept. Innovative design concepts may be considered and approved pursuant to the design review process in Section [14.16C.050\(f\)](#), when the applicant demonstrates the overall design complies with the City's Comprehensive Plan goals and policies. Design concepts and requirements may be administered through the master development plan and subsequent site plan review.
- (8) Landscaping. A landscaping concept shall be developed addressing plant species, design, installation, and maintenance. (Ord. 811, Sec. 44, 2010; Ord. 798, Sec. 6, 2009; Ord. 797, Sec. 5, 2009; Ord. 744, Sec. 4, 2007; Ord. 676, Sec. 34, 2003; Ord. 468, 1995)

14.44.095 Neighborhood Commercial.

- (a) A property may be rezoned to Neighborhood Commercial if and only if it meets the following criteria:

- (1) Neighborhood Commercial zones shall be located on an intersection of two public rights-of-way, one of which must have a roadway classification of arterial or greater.
- (2) No more than one acre of contiguous land may be zoned Neighborhood Commercial at any intersection.

(3) No property may be zoned Neighborhood Commercial within a one-half mile radius of any other property so zoned, unless it is contiguous to the already zoned property and does not cause the total area of property so zoned to exceed one acre.

(b) Development and land use within the Neighborhood Commercial zones shall comply with the following:

- (1) Retail sales by dispensing of gasoline, diesel fuel and refillable propane is prohibited.
- (2) Interior illuminated signs and freestanding signs are prohibited.
- (3) The building design shall incorporate features common to the surrounding residential areas such as pitched roofs, natural materials, and detailing.
- (4) Hours of operation shall cease between 10:00 p.m. and 6:00 a.m. (Ord. 662, Sec. 3, 2002; Ord. 468, 1995)

14.44.097 Marijuana Facilities.

Marijuana facilities shall meet the following development standards:

- (a) All facilities must be State-licensed and comply with all requirements of State law and the Washington State Liquor and Cannabis Board's regulations for State-licensed marijuana facilities.
- (b) No marijuana facility shall be allowed as a home occupation.
- (c) No marijuana cooperative is allowed.
- (d) In the event of any inconsistency between this section and the definitions in State law, the definitions set forth in RCW [69.50.101](#) to [69.50.102](#), WAC [314-55-010](#) and Section [14.08.010](#) shall control.
- (e) Location.
 - (1) Marijuana retailers and marijuana processing facilities shall be located within a permanent structure designed to comply with the City building code and constructed under a building/tenant improvement permit from the City regardless of the size or configuration of the structure.
 - (2) A marijuana production facility shall be located within a fully enclosed secure indoor facility or greenhouse with rigid walls, a roof and doors designed to comply with the City building code and constructed under a building/tenant improvement permit from the City regardless of the size or configuration of the structure.
 - (3) Marijuana facilities shall not be located in mobile or temporary structures.

(4) No State-licensed marijuana facility shall be located within 1,000 feet of the perimeter of a parcel which has at least one of the land uses listed below:

- (i) Elementary or secondary school (public or private);
- (ii) Playground;
- (iii) Recreation center or facility;
- (iv) Child care center;
- (v) Public park;
- (vi) Public transit center;
- (vii) Library;
- (viii) Any game arcade which allows admissions to persons less than 21 years of age.

(f) Size and Number.

(1) State-licensed marijuana producers will be limited in size to Tier 2 production facilities, pursuant to WAC [314-55-075](#).

(2) The maximum amount of space allotted for State-licensed marijuana production will be limited to 70,000 square feet Citywide.

(3) A marijuana retailer will be limited in size to 1,000 total square feet or less including sales, storage, office and other incidental spaces.

(4) The total number of marijuana retailers shall be one.

(g) No production, processing or delivery of marijuana may be visible to the public nor may it be visible through windows.

(h) All fertilizers, chemicals, gases and hazardous materials shall be handled in compliance with all applicable local, State and Federal regulations. No fertilizers, chemicals, gases or hazardous materials shall be allowed to enter a sanitary sewer or stormwater sewer system nor be released into the atmosphere outside of the structure where the facility is located.

(i) No odors shall be allowed to migrate beyond the interior portion of the structure where a marijuana facility is located. Applicants must demonstrate that adequate odor control exists on site prior to certificate of occupancy.

(j) A City of Lake Stevens business license pursuant to Chapter [4.04](#) and a State license pursuant to Chapter [314-55](#) WAC shall be obtained prior to the start of facility operations.

(k) All marijuana facilities shall comply with Chapter [19.27](#) RCW, State Building Code Act and Chapter [14.80](#), Building and Construction. Appropriate permits shall be obtained for all changes of use, tenant improvements, mechanical system improvements, electrical upgrades and similar work.

(l) A State-licensed marijuana retail facility may have one sign, limited to 1,600 square inches (11.11 square feet), identifying the retail outlet by the licensee's business name or trade name, affixed or hanging in the windows or on the outside of the premises visible to the general public from the public right-of-way, subject to issuance of a sign permit pursuant to Chapter [14.68](#). (Ord. 958, Sec. 4, 2016; Ord. 908, Sec. 8, 2014)

(See new code section 14.50) Part II. Grading, Filling, and Excavation

14.44.100 Grading and Clearing Permits.

~~(a) This section identifies when permits are necessary to engage in grading and clearing activities. Activities exempt from such permits are still required to comply with the standards contained in Section 14.44.110.~~

~~(b) An administrative conditional use permit shall be required for any grading, excavation or filling on a lot that exceeds the 100 cubic yards threshold level within any 12-month period.~~

~~(c) Projects which do not meet the threshold for a permit as identified in subsection (b) of this section will be required to obtain a grading permit if one or more of the following apply:~~

~~(1) The grading will result an increase in impervious surface area in the amount of five percent of the lot area or 2,000 square feet, whichever is less.~~

~~(2) The grading will redirect stormwater from 5,000 square feet or more of drainage area so that it is released onto adjacent properties in a concentrated manner and in the opinion of the Public Works Director may potentially impact those properties.~~

~~(3) The grading alters, redirects, or impedes natural watercourses or man made drainage channels.~~

~~(4) Grading of 10 yards or more occurs within five feet of the site's property lines.~~

~~(5) Finished slopes will exceed a ratio of 2:1 (horizontal to vertical).~~

~~(6) A retaining wall of three feet or higher is to be built.~~

~~(7) Grading is proposed within the boundaries of any drainage, access or utility easements.~~

(d) Planning Director approval or an administrative conditional use permit is required for any clearing of 10,000 square feet or more within any 12-month period, except that removal of any vegetation from wetlands, streams or their buffers may not occur without prior approval from the Planning Director, in which case removal shall be in compliance with Chapter 14.88 LSCM.

(e) For the purpose of determining the area being cleared pursuant to subsection (c) of this section, the following standards shall apply:

(1) Areas in which grasses and ground cover are mowed or trees and shrubs are trimmed shall not be counted as areas being cleared, unless such actions are to such an extent that they effectively kill the vegetation being mowed or trimmed, or if the areas are located within a wetland, a stream, or its buffers.

(2) When clearing consists of removing trees but not the vegetation under or around the trees, for each tree removed the area considered to be cleared shall be the area covered by the tree's canopy at its widest. This is represented mathematically as follows: $3.14 \times r^2$, where r equals the radius of the tree canopy at its widest. (Ord. 811, Sec. 45, 2010; Ord. 676, Sec. 35, 2003; Ord. 666, 2002; Ord. 639, Sec. 3, 2001; Ord. 468, 1995)

14.44.110 Restrictions and Requirements.

All clearing, grading, filling, and excavation, regardless of whether or not a permit is required, is subject to the following requirements:

(a) No clearing, grading, filling, or excavation is allowed in a critical area and its buffers where such activities are prohibited by Chapter 14.88.

(b) For single family and duplex lots, no grading shall be allowed which results in the impervious surface area of the lot to exceed 40 percent of the total lot area. If the lot has 40 percent or more impervious surface area prior to grading, no additional impervious surface area is allowed, except as authorized by Section 14.48.055.

(c) No clearing, grading, filling, or excavation, except that necessary for essential repairs of permitted private structures or construction of public infrastructure or facilities, is permitted outward from the shores of Lake Stevens.

(d) Adequate temporary erosion and sedimentation control (TESC) measures shall be approved and installed per Chapter 14.64 (Special Flood Hazard Areas, Drainage, and Erosion) prior to any disturbance of soils.

(e) All disturbed areas shall be hydro-seeded and mulched, sodded, or otherwise protected within 48 hours of disturbance.

(f) All potentially impacted critical areas and their buffers shall be delimited with a construction limits fence prior to any disturbance of the soil.

(g) The applicant shall present to the City a valid NPDES permit, where required, prior to any disturbance of soil.

(h) Environmental review of grading associated with site development may be done concurrently with the environmental review of the project (e.g., preliminary plat, land use permit, or building permit), allowing for grading for public improvements to be permitted by approval of the construction drawings. However, the application shall specifically state that grading is a part of the application, and the permit shall specifically state what grading is permitted, or the grading shall not be considered permitted.

(i) During the below listed dates all grading and clearing shall be phased as follows:

(1) For grading activity not associated with a plat, between October 1st and March 31st no more than one fourth acre, or 50 cubic yards of soil, whichever represents the least amount of soil, may be moved or graded at any one time before that portion of the project is closed up per subsection (d) of this section.

(2) Between October 1st and March 31st, grading of individual building lots in a plat shall be phased, with no more than 10 lots being graded in a plat at any one time. Before additional lots can be graded, the previously graded lots shall be hydro-seeded and mulched, sodded, or otherwise protected.

(j) Clearing activities of 10,000 square feet or more in any 12 month period shall comply with the retention and protection of large tree requirements as contained in Section 14.76.120. Replacement trees shall be located in such a manner they will not be disturbed when the site develops in the future. In addition, no more than 10 percent of significant trees or 50 percent of all trees on a site may be removed unless and until it is done as part of a plan which has received the appropriate land use permit(s) from the City. The applicant shall include a conceptual plan showing how the protected trees will be able to be retained at the time of site development. (Ord. 947, Sec. 2, 2015; Ord. 903, Sec. 34, 2013; Ord. 666, 2002; Ord. 639, Sec. 3, 2001; Ord. 590, 1998; Ord. 468, 1995)

14.44.120 Drainage Impacts.

(a) No clearing or grading permit may be approved unless applicant demonstrates to the satisfaction of the Director of Public Works that the requirements of Part II of Chapter 14.64 have been met. (Ord. 676, Sec. 36, 2003; Ord. 468, 1995)

14.44.130 Top Soil.

In order to provide a suitable vegetation growth medium for final site stabilization, the following requirements shall be met prior to residential final plat approval or if on an existing lot, prior to issuance of a final inspection/certificate of occupancy:

- (a) A minimum of eight inches of top soil is to be placed in all areas not developed with impervioushard surface area.
- (b) In order to ensure a proper bond between the topsoil and subsoil, the topsoil shall be worked into the layer below for a minimum of six inches, resulting in a consistent mix of topsoil and subsoil throughout.
- (c) The topsoil shall be friable and loamy (loam, sandy loam, silt loam, sandy clay loam, clay loam).
- (d) When native topsoil is to be stockpiled and reused, the following should apply to ensure that the mycorrhizal bacterial, earthworms, and other beneficial organisms will not be destroyed.
 - (1) Topsoil is to be re-installed within four to six weeks.
 - (2) Topsoil is not to become saturated with water.
 - (3) Covers placed over the pile must first be approved by Public Works to ensure the material is breathable to allow sufficient passage of oxygen. Plastic cover is not allowed.
- (e) Stockpiling of topsoil shall comply with the following:
 - (1) The slopes of the pile shall not exceed 2:1.
 - (2) In interceptor dike with gravel outlet and silt fence shall surround all topsoil stockpiles.
 - (3) Erosion control seeding or covering with clear plastic or other mulching materials of stockpiles shall be completed with in two days (October 1st through April 30th) or seven days (May 1st through September 30th). Native topsoil stockpiles shall not be covered with plastic.
 - (4) Topsoil shall not be placed while in a frozen or muddy condition, when the subgrade is excessively wet, or when conditions exist that may otherwise be detrimental to proper grading or proposed sodding or seeding. (Ord. 639, Sec. 3, 2001)

Part III. Manufacturing/Processing Performance Standards

14.44.200 [Intentionally Blank]

14.44.210 Noise.

(a) No 4.000 classification use in any permissible business district may generate noise that tends to have an annoying or disruptive effect upon (1) uses located outside the immediate space occupied by the 4.000 use if that use is one of several located on a lot, or (2) uses located on adjacent lots.

(b) Except as provided in subsection (f) of this section, the table set forth in subsection (e) of this section establishes the maximum permissible noise levels for 4.000 classification uses in the Light Industrial and General Industrial districts. Measurements shall be taken at the boundary line of the lot where the 4.000 classification use is located, and, as indicated, the maximum permissible noise levels vary according to the zoning of the lot adjacent to the lot on which the 4.000 classification use is located.

(c) A decibel is a measure of a unit of sound pressure. Since sound waves having the same decibel level "sound" louder or softer to the human ear depending upon the frequency of the sound wave in cycles per second (i.e., whether the pitch of the sound is high or low) an A-weighted filter constructed in accordance with the specifications of the American National Standards Institute, which automatically takes account of the varying effect on the human ear of different pitches, shall be used on any sound level meter taking measurements required by this section. And accordingly, all measurements are expressed in dB(A) to reflect the use of this A-weighted filter.

(d) The standards established in the table set forth in subsection (e) of this section are expressed in terms of the equivalent sound level (Leq), which must be calculated by taking 100 instantaneous A-weighted sound levels at 10-second intervals (see the administrative guideline entitled "Guide for Noise Levels," Section F-1) and computing the Leq in accordance with the table set forth in the administrative guideline entitled "Guide for Noise Levels," Section F-2.

(e) Table 14.44-I: Maximum Permitted Sound Levels, dB(A).

Table 14.44-I: Maximum Permitted Sound Levels, dB(A)

Zoning of Lot Where 4.000 Use Located	(re: 0.0002 Microbar) Zoning of Adjacent Land				
	Residential and PND		NC, LB, CBD, MU, PBD, SRC	LI	GI
	7:00 a.m. - 9:00 p.m.	9:00 p.m. - 7:00 a.m.			
LI & GI	60	50	65	70	70

(f) Impact noises generated by sources that do not operate more than one minute in any one-hour period are permissible up to a level of 10 dB(A) in excess of the figures listed in subsection (e) of this section, except that this higher level of permissible noise shall not apply from 9:00 p.m. to 7:00 a.m. when the adjacent lot is zoned residential. The impact noise shall be measured using the fast response of the sound level meter.

(g) Noise resulting from temporary construction activity that occurs between 7:00 a.m. and 9:00 p.m. shall be exempt from the requirements of this section. (Ord. 811, Sec. 46, 2010; Ord. 590, 1998; Ord. 468, 1995)

14.44.220 Vibration.

(a) No 4.000 classification use in any permissible business district may generate any ground-transmitted vibration that is perceptible to the human sense of touch measured at (1) the outside boundary of the immediate space occupied by the enterprise generating the vibration if the enterprise is one of several located on a lot, or (2) the lot line if the enterprise generating the vibration is the only enterprise located on a lot.

(b) No 4.000 classification use in a Light Industrial or General Industrial district may generate any ground-transmitted vibration in excess of the limits set forth in subsection (e) of this section. Vibration shall be measured at any adjacent lot line or residential district line as indicated in the table set forth in subsection (d) of this section.

(c) The instrument used to measure vibrations shall be a three-component measuring system capable of simultaneous measurement of vibration in three mutually perpendicular directions.

(d) The vibration maximums set forth in subsection (e) of this section are stated in terms of particle velocity, which may be measured directly with suitable instrumentation or computed on the basis of displacement and frequency.

When computed, the following formula shall be used:

$$PV = 6.28 F \times D$$

Where:

PV = Particle velocity, inches-per-second

F = Vibration frequency, cycles-per-second

D = Single amplitude displacement of the vibration, inches.

The maximum velocity shall be the vector sum of the three components recorded.

(e) Table 14.44-II: Table of Maximum Ground-Transmitted Vibration.

Table 14.44-II: Maximum Ground-Transmitted Vibration

	Particle Velocity, Inches-Per-Second
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Zoning District	Adjacent Lot Line	Residential District
M-1	0.10	0.02
M-2	0.20	0.02

(f) The values stated in subsection (e) of this section may be multiplied by two for impact vibrations, i.e., discrete vibration pulsations not exceeding one second in duration and having a pause of at least one second between pulses.

(g) Vibrations resulting from temporary construction activity that occurs between 7:00 a.m. and 9:00 p.m. shall be exempt from the requirements of this section. (Ord. 811, Sec. 92, 2010)

14.44.230 Odors.

(a) For purposes of this section, the "odor threshold" is defined as the minimum concentration in air of a gas, vapor, or particulate matter that can be detected by the olfactory systems of a panel of five healthy observers.

(b) No 4.000 classification use in any district may generate any odor that reaches the odor threshold, measured at:

- (1) The outside boundary of the immediate space occupied by the enterprise generating the odor.
- (2) The lot line if the enterprise generating the odor is the only enterprise located on a lot.

14.44.240 Smoke and Air Pollution.

(a) Any 4.000 classification use that emits any "air contaminant" as defined in Regulations 1, 2, or 3 of the Puget Sound Clean Air Agency shall comply with applicable state standards concerning air pollution, as set forth in Regulations 1, 2, or 3 of the Puget Sound Clean Air Agency.

(b) No Planning Director approval, administrative conditional use, or conditional use permit may be issued with respect to any development covered by subsection (a) of this section until the Puget Sound Clean Air Agency has certified to the permit-issuing authority that the appropriate state permits have been received by the developer, or that the developer will be eligible to receive such permits and that the development is otherwise in compliance with applicable air pollution laws.

(Ord. 903, Sec. 35, 2013; Ord. 811, Sec. 47, 2010).

14.44.250 Disposal of Liquid and Hazardous Wastes.

(a) No 4.000 classification use in any district may discharge any waste contrary to the provisions of Chapter [70.105](#) RCW (Hazardous Waste Management) or Chapter [90.48](#) RCW (Water Pollution Control).

(b) No 4.000 classification use in any district may discharge into the City sewage treatment facilities any waste that cannot be adequately treated by biological means.

14.44.260 Water Consumption.

No 4.000 classification use shall consume and/or use water supplied by the Snohomish County Public Utility District No. 1 in a manner inconsistent with the requirements and water service policies of the Snohomish County Public Utility District No. 1.

14.44.270 Electrical Disturbance or Interference.

No 4.000 classification use may:

(a) Create any electrical disturbance that adversely affects any operations or equipment other than those of the creator of such disturbance; or

(b) Otherwise cause, create, or contribute to the interference with electronic signals (including television and radio broadcasting transmissions) to the extent that the operation of any equipment not owned by the creator of such disturbance is adversely affected.

Part IV. Design

14.44.300 Design Guidelines or Standards Adopted.

Repealed by Ord. 811. (Ord. 468, 1995)

14.44.310 Conformance with Design Guidelines or Standards.

Repealed by Ord. 811. (Ord. 797, Sec. 5, 2009; Ord. 725, Sec. 3, 2006; Ord. 676, Sec. 37, 2003; Ord. 563, Sec. 2, 1997; Ord. 501, Sec. 8, 1995; Ord. 468, 1995)

14.44.320 Diversity within Planned Residential Districts.

Within planned residential developments, no identical building elevation may be built on lots adjoining in any direction.

For the purposes of this section, streets are not considered to separate lots.

14.44.330 Location of Parking in Multifamily Structures.

For multifamily (Class 1.300) uses, in no instance shall street level parking areas be allowed within 25 feet of a public right-of-way unless it is substantially shielded from public view. (Ord. 903, Sec. 36, 2013; Ord. 676, Sec. 38, 2003; Ord. 468, 1995)

14.44.340 Site Design in the Central Business and Mixed Use Districts.

(a) In the Central Business and Mixed Use Districts, except as provided for in subsection (b) of this section, all structures shall be located adjacent to or as nearly adjacent as feasible to the sidewalk(s) falling within

adjacent public right(s)-of-way. Where a structure is recessed from the public sidewalk, a private extension of the sidewalk shall be installed so as to widen the sidewalk up to the building front.

- (b) Structures may be located internal to a lot(s) (i.e., not adjacent to a public right-of-way) when those portions adjacent to a public right-of-way are built already or concurrently built out.
- (c) Wherever feasible, buildings in the Central Business and Mixed Use Districts shall be adjoining, so as to create a continuous facade along a street. (Ord. 676, Sec. 39, 2003; Ord. 468, 1995)

14.44.350 Drive-Through Windows.

- (a) All drive-through windows and their driveways shall be designed so as to not pose a hazard to pedestrians or other vehicles. In particular, driveways and approaches to drive-through windows shall not be designed so as to cross a pedestrian way or vehicular way, except to cross a public sidewalk adjacent to a public right-of-way.
- (b) All drive-through windows and their driveways shall be screened so as to minimize visual impacts from public rights-of-way.
- (c) In the Central Business and Mixed Use Districts, realize that all structures, including those with drive-through windows, must be designed per Section [14.44.340](#), which poses certain design constraints.
- (d) If a drive-through window and/or its driveway cannot be designed to meet the intent of this section, the use of the drive-through may be denied by the permit-issuing authority. (Ord. 468, 1995)

14.44.360 Wireless Communication Towers and Antennas.

- (a) No wireless communication tower may be located within 1,000 feet of an existing or previously approved tower.
- (b) No wireless tower may be located within 1,000 feet of the shoreline of Lake Stevens.
- (c) All new towers shall be designed to reasonably accommodate future installation of a second array.
- (d) A new antenna or array placed on a previously approved tower is exempt from further land use permit approvals, provided it does not add more than 25 feet to the height of the tower.
- (e) A new antenna or array placed on an existing structure such as a water tank or building is exempt from a land use permit, provided the new antenna or array extends no higher than 25 feet above the top of the structure to which it is being added.

(f) Speculative wireless towers are prohibited. As part of the land use permit process, the applicant shall demonstrate that there is a licensed provider of telecommunication services contractually committed to using the proposed pole to provide wireless communication services.

(g) Screening of the base of the pole, including any security fences and equipment cabinets, shall be done in a manner as to blend into the site so as the screening does not to call undue attention itself. Unless otherwise required by the Federal Aviation Administration, wireless facility support structures shall be of a neutral color to minimize visibility.

(h) Should the communications element of a tower be abandoned and cease functioning for a period of one year, the tower shall be removed from the site. At the time of application, a notarized statement from the property owner shall be provided to the City and recorded against the property which affirms that:

1. The signee is the owner; and
2. He or she understands that if the use is abandoned the tower must be removed within one year; and
3. If the City takes action to enforce this rule, the property owner, heirs or successors are ultimately responsible for the removal. (Ord. 608, Sec. 3, 1999)

14.44.370 Essential Public Facilities Eligible for Common Site Review.

Repealed by Ord. 811. (Ord. 666, Sec. 6, 2002)

14.44.380 Essential Public Facilities - Development and Operating Requirements.

Repealed by Ord. 811. (Ord. 666, Sec. 7, 2002)

14.44.390 Secure Community Transition Facilities.

Repealed by Ord. 811. (Ord. 666, Sec. 7, 2002)

14.44.400 Sales of Food from Stationary Motor Vehicles on City-Owned Property.

- (a) This section applies to events which are wholly or partially located on City-owned or public property.
- (b) Sales of food from stationary motor vehicles on City-owned property is prohibited except when part of an event for which an event permit has been issued.
- (c) Management of vendors, such as vendor selection, booth location and products offered shall be the responsibility of the event sponsor, except that through the event permit process, the City may regulate the location of vendors if necessary to protect the health, safety and general welfare of the public and ensure that the event does not adversely affect the ability of the City to perform its duties and functions.

(d) The event sponsor shall be responsible to ensure that the vendors who prepare food or beverages on or off site, and who intend to sell or serve food or beverage items to the public, have the required insurance policy as recommended and required by the City's current insurance provider. Said insurance shall list the City of Lake Stevens as additional insured and will include the endorsement of said policy.

(e) The event sponsor shall be responsible to ensure that all food vendors have the necessary permits per the current Snohomish County Health District requirements or other applicable State or County regulatory agency. (Ord. 821, Sec. 8, 2009; Ord. 676, Sec. 40, 2003)

14.44.410 Sales of Food from Stationary Motor Vehicles on Property Not Owned by the City.

(a) This section applies to events which are wholly or partially located on property not owned by the City of Lake Stevens.

(b) Sales of food from stationary motor vehicles during events that are wholly or partially on property not owned by the City are prohibited except when a part of an event for which an event permit has been issued or as an accessory use pursuant to the provisions contained in Chapter [14.40](#). (Ord. 821, Sec. 9, 2009; Ord. 676, Sec. 41, 2003)

14.44.420 Fence Permit Required.

(a) A building permit shall be obtained for any new fence which exceeds six feet in height.

(b) Where allowed, fences taller than six feet shall meet the requirements of the International Building Code (IBC).

(c) The Department of Planning and Community Development shall approve a building permit for a fence if it finds that the proposed fence is consistent with Chapter [14.80](#) (Building and Construction) and:

- (1) Meets all applicable setback requirements;
- (2) Does not exceed applicable height requirements;
- (3) Does not adversely impact utility or access easements;
- (4) Does not create a traffic hazard, in the opinion of the Public Works Director, by limiting sight-lines for vehicles at locations such as road and alley intersections, and where vehicles cross sidewalks;
- (5) Will not be detrimental to the public health, safety and general welfare.

(d) It shall be the responsibility of the property owner to ensure the fence is placed in the proper location. Exceptions to setback requirements for fences are located in Section [14.48.050\(e\)](#). (Ord. 811, Sec. 53, 2010; Ord. 746, Sec. 6, 2007; Ord. 676, Sec. 42, 2003)

Part V. Multifamily Apartments Annexed into the City

14.44.500 Authority.

This chapter contains the City's procedures and policies related to the expansion or replacement of existing multifamily structures located in the Suburban Residential Zoning District, annexed into the City on or after January 1, 2006. (Ord. 871, Sec. 3, 2012)

14.44.510 Conditional Use Permit Required.

Any requests to expand and/or replace existing multifamily structures (regardless of reason), located in the Suburban Residential Zoning District, annexed into the City on or after January 1, 2006, shall require a Conditional Use Permit per Section [14.16C.045](#) prior to approval of the expansion and/or replacement. (Ord. 871, Sec. 3, 2012)

14.44.520 Additional Requirements.

- (a) The proposed expansion and/or replacement cannot increase the number of units.
- (b) The proposed expansion and/or replacement must comply with current regulations and obtain all applicable permits and approvals, including but not limited to a building permit per the current International Construction Codes.
- (c) The density and dimensional standards of the MFR (Multifamily) zone shall apply per Table 14.48-I, Density and Dimensional Standards, to Chapter [14.48](#); however, if a building is destroyed by fire, accident, or natural disaster the structure can be reconstructed within the existing footprint.
- (d) All other provisions of the LSMC associated with multifamily development, including but not limited to critical areas, landscaping, design guidelines, and parking, shall apply.
- (e) The project proponent shall submit the original County approved official site plan and supporting County decision documents to the City with the conditional use permit application or equivalent documentation that identifies the approved number of units and lot configuration prior to expansion or replacement. (Ord. 871, Sec. 3, 2012)

Chapter 14.46 INNOVATIVE HOUSING OPTIONS PROGRAM

Sections:

Part I. General Provisions

- [14.46.001](#) Purpose
- [14.46.005](#) Goals
- [14.46.010](#) Applicability
- [14.46.015](#) Review and Processing
- [14.46.020](#) Application
- [14.46.025](#) Sewer Requirements
- [14.46.030](#) Unit Lot Subdivisions
- [14.46.035](#) Modifications to the Provisions in This Chapter
- [14.46.040](#) *Repealed*
- [14.46.045](#) *Repealed*

Part II. Cottage Housing Development Standards

- [14.46.100](#) Purpose and Intent
- [14.46.105](#) Existing Dwellings
- [14.46.110](#) Density Standards
- [14.46.115](#) Community Assets
- [14.46.120](#) Impact Fees
- [14.46.125](#) Access and Parking
- [14.46.130](#) Walkways
- [14.46.135](#) Storage
- [14.46.140](#) Design Standards

Part I. General Provisions

14.46.001 Purpose.

This purpose of this chapter is to help achieve the goals and objectives of the Land Use and Housing elements of the Lake Stevens Comprehensive Plan by providing for a separate program for individual projects creating a type of housing appropriately sized for smaller households. These housing options encourage more efficient use of land and energy, build communities, and offer more affordability. (Ord. 872, Sec. 2, 2012; Ord. 798, Sec. 7 (Exh. 2), 2009)

14.46.005 Goals.

The goals of the innovative housing options program are to:

- (a) Increase housing supply and the choice of housing styles available in the community in accordance with the Comprehensive Plan.
- (b) Provide for development of housing that responds to changing demographics and smaller-sized households.
- (c) Support the efficient use of land and higher density infill in developed areas.
- (d) Promote housing affordability and greater choice by encouraging smaller and more diverse home sizes and mixes of income levels.
- (e) Promote high-quality design.
- (f) Allow flexibility in site and design standards while promoting infill projects compatible with existing single-family developments. (Ord. 872, Sec. 3, 2012; Ord. 798, Sec. 7 (Exh. 2), 2009)

14.46.010 Applicability.

This chapter applies to all innovative housing projects allowed and submitted under this chapter. (Ord. 872, Sec. 4, 2012; Ord. 798, Sec. 7 (Exh. 2), 2009)

14.46.015 Review and Processing.

Innovative housing projects shall be reviewed and processed according to the requirements of Sections [14.16C.015](#), [14.16C.045](#) and [14.40.020](#)(b), with the additional requirements below:

- (a) A pre-application conference per Section [14.16A.220](#)(d) is required to exchange general and preliminary information and to identify potential issues.
- (b) After the pre-application conference, the applicant shall schedule and host a neighborhood meeting before submitting an application to the City. The purpose of the neighborhood meeting is to provide residents who live adjacent and nearby to the proposed cottage housing development an opportunity to obtain information about the proposal and provide comment on the overall project before an applicant expends significant time and resources in developing the specific site and development features of the proposal.
 - (1) The meeting shall be located in the general area of the proposed project.
 - (2) Notice of the neighborhood meeting shall be mailed to all property owners located within 300 feet of the proposed project or 20 property owners (whichever results in more property owners being noticed) and shall provide details of the proposed project, including a description of any modification or flexibility in site design standards that will be requested.
 - (3) Comprehensive notes describing the meeting shall be submitted with the project application.

- (4) Following the neighborhood meeting, the applicant shall consider public input received during the neighborhood meeting and shall consider recommendations, if any, for revising the proposed innovative housing project to respond to neighborhood concerns.
- (c) The Design Review Board shall consider project proposals at one meeting with staff and provide a recommendation for design approval of projects in accordance with this chapter.

Duties and authority are as follows:

- (1) The Design Review Board is required to meet with the Director and City staff at a meeting to discuss proposed innovative housing development site plans and recommend modifications.
- (2) Prior to a final decision by the Director or the Hearing Examiner, the Design Review Board shall make a recommendation based on whether the proposed project meets the specific design requirements provided in this chapter for the specific type of innovative housing option and may propose allowable modifications. (Ord. 872, Sec. 5, 2012; Ord. 811, Sec. 54, 2010; Ord. 798, Sec. 7 (Exh. 2), 2009)

14.46.020 Application.

Applications for an innovative housing project shall be made on forms provided by the City, shall be available for public review for a minimum of two weeks prior to the neighborhood meeting, and shall include the following materials:

- (a) Preliminary Development Plan. A site plan of the proposed development, indicating property lines, proposed setbacks, and lot coverage calculations. The site plan shall also include the location of all adjacent structures, the distance to property lines, and the footprint of any existing structures on the property with a note on which structures will remain. The preliminary development plan shall consist of a site plan drawn to scale and shall display the following information:
 - (1) The location, size, configuration, and dimensions of the lot(s) on which the cottage housing development will be developed;
 - (2) The location and footprint for each cottage;
 - (3) A depiction of individual dwelling unit area that delineates the spacing around each cottage;
 - (4) A delineation of the common open areas;
 - (5) The height and square footage of each cottage;
 - (6) The parking locations, layout, circulation, ingress and egress;

- (7) The location, if applicable, of any buildings to be used in common by the residents of the cottage housing development;
- (8) The layout and dimensions of pedestrian circulation from the parking areas to the cottages, and connecting the cottages;
- (9) Design illustrations that show, and a design checklist that lists, the design features that constitute the required design points for each cottage;
- (10) A depiction of the driveway access from a publicly maintained street to the cottage housing development parking areas, with its dimensions; and
- (11) Any other information the Director finds necessary to ensure compliance with this title.

- (b) Conceptual drawings of the proposed innovative housing type, including building footprints and building elevations, floor plans, roof plans, and additional architectural features.
- (c) A detailed description of how the proposed development is consistent and not in conflict with the surrounding neighborhood character and neighborhood design.
- (d) A detailed description of how the proposed development meets the purpose and goals of this chapter and complies with all the criteria and project parameters for an innovative housing project.
- (e) A detailed description of the proposed unit type, including proposed square footage, unit mix, and number of bedrooms per unit.
- (f) General information about the site including the number of dwelling units allowed by the zone and the number of proposed dwelling units, open space allowed and proposed, ~~impervioushard~~ surfaces allowed and proposed, and building height allowed and proposed.
- (g) Photographs of the site and adjacent properties keyed to the site plan.
- (h) Additional information as required by the application forms provided by the City or deemed necessary by City staff to consider the application. (Ord. 903, Sec. 37, 2013; Ord. 798, Sec. 7 (Exh. 2), 2009)

14.46.025 Sewer Requirements.

Innovative housing developments are required to be developed on sewers. No septic systems shall be allowed. (Ord. 798, Sec. 7 (Exh. 2), 2009)

14.46.030 Unit Lot Subdivisions.

- (a) The provisions of this section apply exclusively to the unit lot subdivision of land for innovative housing developments pursuant to this chapter in zones where such uses are permitted.

- (b) Innovative housing developments may be subdivided into individual unit lots. The development as a whole shall meet development standards applicable at the time the permit application is vested. As a result of the subdivision, development on individual unit lots may be nonconforming as to some or all of the development standards of this title based on analysis of the individual unit lot, except that any private open space for each dwelling unit shall be provided on the same lot as the dwelling unit it serves.
- (c) Unit lot subdivisions and subsequent platting actions, additions or modifications to the structure(s) may not create or increase any nonconformity of the parent lot.
- (d) Access, joint use and maintenance agreements shall be executed for use of common garage or parking areas, common open area and other similar features, as recorded with Snohomish County.
- (e) Within the parent lot, required parking for a dwelling unit may be provided on a different unit lot than the lot with the dwelling unit, as long as the right to use that parking is formalized by an easement on the plat, as recorded with Snohomish County.
- (f) The facts that the unit lot is not a separate buildable lot and that additional development of the individual unit lots may be limited as a result of the application of development standards to the parent lot shall be noted on the plat, as recorded with Snohomish County. (Ord. 798, Sec. 7 (Exh. 2), 2009)

14.46.035 Modifications to the Provisions in this Chapter.

- (a) An applicant may request modifications to the provisions of this chapter or other provisions of this title related specifically to this chapter, to the extent that such modifications are consistent with the purpose, intent and requirements of this chapter.
- (b) The applicant must describe each requested modification and document in writing how the modifications are consistent with the purpose, intent and requirements of this chapter.
- (c) The Director or Hearing Examiner may approve modifications after:
 - (1) Considering the Design Review Board's recommendations; and
 - (2) Documenting in writing that the modifications are consistent with the purpose and requirements of this chapter and do not threaten the public health, safety, or welfare.
- (d) Minor changes to a site plan or design elements approved under this chapter may be approved by the Director. Changes that increase the intensity of development, e.g., trips generated or number of residential units; alter the character of the development or balance of mixed uses; increase the floor area in one building by more than 10 percent; change access points; move buildings around on the site; reduce the acreage of common open area or buffering areas; or diminish the effectiveness of perimeter buffers, are major and shall

be subject to the requirements of this chapter. Major modifications may be approved by the original decision body and shall be subject to design review approval. (Ord. 872, Sec. 6, 2012; Ord. 798, Sec. 7 (Exh. 2), 2009)

14.46.040 Sunset Clause.

Repealed by Ord. 872. (Ord. 798, Sec. 7 (Exh. 2), 2009)

14.46.045 Program Evaluation.

Repealed by Ord. 872. (Ord. 798, Sec. 7 (Exh. 2), 2009)

Part II. Cottage Housing Development Standards

14.46.100 Purpose and Intent.

(a) These regulations set forth the required standards for cottage housing developments as permissible uses in various zoning districts as specified in Section [14.44.035](#).

(b) Cottage housing allows for a higher density development than is normally allowed. This is made possible by smaller home sizes, clustered home sites, and parking and design standards.

(c) The intent of the cottage housing development regulations is to:

- (1) Support the growth management goal of more efficient use of urban residential land;
- (2) Support development of diverse housing in accordance with the Comprehensive Plan;
- (3) Increase the variety of housing types available for smaller households;
- (4) Provide opportunities for small, detached dwelling units within existing neighborhoods; and
- (5) Provide opportunities for creative, diverse and high quality infill development that is compatible with existing neighborhoods. (Ord. 798, Sec. 7 (Exh. 2), 2009)

14.46.105 Existing Dwellings.

An existing detached single-family dwelling that is incorporated into a cottage housing development as a residence and is nonconforming with respect to the standards of this chapter shall be permitted to remain on a site used for a cottage housing development and shall count as one of the allowed units. However, the extent of the noncompliance may not be increased unless the proposed change is determined by the Director to be consistent in character, scale and design with the cottage housing development. Repair, maintenance and reconstruction of an existing dwelling are regulated by Section [14.32.040](#). An existing dwelling may be replaced with cottage units consistent with this chapter. (Ord. 798, Sec. 7 (Exh. 2), 2009)

14.46.110 Density Standards.

The following density standards shall apply to cottage housing developments:

- (a) Cottages may be built at up to two units per single-family home allowed in the underlying zone.
- (b) Existing single-family dwellings will count towards total units.
- (c) Minimum units per cluster: four.
- (d) Maximum units per cluster: 12.
- (e) Maximum units per cottage housing development: 24.
- (f) Cottage housing developments are required to be a minimum of 500 feet from another cottage housing development.
- (g) Carriage house units may be built on top of a common garage, when the garage is located adjacent to the common open area. No more than 25 percent of the total number of units may be located above a common garage. (Ord. 798, Sec. 7 (Exh. 2), 2009)

14.46.115 Community Assets.

- (a) Common Open Area. The minimum common open area requirements set forth in this section are intended to provide a sense of openness, visual relief, and community in cottage housing developments. Common open areas shall provide a centrally located, focal area for the cottage housing development.
 - (1) At least 400 square feet of common open area per cottage is required for each cluster.
 - (2) Required common open area may be divided into no more than two separate areas per cluster.
 - (3) To be considered as part of the minimum open space requirement, an area of common open area must have a minimum dimension of 35 feet on all sides.
 - (4) The total common open area shall be at least 3,000 square feet, regardless of the number of units in the cluster.
 - (5) At least two sides of the common open area shall have cottages along the perimeter.
 - (6) Parking areas, yard setbacks, private open space, and driveways do not qualify as common open area. Community buildings can be counted towards the common open area calculations.
- (b) Community Buildings.
 - (1) Community buildings are permitted in cottage housing developments.
 - (2) Community buildings shall be clearly incidental in use and size to dwelling units.

- (3) Building height for community buildings shall be no more than two stories with a maximum height of 18 feet.
- (4) Maximum size of community buildings shall be 2,000 square feet.
- (5) Design shall be similar to and compatible with the design of the cottages.
- (6) Community buildings may be constructed on top of parking structures to a maximum height of 23 feet.

(c) Other shared facilities could include tool sheds, gazebos, workshops, or similar common elements. (Ord. 798, Sec. 7 (Exh. 2), 2009)

14.46.120 Impact Fees.

Multifamily impact fee rates shall apply to cottage housing developments. (Ord. 798, Sec. 7 (Exh. 2), 2009)

14.46.125 Access and Parking.

The intent of these access and parking standards is to minimize the visual impact of vehicles and parking areas for residents of the cottage housing development and adjacent properties and to provide for adequate off-street parking for cottage housing developments. It is the intent that shared detached garage structures be used for parking of vehicles used by the residents.

(a) Access. Access to a cottage housing development shall be consistent with Chapter [14.72](#) and Section [14.56.180](#).

(b) Minimum Number of Off-Street Parking Spaces.

- (1) Minimum parking spaces requirement, including garage spaces and guest parking, shall be two per dwelling unit.
- (2) Parking for a maximum of one vehicle per cottage shall be in a shared detached garage, provided the parking structure is adjacent to other parking spaces. Shared detached garage structures shall be reserved for the parking of vehicles owned by the residents of the development. Storage of items which preclude the use of the parking spaces for vehicles is prohibited.
- (3) Guest parking may be clustered with resident parking and shall include clear signage identifying them as reserved for visitors.

(c) Parking Design. The intent of these parking design standards is to create unobtrusive parking, by screening and disguising parking structures and spaces from surrounding properties, including screening by architectural design and/or vegetation, and by minimizing the number of contiguous spaces.

- (1) Parking areas or common garages shall be limited to no more than four contiguous spaces separated by a minimum of five feet of sidewalk, landscaping, or open space. The number of continuous parking garages or spaces shall be minimized.
- (2) Shared detached garage structures may not exceed four garage doors per building and a total of 1,200 square feet.
- (3) Parking shall be separated from the common open area, adjacent properties, and public streets by landscaping and/or architectural screening. Solid board fencing shall not be allowed as an architectural screen. Exception: One parking structure may be adjacent to the common open area, if carriage house units are placed on top and the garage includes architectural features to make it look consistent with the units and community assets.
- (4) Parking shall be set back a minimum of 20 feet from a public street.
- (5) The parking layout shall be designed to minimize walking distance to cottages.
- (6) A pitched roof is required for all parking structures.
- (7) The design of garages and carports, including roof lines, shall be similar to and compatible with that of the dwelling units within the cottage housing development.
- (8) Common garages are allowed, if locked storage space is provided for each unit in the garage or community building.
- (9) Parking may be located between or adjacent to structures, if it is located toward the rear of the structure and is served by an alley or driveway. (Ord. 798, Sec. 7 (Exh. 2), 2009)

14.46.130 Walkways.

- (a) A cottage housing development shall have sidewalks along all public streets and be consistent with Section [14.56.180](#).
- (b) A system of interior paved walkways shall connect all cottages with each other, the parking area, and the sidewalks abutting any public streets bordering the cottage housing development.
- (c) Interior walkways shall be a minimum of three feet and a maximum of five feet in width. (Ord. 798, Sec. 7 (Exh. 2), 2009)

14.46.135 Storage.

- (a) Storage closets for each unit may be included as part of community buildings or added to garages.

(b) Storage for gardening supplies may be included as part of a community building or a separate small building designed to mimic the units.

(c) Garages shall not be used for storage except in addition to the parking of one owner's vehicle. (Ord. 798, Sec. 7 (Exh. 2), 2009)

14.46.140 Design Standards.

(a) Cottage Size. The intent of setting a unit size is to ensure the overall size of cottages remains smaller and causes less visual impact than standard sized single-family dwellings, particularly given the increased density of cottage dwellings, and to provide variety in cottage housing developments through a mixture of building sizes and footprints.

(1) The total floor area of each cottage shall not exceed 1,500 square feet. No more than 25 percent of the total number of units shall be larger than 1,200 square feet.

(2) The footprint of each cottage shall not exceed 1,000 square feet. The total square foot area of a cottage dwelling unit may not be increased. A note shall be placed on the title to the property for the purpose of notifying future property owners that any increase in the total square footage of a cottage is prohibited for the life of the cottage or duration of City cottage housing development regulations.

(3) There shall be no minimum size requirements for the individual units, provided units meet the minimum livability standards as defined by Chapter 3 of the International Residential Code.

(4) The second floor area cannot exceed 75 percent of the first floor area.

(5) At least 25 percent of the cottages in each cluster shall have a gross floor area less than 1,000 square feet.

(6) Cottage areas that do not count toward the gross floor area or footprint calculations are:

(i) Interior spaces with a ceiling height of six feet or less, such as in a second floor area under the slope of the roof;

(ii) Unheated storage space located under the main floor of the cottage;

(iii) Basements;

(iv) Attached unenclosed porches;

(v) Garages or carports; or

(vi) Architectural projections (i.e., bay windows, fireplaces or utility closets) no greater than 24 inches in depth and six feet in width.

(vii) The director may approve other exemptions similar in nature provided the intent of this section is met.

(7) Plat or Plan Note Required. The total square footage of a cottage shall not be increased from its permitted size. A note shall be placed on the final plan or plat stating this limitation.

(b) Cottage Height and Roof Standards. The height of all units shall comply with Section [14.48.060](#), Building Height Limitations. In addition, the following standards shall apply to cottage housing developments and shall take precedence over conflicting standards in Section [14.48.060](#):

(1) A cottage shall have a gable roof or a hipped roof. A cottage shall not have a flat roof. Dormers are allowed.

(2) Maximum height of cottage units with a minimum roof slope of 6:12 shall be 25 feet, subject to all parts of the roof above 14 feet shall be pitched.

(3) Maximum height shall be 18 feet for cottages without a roof slope of 6:12 and for all accessory structures.

(c) Orientation of Cottages.

(1) Each dwelling unit shall be oriented toward a common open area, and 65 percent of the units shall abut the common open area.

(2) Each cottage shall be within 60 feet walking distance of the common open area.

(3) Lots in a cottage housing development are not required to abut a public street.

(4) Each unit abutting a public street (not including alleys) shall have a facade, secondary entrance, porch, bay window, or other architectural enhancement oriented to the public street.

(5) Cottages shall be placed with a minimum intervening space between buildings of 60 feet, measured foundation to foundation across the common open space.

(d) Cottage Setbacks.

(1) The minimum setbacks between all structures (including cottages, parking structures and community buildings) in a cottage housing development shall be 10 feet. Eaves may project into the required setback up to 18 inches.

(2) The minimum cottage setback from interior roads in a cottage housing development shall be 15 feet.

(3) All other minimum setbacks for all structures (including cottages, parking structures, and community buildings) in a cottage housing development shall be as provided for in the standards for the zoning district in which the cottage housing development lot is located and shall be subject to the International Residential Code.

(4) No part of any structure in a cottage housing development (including but not limited to cottages, parking structures, and community buildings) shall be more than 150 feet, as measured by the shortest clear and open route, from legally compliant fire department vehicle access.

(e) Porches. The intent of this porch requirement is to create outdoor space in each cottage that is visually and physically connected to the common open area and to other cottages.

(1) Cottage units shall have an unenclosed, covered front primary entry and porch. The front porch shall be oriented toward a common open area.

(2) Covered porches shall have at least 80 square feet in area with no side shorter than eight feet.

(f) Private Open Space. At least 500 square feet per cottage of private open space contiguous to each cottage and for the exclusive use of the cottage resident is required and shall be oriented toward the common open area. Private open space is partly intended to enable diversity in landscape design.

(g) Basements. Cottages may have basements.

(h) Fencing and Screening. The intent of internal decorative fencing and screening is to delineate private yards and screen parking structures, community assets and unit walls. A cottage housing development shall internally be an open community sharing common areas. The intent of external fencing and screening is to conceal the higher density development from adjacent lower density land uses.

(1) Decorative fencing may be used for delineating private yards.

(2) Fencing or shrubbery may be used to screen parking areas, community assets, and unit walls.

(3) Fencing and shrubbery may not exceed 36 inches in height, except directly adjacent to a parking structure.

(4) Chain link and solid fences shall not be allowed internally. Solid fencing is allowed on the exterior boundary, except bordering an external street.

(i) Exterior Design Standards for Cottages.

(1) Purpose. It is the intent of this exterior design standards section:

- (i) To ensure cottage design is based on a coherent architectural concept;
- (ii) To ensure cottages possess architectural finish;
- (iii) To ensure cottages contribute positively to the architectural character of the neighborhood; and
- (iv) To provide flexibility in design and contrast among individual cottages, while assuring attention to design amenities.

(2) Character Compatibility. Cottage housing developments shall utilize building and site design that promotes variety and visual interest and that is compatible with the character of the surrounding neighborhood.

(3) Variety in Building and Site Design. Cottage housing developments shall avoid the repetitive use of the same combination of building size, styles, features, and site design elements within the entire residential development and between adjacent dwellings. Dwellings with the same combination of features and treatments shall not be located adjacent to each other.

(4) Variety and Visual Interest. Cottage housing developments shall provide variety and visual interest by using various combinations of building elements, features, and treatments and variation in site design elements, in a manner that is compatible with the character of the surrounding neighborhood.

(5) Site Design Requirements. The overall site design for all common areas must include a minimum of eight points from the following table:

Site Design of Common Areas (minimum of 9 points)	Points
Additional retention of trees or stands of trees consistent with, and greater than required by, Section 14.76.120	3 points
Low impact development (LID) features to address stormwater runoff and to promote infiltration such as	3 points

permeable pavers, water retention facilities, rain gardens, etc.	
Mixture of grass areas and garden areas	3 points
Pervious concrete or asphalt on walkways and/or driveway	2 points
Incorporate additional site and architectural features such as special paving, ornamental gate and/or fence, seating, planter boxes or pots, functional accent lighting, artwork near entry, and/or special landscape treatment with seasonal color, flowering trees, and trees with interesting bark or branching structure	1 point per type of feature

(6) Exterior Design Requirements. No blank walls are allowed, and each cottage in a cottage housing development must be designed to include a minimum of 38 points from the following table, including the specified minimum number of points from each category:

Totals by Category as Determined by Tables Below	Points
Facade	minimum of 12 points
Windows and doors	minimum of 10 points
Roof	minimum of 8 points
Landscaping and groundwork	minimum of 8 points
Facade (minimum of 12 points)	Points
Cedar shingle siding, board and batten, or horizontal lap siding (Wood or hardi-plank. Exposed siding must	4 points

be between four inches and seven inches in width)	
Change of plane of front elevation	3 points
Gable detailing	2 points
Exterior stonework, masonry, stone, rock, cultured, stone, woodwork, or brickwork	2 points
Three-tone paint on exterior walls trim and roof	2 points
Decorative gable vents	2 points
Architectural detailing on porch railings and posts	2 points
Gable detailing on porch roof	2 points
Bay window	1 point
Roof (minimum of 8 points)	Points
Architectural shingle roof	3 points
Architectural metal roof (Must be commercial quality with hidden fasteners)	3 points
Gable dormer (Shall not also be used for gabled porch roof or porch roof overhang)	3 points
Gabled or modified porch roof	3 points
Porch roof overhang to cover stairs (Shall not also be used for a change of plane of front facade or as a gable dormer or gabled porch roof)	2 points
Soffit detailing (Exposed rafter tail painted or decoratively cut; soffit finished in shiplap or similar treatment)	2 points

Roof brackets	2 points
Rooftop cupola or weathervane	1 point
Windows and Doors (minimum of 10 points)	Points
Skylights or clerestory windows	3 points
Window placement offset for privacy	3 points
Mullioned windows (Minimum of two. Must be divided-lite windows with grillwork on the inside and outside of the window)	3 points
Window trim (Must include cornice molding, jamb molding, and sill for all windows)	2 points
Decorative window(s) on front facade	2 points
Front door lights or sidelights, glass front doors, transoms, glass borders, or split front door	2 points
Front door trim (Must have cornice molding, parting bead, and plinth blocks)	1 point
Landscaping and Groundwork for Each Cottage's Private Area (minimum of 8 points)	Points
Additional retention of trees or stands of trees consistent with, and greater than required by, Section 14.76.120	3 points
Low impact development (LID) features to address stormwater runoff and to promote infiltration such as water retention facilities, rain gardens, etc.	3 points

Architectural fence around cottage (Not less than two, or more than three, feet high)	2 points
Pervious concrete or asphalt, or permeable pavers, on walkways	2 points
Front yard landscaping (Must include at least one dozen perennial bushes and/or trees native to the area or tolerant of local climate conditions. Landscaping does not include lawns)	2 points
Incorporate additional architectural features such as special paving, ornamental gate and/or fence, seating, planter boxes or pots, functional accent lighting, artwork near entry, and/or special landscape treatment with seasonal color, flowering trees, and trees with interesting bark or branching structure	1 point per type of feature

(Ord. 798, Sec. 7 (Exh. 2), 2009)

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~~Hard 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-I 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 and maximum building and freestanding sign setbacks required from lot lines, ultimate street rights-of-way and street centerlines.

(1) All setbacks shall be measured from lot lines after dedication of planned rights-of-way
~~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. Garage Setbacks shall be required from access easements and access tracts where the lot has vehicular access from the easement or tract~~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.

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

(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)

14.48.055 Maximum ~~Impervious~~Hard Surface.

Unless otherwise provided for elsewhere in Title 14 or the Shoreline Master Program, the maximum ~~impervious~~hard surface shall not exceed ~~40-30~~ percent of a lot for development in single-family zoning districts, except that the ~~impervious~~hard-surface areas for development in the High Urban Residential (HUR) zoning district shall not exceed ~~6550~~ percent of the lot.

However, an additional 10 percent of a lot can be covered with pervious hard surface in all single-family zoning districts except that an additional 15 percent pervious hard surface coverage is allowed in the HUR zone. (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.
- (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.

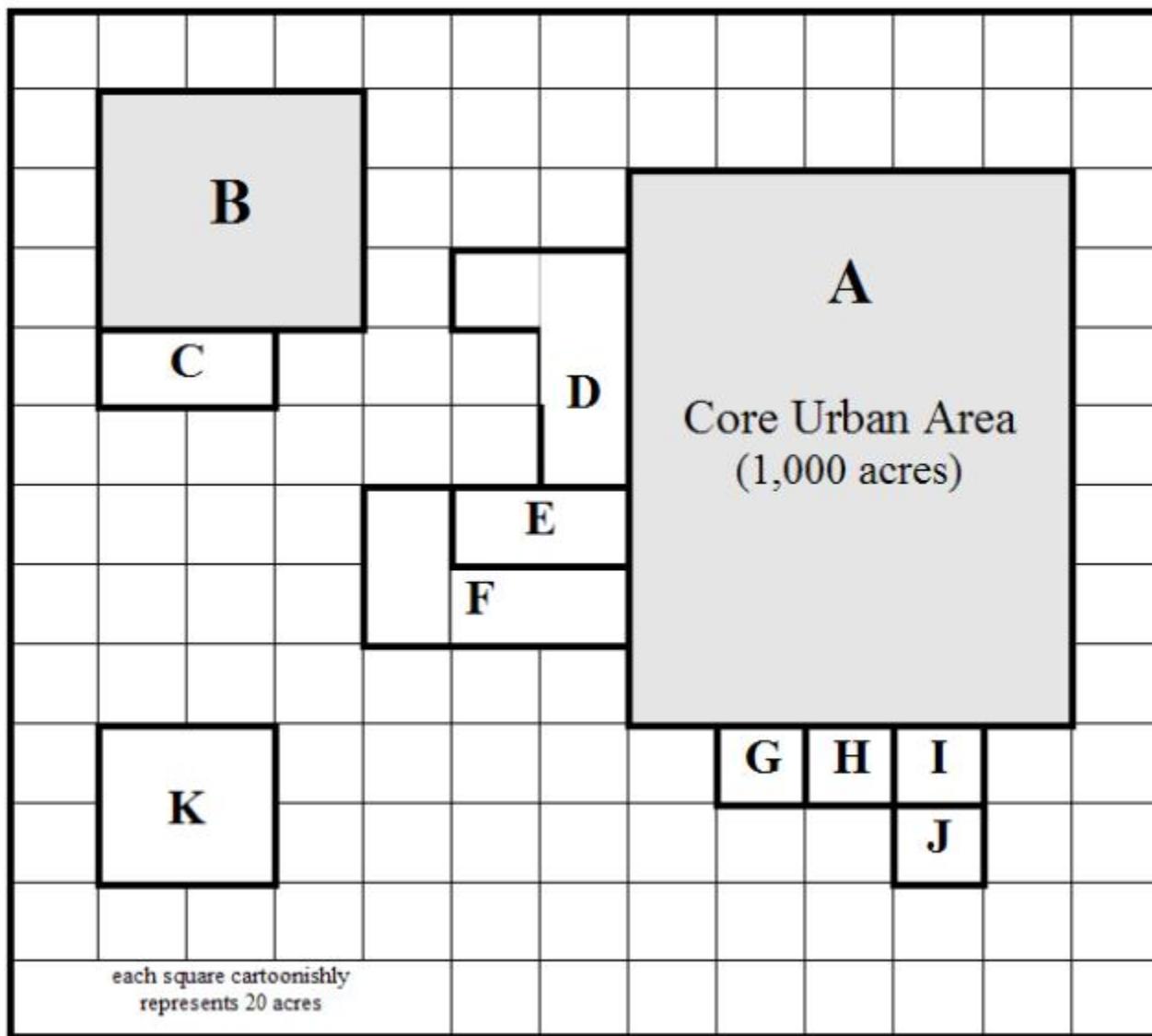
(b) Exemptions from subsection (a)(1) and which are allowed to develop at their higher densities upon the findings of subsection (a)(2-4) being made include:

(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: Density and Dimensional Standards

Zone	Minimum Lot Size	Minimum Residential Densities (Minimum Square Feet per Dwelling Unit)	Minimum Lot Width <u>standard/Cluster</u> Subdivision (ft.)	Building <u>and Sign</u> Setback Requirements Minimum Distance, in feet, from ¹								Height Limitation (ft.)
				<u>Minimum Front Lot Line Setback²</u> Nonarterial Street Right-of-Way Line	<u>Maximum Front Lot Line Setback³</u> Nonarterial Street Centerline ⁴				<u>Side Lot Line, Tract or Easement setbacks³</u> Arterial Street Right-of-Way Line		<u>Rear Lot Line Setback</u> Tract or Easement ³	
	Standard Subdivision	Cluster Subdivision		Building	Building	Freestanding Sign		Building and Free-standing Sign	Freestanding Sign	Building and Free-standing Sign	Freestanding Sign	Building and Free-standing
Waterfront Residential	9,600 ft ²	7,500 ft ²	9,600 ft ²	50/ <u>40</u>	25	12.5	<u>535</u>	42.5	<u>25 ft. min. 15 ft. total</u>	12.5	<u>510</u>	35
Suburban Residential ²	5 acres/ 9,600 ft ²	5 acres/ 7,500 ft ²	5 acres/ 9,600 ft ²	80/ <u>70</u>	25	12.5	<u>355</u>	42.5	<u>25 ft. min. 15 ft. total</u>	12.5	<u>510</u>	35
Urban Residential ²	5 acres/ 7,500 ft ²	6,000 ft ²	7,500 ft ²	60/ <u>50</u>	20	10	<u>530</u>	40	<u>25 ft. min. 15 ft. total</u>	10	<u>510</u>	35
High Urban Residential	3,600 ft ²	N/A	3,600 ft ²	40/ <u>30</u>	15	5	<u>425</u>	35	<u>205 ft. min.</u>		5	35
Multi-Family Residential	3,000 ft ²	N/A	0 ft ²	50/ <u>40</u>	0	0	<u>3025</u>	30	40	0	0	60
Neighborhood Commercial	3,000 ft ²	N/A	0 ft ²	0	<u>05</u>	0	<u>3020</u>	30	0	0	0	35
Mixed Use	3,000 ft ²	N/A	0 ft ²	0	<u>05</u>	0	<u>3020</u>	30 ft ²	0	0	0	60
Local Business	3,000 ft ²	N/A	0 ft ²	0	<u>05</u>	0	<u>3020</u>	30	0	0	0	60

Central Business District	3,000 ft ²	N/A	0 ft ²	0	05	0	30 ²⁰	30	0	0	0	60
Planned Business District	0 ft ²	N/A	0 ft ²	0	05	0	20	30	0	0	0	40
Sub-Regional Commercial	0 ft ²	N/A	0 ft ²	40	0	0	30	30	0	0	0	85
Light Industrial	0 ft ²	N/A	N/A	10/10	0	0		30	0	0	0	85
General Industrial	0 ft ²	N/A	N/A	10/10	0	0		30	0	0	0	85
Public/Semi-Public	0 ft ²	N/A	N/A	0	0	0		0	0	0	0	60

¹ 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. See Section 14.48.040(a)(1) for use of centerline.

² See Section 14.48.100 for use of five acres or square feet requirements.

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

⁴³ Not applicable to existing developed lots, flag lots, and lots accessed from arterial or collector roads 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.

(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)

Draft Land Disturbance Code

Chapter 14.44 Part II Grading, Filling and Excavation is repealed in its entirety.

NEW CHAPTER

Chapter 14.50 LAND DISTURBANCE

Part I. Land Disturbance

14.50.100 Purpose and Intent.

The purpose of this chapter is to regulate land disturbance activities, including the clearing and removal of vegetation, excavation, grading, filling and other earthwork such as cuts and fills within the city of Lake Stevens in order to protect public health, safety and welfare by requiring the following elements:

- (a) Encouraging holistic site planning to reduce negative impacts to the community and the environment;
- (b) Preserving vegetation and where appropriate requiring commensurate replanting;
- (c) Requiring the implementation of best management practices (BMP's) during land disturbing activities;
- (d) Minimizing adverse stormwater impacts related to land disturbance per the requirements of the 2012 Department of Ecology Stormwater Manual for Western Washington or as amended;
- (e) Assuming regulatory authority for Class IV Forest Practices as defined by Chapter 76.09 RCW;
- (f) Establishing administrative procedures to issue permits, approve plans and inspect land disturbance activities; and
- (g) Reducing the amount of time between land disturbance and the beginning of actual site construction.

Land disturbance activities within or near a critical area or within the shoreline jurisdiction must be consistent with the provisions of Chapter 14.88 LSMC and the Lake Stevens Shoreline Master Program, as applicable.

14.50.105 Permit Required, Applicability and Authority.

- (a) The Community Development Director or designee shall review and approve or conditionally approve all applications for land disturbance permits, which meet the requirements of this chapter.
- (b) A land disturbance permit is required for all land disturbance unless exempted in Section 14.50.115.
- (c) The provisions of this chapter apply to all land disturbance activity within the city. No action shall be taken by any person, which results in any alteration to the landscape except as consistent with the purposes, objectives, and goals of this chapter.
- (d) Activities exempt a land disturbance permit, as described in Section 14.50.115, must still comply with the restrictions and requirements contained in Section 14.50.140.
- (e) By submitting an application under this Section, the applicant consents to entry upon the subject site by the city during regular business hours for the purposes of making inspections to verify information provided by the applicant to verify that work is being performed in accordance with the requirements of this chapter.

14.50.110 Definitions.

The definitions related to land disturbance and forest practices are included in Chapter 14.08 LSMC.

CESCL. A Certified Erosion and Sediment Control Lead who has current certification through an approved erosion and sediment control training program that meets the minimum training standards established by the Washington Department of Ecology.

Clearing. The act of removing or destroying vegetation or other organic plant materials by physical, mechanical or chemical means.

Compaction. Densification of a fill by mechanical means.

DBH. The diameter of a tree as measured from breast height (54 inches above the ground).

Earth material. Any rock, natural soil or any combination thereof.

Excavation. *The removal of any earth material*.

Existing Site Conditions. The current site features, natural features, cultural features and infrastructure of a specific location.

Fill. A deposit of earth material placed by mechanical means.

Forest Practices. Any activity conducted on or directly pertaining to forest land and related to growing, harvesting, or processing timber or removing forest biomass as defined by the WAC 222-16-010.

Grade. The elevation of the ground surface.

- (a) "Existing grade" is the grade prior to grading.
- (b) "Rough grade" is the stage at which the grade approximately conforms to an approved site plan.
- (c) "Finished grade" is the final grade of the site that conforms to the approved site plan.
- (d) "Grading" is any excavating, filling, removing of the duff layer or combination thereof.

Land Disturbance. Any activity that results in a change in the existing soil cover (both vegetative and non-vegetative) and / or existing soil topography.

Landscaping area. Any portion of a site not used for building, parking, driveway or accessory storage area. A landscape area may include patios, plazas, walkways, walls and fences, fountains or pools, and planting areas. Ponds, streams, natural areas, or areas for the detention of storm water runoff are not considered part of the landscaped area of a site unless they are integrated with required landscaping as a water feature.

NPDES. National Pollutant Discharge Elimination System.

Pollution-generating pervious and impervioushard surfaces. Surfaces that are considered a significant source of pollutants in storm water runoff. Pollution generating surfaces include both pervious and impervioushard surfaces, such as surfaces subject to vehicular use, roofs, lawns and landscaped areas.

Predeveloped condition. The native vegetation and soils that existed at a site prior to the influence of Euro-American settlements.

Retaining wall. A wall designed to resist lateral earth and/or fluid pressures, including any surcharge in accordance with accepted engineering practice.

- (a) "Exposed wall height is the vertical distance measured from the finished grade at the bottom of the wall (lower soil grade) to the finished grade at the top of the wall. This height does not include the wall and depth of footing below grade.
- (b) "Retained Wall Height" is the vertical distance measured from the bottom of the footing to the finished grade at the top of the wall. It includes the wall and depth of footing below grade.
- (c) "Surcharge" is a vertical load imposed on retained soil that may impose a lateral force in addition to the lateral earth pressure of the retained soils. Examples of surcharge include sloping retained soil, structure footings supported by the retained soil or adjacent vehicle loads supported by the retained soil.

Significant Tree. Any deciduous tree eight inches or greater in diameter (25 inches in circumference or greater), and any evergreen tree 12 inches or greater (37 inches in circumference or greater) measured one foot above the root crown.

Stormwater. Surface water runoff that occurs when precipitation from rain or snowmelt flows over the lands surface.

Toe of slope. The lowest part of an embankment slope. It is the point at which the front of a slope intersects with the natural ground line.

14.50.115 Exemptions.

The following activities do not require a land disturbance permit.

- (a) Land disturbance associated with an approved building permit or approved construction plans.
- (b) Land disturbance associated with public improvements and maintenance within the existing right-of-way; provided this does not include activities that expand into a critical area or buffer including, but not limited to:
 - (1) Roadside ditch cleaning, provided the ditch does not contain salmonids;
 - (2) Pavement maintenance;
 - (3) Normal grading of gravel shoulders;
 - (4) Maintenance of culverts;
 - (5) Maintenance of flood control or other approved stormwater facilities; and
 - (6) Routine clearing within road right-of-way.
- (c) Site investigations such as surveys, soil borings, test pits, percolation tests and other related activities, necessary for preparing land use or building permit applications provided the land disturbing activities are not greater than is necessary to accomplish the work and do not create permanent site impacts.
- (d) Landscape installation or site improvements, which do not result in a fill being placed behind a wall greater than four feet in height as, measured from the bottom of the footing to the top of the wall or a cut more than four feet in depth or which does not exceed 15 cubic yards on any lot.
- (e) Cutting, clearing or removal of vegetation within any fully developed lot, parcel, street or utility right-of-way or park land outside of a critical area or its buffers not requiring any other permits or SEPA review, such as lawn mowing, rototilling, composting, gardening, non-commercial firewood cutting and pruning of vegetation.

- (f) The removal of plants designated as noxious or invasive weeds by governmental agencies.
- (g) Emergency removal of ground cover or hazardous trees by any person, the public works department, parks department, fire department and/or public or private utility necessary to protect public safety or private or public property from imminent danger.

14.50.120 Land Disturbance Permit Thresholds.

(a) Type I Land Disturbance - A Type I Land Disturbance permit shall follow the procedures established in Chapter 14.16B for a Type I permit process and shall be required for each of the following actions or any combination thereof.

- (1) Any tree removal of more than six significant trees, as defined in LSMC 14.08.
- (2) Any land clearing activity that removes vegetation equal to or greater than 1,000 square feet but equal to or less than 5,000 square feet within any 12-month period. Removal of any vegetation from wetlands, streams or their buffers shall comply with Chapter 14.88 LSMC and may not occur without prior approval from the Community Development Director and state agencies with jurisdiction.
- (23) Any excavation, grading or fill activities equal to or greater than 50 cubic yards, but less than 100 cubic yards.
- (34) Land disturbance increases impervioushard surface area by five percent of the lot area or 2,000 square feet, whichever is less.
- (45) Land disturbance that redirects stormwater from 5,000 square feet or more of drainage area so that it is released onto adjacent properties in a concentrated manner.
- (56) Land disturbance that alters, redirects or impedes natural watercourses or manmade drainage channels.
- (67) Construction of finished slopes that will exceed a ratio of 2:1 (horizontal to vertical).
- (78) A retaining wall of three feet or higher is to be built. Retaining walls that are equal to or greater than four feet in height as measured from the bottom of the footing to the top of the wall and/or walls that support a surcharge shall require a building permit in addition to a land disturbance permit per the requirements of LSMC 14.80.100.
- (89) Land disturbance proposed within the boundaries of any drainage, access or utility easements.

(b) Type II Land Disturbance - A Type II Land Disturbance permit shall follow the procedures established in 14.16B for a Type II process and be required for each of the following actions or any combination thereof.

- (1) Any excavation, grading or fill activities on a lot that equals or exceeds 100 cubic yards within any 12-month period.
- (2) Any land clearing activity that removes vegetation equal to or greater than 5,000 square feet within any 12-month period unless part of another land use permit approval. Removal of any vegetation from wetlands, streams or their buffers shall comply with Chapter 14.88 LSMC and may not occur without prior approval from the Community Development Director and state agencies with jurisdiction.
- (2) Any tree clearing equal to or greater than 5000 square feet in total canopy.
- (32) Class IV Forest Practices as described in Chapter 14.50 – Part II.

14.50.125 Application Requirements.

A land disturbance application shall include the following items:

- (a) Completed Type I/II permit application form;
- (b) A narrative of the project that describes the existing site conditions and development goals of the proposed work by including (1) Specific work to be accomplished, (2) A time schedule for land clearing activities, (3) Type of equipment to be used, (4) Measures proposed to protect the site and adjacent properties from potential adverse impacts, and (5) The estimated quantities/area of work involved;
- (c) Public noticing documents per Chapter 14.16B LSMC;
- (d) An environmental checklist if the land disturbance will exceed 100 cubic yards;
- (e) A critical areas report identifying wetlands, streams and their associated buffers, if applicable;
- (f) A drainage and stormwater report, if applicable;
- (g) A geotechnical and soils report, if applicable;
- (h) A cultural resource management report, if applicable;
- (i) The correct intake fees as determined by the currently adopted Fee Schedule;
- (j) Any other materials required by the Community Development Director; and
- (k) A site plan of the subject property that meets the requirements of Section 14.16C.105(d).

14.50.130 Restrictions and Requirements.

All land disturbance, regardless of whether or not a permit is required, is subject to the following requirements.

- (a) No land disturbance is allowed in a critical area and its buffers otherwise prohibited by Chapter 14.88 LSMC.
- (b) For single-family and duplex lots, no activities shall be allowed, which results in the impervioushard surface area of the lot exceeding the maximum thresholds as defined by section 14.48.055.
- (c) No land disturbing activities are permitted outward from the shores of Lake Stevens except as permitted pursuant to the restrictions of the Lake Stevens Shoreline Master Program.
- (d) Adequate temporary erosion and sedimentation control (TESC) measures shall be approved and installed per Chapter 14.64 (Special Flood Hazard Areas, Drainage, and Erosion) LSMC prior to any disturbance of soils.
- (e) All disturbed areas shall be hydro-seeded and mulched, sodded or otherwise protected within 48 hours of disturbance.
- (f) All potentially impacted critical areas and their buffers shall be delimited with a construction limits fence prior to any disturbance of the soil.
- (g) The project proponent shall present to the city a valid NPDES permit, where required, prior to any disturbance of soil.
- (h) Environmental review of land disturbance associated with site development may be done concurrently with the environmental review of the project (e.g., preliminary plat, land use permit, or

building permit), allowing for public improvements to be permitted by approval of the construction drawings. However, the application shall specifically state that such land disturbance is a part of the application, and the permit shall specifically state what land disturbance is permitted or the activities shall not be considered permitted.

(i) Land disturbing activities that include tree removal on residential lots shall be required to demonstrate retention of the minimum number of shade trees on site as defined in Section 14.76.124 LSMC.

(j) During the below listed dates all land disturbing activities shall be phased as follows:

(1) For land disturbing activity not associated with a plat, between October 1st and March 31st no more than one-fourth acre, or 50 cubic yards of soil, whichever represents the least amount of soil, may be moved or graded at any one time before that portion of the project is closed up per subsection (d) of this section; and

(2) Between October 1st and March 31st, land disturbance of individual building lots in a plat shall be phased, with no more than 10 lots being graded in a plat at any one time. Before additional lots can be graded, the previously graded lots shall be hydro-seeded and mulched, sodded, or otherwise protected.

(k) Clearing activities of 1,000 square feet or more in any 12-month period shall comply with the retention and protection of large significant tree requirements as contained in Section 14.76.120.

(1) Replacement trees shall be located in such a manner they will not be disturbed when the site develops in the future.

(2) No more than 10 percent of significant trees or 50 percent of all trees on a site may be removed unless and until it is done as part of a land use permit plan, which has received the appropriate land use permit(s) from the city.

(3) The applicant shall include a conceptual plan showing how the protected trees will be able to be retained at the time of site development.

(l) Hours of operation shall be between 7:00 AM and 9:00 PM on weekdays and 9:00 AM to 9:00 PM on weekends.

14.50.135 Minimum Performance Standards.

(a) No land disturbing activities may be approved unless the project proponent demonstrates that the requirements of Chapter 14.50 LSMC have been met.

(b) Any land disturbance activity, whether requiring a permit or not, shall provide erosion and sediment (ESC) measures that prevent the transport of sediment from the site to adjacent properties and facilities.

(c) Cuts and fills shall confirm to the following provisions:

(1) No slope of cut and fill surfaces shall be steeper than is safe for the intended use and shall not exceed two horizontal to one vertical; and

(2) All disturbed areas including faces of cuts and fill slopes shall be prepared and maintained to control erosion in compliance with subsection (b) of this section.

(d) Access roads to grading sites shall be maintained and located to the satisfaction of the city engineer to minimize problems of dust, mud and traffic circulation.

(e) Setbacks. The tops and the toes of cut and fill slopes shall be set back from property boundaries as far as necessary for safety of the adjacent properties and to prevent damage resulting from water runoff or erosion of the slopes based on the recommendation of a geotechnical engineer.

(f) The tops and the toes of cut and fill slopes shall be set back from structures as far as is necessary for adequacy of foundation support and to prevent damage as a result of water runoff or erosion of the slopes based on the recommendation of a geotechnical engineer.

14.50.140 Top Soil.

In order to provide a suitable vegetation growth medium for final site stabilization, the following requirements shall be met prior to residential final plat approval or if on an existing lot, prior to issuance of a final inspection/certificate of occupancy:

(a) A minimum of eight inches of top soil is to be placed in all areas not developed with impervioushard surface area.

(b) In order to ensure a proper bond between the topsoil and subsoil, the topsoil shall be worked into the layer below for a minimum of six inches, resulting in a consistent mix of topsoil and subsoil throughout.

(c) The topsoil shall be friable and loamy (loam, sandy loam, silt loam, sandy clay loam, clay loam).

(d) When native topsoil is to be stockpiled and reused, the following should apply to ensure that the mycorrhizal bacterial, earthworms, and other beneficial organisms will not be destroyed:

(1) Topsoil is to be re-installed within four to six weeks;

(2) Topsoil is not to become saturated with water; and

~~(3) Covers placed over the pile must first be approved by Public Works to ensure the material is breathable to allow sufficient passage of oxygen—plastic is not allowed;~~

(e) Stockpiling of topsoil shall comply with the following:

(1) The slopes of the pile shall not exceed 2:1;

(2) An interceptor dike with gravel outlet and silt fence shall surround all topsoil stockpiles;

(3) Erosion control seeding or covering with ~~clear~~ plastic or other mulching materials of stockpiles shall be completed within two days from October 1st through April 30th, or within seven day from May 1st through September 30th. ~~Native topsoil stockpiles shall not be covered with plastic;~~ and

(4) Topsoil shall not be placed while in a frozen or muddy condition, when the subgrade is excessively wet, or when conditions exist that may otherwise be detrimental to proper grading or proposed sodding or seeding.

14.50.145 Maintenance and Security.

(a) The Community Development Director or designee may require the applicant to establish a security pursuant to Section 14.16A.180 which may be acceptable to the city at its sole discretion, in an amount deemed by the city to be sufficient to reimburse the city if it should become necessary to enter the property for the purpose of correcting and/or eliminating hazardous conditions relating to land disturbance activities or for other purposes authorized in this chapter.

(b) In no case shall the security be less than the city's estimate of the cost of correcting or eliminating hazardous conditions that reasonably may occur, and/or of insuring compliance with the stipulations of the permit and the approved plans and specifications.

14.50.150 Inspections.

- (a) The applicant must submit a written determination from a Certified Erosion and Sediment Control Lead (CESCL) that appropriate temporary erosion and sediment control (TESC) measures are in place prior to starting any land disturbance activities.
- (b) The applicant must submit as-built drawings to reflect any changes from the original approval made in the field as required by the Community Development Director or designee.
- (c) All land disturbance permits are subject to a mandatory final inspection to ensure that all work on a site has been completed pursuant to the approved permit and the requirements of this chapter.

14.50.150 Violations and Penalties.

- (a) Violations of the provisions of this chapter shall be subject to the enforcement and review criteria of Title 17 LSMC.

PART II. FOREST PRACTICES

14.50.155 Forest Practices

- (a) The purpose of this section is to assume regulatory authority from the Washington Department of Natural Resources over certain forest practices as permitted by Washington state law and pursuant to Chapter 76.09 RCW and WAC 222-20. This section ensures that the forest practices described in the following subsections occur in compliance with the Lake Stevens Comprehensive Plan, the Lake Stevens Shoreline Master Program and the regulations of this Title.
- (b) The definitions contained in RCW [76.09.020](#) of the Forest Practices Act and in WAC [222-16-010](#) and [222-16-050](#) of the Forest Practices Act's implementing regulations shall apply to all terms used in this chapter, provided that the definitions contained in Title 14 shall be applicable where not in conflict with the above-referenced Forest Practices Act and the Forest Practices Act's implementing regulations. In the event of any conflict between the definitions, the definitions in chapter [222-16](#) WAC shall prevail. This chapter shall apply to Class-IV general and special forest practices as defined by WAC 222-16-050 for the purpose of conversion to a non-forestry use.

- (c) The following activities are exempt from the requirements of this chapter when located outside of critical areas and their buffers:

- (1) Forest practices regulated exclusively by the Washington State Department of Natural Resources pursuant to chapter [76.09](#) RCW;
- (2) The removal of less than 5,000 board feet of timber (including live, dead, and down material) for personal use in any 12-month period;
- (3) The removal of trees which have been grown to be sold as Christmas trees or used in landscaping such as trees sold by commercial nurseries;
- (4) The abatement of an emergency, such as the removal of trees necessary to protect the safety of persons or property from clear and imminent danger;
- (5) Landscape maintenance or pruning which does not impair the health or survival of trees required to be retained or planted pursuant to this chapter; and

(6) The removal of trees in the public right-of-way as required by the city engineer for the purpose of public safety or for the maintenance of existing public roads and existing facilities, consistent with chapter [76.09](#) RCW.

(d) A Class IV-General Forest Practices permits shall follow the procedures established in Chapter 14.16B for a Type II permit process and be required for those forest practices described in the WAC 222-16-050(1) and (2). A forest practices application shall include the following submittal items:

(1) A completed State Environmental Policy Act checklist.

(2) Written verification from the Washington State Department of Natural Resources that the subject site is not and has not been subject to a notice of conversion to nonforestry use under RCW 76.09.060 during the six-year period prior to submission of the permit application.

(3) A title report as proof that the parcel is not currently subject to a six-year development moratorium. If the property is subject to a six-year development moratorium, the application will not be accepted until the end of the moratorium or until the moratorium has been lifted.

(3) All submittal items as described in 14.50.125.

(4) An application fee in an amount set by resolution by the city council.

(e) The department shall notify the Washington State Department of Revenue within 60 days of approving a forest practices permit issued under this chapter. Such notification shall include the following information:

(1) Landowner's legal name, address, and telephone number;

(2) Decision date of permit; and

(3) Parcel number and legal description (section, township, and range) of the subject site.

(f) To improve the administration of the forest excise tax created by Chapter 84.33 RCW, the city will report permit information to the Department of Revenue for all approved forest practices permits no later than sixty days after the date the permit was approved.

(g) The hearing examiner may consider the removal of a six-year development moratorium established pursuant to Chapter 76.09 RCW when the applicant strictly meets the following requirements:

(1) Any property owner subject to a moratorium may request a release from the six-year moratorium by filing a Type III permit application with the Community Development department.

(2) Following such request, the Community Development department shall set a date for an open record public hearing pursuant to the requirements of Chapter 14.16B for Type III permits before the hearing examiner.

(3) The hearing examiner shall consider the removal of a development moratorium established pursuant to this chapter when the following criteria are strictly met:

i. The proponent submits a Type III application for removal of the moratorium; and

ii. The proponent proposes corrective actions to bring the violation into compliance with this chapter and mitigate any existing damage through the submittal of a reforestation plan or mitigation plan, prepared by a qualified professional consistent with Chapter 14.88;

(4) Hearing Examiner Authority.

- i. The hearing examiner shall review requests for removal of a development moratorium, any comments received, and applicable city regulations or policies and may inspect the property before rendering a decision.
- ii. The hearing examiner may approve the request to remove a development moratorium, approve the request with conditions, require modification of the proposal to strictly comply with specified requirements or local conditions, or deny the request if it fails to comply with requirements of this chapter.

(5) Required Written Findings and Determinations. The hearing examiner will address the following items as written findings and determinations before issuing a decision:

- i. The removal of the six-year development moratorium will not be detrimental to public health, safety, and general welfare.
- ii. The removal of the six-year development moratorium will not be injurious to the property or improvements adjacent to the proposal.
- iii. The removal of the six-year development moratorium will not result in significant adverse environmental impacts.
- iv. The removal of the six-year development moratorium is consistent and compatible with the goals, objectives, and policies of the comprehensive plan and the provisions of this chapter and other applicable municipal codes.

Part III Cultural Resource Management

14.50.160 Archaeological and Historical Resources

(a) The destruction of or damage to any site having historic or cultural values as identified by the appropriate agencies, including but not limited to affected tribes and the Washington State Department of Archaeology and Historic Preservation, should be prevented.

(b) Archaeological sites located both within and outside of shoreline jurisdiction are subject to the provisions of Chapter 27.44 RCW (Indian Graves and Records) and Chapter 27.53.

(1) Whenever historical, cultural or archaeological sites or artifacts of potential significance are discovered in the process of development, work on the development site shall be stopped immediately. The project proponent or responsible party must report the find to the city immediately.

(2) The city will notify the Washington State Department of Archaeology and Historic Preservation, the Tulalip and Stillaguamish Tribes and other appropriate agencies of the discovery. The city will require that the project proponent or responsible party retain a professional archaeologist to conduct an immediate site assessment and determine the significance of the discovery. If a negative determination is received, i.e., the report does not determine that the find is significant, the work may resume after consultation with the State and the affected Tribes

(3) On receipt of a positive determination of the site's significance, work shall remain stopped on the project site and the project proponent or responsible party shall not resume development activities without authorization from the State and the affected Tribes.

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Chapter 14.56 STREETS AND SIDEWALKS

Sections:

Part I. Requirements

- [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
- [14.56.050](#) Entrances to Streets
- [14.56.060](#) Coordination with Surrounding Streets
- [14.56.070](#) Relationship of Streets to Topography
- [14.56.080](#) Street Width, Sidewalk, and Drainage Requirements in Subdivisions
- [14.56.090](#) General Layout of Streets
- [14.56.100](#) Dead End Streets/Cul-de-Sacs
- [14.56.110](#) Temporary Half-Streets
- [14.56.120](#) Street Intersections
- [14.56.130](#) Construction Standards and Specifications
- [14.56.135](#) Deviations to Construction Standards and Specifications
- [14.56.140](#) Construction Drawings Required Prior to Construction
- [14.56.150](#) Inspection of Public Improvements Required Prior to Issuance of Final Permits
- [14.56.160](#) Residential Public Streets and Private Roads
- [14.56.170](#) Right-of-Way Dedication and Frontage Improvements
- [14.56.180](#) Road and Sidewalk Requirements in Unsubdivided Developments
- [14.56.190](#) Off-Site Traffic Mitigation
- [14.56.192](#) Collection of Pre-Annexation Traffic Mitigation Fees
- [14.56.200](#) Attention to Disabled Persons in Street and Sidewalk Construction
- [14.56.210](#) Street Names and House Numbers
- [14.56.220](#) Bridges
- [14.56.230](#) Utilities
- [14.56.240](#) Vacations of Public Rights-of-Way
- [14.56.250](#) Right-of-Way Permit Required
- [14.56.260](#) Implementation of Traffic Calming Techniques
- [14.56.270](#) Private Landscape Usage of Public Right-of-Way

[14.56.280](#) Complete Streets

Part II. Street Assessment Reimbursement Agreements

- [14.56.300](#) Purpose
- [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 Requirements¹

Classification	ROW Width (ft)	Pavement Width (ft)	Standard Plan
Freeway/Expressway	*	*	-
Major Arterial	*	*	-
Minor Arterial	70	48	2-010
Reduced Standard Minor Arterial ³	60	42	2-010
Collector	60	36	2-020
Reduced Standard Collector ³	50	32	2-020
Local Access	50	28	2-030
Reduced Standard Local Access ²	40	24	2-040
Access Tract (Private)	Varies	20	2-050
Alley	20	16	2-090
Cul-de-sac	50 radius	40 radius	2-120

¹Access easements shall have a minimum 20-foot width.

²Used in short subdivisions.

³Allowed 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.

(b) Street design shall include low impact development (LID) measures when determined feasible in accordance with the current Engineering Design and Development Standards (EDDS) and municipal code.

Commented [DR1]: Who determines feasibility?

(Ord. 903, Sec. 43, 2013; Ord. 796, Sec. 15, 2009; Ord. 731, Sec. 3, 2006)

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, [except private access tracts](#).

(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)

Commented [DR2]: Maybe this isn't how we want to word this, but it has been common for us to allow private access tracts in major subdivisions and I think that should be documented in our code.

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.

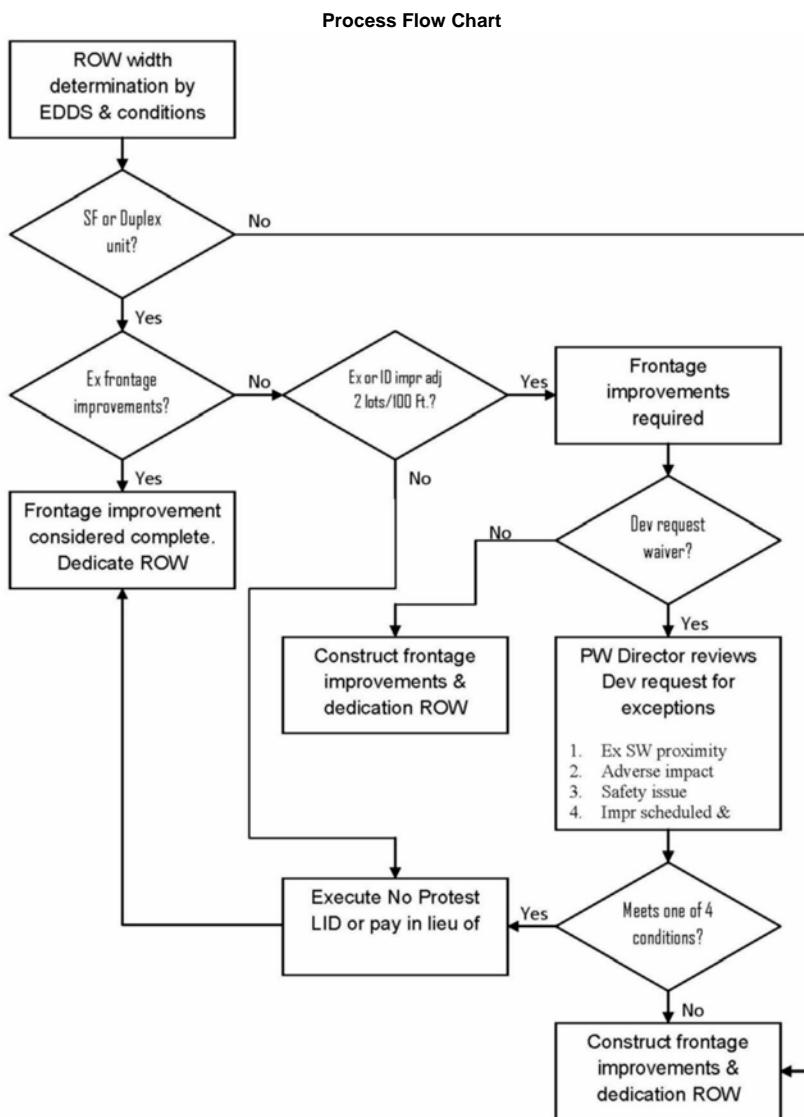
(4) The granting of an exception or waiver as outlined in subsection (b)(3) or (5) of this section does not waive the property owner's requirement to dedicate right-of-way as established in this section.

(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.



(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 ~~impervioushard~~ 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.

- (65) Landscaping rocks no larger than six inches at the widest point.
- (76) Landscaping bark.
- (87) Mailbox.
- (98) 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.

- (43) 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 enhancement 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 14.64 SPECIAL FLOOD HAZARD AREAS, DRAINAGE, AND EROSION

Sections:

Part I. Special Flood Hazard Areas and Regulatory Floodplain

- [14.64.005](#) Basis for Establishing Special Flood Hazard Areas
- [14.64.010](#) Application of Regulations
- [14.64.015](#) Authority and Duties of the Floodplain Administrator
- [14.64.020](#) Administrative Procedures
- [14.64.025](#) Conformance with Chapter 14.88 (Critical Areas), Chapter 14.92 (Shoreline Management), Section 14.16C.100 (Shoreline Permits), and the Shoreline Master Program
- [14.64.030](#) Exemptions and Allowed Activities
- [14.64.035](#) Other Activities
- [14.64.040](#) Development Standards
- [14.64.045](#) Construction Standards for Protection of Structures
- [14.64.050](#) Special Provisions for Subdivisions
- [14.64.055](#) Standards for Habitat Protection

Part II. Drainage, Erosion Control, Storm Water Management

- [14.64.100](#) Natural Drainage System Utilized to Extent Feasible
- [14.64.110](#) Developments Must Drain Properly
- [14.64.120](#) Storm Water Management
- [14.64.130](#) Sedimentation and Erosion Control
- [14.64.140](#) Stormwater Systems to Be Designed in Accordance with Ecology Stormwater Manual
- [14.64.150](#) Illegal Discharge of Materials into the Stormwater System

Part I. Special Flood Hazard Areas and Regulatory Floodplain

14.64.005 Basis for Establishing Special Flood Hazard Areas.

The City hereby adopts by reference the special flood hazard areas identified by the Federal Emergency Management Agency (FEMA) in its most current scientific Flood Insurance Study for Snohomish County, Washington, and incorporated areas dated November 8, 1999, and any revisions thereto, with the current accompanying Flood Insurance Rate Map (FIRM), and any revisions thereto, and declare the same to be a part of the Lake Stevens Municipal Code. The Flood Insurance Study is on file in the Planning and Community Development Department. (Ord. 964, Sec. 3, 2016; Ord. 860, Sec. 4 (Exh. 2), 2011)

14.64.010 Application of Regulations.

- (a) All development in the regulatory floodplain, within the City of Lake Stevens, comprised of the special flood hazard area and all protected areas (i.e., lands within the boundaries of the floodway, the riparian habitat zone, and the channel migration area locally defined and mapped) shall comply with the terms of this chapter and other applicable local, state, and federal regulations including, but not limited to, obtaining necessary permits and approvals.
- (b) The degree of flood protection required is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by human-made or natural causes. This does not imply that land outside the special flood hazard areas or uses permitted within such areas will be free from flooding or flood damages. There shall be no liability on the part of the City of Lake Stevens, any officer or employee thereof, or FEMA, for any flood damages that result from reliance on this code or any administrative decision lawfully made hereunder.
- (c) Under the provisions of this chapter, the City will allow an applicant to request permit specific review as consistent with National Flood Insurance Program regulation contained in [44 CFR 60.3\(a\)\(2\)](#) to assess development impacts to floodplain and associated habitat functions and any requested deviations pursuant to the submission of a habitat impact assessment per Section [14.64.055\(c\)](#) and, if necessary, a habitat mitigation plan per Section [14.64.055\(d\)](#). Under a permit specific review, the development proposal must otherwise follow the defined administrative review procedures and regulations of this chapter. (Ord. 860, Sec. 4 (Exh. 2), 2011)

14.64.015 Authority and Duties of the Floodplain Administrator.

- (a) The Floodplain Administrator shall be the Planning and Community Development Director, or the Director's designee, appointed to administer and implement this chapter by granting or denying floodplain development permits in accordance with its provisions.
- (b) Upon receipt of a floodplain development application, the Floodplain Administrator shall compare the project's site elevation to the base flood elevation. A development project is not subject to the requirements of this chapter if it is located on land outside the protected area and higher than the base flood elevation.
- (c) The Floodplain Administrator shall determine where needed, the exact location of the boundaries of the regulatory floodplain, the special flood hazard area, and the protected area when there appears to be a conflict between the mapped special flood hazard area boundary and actual field conditions, as determined by the base flood elevation and ground elevations per the criteria found in Section [14.88.510](#). The applicant may appeal an administrative interpretation of the boundary location to the hearing examiner in accordance with Section [14.16A.265](#).
- (d) Where the adopted FIRM map does not include base flood elevation and floodway data for special flood hazard areas, the Floodplain Administrator shall obtain, review, and reasonably utilize any base flood elevation and floodway data available from federal, state, and/or other sources.

(e) The Floodplain Administrator shall maintain, for public inspection, all records pertaining to the provisions of this chapter and submit such reports as required for the National Flood Insurance Program. (Ord. 860, Sec. 4 (Exh. 2), 2011)

14.64.020 Administrative Procedures.

(a) The City shall require a floodplain development permit before construction and/or development begins within the regulatory floodplain.

(b) The City shall review all development permits to determine that all necessary permits have been obtained from those Federal, State, or local governmental agencies from which prior approval is required, provided, the primary responsibility to identify and obtain required permits shall remain with the developer, and the City shall have no liability to the developer should it fail to identify any other permit that is determined to be required by the agency administering such permit.

(c) For all new or substantially improved floodproofed nonresidential structures where base flood elevation data is provided through the FIS, FIRM, or as required in Section [14.64.015\(d\)](#):

(1) Obtain and record the elevation (in relation to mean sea level) to which the structure was floodproofed;

(2) Maintain the floodproofing certifications required in Section [14.64.045\(c\)](#).

(d) Where elevation data is not available either through the Flood Insurance Study, FIRM, or from another authoritative source (Section 4.3-2), applications for building permits shall be reviewed to assure that proposed construction will be reasonably safe from flooding. The test of reasonableness is a local judgment and includes use of historical data, high water marks, photographs of past flooding, etc., where available. Failure to elevate at least two feet above the highest adjacent grade in these zones may result in higher insurance rates.

(e) Applicants shall submit a floodplain development permit, on forms furnished by the City, and shall submit one or more site plans, drawn to scale, including, but not limited to, the following:

(1) The nature, location, dimensions, and elevations of the property in question;

(2) Names and location of all lakes, water bodies, waterways and drainage facilities within 300 feet of the site;

(3) The elevations of the 10-, 50-, 100-, and 500-year floods, where the data are available;

(4) The boundaries of the regulatory floodplain, special flood hazard area, floodway, riparian habitat zone, and channel migration area, as appropriate;

- (5) The proposed drainage system including, but not limited to, storm sewers, overland flow paths, detention facilities and roads;
- (6) Existing and proposed structures, fill, pavement and other ~~impervious~~hard surfaces, and sites for storage of materials;
- (7) Critical areas per Chapter [14.88](#); and
- (8) Existing native vegetation and proposed revegetation.

(f) The applicant must record a notice on title that the property contains land within the regulatory floodplain including special flood hazard areas and protected areas, as applicable, before the City issues the floodplain development permit.

(g) The City shall notify adjacent communities and the Department of Ecology prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Insurance Administration.

(h) The City shall require that maintenance is provided within the altered or relocated portion of said watercourse so that the flood carrying capacity is not diminished. (Ord. 964, Sec. 4, 2016; Ord. 860, Sec. 4 (Exh. 2), 2011)

14.64.025 Conformance with Chapter 14.88 (Critical Areas), Chapter 14.92 (Shoreline Management), Section 14.16C.100 (Shoreline Permits), and the Shoreline Master Program.

Uses permitted within regulatory floodplain must also be consistent with Chapter [14.88](#), Chapter [14.92](#), Section [14.16C.100](#) and the Shoreline Master Program. Wherever regulations conflict in these chapters, the more restrictive provisions shall prevail. The intent of this section is to prevent development that is inconsistent with Chapter [14.88](#), Chapter [14.92](#), Section [14.16C.100](#) and the Shoreline Master Program even though it may seem permissible according to the regulations of this chapter. (Ord. 860, Sec. 4 (Exh. 2), 2011)

14.64.030 Exemptions and Allowed Activities.

(a) Nondevelopment Activities. Activities in the regulatory floodplain that do not meet the definition of "development" are exempt activities and do not require a floodplain development permit if the activity meets all other federal, state, and local requirements. The following are examples of activities not considered development:

- (1) Routine maintenance of landscaping that does not involve grading, excavation, and/or filling;
- (2) Removal of noxious weeds and hazard trees and replacement of non-native vegetation with native vegetation;

- (3) Normal maintenance of structures, such as re-roofing and replacing siding, provided such work does not qualify as a substantial improvement;
- (4) Normal maintenance of above ground utilities and facilities, such as replacing downed power lines and utility poles;
- (5) Normal maintenance of streets and roads including filling potholes, repaving, and/or installing signs and traffic signals, but not including expansion of paved areas;
- (6) Normal maintenance of a levee or other flood control facility prescribed in the operations and maintenance plan for the levee or flood control facility. Normal maintenance does not include repair from flood damage, expansion of the prism, expansion of the face or toe or addition for protection on the face or toe with rock armor; and
- (7) Plowing and other normal farm practices (other than structures or filling) on farms in the regulatory floodplain and in existence as of the effective date of the ordinance establishing this chapter do not require a floodplain development permit. Clearing additional land for agriculture after the effective date of Ordinance No. 860 shall require a floodplain development permit.

(b) Activities Allowed with a Floodplain Development Permit. The City will allow the activities listed below in the regulatory floodplain, without a habitat impact assessment per Section [14.64.055\(c\)](#), when the activity meets all other requirements of this chapter:

- (1) Repairing and/or remodeling existing structures if the repairs and/or remodels are not a substantial improvement or a repair of substantial damage;
- (2) Maintenance and/or repair of shoreline stabilization structures pursuant to the Shoreline Master Program that does not involve grading, excavation and/or filling;
- (3) Maintenance, repair, remodel and/or new over-water structures pursuant to the Shoreline Master Program that does not involve grading, excavation and/or filling;
- (4) Expansion of existing structures when the expansion does not increase the existing footprint more than 10 percent. The expansion measurement is counted cumulatively from the effective date of Ordinance No. 860. If the structure is in the floodway, there shall be no change in the dimensions perpendicular to flow;
- (5) Activities with the sole purpose of creating, restoring and/or enhancing natural functions associated with floodplains, streams, lakes, estuaries, marine areas, habitat, and riparian areas that meet federal and state standards, if the activities do not include the creation of structures and/or impervioushard surfaces;

- (6) Development of open space and recreational facilities, such as parks, trails, and hunting grounds, that do not include fill, the creation of structures and/or impervioushard surfaces, and/or removal of more than five percent of the native vegetation on that portion of the property in the regulatory floodplain; and
- (7) Maintenance and/or repair to on-site septic systems provided the ground disturbance is the minimum necessary to carry out the maintenance and/or repair. (Ord. 860, Sec. 4 (Exh. 2), 2011)

14.64.035 Other Activities.

All other activities not listed in Sections [14.64.030](#)(a) and (b) that are allowed by Chapter [14.44](#) are allowed, provided they meet all the other requirements of this chapter, including providing a habitat impact assessment pursuant to Section [14.64.055](#)(c) and obtaining a floodplain development permit prior to the activity. (Ord. 860, Sec. 4 (Exh. 2), 2011)

14.64.040 Development Standards.

- (a) Structures, impervioushard surfaces, and other development shall be located to avoid flood damage.
 - (1) If a lot has a buildable site out of the regulatory floodplain, when possible, all new structures, impervioushard surfaces, and other development shall be located in that area.
 - (2) If a lot does not have a buildable site out of the regulatory floodplain, all new structures, impervioushard surfaces, and other development must be sited in the location that has the least impact on habitat by locating the structures, impervioushard surfaces, and other development as far from the water body as possible and/or placing the structures, impervioushard surfaces, and other development on the highest land on the lot.
 - (3) If the proposed project cannot meet the criteria of subsection (a)(1) or (2) of this section, a habitat impact assessment shall be conducted pursuant to Section [14.64.055](#)(c) and, if necessary, a habitat mitigation plan shall be prepared and implemented pursuant to Section [14.64.055](#)(d), prior to locating structures, impervioushard surfaces, and other development within the regulatory floodplain.
- (b) Applicants shall design and locate all new structures, impervioushard surfaces, and other development to minimize the impact on flood flows, flood storage, water quality, and habitat.
 - (1) To the extent feasible, stormwater and drainage features shall incorporate low impact development techniques that mimic predevelopment hydrologic conditions, such as stormwater infiltration, rain gardens, grass swales, filter strips, disconnected impervioushard surfacesareas, permeable pavement, and vegetative roof systems, pursuant to Chapter [11.06](#).
 - (2) If a project proposes to create new impervioushard surfaces on more than 10 percent of that portion of the lot in the regulatory floodplain, the applicant shall demonstrate that there will be no net

increase in the rate and volume of the stormwater surface runoff leaving the site or mitigate the adverse impacts, pursuant to Chapter [11.06](#).

(c) Hazardous Materials. New development shall not create a threat to public health, public safety, and/or water quality. Chemicals, explosives, gasoline, propane, buoyant materials, animal wastes, fertilizers, flammable liquids, pollutants, and other materials that are hazardous, toxic, or a threat to water quality are prohibited from the regulatory floodplain. This prohibition does not apply to small quantities of these materials kept for normal household use, or to the continued operations of existing facilities and structures, reuse of existing facilities and structures, or functionally dependent facilities or structures.

(1) If the proposed development cannot meet the criteria of subsection (c) of this section, the applicant must provide a habitat impact assessment pursuant to Section [14.64.055\(c\)](#) prior to any approval of the proposed development.

(d) Critical Facilities.

(1) To the extent possible, construction of new critical facilities shall be located outside the limits of the regulatory floodplain.

(2) Construction of new critical facilities in the regulatory floodplain shall be permissible if no feasible alternative site is available, provided:

(i) Critical facilities shall have the lowest floor elevated three feet above the base flood elevation or to the height of the 500-year flood, whichever is higher. If there is no available data on the 500-year flood, the permit applicants shall develop the needed data in accordance with FEMA mapping guidelines.

(ii) Access to and from the critical facility shall be protected to the elevation of the 500-year flood. (Ord. 860, Sec. 4 (Exh. 2), 2011)

14.64.045 Construction Standards for Protection of Structures.

The provisions of this section shall apply in the special flood hazard area. All new structures and substantial improvements shall be protected from flood damage below the flood protection elevation.

(a) Applicability. The protection requirements of this section apply to all new structures and substantial improvements, which include:

(1) Construction or placement of a new structure, including over-water structures and shoreline stabilization;

- (2) Reconstruction, rehabilitation, and/or other improvement that will result in a substantially improved structure, including over-water structures and shoreline stabilization;
- (3) Repairs to an existing structure that has been substantially damaged;
- (4) Placing a manufactured home on a site; and
- (5) Placing a recreational vehicle or travel trailer on a site for more than 180 days.

(b) Flood Protection Standards.

- (1) All new structures and substantial improvements shall have the lowest floor including basements elevated at least one foot above the flood protection elevation.
- (2) Where practicable, new structures shall align parallel with the direction of flood flows.
- (3) To prevent flotation, collapse, and/or lateral movement of the structure, all new structures shall provide anchoring.
- (4) All materials below the flood protection elevation shall be resistant to flood damage; provided, however, that materials harmful to aquatic wildlife, such as creosote, are prohibited below the flood protection elevation.
- (5) Electrical, heating, ventilation, ductwork, plumbing, and air-conditioning equipment and other service facilities shall be elevated above the flood protection elevation. Water, sewage, electrical, and other utility lines below the flood protection elevation shall be constructed so as to prevent water from entering or accumulating within them during conditions of flooding.
- (6) Fully enclosed areas below the lowest floor that are subject to flooding shall be used only for parking, storage, and/or building access and shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement shall either be certified by a registered professional engineer or licensed architect and/or meet or exceed the following minimum criteria:
 - (i) Fully enclosed areas shall provide a minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding.
 - (ii) The bottom of all openings shall be no higher than one foot above grade.
 - (iii) Openings may be equipped with screens, louvers, or other coverings or devices; provided, that they permit the automatic entry and exit of floodwaters.

(c) Nonresidential Construction. New construction and substantial improvement of any commercial, industrial or other nonresidential structure shall be elevated in accordance with subsection (b) of this section. As an alternative to elevation, a new or substantial improvement to a commercial, industrial, or other nonresidential structure and its attendant utility and sanitary facilities may be dry flood-proofed if the following criteria are met:

- (1) The structure is below the flood protection elevation and the structure is watertight with walls substantially impermeable to the passage of water;
- (2) The structural components are capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; and
- (3) A registered professional engineer or licensed architect certifies that the design and methods of construction conform to accepted standards of practice for meeting provisions of this subsection based on their development and/or review of the structural design, specifications and plans. The applicant shall provide such certifications with their floodplain development application.

(d) Manufactured Homes. The placing of all manufactured homes or substantial improvements to existing manufactured homes on sites shall be:

- (1) Elevated on a permanent foundation in accordance with subsection (b) of this section; and
- (2) Securely anchored to a foundation/foundation system to resist flotation, collapse and lateral movement. Methods of anchoring may include, but are not to be limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to other applicable anchoring requirements for resisting wind forces.

(e) Recreational Vehicles. Recreational vehicles placed on sites shall:

- (1) Be on the site for fewer than 180 consecutive days; or
- (2) Be fully licensed and ready for highway use, on their wheels or jacking system, attached to the site only by quick disconnect type utilities and security devices, and have no permanently attached additions; and
- (3) Meet the requirements of subsection (d) of this section.

(f) Appurtenant Structures. A structure on the same parcel as the principal structure, when the use is incidental to the use of the principal structure and is not used for human habitation, may be exempt from the elevation requirement of subsection (b) of this section, provided:

- (1) It is used only for parking or storage;

- (2) It is constructed and placed on the building site so as to offer minimum resistance to the flow of floodwaters;
- (3) It is anchored to prevent flotation which may result in damage to other structures;
- (4) All portions of the structure below the flood protection elevation must be constructed of flood-resistant materials;
- (5) Service utilities such as electrical and heating equipment meet the standards of subsections (b) and (g) of this section;
- (6) It has openings to allow free flowage of water that meet the criteria in subsection (b)(6) of this section; and
- (7) The project meets all the other requirements of this chapter.

(g) Utilities.

- (1) All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the systems;
- (2) Water wells shall be located outside the floodway and shall be protected to the flood protection elevation;
- (3) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters;
- (4) On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding. As a condition of approval for an on-site waste disposal system within the regulatory floodplain, the applicant must prepare and provide a habitat impact assessment in accordance with Section [14.64.055\(c\)](#). (Ord. 860, Sec. 4 (Exh. 2), 2011)

14.64.050 Special Provisions for Subdivisions.

- (a) This section applies to all subdivision proposals including but not limited to subdivisions, short subdivisions, planned developments, and binding site plans per Chapter [14.18](#).
- (b) All proposals shall be consistent with the need to minimize flood damage.
- (c) All proposals shall have utilities and facilities, such as sewer, gas, electrical, and water systems, located and constructed to minimize or eliminate flood damage.
- (d) All proposals shall provide adequate drainage to reduce exposure to flood damage.

- (e) Wherever possible, all proposals shall provide at least one access road connected to land outside the regulatory floodplain with the surface of the road at or above the flood protection elevation.
- (f) Where base flood elevation data has not been provided or is not available from another authorized source, it shall be generated for subdivision proposals and other proposed developments which contain at least 50 lots or five acres (whichever is less).
- (g) The final recorded plat, short plat, or binding site plan shall include a note that a portion of the property contains land within the regulatory floodplain including special flood hazard areas and protected areas, as applicable. (Ord. 964, Sec. 6, 2016; Ord. 860, Sec. 4 (Exh. 2), 2011)

14.64.055 Standards for Habitat Protection.

The provisions of this section shall apply in the regulatory floodplain.

- (a) Native Vegetation.
 - (1) In the riparian habitat zone (required buffers per Chapter [14.88](#) and the Shoreline Master Program), native vegetation shall be left undisturbed, except as provided in Section [14.64.030](#).
 - (2) Outside the riparian habitat zone, removal of native vegetation shall not exceed 35 percent of the surface area of the portion of the site in the regulatory floodplain. The applicant can count native vegetation in the riparian habitat zone portion of the property (required buffers per Chapter [14.88](#) and the Shoreline Master Program) toward this requirement.
 - (3) If the proposed project does not meet the criteria of Section [14.64.030](#)(a) and (b), the applicant shall provide a habitat impact assessment pursuant to subsection (c) of this section, and, if necessary, a habitat mitigation plan pursuant to subsection (d) of this section, prior to any approval of the proposed project.
- (b) Compensatory Storage. New development shall not reduce the effective flood storage volume of the regulatory floodplain. A development proposal shall provide compensatory storage if grading or other activity eliminates any effective flood storage volume. Compensatory storage areas shall:
 - (1) Provide equivalent volume at equivalent elevations to that being displaced. For this purpose, "equivalent elevation" means having similar relationship to ordinary high water and to the best available 10-year, 50-year and 100-year water surface profiles;
 - (2) Be hydraulically connected to the source of flooding;
 - (3) Provide compensatory storage in the same construction season as when the displacement of flood storage volume occurs and before the flood season begins; and

(4) The newly created storage area shall be graded and vegetated to allow fish access during flood events without creating fish stranding sites.

(c) Habitat Impact Assessment. Unless allowed under Section [14.64.030\(a\)](#) and (b), a permit application to develop in the regulatory floodplain shall include an assessment of the impact of the project on federal, state and/or locally protected species and habitat, water quality and aquatic and riparian habitat. The assessment shall be one of the following:

(1) A biological evaluation or biological assessment developed per [50 CFR 402.12](#) to initiate federal interagency consultation under Section 7(a)(2) of the Endangered Species Act; or

(2) Documentation that the activity fits within Section 4(d) of the Endangered Species Act; or

(3) Documentation that the activity fits within a habitat conservation plan approved pursuant to Section 10 of the Endangered Species Act, where any such assessment has been prepared or is otherwise made available; or

(4) An assessment prepared in accordance with Regional Guidance for Floodplain Habitat Assessment and Mitigation, FEMA Region X, 2010. The assessment shall determine if the project would adversely affect:

(i) Species that are federal, state or local listed as threatened or endangered;

(ii) The primary constituent elements for critical habitat, when designated;

(iii) Essential fish habitat designated by the National Marine Fisheries Service;

(iv) Fish and wildlife habitat conservation areas, per Chapter [14.88](#), Part IV, or the Shoreline Master Program Appendix B; and

(v) Other protected areas and elements necessary for species conservation.

(d) Habitat Mitigation Plan.

(1) If the assessment, conducted under subsection (c) of this section, concludes the project will have an adverse effect on water quality and/or aquatic or riparian habitat or habitat functions, the applicant shall provide a plan to mitigate those impacts, in accordance with Regional Guidance for Floodplain Habitat Assessment and Mitigation, FEMA Region X, 2010.

(i) If the project is located outside the protected area, the mitigation plan shall include such avoidance, minimization, restoration, or compensation measures as are appropriate for the situation.

- (ii) If the project is located in the protected area, the mitigation plan shall stipulate avoidance measures as are needed to ensure that there is no adverse effect during any phase of the project.
- (2) The proposed project shall incorporate the plan's habitat mitigation activities. The redesigned project and its mitigation components shall be the basis for the floodplain development permit.
- (3) The Floodplain Administrator shall not issue a certification of use and/or occupancy until the applicant completes all the work identified in the biological evaluation, biological assessment, and/or mitigation plan or provides the necessary assurance to complete unfinished portions of the project, in accordance with Section [14.16A.180](#). (Ord. 860, Sec. 4 (Exh. 2), 2011)

Part II. Drainage, Erosion Control, Storm Water Management

14.64.100 Natural Drainage System Utilized to Extent Feasible.

- (a) To the extent practicable, all development shall conform to the natural contours of the land and natural and preexisting manmade drainage ways shall remain undisturbed.
- (b) To the extent practicable, lot boundaries shall be made to coincide with natural and preexisting manmade drainage ways within subdivisions to avoid the creation of lots that can be built upon only by altering such drainage ways.

14.64.110 Developments Must Drain Properly.

- (a) All developments shall be provided with a drainage system that is adequate to prevent the undue detention or retention of surface water on the development site. Surface water shall not be regarded as unduly detained or retained if:
 - (1) The detention or retention results from a technique, practice or device deliberately installed as part of an approved sedimentation or storm water runoff control plan; or
 - (2) The detention or retention is not substantially different in location or degree than that experienced by the development site in its pre-development stage, unless such detention or retention presents a danger to health or safety.
- (b) No surface water may be channeled or directed into a sanitary sewer.
- (c) Whenever practicable, the drainage system of a development shall coordinate with and connect to the drainage systems or drainage ways on surrounding properties or streets.
- (d) Use of drainage swales rather than curb and gutter and storm sewers in subdivisions is provided for in Section [14.56.080](#) (Street Width, Sidewalk, and Drainage Requirements in Subdivisions). Private roads and

access ways within unsubdivided developments shall utilize a storm drainage system designed by a licensed engineer to provide adequate drainage if the grade of such roads or access ways is too steep to provide drainage in another manner or if other sufficient reasons exist to require such construction.

(e) Construction specifications for drainage swales, curbs and gutters, and storm drains are contained in the currently adopted version of the Engineering Design and Development Standards for the City of Lake Stevens. (Ord. 796, Sec. 24, 2009)

14.64.120 Storm Water Management.

All developments shall be constructed and maintained so that adjacent properties are not unreasonably burdened with surface waters as a result of such developments. More specifically:

- (a) No development may be constructed or maintained so that such development unreasonably impedes the natural flow of water from higher adjacent properties across such development, thereby unreasonably causing substantial damage to such higher adjacent properties; and
- (b) No development may be constructed or maintained so that surface waters from such development are unreasonably collected and channeled onto lower adjacent properties so that the volume and/or rate is not substantially greater than the pre-development volume and/or rate.

14.64.130 Sedimentation and Erosion Control.

(a) No Planning Director approval, administrative conditional use, or conditional use permit may be issued and final plat approval for subdivisions may not be given with respect to any development that would cause land disturbing activity unless the Public Works Director has certified to the City, either that:

- (1) An erosion control plan has been submitted to and approved by the Public Works Director; or
- (2) The Public Works Director has examined the preliminary plans for the development and it reasonably appears that an erosion control plan can be approved upon submission by the developer of more detailed construction or design drawings. However, in this case, construction of the development may not begin (and no building permits may be issued) until the Public Works Director approves the erosion control plan.

(b) For purposes of this section, land disturbing activity means any use of the land by any person in residential, industrial, educational, institutional, or commercial development, and highway and road construction and maintenance that results in a change in the natural cover or topography and that may cause or contribute to sedimentation. Sedimentation occurs whenever solid particulate matter, mineral or organic, is transported by water, air, gravity, or ice from the site of its origin. (Ord. 811, Sec. 64, 2010; Ord. 468, 1995)

14.64.140 Stormwater Systems to Be Designed in Accordance with Ecology Stormwater Manual.

All stormwater systems shall be designed based on the requirements and the best management practices (BMPs) available for stormwater control (for both quantity and quality), as described in the 2005 State Department of Ecology Storm Water Management Manual for Western Washington, as amended by Sections 1 through 6 of Appendix 1 of the NPDES Phase II Municipal Stormwater Permit, as now or hereafter amended ("Stormwater Manual") and the currently adopted version of the Engineering Design and Development Standards for the City of Lake Stevens.

(Ord. 808, Sec. 2, 2009; Ord. 796, Sec. 25, 2009; Ord. 666, Sec. 10, 2002; Ord. 468, 1995)

14.64.150 Illegal Discharge of Materials into the Stormwater System.

The discharge of any material other than clean stormwater into the stormwater system is prohibited. (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

Use		Minimum Parking Requirement	Maximum
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)	<u>N/A</u>
1.120			
1.200	Two family residences.	2 spaces for each dwelling unit, except that one-bedroom units require only one space	<u>N/A</u>
1.300	Multifamily residences ¹	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. ^{1.25} <u>spaces per unit²</u>	<u>2.5 spaces per unit³</u>
4.410	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.	
1.410	Level I, II and III health and social service facility.	To be determined by the Planning Director on a case by case basis. ^{2.5 spaces per 1,000 square feet of gross floor area}	<u>5 spaces per 1,000 gfa</u>
1.420			
1.430			
1.440	Group, <u>Convalescent and Nursing Homes for Juvenile Offenders</u>	1 space per room for each staff person on site during the maximum shift plus 1 space for each facility vehicle plus 1 space for every three beds.	<u>1.5 spaces per room</u>
1.510	Rooming and boarding houses.	1 space for each bedroom.	

¹ Includes mixed use developments.

² One and one-quarter spaces minimum to a maximum of two spaces for units with one or less bedrooms.

³ Two and one-quarter spaces minimum to two and one-half maximum for units with two or more bedrooms.

1.520	<u>Senior Housing</u>	<u>0.5 space per unit</u>	<u>1 space per unit</u>
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	Retail <u>Trade and Professional Services</u>	<u>24</u> space per <u>1,000200</u> square feet of gross floor area.	<u>4 spaces per 1,000</u>
2.210	sales high volume traffic.		gfa
2.112	Convenience stores.	1 space per 150 square feet of gross floor area.	
2.120	Retail sales low volume traffic,	1 space per <u>1,000400</u> square feet of gross floor area.	<u>2 spaces per 1,000</u>
2.130	W holesale <u>Trade sales.</u>		gfa
2.220			
2.230			
3.110	Offices <u>and Business Services.</u>	<u>42</u> space per <u>1,000400</u> square feet of gross floor area.	<u>4 spaces per 1,000</u>
3.120			<u>gfa</u>
3.130			
3.210			
3.220			
3.230	Banks.	<u>43</u> space per <u>1,000200</u> square feet of area within main building plus reservoir land capacity equal to 5 spaces per window (10 spaces if window serves two stations).	<u>5 spaces per 1,000</u>
4.110	Manufacturing: majority of business from walk in trade.	1 space per 400 square feet of gross floor area.	<u>gfa</u>

4.120	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	Libraries, museums, art galleries, art centers.	1 space per 300 square feet of gross floor area.	
5.400	Social, fraternal clubs and lodges, union halls.		
6.110	Bowling alleys, skating rinks, indoor tennis and squash courts, billiard and pool halls, indoor athletic and exercise 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.	
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 6.220	Privately owned outdoor recreational facilities. Publicly 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.	
6.230	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.	14 spaces per 1000 square feet of gross floor area.	10 spaces per 1000 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 8.200-10 spaces per 1,000 square feet of gross floor area plus reservoir lane capacity equal to 5 spaces per drive in window.	15 spaces per 1,000 gross floor area
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 10.220	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 20.30 percent of the parking spaces need only contain a rectangular area of only seven and one-half feet in width by 15.6 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.

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 ~~10.9~~ feet in width for one-way traffic and ~~20-18~~ feet in width for two-way traffic, except that ~~109~~-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)

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.~~

~~(e) (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) On 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, t~~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).

(ed) 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.

(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

Gross Leasable Area of Building	Number of spaces*
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
<p>Plus one (1) space for each additional 72,000 square feet or fraction thereof</p>	

~~*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.

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](#) **Stormwater Facility Landscaping**
- [14.76.0560](#) Table of Screening Requirements
- [14.76.090100](#) Additional Screening Requirements
- [14.76.110](#) Maintenance of Landscaping and Screening

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) **Screening and landscaping can help protect water quality and promote groundwater infiltration by using the screening and landscaped areas as LID stormwater facilities.**

(45) 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 shall first consider installing required landscaping or screening areas with Low Impact Development (LID) facilities in lieu of traditional landscaping and screening. Such areas shall meet or exceed the standard landscaping and screening requirements described in this chapter. LID facilities 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 or a licensed landscape architect can recommend suitable plant species, LID 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 preservation and use of existing native vegetation to meet screening requirements shall be required unless the vegetation is deemed inappropriate or a danger by the City over the use of the screens may be composed of a walls, fences, landscaped earth berms, or new 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. Where a Type A screen perimeter landscaping screen is required, the applicant must provide:

- i. Minimum 50 percent evergreen trees ranging in height from 4 to 8 feet, with 60 percent or more being 6-feet or higher at the time of planting; and
- ii. Deciduous trees with a caliper of at least 2-inches at the time of planting; and
- iii. At least 50 percent of the trees shall be native species or drought resistant; and
- iv. The number of trees is determined by calculating the area of the perimeter buffer and dividing by 250 square feet, or one tree for every ten feet of buffer length, whichever is greater; and
- v. Minimum 50 percent evergreen 2-gallon shrubs at the time of planting to achieve minimum six feet height at maturity; and
- vi. The number of shrubs is determined by calculating the area of the perimeter buffer and dividing by 50-square feet or one shrub for every five feet of buffer length, whichever is greater; and
- vii. Living ground cover shall be planted and spaced to achieve total coverage within five years; and
- viii. Trees and shrubs shall be spaced to result in an opaque screen over time.

In addition, a Type A screen includes a minimum ~~ten~~15-foot-wide landscaped planting strip parallel and adjacent to the property line where the screening is required, unless larger screens are otherwise required as part of a conditional use permit or other land use approval.

(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. Where Type B screen perimeter landscaping is required, the applicant must provide:

- i. Minimum 50 percent evergreen trees ranging in height from 4 to 8 feet, with 60 percent or more being 6-feet or higher at the time of planting; and
- ii. Deciduous trees with a caliper of at least 2-inches at the time of planting; and
- iii. At least 50 percent of the trees shall be native species or drought resistant; and
- iv. The number of trees is determined by calculating the area of the perimeter buffer and dividing by 400-square feet or one tree for every 20-feet of buffer length, whichever is greater; and
- v. At least 50-percent evergreen 2-gallon size shrubs at the time of planting, to achieve minimum six feet height at maturity; and
- vi. The number of shrubs is determined by calculating the area of the perimeter buffer and dividing by 100-square feet or one shrub for every five feet of buffer length, whichever is greater; and
- vii. Living ground cover shall be planted and spaced to achieve total coverage within five years;

In addition, a Type B screen includes a minimum ~~five~~10-foot-wide landscaped planting strip parallel and adjacent to the property line where the screening is required, unless larger screens are otherwise required as part of a conditional use permit or other land use approval.

(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. Where Type C screen perimeter landscaping is required, the applicant must provide:

- i. Minimum 50 percent evergreen trees ranging in height from 4 to 8 feet, with 60 percent or more being 6-feet or higher at the time of planting; and; and deciduous trees 2-inch caliper spaced no more than 30-feet on center; and
- ii. Evergreen 2-gallon size shrubs minimum spaced no more than five-feet on center; and
- iii. Living ground cover shall be planted and spaced to achieve total coverage within five years

In addition, a Type C screen includes a minimum 10-foot-wide landscaped planting strip parallel and adjacent to the property line where the screening is required, unless larger screens are otherwise required as part of a conditional use permit or other land use approval.

(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 to improve their visual appearance while still allowing for maintenance of access roads and the stormwater facility.
- (b) Where perimeter fencing of a stormwater flow control or treatment facility is required pursuant to the EDDS, Type B landscaping screen buffer of at least five feet in width shall be installed pursuant to the requirements of Section 14.76.040(a)(2). 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 using 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 the facility shall be landscaped to improve its appearance as follows: Type C landscaping screen buffer of at least five feet in width shall be installed pursuant to the requirements of Section 14.76.040(3), except that raingardens, bioswales, underground vaults and like facilities do not require landscape screening.
- (g) 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.

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 Type A 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 screens required in sections 14.76.100 (a. & b.) above shall have a height of at least 30 feet at maturity. It is The landscaping screens are 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)

14.76.110 Maintenance of Landscaping and Screening

(a.) The property owner or responsible lessee shall maintain all landscaped areas in a healthy and safe manner; ensure landscaped areas remain free of weeds and debris; and replace dead or diseased plants with in-kind plants.

(b.) The property owner or responsible lessee shall provide eye level visibility between the street, sidewalks, buildings, and parking areas:

(i) The property owner or responsible lessee shall prune shrubs and other low plantings to a height of three feet or less above the ground; and

(ii) The property owner or responsible lessee shall prune lower branches of mature trees to approximately eight feet above the ground.

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. Different species of trees with different shapes and colors should be used throughout developments. At a minimum every other tree needs to be a different species, to ensure variety and long term health and viability of street trees. 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 "Seattle Green Factor Plant List" "Guide for Landscaping," or those recommended by a licensed landscape architect. Paving or covering the landscape strip with impervioushard 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 or 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 consulting arborist, which makes recommendations for preservation/removal and protection of trees within the proposed development and 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~~ a mix of evergreen and deciduous -native tree species at a ratio of 3:1 based on the type of tree being removed. New trees shall be a minimum of 4 to 8-feet high if evergreen with at least 60 percent being 6-feet or higher and 2-inches in caliper if deciduous at the time of planting. Fifty percent must be evergreen. 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 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 ~~impervioushard~~ surface may be located within 12 ~~4 $\frac{1}{2}$ –~~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) Non~~st~~reet 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 if deciduous and 4 to 6-feet high if evergreen. Fifty percent of the trees shall be evergreen.

(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 canopy cover of at least 20-feet 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," or trees recommended by a licensed landscape architect and approved by the Director or designee that would provide similar function and value.

(b) One shade tree (minimum two-inch caliper if deciduous and 4-6 ft. high if evergreen) per parking area planting bed or one tree per 30-feet along paths, perimeters, or other linear planting areas. If more than one tree is required to be planted within the parking lot, then 50-percent of the trees shall be evergreen.;
~~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 existing 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 tree species is chosen from the "Seattle Green Factor Plant List" or those chosen by a licensed landscape architect for use in bioretention facilities or 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)

Chapter 14.88 CRITICAL AREAS

Sections:

Part I. Purpose and Intent

[14.88.010](#) Purpose and Intent

Part II. Definitions

[14.88.100](#) Definitions

Part III. General Provisions

[14.88.200](#) Applicability

[14.88.210](#) Regulated Activities

[14.88.220](#) Allowed Activities

[14.88.230](#) Compliance

[14.88.235](#) Best Available Science

[14.88.240](#) Classification as a Critical Area

[14.88.250](#) Procedures

[14.88.260](#) Submittal Requirements

[14.88.270](#) Site/Resource-Specific Reports

[14.88.275](#) Mitigation/Enhancement Plan Requirements

[14.88.277](#) Mitigation Monitoring

[14.88.278](#) Bonding (Security Mechanism)

[14.88.280](#) Maps and Inventory

[14.88.283](#) Pesticide Management

[14.88.285](#) Building Setbacks

[14.88.287](#) Fencing and Signage

[14.88.290](#) Dedication of Open Space/Native Growth Protection Area

[14.88.295](#) Permanent Protection for Streams, Wetlands and Buffers

[14.88.297](#) Density Transfers on Sites Less than Five Acres

[14.88.298](#) Innovative Development Design

[14.88.300](#) Dedication of Land and/or Easements in Lieu of Park Mitigation

[14.88.310](#) Demonstration of Denial of All Reasonable Economic Uses

[14.88.320](#) Allowance of Regulated Use in a Critical Area Where Denial of All Economic Use is
Demonstrated

[14.88.330](#) Nonconforming Activities

[14.88.340](#) Assessment Relief

Part IV. Fish and Wildlife Conservation Areas

- [14.88.400](#) Classification
- [14.88.410](#) Determination of Boundary
- [14.88.415](#) Species/Habitats of Local Importance
- [14.88.420](#) Allowed Activities
- [14.88.430](#) Requirements
- [14.88.440](#) Mitigation

Part V. Frequently Flooded Areas

- [14.88.500](#) Classification
- [14.88.510](#) Determination of Boundary
- [14.88.520](#) Allowed Activities
- [14.88.530](#) Requirements
- [14.88.540](#) Mitigation

Part VI. Geologically Hazardous Areas

- [14.88.600](#) Classification
- [14.88.610](#) Determination of Boundary
- [14.88.620](#) Allowed Activities
- [14.88.630](#) Geological Assessment Requirements
- [14.88.640](#) Setback Buffer Requirements
- [14.88.650](#) Allowed Alterations
- [14.88.660](#) Prohibited Alterations
- [14.88.670](#) Mitigation

Part VII. Streams, Creeks, Rivers, Lakes and Other Surface Water

- [14.88.700](#) *Repealed*
- [14.88.710](#) *Repealed*
- [14.88.720](#) *Repealed*
- [14.88.730](#) *Repealed*
- [14.88.740](#) *Repealed*

Part VIII. Wetlands

- [14.88.800](#) Classification
- [14.88.810](#) Determination of Boundary
- [14.88.820](#) Allowed Activities

[14.88.830](#) Requirements

[14.88.840](#) Mitigation

Part IX. Transfer of Development Rights

[14.88.900](#) Definitions

[14.88.910](#) Intent and General Regulations of Transferring Development Rights (TDR)

[14.88.920](#) Qualifications for Designation of Land as a Critical Area Sending or Receiving District

[14.88.930](#) Designation Process

[14.88.940](#) Designation Revocation

[14.88.950](#) Calculating Transferable Development Rights

Part X. Mitigation Plan Requirements

[14.88.960](#) *Repealed*

Part I. Purpose and Intent

14.88.010 Purpose and Intent.

The purpose of this chapter is to designate, classify, and protect the critical areas of the Lake Stevens community by establishing regulations and standards for development and use of properties which contain or adjoin critical areas for protection of the public health, safety, and welfare. The purpose and intent of this chapter is also to ensure that there is no net loss of the acreage or functions and values of critical areas regulated by this chapter.

(a) A project proponent shall make all reasonable efforts to avoid and minimize impacts to critical areas and buffers in the following sequential order of preference:

(1) Avoiding impacts altogether by not taking a certain action or parts of an action; or

(2) When avoidance is not possible, minimizing impacts by limiting the degree or magnitude of the action and its implementation, using appropriate technology, or by taking affirmative steps, such as project redesign, relocations, or timing, to avoid or reduce impacts and mitigating for the affected functions and values of the critical area; and

(3) Reducing or eliminating impacts over time by preservation and maintenance operations during the life of the action.

(4) Compensating for unavoidable impacts by replacing, enhancing or providing substitute resources or environments.

- (b) Protect the public from personal injury, loss of life, or property damage due to flooding, erosion, landslides, seismic events, or soil subsidence.
- (c) Protect against publicly financed expenditures due to the misuse of critical areas which cause:
 - (1) Unnecessary maintenance and replacement of public facilities;
 - (2) Publicly funded mitigation of avoidable impacts;
 - (3) Cost for public emergency rescue and relief operations where the causes are avoidable;
 - (4) Degradation of the natural environment.
- (d) Protect aquatic resources.
- (e) Protect unique, fragile, and valuable elements of the environment, including wildlife and its habitat.
- (f) Alert appraisers, assessors, owners, potential buyers, or lessees to the development limitations of critical areas.
- (g) Provide City officials with sufficient information to adequately protect critical areas when approving, conditioning, or denying public or private development proposals.
- (h) Give guidance to the development of Comprehensive Plan policies in regard to the natural systems and environment of the Lake Stevens Watershed.
- (i) Provide property owners and developers with succinct information regarding the City's requirements for property development. (Ord. 903, Sec. 51, 2013; Ord. 773, Sec. 2, 2008; Ord. 741, Sec. 2, 2007)

Part II. Definitions

14.88.100 Definitions.

The definitions related to critical areas are included in Chapter [14.08](#). (Ord. 855, Secs. 3, 23, 2011; Ord. 773, Sec. 2, 2008; Ord. 741, Sec. 2, 2007; Ord. 590, 1998; Ord. 468, 1995)

Part III. General Provisions

14.88.200 Applicability.

The provisions of this chapter apply to all lands, land uses and development activity within the City. No action shall be taken by any person which results in any alteration of any critical areas except as consistent with the purposes, objectives, and goals of this chapter. (Ord. 773, Sec. 2, 2008; Ord. 741, Sec. 2, 2007)

14.88.210 Regulated Activities.

(a) All land use and/or development activities on lands containing critical areas are subject to this chapter and are prohibited unless:

- (1) The use or activity is found to be exempt by the Planning and Community Development Director per the "allowed activities" sections of this chapter; or
- (2) The use or activity meets the performance standards found in the "requirements" sections of this chapter; or
- (3) It can be demonstrated that the denial of authorization of such an activity would deny all reasonable economic uses, as demonstrated per Section [14.88.310](#). In such a case, approval in writing shall be issued by the Planning and Community Development Director. Approval of a reasonable economic use must be attached to another type of development permit obtained from the City of Lake Stevens prior to undertaking the regulated activity in the critical area or its buffer.

(b) Land use and development activities include, but are not limited to, the following activities:

- (1) The removal, excavation, grading, or dredging of soil, sand, gravel, minerals, organic matter, or material of any kind.
- (2) The dumping, discharging, or filling with any material.
- (3) The draining, flooding, or disturbing of the water level or water table.
- (4) The driving of pilings.
- (5) The placing of obstructions.
- (6) The construction, reconstruction, demolition, or expansion of any structure.
- (7) The destruction or alteration of vegetation in a critical area through clearing, harvesting, shading, intentional burning, or planting of vegetation that would alter the character of a critical area; provided, that these activities are not part of a forest practice governed under Chapter [76.09](#) RCW and its rules.
- (8) Activities that result in a significant change of water temperature, a significant change of physical or chemical characteristics of water sources, including quantity, or the introduction of pollutants. (Ord. 773, Sec. 2, 2008; Ord. 741, Sec. 2, 2007)

14.88.220 Allowed Activities.

Unless specifically prohibited elsewhere in this chapter, the following uses are allowed in any critical area; provided, that site/resource-specific reports prepared to describe the environmental limitations of and proposed

mitigation for the site shall be submitted, reviewed, and approved by the City prior to permit issuance or land use approval:

(a) Education, scientific research, and construction and use of nature trails; provided, that they are proposed only within the outer 25 percent of the wetland buffers, except that trails may be located within the remainder of the critical area buffer when it is demonstrated through the site/resource-specific report that:

- (1) No other alternative for the trail location exists which would provide the same educational and/or scientific research opportunities; and
- (2) The critical area functions and values will not be diminished as a result of the trail; and
- (3) The materials used to construct the trail will not harm the critical area; and
- (4) Land disturbance is minimized to the greatest extent possible; and
- (5) Where possible, the number of trails allowed in critical area buffers shall be limited.

(b) Navigation aids and boundary markers.

(c) Site investigative work necessary for land use application submittals such as surveys, soil logs, percolation tests and other related activities. In every case, impacts shall be minimized and disturbed areas shall be immediately restored.

(d) Normal maintenance, repair, or operation of existing structures, facilities, or improved areas.

(e) Installation or construction of City road right-of-way; or installation, replacement, operation, repair, alteration, or relocation of all water, natural gas, cable communication, telephone, or other utility lines, pipes, mains, equipment or appurtenances, not including substations or other buildings, only when required by the City and approved by the Planning and Community Development Director and when avoidance of critical areas and impact minimization has been addressed during the siting of roads and other utilities and a detailed report/mitigation plan is submitted, reviewed, and approved by the City prior to permit issuance or land use approval.

(f) Minor expansion of uses or structures existing at the time of adoption of this code, and which are in compliance with all other chapters of this title; provided, that the applicant obtains all required local, State, and Federal permits, including but not limited to a Department of Fish and Wildlife Hydraulic Permit and a Clean Water Act 404 Permit and the expansion does not create a loss of wetland area and functions nor pose a significant threat to water quality. A site/resource-specific report and mitigation plan shall be prepared to describe the wetland area, function, and water quality and submitted to the City for review and approval prior to

permit issuance. For the purposes of this subsection, "minor expansion" refers to an addition to or alteration of a use or structure and shall be limited to a maximum of 1,000 square feet of ~~impervioushard surfacesarea~~.

(g) Stormwater Management Facilities. Where buffers and setbacks are larger than 50 feet and slopes are less than 15 percent, stormwater management facilities, limited to stormwater dispersion outfalls and bioswales, may be allowed within the outer 25 percent of the buffer, when location of such facilities will not degrade the function or values of the wetland.

(h) Emergency Activities. Those activities that are necessary to prevent an immediate threat to public health, safety, or welfare or pose an immediate risk of damage to private property, and that require remedial or preventative action in a time frame too short to allow for compliance with the requirements of this chapter. (Ord. 773, Sec. 2, 2008; Ord. 741, Sec. 2, 2007)

14.88.230 Compliance.

All land uses or development applications shall be reviewed to determine whether or not a critical area exists on the property for which the application is filed, what the action's impacts to any existing critical area would be, and what actions are required for compliance with this chapter. No construction activity, including land clearing or grading, shall be permitted until the information required by this section is reviewed and a plan is approved by the City. (Ord. 773, Sec. 2, 2008; Ord. 741, Sec. 2, 2007)

14.88.235 Best Available Science.

(a) Criteria for Best Available Science. The best available science is that scientific information applicable to the critical area prepared by local, State or Federal natural resource agencies, a qualified scientific professional, or team of qualified scientific professionals, that is consistent with criteria established in WAC [365-195-900](#) through [365-195-925](#).

(b) Protection of Functions and Values and Fish Usage. Critical area studies and decisions to alter critical areas shall rely on the best available science to protect the functions and values of critical areas and must give special consideration to conservation or protection measures necessary to preserve or enhance anadromous fish and their habitat, such as salmon and bull trout.

(c) Lack of Scientific Information. Where there is an absence of valid scientific information or incomplete scientific information relating to a critical area leading to uncertainty about the risk to critical area function or permitting an alteration of or impact to the critical area, the City shall:

- (1) Take a precautionary or no-risk approach that strictly limits development and land use activities until the uncertainty is sufficiently resolved; and
- (2) Require application of an effective adaptive management program that relies on scientific methods to evaluate how well regulatory and nonregulatory actions protect the critical area. An

adaptive management program is a formal and deliberative scientific approach to taking action and obtaining information in the face of uncertainty. To effectively implement an adaptive management program, the City hereby commits to:

- (i) Address funding for the research component of the adaptive management program;
- (ii) Change course based on the results and interpretation of new information that resolves uncertainties; and
- (iii) Commit to the appropriate time frame and scale necessary to reliably evaluate regulatory and nonregulatory actions affecting protection of critical areas and anadromous fisheries. (Ord. 773, Sec. 2, 2008; Ord. 741, Sec. 2, 2007)

14.88.240 Classification as a Critical Area.

Criteria for classification as a critical area will be listed under the applicable sections of this chapter. (Ord. 773, Sec. 2, 2008; Ord. 741, Sec. 2, 2007)

14.88.250 Procedures.

Prior to fulfilling the requirements of this chapter, the City of Lake Stevens shall not grant any approval or permission to conduct development or use in a critical area. The Planning and Community Development Director is authorized to adopt administrative procedures for the purpose of carrying out the provisions of this chapter. (Ord. 773, Sec. 2, 2008; Ord. 741, Sec. 2, 2007)

14.88.260 Submittal Requirements.

To enable the City to determine compliance with this chapter, at the time of application submittal, the applicant shall file a SEPA Environmental Checklist (if use is subject to SEPA), a critical area checklist, site/resource-specific reports as specified in Section [14.88.270](#), and any other pertinent information requested by the Department of Planning and Community Development. Any of these submittal requirements may be waived by the Planning and Community Development Director if it is deemed unnecessary to make a compliance determination. (Ord. 773, Sec. 2, 2008; Ord. 741, Sec. 2, 2007)

14.88.270 Site/Resource-Specific Reports.

Unless waived per Section [14.88.260](#), all applications for land use or development permits proposed on properties containing or adjacent to critical areas or their defined setbacks or buffers shall include site/resource-specific reports prepared to describe the environmental limitations of the site. These reports shall conform in format and content to guidelines prepared by the Department of Planning and Community Development, which is hereby authorized to do so. The report shall be prepared by a qualified professional who is a biologist or a geotechnical engineer as applicable with experience preparing reports for the relevant type of critical area. The report and conclusions present in the critical area report shall be based on best available science. (Ord. 773, Sec. 2, 2008; Ord. 741, Sec. 2, 2007)

14.88.275 Mitigation/Enhancement Plan Requirements.

In the event that mitigation and/or enhancement is required, the Department of Planning and Community Development shall require the applicant to provide a mitigation plan for approval and a performance and maintenance bond in a form and amount acceptable to the City in accordance with Section [14.88.278](#). The plan shall provide information on land acquisition, construction, maintenance and monitoring of the replaced critical area that creates a no-net-loss area in function of the original area in terms of acreage, function, geographic location and setting. The plan shall also include critical areas and buffer impacts and critical areas and proposed buffer areas. All mitigation plans shall include the following items, which shall be submitted by the applicant or a qualified biologist, civil or geotechnical engineer:

- (a) Data collected and synthesized for the critical area and/or the newly restored site;
- (b) Specific goals and objectives describing site function, target species, selection criteria and measures to avoid and minimize impacts which shall include:
 - (1) Reducing or eliminating the impact over time by preservation and maintenance operations.
 - (2) Compensating for the impact by replacing, enhancing, or providing substitute resources or environments.
 - (3) Enhancing significantly degraded wetlands in combination with restoration or creation. Such enhancement should be part of a mitigation package that includes replacing the impacted area by meeting appropriate ratio requirements.
 - (4) Unless it is demonstrated that a higher level of ecological functioning would result from an alternate approach, compensatory mitigation for ecological functions shall be either in-kind and on site, or in-kind and within the same stream reach, subbasin, or drift cell. Mitigation actions shall be conducted within the same subdrainage basin and on the same site as the alteration except as specifically provided for in Sections [14.88.440](#) and [14.88.840](#);
- (c) Performance standards which shall include criteria for assessing goals and objectives;
- (d) Contingency plans which clearly define the course of action or corrective measures needed if performance standards are not met;
- (e) A legal description and a survey prepared by a licensed surveyor of the proposed development site and location of the critical area(s) on the site;
- (f) A scaled plot plan that indicates the proposed construction in relation to zoning setback requirements and sequence of construction phases including cross-sectional details, topographic survey data (including percent

slope, existing and finished grade elevations noted at two-foot intervals or less), mitigation area, and water table elevation with sufficient detail to explain, illustrate and provide for:

- (1) Soil and substrate conditions, topographic elevations, scope of grading and excavation proposal, erosion and sediment treatment and source controls needed for critical area construction and maintenance;
- (2) Planting plans specifying plant species, types, quantities, location, size, spacing, or density. The planting season or timing, watering schedule, and nutrient requirements for planting, and where appropriate, measures to protect plants from destruction; and
- (3) Contingency or mid-course corrections plan and a minimum five-year monitoring and replacement plan establishing responsibility for removal of exotic and nuisance vegetation and permanent establishment of the critical area and all component parts. The monitoring plan is subject to the provisions of Sections [14.88.277](#) and [14.88.278](#);

(g) A clearly defined approach to assess progress of the project, including the measurement of the success of a mitigation project by the presence of native species and an increase in the coverage of native plants over the course of the monitoring period;

(h) The plan must indicate ownership, size, type, and complete ecological assessment including flora, fauna, hydrology, functions, etc., of the critical area being restored or created; and

(i) The plan must also provide information on the natural suitability of the proposed site for establishing the replaced critical area, including water source and drainage patterns, topographic position, wildlife habitat opportunities, and value of existing area to be converted. (Ord. 773, Sec. 2, 2008; Ord. 741, Sec. 2, 2007)

14.88.277 Mitigation Monitoring.

- (a) All compensatory mitigation projects shall be monitored for the period necessary to establish that performance standards have been met, but in no event for a period less than five years following the acceptance of the installation/construction by the Planning and Community Development Director.
- (b) Monitoring reports on the current status of the mitigation project shall be submitted to the Planning Department. The reports shall be prepared by a qualified consultant and shall include monitoring information on wildlife, vegetation, water quality, water flow, stormwater storage and conveyance, and existing or potential degradation. Reports shall be submitted in accordance with the following schedule:
 - (1) At the time of construction;
 - (2) Thirty days after planting;

- (3) Early in the growing season of the first year;
- (4) End of the growing season of the first year;
- (5) Twice the second year (at the beginning and end of the growing season); and
- (6) Annually thereafter, to cover a total monitoring period of at least five growing seasons.

(c) The Planning and Community Development Director shall have the authority to extend the monitoring and surety period and require additional monitoring reports and maintenance activities beyond the initial five-year monitoring period for any project that involves creation or restoration of forested wetland or buffer communities, does not meet the performance standards identified in the mitigation plan, does not provide adequate replacement for the functions and values of the impacted critical area, or otherwise warrants additional monitoring. (Ord. 773, Sec. 2, 2008)

14.88.278 Bonding (Security Mechanism).

- (a) If the development proposal is subject to compensatory mitigation, the applicant shall enter into an agreement with the City to complete the mitigation plan approved by the City and shall post a mitigation surety to ensure mitigation is fully functional.
- (b) The surety shall be in the amount of 150 percent of the estimated cost of the uncompleted actions or the estimated cost of restoring the functions and values of the critical area that are at risk, whichever is greater. The surety shall be based on a detailed, itemized cost estimate of the mitigation activity including clearing and grading, plant materials, plant installation, irrigation, weed management, and all other costs.
- (c) The surety shall be in the form of an assignment of funds, bond, security device, or other means acceptable to the City Finance Director in consultation with the City Attorney.
- (d) The performance surety authorized by this section shall remain in effect until the City determines, in writing, that the standards bonded for have been met. Once the mitigation installation has been accepted by the Planning Director or Public Works Director, the bond may be reduced to 20 percent of the original mitigation cost estimate and shall become a maintenance surety. Said maintenance surety shall generally be held by the City for a period of five years to ensure that the required mitigation has been fully implemented and demonstrated to function, and may be held for longer periods under Section [14.88.277\(c\)](#).
- (e) Depletion, failure, or collection of surety funds shall not discharge the obligation of an applicant to complete required mitigation, maintenance, monitoring, or restoration.
- (f) Public development proposals shall be relieved from having to comply with the bonding requirements of this section if public funds have previously been committed for mitigation, maintenance, monitoring, or restoration.

(g) Any failure to satisfy critical area requirements established by law or condition including, but not limited to, the failure to provide a monitoring report within 30 days after it is due or comply with other provisions of an approved mitigation plan shall constitute a default. Upon notice of any default, the City may demand immediate payment of any financial guarantees or require other action authorized by the City code or any other law.

(h) Any funds paid or recovered pursuant to this section shall be used to complete the required mitigation or other authorized action.

(i) The Director may authorize a one-time temporary delay, up to 120 days, in completing mitigation activities when environmental conditions could produce a high probability of failure or significant construction difficulties. The delay shall not create or perpetuate hazardous conditions or environmental damage or degradation. The request for the temporary delay shall include a written justification documenting the environmental constraints that preclude implementation of the mitigation plan and shall include a financial guarantee. The justification shall be verified by the City before approval of any delay.

(j) The provisions of Section [14.16A.180](#) (Security Mechanisms) shall also apply if necessary to ensure adequate protection of the public interest. (Ord. 811, Sec. 73, 2010; Ord. 773, Sec. 2, 2008)

14.88.280 Maps and Inventory.

The approximate location and extent of critical areas in the City are displayed on various inventory maps available at the Department of Planning and Community Development. More data will be included as inventories are completed in compliance with the requirements of the Growth Management Act. Maps and inventory lists are guides to the general location and extent of critical areas. Critical areas not shown are presumed to exist in the City and are protected under all the provisions of this chapter. In the event that any of the designations shown on the maps or inventory lists conflict with the criteria set forth in this chapter, the criteria and site-specific conditions shall control. Other mapping sources may include:

- (a) Washington Department of Fish and Wildlife Priority Habitat and Species maps.
- (b) Washington State Department of Natural Resources official water type reference maps, as amended.
- (c) Anadromous and resident salmonid distribution maps contained in the Habitat Limiting Factors reports published by the Washington Conservation Commission.
- (d) Washington State Department of Natural Resources State Natural Area Preserves and Natural Resource Conservation Area maps.
- (e) Washington State Department of Natural Resources Natural Heritage Program mapping data.
- (f) Lake Stevens and/or Snohomish County maps. (Ord. 773, Sec. 2, 2008; Ord. 741, Sec. 2, 2007)

14.88.283 Pesticide Management.

Pesticide use is not allowed in critical areas, including critical area buffers, unless it is determined by the Planning and Community Development Director that there is no alternative to controlling invasive species. If pest control is being proposed as mitigation measures to control invasive species, a pesticide management plan must be submitted to the Planning Department. The pesticide management plan must be part of the critical areas report required in Section [14.88.270](#) for any development proposal, and shall include why there is no other alternative to pesticide use, mitigation of pesticide use, planned application schedules, types of pesticides proposed for use, and a means to prevent or reduce pesticide movement to groundwater and surface water. The report shall be prepared by a qualified specialist. (Ord. 773, Sec. 2, 2008; Ord. 741, Sec. 2, 2007)

14.88.285 Building Setbacks.

Unless otherwise provided, buildings and other structures shall be set back a distance of 10 feet from the edges of all critical area buffers or from the edges of all critical areas, if no buffers are required. The following may be allowed in the building setback area:

- (a) Uncovered decks;
- (b) Building overhangs, if such overhangs do not extend more than 18 inches into the setback area; and
- (c) ~~Impervious Hard ground~~ surfaces, such as driveways and patios; provided, that such improvements may be subject to water quality regulations as adopted. (Ord. 773, Sec. 2, 2008; Ord. 741, Sec. 2, 2007)

14.88.287 Fencing and Signage.

Wetland fencing and signage adjacent to a regulated wetland or stream corridor shall be required.

- (a) Fencing shall be smooth wire or an alternative approved by the Planning and Community Development Director.

- (1) Fencing must be a permanent structure installed in a manner that allows continuous wildlife habitat corridors along critical fish and wildlife areas with a minimum gap of one and one-half feet at the bottom of the fence, and maximum height of three and one-half feet at the top;
 - (2) The fence shall be designed and constructed to clearly demarcate the buffer from the developed portion of the site and to limit access of landscaping equipment, vehicles, or other human disturbances; and
 - (3) No pressure treated posts and rails will be used for signage or fencing.

(b) Signs designating the presence of a critical area shall be posted along the buffer boundary. The signs shall be posted at a minimum rate of one every 100 lineal feet. Standard details for signage shall be kept on file at the Planning and Community Development Department. (Ord. 773, Sec. 2, 2008; Ord. 741, Sec. 2, 2007)

14.88.290 Dedication of Open Space/Native Growth Protection Area.

(a) In order to protect critical areas, open space easements or tracts, referred to as a native growth protection area, where proposed as mitigation, shall be dedicated to the City.

(b) Anyone may offer to dedicate a critical area easement or tract and its buffer to the City even if not proposed as mitigation. The Planning and Community Development Director shall make a determination regarding the City's acceptance of such a dedication, based on consistency with the goals and policies of the adopted Comprehensive Plan.

(c) Such easements or tracts shall cover the critical area as delineated by its defined boundaries and buffers. (Ord. 773, Sec. 2, 2008; Ord. 741, Sec. 2, 2007)

14.88.295 Permanent Protection for Streams, Wetlands and Buffers.

All streams and wetlands under this chapter and their required buffers shall be permanently protected by designating them as native growth protection areas (NGPAs) in accordance with Section [14.88.290](#). NGPAs are to be left permanently undisturbed in a substantially or environmentally enhanced natural state. No clearing, grading, filling, building construction or placement, or road construction is allowed except the following:

(a) On a case by case basis when supported by a critical areas assessment study, crossings for underground utility lines which utilize the shortest alignment possible and for which no alignment that would avoid such a crossing is feasible;

(b) Removal of hazardous trees by the property owner, when based on a recommendation by a qualified arborist and an assessment of hazardous tree risk study and when approved by the City.

Existing legally (on-going) established structures, and non-native or ornamental landscaping, including, but not necessarily limited to, gardens, yards, pastures, and orchards, are not required to be designated as NGPAs. (Ord. 773, Sec. 2, 2008; Ord. 741, Sec. 2, 2007)

14.88.297 Density Transfers on Sites Less than Five Acres.

On-site density transfers on sites less than five acres may be permitted when critical areas are located on the property subject to the following provisions:

(a) Only the area contained in critical area buffers of the following wetlands is eligible to be used in the density transfer calculation:

- (1) Category II and III wetlands with a habitat score of less than 20; and
- (2) Category IV wetlands.

(b) The development must be proposed to connect to sewer service and sewer service must be available.

(c) The base density shall be consistent with the densities set forth in Chapter [14.36](#) for the zoning districts. The site density shall be calculated using the area of the subject property divided by the minimum lot size of the applicable zone.

(d) The overall density of the proposed site may be transferred from the undevelopable portion to the developable part of the site.

(e) The development shall meet applicable policies, setbacks and other standards of the City except:

- (1) Lot widths of Chapter [14.48](#) Table V may be modified to not less than 40 feet in the SR and UR zones and not less than 30 feet in the HUR zone;
- (2) Lot sizes may be modified to not less than 4,000 square feet in the SR and UR zones and not less than 3,000 square feet in the HUR zone;
- (3) Setbacks of the zone as specified in Chapter [14.48](#) Table V may not be modified when using the density transfer provision;
- (4) The proposed development must be compatible with the character of the area and adjacent uses; and
- (5) The area to which density is transferred must not be constrained by other critical areas. (Ord. 773, Sec. 2, 2008)

14.88.298 Innovative Development Design.

A project permit applicant may request approval of an innovative design, which addresses wetland, fish and wildlife habitat conservation area or buffer treatment in a manner that deviates from the standards set forth in Sections [14.88.400](#) through [14.88.440](#), Fish and Wildlife Conservation Areas, and Sections [14.88.800](#) through [14.88.840](#), Wetlands.

(a) An innovative development design will be considered in conjunction with the primary land use project approval or building permit approval. The Planning and Community Development Director shall develop and adopt administrative procedures as authorized in Section [14.88.250](#) for review and approval of innovative development design that are consistent with subsection (b) of this section. An applicant may include the innovative development design proposal in the project pre-application review packet for review. The Planning

and Community Development Director shall give preliminary findings on the preapplication and shall only issue a final decision for the design with the project or building permit approval, whichever occurs first.

(b) The applicant shall demonstrate in a site/resource-specific report required pursuant to Section [14.88.270](#) how the innovative development design complies with the following requirements:

- (1) The innovative development design will achieve protection equivalent to or better than the treatment of the functions and values of the critical areas that would be obtained by applying the standard prescriptive measures contained in this chapter;
- (2) Applicants for innovative development design are encouraged to consider measures prescribed in guidance documents, such as watershed conservation plans or other similar conservation plans, and low impact stormwater management strategies which address wetlands, fish and wildlife habitat conservation areas or buffer protection consistent with this chapter;
- (3) The innovative development design will not be materially detrimental to the public health, safety or welfare or injurious to other properties or improvements located outside of the subject property; and
- (4) Applicants for innovative development design are encouraged to consider measures prescribed in the Puget Sound Action Team 2005 Technical Guidance Manual for Low Impact Development.

(Ord. 773, Sec. 2, 2008)

14.88.300 Dedication of Land and/or Easements in Lieu of Park Mitigation.

The dedication of critical areas and their buffers as open space may not be used for satisfying park mitigation requirements. Park land must be dedicated or fees in lieu of dedication must be paid as set forth in this title. However, if an applicant provides recreation amenities in buffers as allowed under this chapter, the cost of those amenities may be subtracted from the total park mitigation calculated for a given project with prior approval of the Planning and Community Development Director. (Ord. 773, Sec. 2, 2008; Ord. 741, Sec. 2, 2007)

14.88.310 Demonstration of Denial of All Reasonable Economic Uses.

In order to conduct a regulated activity in a critical area where the applicant is claiming that denial of authorization of such an activity would deny all reasonable economic uses of the property, the applicant must demonstrate that such is the case. If a regulated activity is allowed within a critical area it must minimize impacts per the "requirements" sections, below. If the Planning and Community Development Director determines that alteration of a critical area is necessary and unavoidable, written findings addressing each of the items listed in this section shall be placed in the official project file. Demonstration of denial of all reasonable economic uses shall be accomplished as follows:

- (a) An applicant must demonstrate that denial of the permit would impose an extraordinary hardship on the part of the applicant brought about by circumstances peculiar to the subject property.
- (b) For water-dependent activities, unavoidable and necessary impact can be demonstrated where there are no practicable alternatives which would not involve a wetland or which would not have less adverse impact on a wetland, and would not have other significant adverse environmental consequences.
- (c) Where non-water-dependent activities are proposed, it shall be presumed that adverse impacts are avoidable. This presumption may be rebutted upon a demonstration that:
 - (1) The basic project purpose cannot reasonably be accomplished utilizing one or more other sites in the general region that would avoid, or result in less, adverse impact on regulated critical areas; and
 - (2) A reduction in the size, scope, configuration, or density of the project as proposed and all alternative designs of the project as proposed that would avoid, or result in less, adverse impact on a critical area or its buffer will not accomplish the basic purpose of the project; and
 - (3) In cases where the applicant has rejected alternatives to the project as proposed due to constraints such as zoning, deficiencies of infrastructure, or parcel size, the applicant has made reasonable attempt to remove or accommodate such constraints. (Ord. 903, Sec. 52, 2013; Ord. 773, Sec. 2, 2008; Ord. 741, Sec. 2, 2007)

14.88.320 Allowance of Regulated Use in a Critical Area Where Denial of All Economic Use is Demonstrated.

If an applicant for an activity or development proposal demonstrates to the satisfaction of the Planning and Community Development Director that application of these standards would deny all reasonable economic use of the property as provided by Section [14.88.220](#), development, as may be conditioned, shall be allowed if the applicant also demonstrates all of the following to the satisfaction of the Director:

- (a) If proposed in a wetland, stream, creek, river, lake or other surface water, that the proposed project is water-dependent or requires access to the wetland as a central element of its basic function; or
- (b) If proposed in a critical area not listed in subsection (a) of this section, that it is not water-dependent but has no practicable alternative; and
- (c) That no reasonable use with less impact on the critical area and its buffer is possible (e.g., agriculture, aquaculture, transfer or sale of development rights or credits, sale of open space easements, etc.);
- (d) That there is no feasible on-site alternative to the proposed activities, including reduction in density, phasing of project implementation, change in timing of activities, revision of road and lot layout, and/or related

site planning considerations, that would allow a reasonable economic use with less adverse impacts to the critical area and its buffer;

- (e) That the proposed activities will result in minimum feasible alteration or impairment to the functional characteristics of the critical area and its existing contours, vegetation, fish and wildlife resources, hydrological, and geologic conditions;
- (f) That disturbance of the critical area has been minimized by locating any necessary alteration in buffers to the extent possible;
- (g) That the proposed activities will not jeopardize the continued existence of endangered, threatened, or sensitive species as listed by the Federal Government or the State of Washington. An applicant is required to confirm with the State of Washington that special conditions or recommendations are not required for candidate or monitor species;
- (h) That the proposed activities will not cause significant degradation of groundwater or surface water quality;
- (i) That the proposed activities comply with all State, local and Federal laws, including those related to sediment control, pollution control, floodplain restrictions, and on-site wastewater disposal;
- (j) That any and all alterations to critical areas and their buffers will be adequately mitigated;
- (k) That there will be no damage to nearby public or private property and no threat to the health or safety of people on or off the property;
- (l) That the inability to derive reasonable economic use of the property is not the result of actions by the applicant in segregating or dividing the property and creating the undevelopable condition after the effective date of this chapter; and
- (m) That deliberate measures have been taken to minimize the impacts. Minimizing impacts shall include but not be limited to:
 - (1) Limiting the degree or magnitude of the prohibited activity;
 - (2) Limiting the implementation of the prohibited activity;
 - (3) Using appropriate and best available technology;
 - (4) Taking affirmative steps to avoid or reduce impacts;
 - (5) Sensitive site design and siting of facilities and construction staging areas away from critical areas and their buffers;

- (6) Involving resource agencies early in site planning;
- (7) Providing protective measures such as siltation curtains, hay bales and other siltation prevention measures; and
- (8) Scheduling the prohibited activity to avoid interference with wildlife and fisheries rearing, resting, nesting or spawning activities. (Ord. 903, Sec. 53, 2013; Ord. 773, Sec. 2, 2008; Ord. 741, Sec. 2, 2007)

14.88.330 Nonconforming Activities.

A regulated activity that was approved prior to the passage of this chapter and to which significant economic resources have been committed pursuant to such approval but which is not in conformity with the provisions of this chapter may be continued subject to the following:

- (a) No such activity shall be expanded, modified, or substituted in any way that increases the extent of its nonconformity without a permit issued pursuant to the provisions of this chapter;
- (b) Except for cases of discontinuance as part of normal agricultural practices, if a nonconforming activity is discontinued for 180 days, any resumption of the activity shall conform to this chapter;
- (c) If a nonconforming use or activity is destroyed by human activities or a natural occurrence, it shall not be resumed except in conformity with the provisions of this chapter;
- (d) Activities or adjuncts thereof that are or become nuisances shall not be entitled to continue as nonconforming activities. (Ord. 773, Sec. 2, 2008; Ord. 741, Sec. 2, 2007)

14.88.340 Assessment Relief.

The Snohomish County Assessor's office considers critical area regulations in determining the fair market value of land. Any owner of an undeveloped critical area who has dedicated an easement or entered into a perpetual conservation restriction with the City of Lake Stevens or a nonprofit organization to permanently control some or all regulated activities in that portion of land assessed consistent with these restrictions shall be considered for exemption from special assessments to defray the cost of municipal improvements such as sanitary sewers, storm sewers, and water mains. (Ord. 773, Sec. 2, 2008; Ord. 741, Sec. 2, 2007)

Part IV. Fish and Wildlife Conservation Areas

14.88.400 Classification.

Fish and wildlife conservation areas include:

- (a) Lands containing priority habitats and species, including plant and/or animal species listed on Federal or State threatened or endangered species lists.

(b) Naturally occurring ponds under 20 acres and their submerged aquatic beds that provide fish or wildlife habitat. These do not include ponds deliberately designed and created from dry sites such as canals, detention facilities, waste-water treatment facilities, farm ponds, temporary construction ponds (of less than three years' duration), and landscape amenities. However, naturally occurring ponds may include those artificial ponds intentionally created from dry areas in order to mitigate conversion of ponds, if permitted by a regulatory authority.

(c) Waters of the State, as defined in WAC Title [222](#), Forest Practices Rules and Regulations. Waters of the State shall be classified using the system in WAC [222-16-030](#). In classifying waters of the State as fish and wildlife habitats the following shall be used:

- (1) Species are present which are endangered, threatened or sensitive;
- (2) Existing surrounding land uses are incompatible with salmonid and other game fish habitat;
- (3) Presence and size of riparian ecosystem;
- (4) Existing water rights.

(d) Lakes, ponds, and streams planted with game fish (defined at RCW [77.08.020](#)), including those planted under the auspices of Federal, State, local, or tribal programs, or which support priority fish species as identified by the Department of Fish and Wildlife.

(e) State natural area preserves and natural resource conservation areas.

(f) Habitats or species of local importance. Such habitats or species may be locally listed per the process elucidated in Section [14.88.415](#).

(g) Streams shall be classified according to the stream type system as provided in WAC [222-16-030](#), Stream Classification System, as amended.

- (1) Type S Stream. Those streams, within their ordinary high water mark, as inventoried as shorelines of the State under Chapter [90.58](#) RCW and the rules promulgated pursuant thereto.
- (2) Type F Stream. Those stream segments within the ordinary high water mark that are not Type S streams, and which are demonstrated or provisionally presumed to be used by fish. Stream segments which have a width of two feet or greater at the ordinary high water mark and have a gradient of 16 percent or less for basins less than or equal to 50 acres in size, or have a gradient of 20 percent or less for basins greater than 50 acres in size, are provisionally presumed to be used by fish. A provisional presumption of fish use may be refuted at the discretion of the Planning and Community Development Director where any of the following conditions are met:

- (i) It is demonstrated to the satisfaction of the City that the stream segment in question is upstream of a complete, permanent, natural fish passage barrier, above which no stream section exhibits perennial flow;
- (ii) It is demonstrated to the satisfaction of the City that the stream segment in question has confirmed, long-term, naturally occurring water quality parameters incapable of supporting fish;
- (iii) Sufficient information about a geomorphic region is available to support a departure from the characteristics described above for the presumption of fish use, as determined in consultation with the Washington Department of Fish and Wildlife, the Department of Ecology, affected tribes, or others;
- (iv) The Washington Department of Fish and Wildlife has issued a hydraulic project approval, pursuant to RCW [77.55.100](#), which includes a determination that the stream segment in question is not used by fish;
- (v) No fish are discovered in the stream segment in question during a stream survey conducted according to the protocol provided in the Washington Forest Practices Board Manual, Section 13, Guidelines for Determining Fish Use for the Purpose of Typing waters under WAC [222-16-031](#); provided, that no unnatural fish passage barriers have been present downstream of said stream segment over a period of at least two years.

(3) Type Np Stream. Those stream segments within the ordinary high water mark that are perennial and are not Type S or Type F streams. However, for the purpose of classification, Type Np streams include intermittent dry portions of the channel below the uppermost point of perennial flow. If the uppermost point of perennial flow cannot be identified with simple, nontechnical observations (see Washington Forest Practices Board Manual, Section 23), then said point shall be determined by a qualified professional selected or approved by the City.

(4) Type Ns Stream. Those stream segments within the ordinary high water mark that are not Type S, Type F, or Type Np streams. These include seasonal streams in which surface flow is not present for at least some portion of a year of normal rainfall that are not located downstream from any Type Np stream segment. (Ord. 903, Sec. 54, 2013; Ord. 773, Sec. 2, 2008; Ord. 741, Sec. 2, 2007)

14.88.410 Determination of Boundary.

(a) The boundaries of fish and wildlife conservation areas shall be determined by the Planning and Community Development Director, who may rely on a Departmental approved biological resources survey prepared by a qualified wildlife biologist per the Department's Biological Resources Survey Guidelines. Such a report would be supplied by the applicant of a permit.

(b) The boundary of the creek, stream, river, lake, or other surface water shall be determined by the Planning and Community Development Director, relying on a delineation by a licensed surveyor or other comparable expert. Such boundary shall be contiguous with the 100-year floodplain designations as adopted by the City, or where such a designation has not been adopted by the City, the 100-year floodplain designation of the Federal Emergency Management Agency (FEMA) and the National Flood Insurance Program where it has been delineated (shown on Flood Insurance Rate Maps (FIRM)). Where this information does not exist, the boundary determination shall be made by a licensed surveyor and based upon the same criteria used by FEMA. This determination shall be confirmed by the City Engineer. (Ord. 773, Sec. 2, 2008; Ord. 741, Sec. 2, 2007)

14.88.415 Species/Habitats of Local Importance.

(a) Species or habitats may be listed as a species or habitat of local importance by the City Council according to the following process:

(1) An individual or organization must:

(i) Demonstrate a need for special consideration based on:

a. Declining populations;

b. Sensitivity to habitat manipulation; or

c. Commercial or game value or other special value, such as public appeal.

(ii) Propose relevant management strategies considered effective and within the scope of this chapter.

(iii) Provide species or habitat location(s) on a map.

(2) Submitted proposals will be reviewed by the Planning and Community Development Director and forwarded to the Departments of Fish and Wildlife and Natural Resources, and/or other local, State, Federal, or tribal agencies or experts for comment and recommendation regarding accuracy of data and effectiveness of proposed management strategies.

(3) The City Council will hold a public hearing for proposals found to be complete, accurate, potentially effective, and within the scope of this chapter. Approved nominations will become designated a species or habitat of local importance and will be subject to the provisions of this chapter.

(b) Species or habitats of local importance include:

(1) [None adopted as of May 1, 1995] (Ord. 773, Sec. 2, 2008; Ord. 741, Sec. 2, 2007)

14.88.420 Allowed Activities.

Except where regulated by other sections of this or any other title or law, the following uses shall be allowed within fish and wildlife conservation areas when the requirements of Section [14.88.430](#) have been met and mitigation adequate to alleviate any other impacts has been proposed:

- (a) Those activities listed in Section [14.88.220](#).
- (b) Activities consistent with the species located there and all applicable State and Federal regulations regarding the species, as determined by the Planning and Community Development Director, who may consult with other resource agencies as to their recommendations.
- (c) Bridges and other crossings over streams for public and private rights-of-way. (Ord. 773, Sec. 2, 2008; Ord. 741, Sec. 2, 2007)

14.88.430 Requirements.

- (a) Except as provided in this subsection, a 50-foot buffer shall be required for all regulated activities adjacent to fish and wildlife conservation areas. All buffers shall be measured from the fish and wildlife conservation area boundary as surveyed in the field. The width of the buffer may be increased depending on the habitat value and the proposed land use.
- (b) Buffer widths may be increased based on recommendations by the Department of Fish and Wildlife based on their Management Recommendations for Priority Habitats and Species.
- (c) To retain the natural functions of streams and stream corridors, the following streamside buffers shall be maintained:
 - (1) For ravines with banks greater than 10 feet in depth, maintain the existing or native vegetation within the ravine and a strip 25 feet from the top of the bank;
 - (2) Where there is no ravine or the bank is less than 10 feet in depth, maintain existing or native vegetation on both sides of the stream as measured from the ordinary high water mark (OHWM), in accordance with Table 14.88-I, which sets forth the required buffer widths based on classification of stream types:

Table 14.88-I: Stream Buffer Width

Stream Type	Buffer
S	150 feet
F	100 feet

Np	50 feet
Ns	50 feet

(d) Widths shall be measured outward in each direction, on the horizontal plane, from the ordinary high water mark, or from the top of the bank if the ordinary high water mark cannot be identified, or from the outer edge of the channel migration zone when present.

(e) The Planning and Community Development Director may modify the buffer widths in the above table in accordance with the following:

(1) Buffer widths may be increased as necessary to fully protect riparian functions. For example, the buffer may be extended to the outer edge of the floodplain or windward into an area of high tree blow-down potential as determined by an arborist.

(2) Buffer widths may be reduced in exchange for restoration and enhancement of degraded areas in accordance with an approved plan, or for buffer averaging in accordance with Section [14.88.275](#) and subsection (e)(4) of this section.

(3) If the stream enters an underground culvert or pipe, and is unlikely to ever be restored aboveground, the Planning and Community Development Director may waive the buffer along the underground stream; provided, that where the stream enters and emerges from the pipe the opposite outer edges of the buffer shall be joined by a radius equal to the buffer width, with said radius projecting over the piped stream.

(4) Stream buffer widths may be modified by averaging. In no instance shall the buffer width be reduced by more than 25 percent of the standard buffer. Stream buffer width averaging shall only be allowed when the applicant demonstrates the following:

(i) A site-specific evaluation and documentation of buffer adequacy is based on consideration of the best available science as described in Section [14.88.235](#); and

(ii) A buffer enhancement plan is proposed that would significantly improve the functions and values of the stream buffer(s); and

(iii) The averaging will not impair or reduce the habitat, water quality purification and enhancement, stormwater detention, groundwater recharge, shoreline protection and erosion and other functions and values of the stream and buffer.

(5) Buffer widths may be modified if the subject property is separated from the stream channel by pre-existing, intervening, and lawfully created structures, public roads, or other substantial pre-existing intervening improvements. The intervening structures, public roads, or other substantial

improvements must separate the subject upland property from the stream channel by height or width, preventing or impairing the delivery of buffer functions to the stream channel. In such cases, the reduced buffer width shall reflect the buffer functions that can be delivered to the stream channel.

(f) Development in the shorelines of State-wide significance is regulated under Appendix B of the City's State-approved Shoreline Master Program (SMP).

(g) To protect the natural functions and aesthetic qualities of a stream and stream buffer, a detailed temporary erosion control plan which identifies the specific mitigating measures to be implemented during construction to protect the water from erosion, siltation, landslides and hazardous construction materials shall be required. The City shall review the plan with the appropriate State, Federal and tribal agencies and any adjacent jurisdiction. (Ord. 898, Sec. 8, 2013; Ord. 811, Sec. 92, 2010; Ord. 773, Sec. 2, 2008; Ord. 741, Sec. 2, 2007)

14.88.440 Mitigation.

In order to avoid significant environmental impacts, the applicant for a land use or development permit may consider performing the following actions, listed in order of preference. What is considered adequate mitigation will depend on the nature and magnitude of the potential impact as determined in accordance with Section [14.88.275.](#)

(a) Dedicate an exclusive open space easement for the protection of wildlife and/or habitat, creeks, streams, rivers, lakes, or other surface water over the creeks, streams, rivers, lakes, or other surface water and a buffer consistent with the standards listed in Section [14.88.430.](#) Where such mitigation leads to, or would in the opinion of the Planning and Community Development Director lead to a court finding of a taking, the below listed mitigation may be considered.

(b) Where on-site protection is not possible, dedicate an exclusive easement for the protection of an equivalent (in type and value) waterway over the waterway and a 50-foot buffer on an off-site waterway at a 2:1 ratio. The location of any off-site waterway shall be located as near to the site as possible, in accordance with the following preferred order:

- (1) Contiguous to the impacted waterway;
- (2) Within the same drainage basin;
- (3) Elsewhere within the City;
- (4) Within the Lake Stevens UGA;
- (5) Within the region. (Ord. 773, Sec. 2, 2008; Ord. 741, Sec. 2, 2007)

Part V. Frequently Flooded Areas

14.88.500 Classification.

Classification for flood zones shall be consistent with the regulatory floodplain designations as adopted by the City per Chapter [14.64](#), Part I, or where such a designation has not been adopted by the City, by the special flood hazard area designations of the Federal Emergency Management Agency and the National Flood Insurance Program. Any such designations adopted by the City shall consider the following criteria if and when designating and classifying these areas:

- (a) Flooding impact to human health, safety, and welfare and to public facilities and services; and
- (b) Documentation including Federal, State and local laws, regulations and programs, local maps and federally subsidized flood insurance programs. (Ord. 860, Sec. 5 (Exh. 3), 2011; Ord. 773, Sec. 2, 2008; Ord. 741, Sec. 2, 2007)

14.88.510 Determination of Boundary.

The boundary of a flood zone shall be contiguous with the regulatory floodplain as adopted by the City, per Chapter [14.64](#), Part I, or where such a designation has not been adopted by the City, the special flood hazard area designations of the Federal Emergency Management Agency (FEMA) and the National Flood Insurance Program where it has been delineated [shown on Flood Insurance Rate Maps (FIRM)]. Where this information does not exist, the boundary determination shall be made by a licensed engineer and based upon the same criteria used by FEMA. The Planning and Community Development Director or designee shall confirm this determination. (Ord. 860, Sec. 5 (Exh. 3), 2011; Ord. 773, Sec. 2, 2008; Ord. 741, Sec. 2, 2007)

14.88.520 Allowed Activities.

Except where regulated by other sections of this or any other title or law, the following uses shall be allowed within the regulatory floodplain when the requirements of Section [14.88.530](#) have been met and mitigation adequate to alleviate any other impacts has been proposed:

- (a) Those activities allowed per Section [14.88.220](#).
- (b) Those activities allowed per Section [14.64.025](#). (Ord. 860, Sec. 5 (Exh. 3), 2011; Ord. 773, Sec. 2, 2008; Ord. 741, Sec. 2, 2007)

14.88.530 Requirements.

All land uses and development proposals shall comply with the applicable provisions of the Lake Stevens Municipal Code for general and specific flood hazard protection (see Chapter [14.64](#), Special Flood Hazard Areas, Drainage, and Erosion).

- (a) Development shall not reduce the effective flood storage volume. Reduction of the floodwater storage capacity due to grading, construction, or other regulated activities shall provide compensatory storage per Section [14.64.055\(b\)](#).
- (b) The final recorded subdivision plat or site plan shall include a notice that the property contains land within the regulatory floodplain including special flood hazard areas and protected areas, as applicable. (Ord. 860, Sec. 5 (Exh. 3), 2011; Ord. 773, Sec. 2, 2008; Ord. 741, Sec. 2, 2007)

14.88.540 Mitigation.

If potential flooding impacts from development cannot be avoided by design or if the use is not an allowed or exempt use, the applicant shall provide a habitat impact assessment and/or habitat mitigation plan to mitigate impacts on federal, state or locally protected species and habitat, water quality and aquatic and riparian habitat, per Section [14.64.055\(c\)](#) and [\(d\)](#). (Ord. 860, Sec. 5 (Exh. 3), 2011; Ord. 773, Sec. 2, 2008; Ord. 741, Sec. 2, 2007)

Part VI. Geologically Hazardous Areas

14.88.600 Classification.

(a) Geologically hazardous areas include areas susceptible to erosion, sliding, earthquakes, liquefaction, or other geological events. Geologically hazardous areas shall be classified based upon the history or existence of landslides, unstable soils, steep slopes, high erosion potential or seismic hazards. In determining the significance of a geologically hazardous area the following criteria shall be used:

- (1) Potential economic, health, and safety impact related to construction in the area;
- (2) Soil type, slope, vegetative cover, and climate of the area;
- (3) Available documentation of history of soil movement, the presence of mass wastage, debris flow, rapid stream incision, stream bank erosion or undercutting by wave action, or the presence of an alluvial fan which may be subject to inundation, debris flows, or deposition of stream-transported sediments.

(b) The different types of geologically hazardous areas are defined as follows:

- (1) Erosion hazard areas are as defined by the USDA Soil Conservation Service, United States Geologic Survey, or by the Department of Ecology Coastal Zone Atlas. The following classes are high erosion hazard areas.
 - (i) Class 3, class U (unstable) includes severe erosion hazards and rapid surface runoff areas;

- (ii) Class 4, class UOS (unstable old slides) includes areas having severe limitations due to slope; and
- (iii) Class 5, class URS (unstable recent slides).

(2) Landslide hazard areas shall include areas subject to severe risk of landslide based on a combination of geologic, topographic and hydrologic factors. Some of these areas may be identified in the Department of Ecology Coastal Zone Atlas, or through site-specific criteria. Landslide hazard areas include the following:

- (i) Areas characterized by slopes greater than 15 percent; and impermeable soils (typically silt and clay) frequently interbedded with permeable granular soils (predominantly sand and gravel) or impermeable soils overlain with permeable soils; and springs or groundwater seepage;
- (ii) Any area which has exhibited movement during the Holocene epoch (from 10,000 years ago to present) or which is underlain by mass wastage debris of that epoch;
- (iii) Any area potentially unstable due to rapid stream incision, stream bank erosion or undercutting by wave action;
- (iv) Any area located on an alluvial fan presently subject to or potentially subject to inundation by debris flows or deposition of stream-transported sediments;
- (v) Any area with a slope of 40 percent or greater and with a vertical relief of 10 or more feet except areas composed of consolidated rock;
- (vi) Any area with slope defined by the United States Department of Agriculture Soil Conservation Service as having a severe limitation for building site development; and
- (vii) Any shoreline designated or mapped as class U, UOS, or URS by the Department of Ecology Coastal Zone Atlas.

(3) Slopes.

- (i) Moderate slopes shall include any slope greater than or equal to 15 percent and less than 40 percent.
- (ii) Steep slopes shall include any slope greater than or equal to 40 percent.

(4) Seismic hazard areas shall include areas subject to severe risk of earthquake damage as a result of seismic induced settlement, shaking, slope failure or soil liquefaction. These conditions occur

in areas underlain by cohesionless soils of low density usually in association with a shallow groundwater table. (Ord. 773, Sec. 2, 2008; Ord. 741, Sec. 2, 2007)

14.88.610 Determination of Boundary.

Determination of a boundary of a geologically hazardous area shall be made by the Planning and Community Development Director, relying on a geotechnical or similar technical report and other information where available and pertinent. Such reports or information shall be provided by an applicant for an activity or permit at the request of the City. (Ord. 773, Sec. 2, 2008; Ord. 741, Sec. 2, 2007)

14.88.620 Allowed Activities.

Except where regulated by other sections of this or any other title or law, the following uses shall be allowed within geologically hazardous areas when the requirements of Section [14.88.630](#) have been met and mitigation adequate to alleviate any other impacts has been proposed:

- (a) Those activities allowed per Section [14.88.220](#).
- (b) Any other use allowed per the zone; provided, that it meets the requirements of Section [14.88.630](#) and will not have a detrimental impact on the health, safety, and welfare of the public, or will not negatively impact neighboring properties. (Ord. 773, Sec. 2, 2008; Ord. 741, Sec. 2, 2007)

14.88.630 Geological Assessment Requirements.

Development proposals on or within 200 feet of any areas which are designated as geologically hazardous, or which the City has reason to believe are geologically hazardous based on site-specific field investigation, shall be required to submit a geological assessment.

(a) The geological assessment shall be submitted with the minimum required content as set forth in subsection (d) of this section and in the format established by the Planning and Community Development Director, and shall be consistent with the following:

- (1) A geotechnical letter is required when the geologist finds that no active geological hazard area exists on or within 200 feet of the site.
- (2) A geotechnical report is required when the geologist finds that an active geological hazard area exists on or within 200 feet of the proposed project area.

(b) The Department shall review the geological assessment and either accept or reject the assessment and require revisions or additional information. When the geological assessment has been accepted, the Department shall issue a decision on the land use permit application.

(c) A geological assessment for a specific site may be valid for a period of up to five years when the proposed land use activity and site conditions affecting the site are unchanged. However, if any surface and subsurface

conditions associated with the site change during the five-year period or if there is new information about a geological hazard, the applicant may be required to submit an amendment to the geological assessment.

(d) A geological assessment shall include the following minimum information and analysis:

- (1) A field investigation that may include the use of historical air photo analysis, review of public records and documentation, and interviews with adjacent property owners or others knowledgeable about the area, etc.
- (2) An evaluation of any areas on the site or within 200 feet of the site that are geologically hazardous as set forth in Section [14.88.600](#).
- (3) An analysis of the potential impacts of the proposed development activity on any potential geological hazard that could result from the proposed development either on site or off site. For landslide hazard areas, the analysis shall consider the run-out hazard of landslide debris to the proposed development that starts upslope whether the slope is part of the subject property or starts off site.
- (4) Identification of any mitigation measures required to eliminate potentially significant geological hazards both on the proposed development site and any potentially impacted off-site properties. When hazard mitigation is required, the mitigation plan shall specifically address how the proposed activity maintains or reduces the pre-existing level of risk to the site and adjacent properties on a long term basis. The mitigation plan shall include recommendations regarding any long term maintenance activities that may be required to mitigate potential hazards.
- (5) The geological assessment shall document the field investigations, published data and references, data and conclusions from past geological assessments, or geotechnical investigations of the site, site-specific measurements, tests, investigations, or studies, as well as the methods of data analysis and calculations that support the results, conclusions, and recommendations.
- (6) The geological assessment shall contain a summary of any other information the geologist identifies as relevant to the assessment and mitigation of geological hazards.

(e) Geological assessments shall be prepared under the responsible charge of a geologist, and shall be signed, sealed, and dated by the geologist. (Ord. 773, Sec. 2, 2008; Ord. 741, Sec. 2, 2007)

14.88.640 Setback Buffer Requirements.

(a) The setback buffer width shall be based upon information contained in a geological assessment, and shall be measured on a horizontal plane from a vertical line established at the edge of the geologically hazardous area limits (both from the top and toe of slope). In the event that a specific setback buffer is not included in the

recommendation of the geological assessment, the setback buffer shall be based upon the standards contained in Chapter 18 of the International Building Code (IBC), or as the IBC is updated and amended.

(1) If the geological assessment recommends setback buffers that are less than the standard buffers that would result from application of Chapter 18 of the IBC, the specific rationale and basis for the reduced buffers shall be clearly articulated in the geological assessment.

(2) The City may require increased setback buffer widths under any of the following circumstances:

(i) The land is susceptible to severe erosion and erosion control measures will not effectively prevent adverse impacts.

(ii) The area has a severe risk of slope failure or downslope stormwater drainage impacts.

(iii) The increased buffer is necessary to protect public health, safety and welfare based upon findings and recommendations of geological assessment.

(b) Unless otherwise permitted as part of an approved alteration, the setback buffers required by this subsection shall be maintained in native vegetation to provide additional soil stability and erosion control. If the buffer area has been cleared, it shall be replanted with native vegetation in conjunction with any proposed development activity.

(c) The City may impose seasonal restrictions on clearing and grading within 200 feet of any geologically hazardous areas. (Ord. 773, Sec. 2, 2008; Ord. 741, Sec. 2, 2007)

14.88.650 Allowed Alterations.

Unless associated with another critical area, the Planning and Community Development Director may allow alterations of an area identified as a geologically hazardous area or the setback buffers specified in the IBC if an approved geotechnical report demonstrates that:

(a) The proposed development will not create a hazard to the subject property, surrounding properties or rights-of-way, or erosion or sedimentation to off-site properties or bodies of water;

(b) The proposal addresses the existing geological constraints of the site, including an assessment of soils and hydrology;

(c) The proposed method of construction will reduce erosion potential, landslide and seismic hazard potential, and will improve or not adversely affect the stability of slopes;

(d) The proposal uses construction techniques which minimize disruption of existing topography and natural vegetation;

- (e) The proposal is consistent with the purposes and provisions of this chapter and mitigates any permitted impacts to critical areas in the vicinity of the proposal;
- (f) The proposal mitigates all impacts identified in the geotechnical letter or geotechnical report;
- (g) All utilities and access roads or driveways to and within the site are located so as to require the minimum amount of modification to slopes, vegetation or geologically hazardous areas; and
- (h) The improvements are certified as safe as designed and under anticipated conditions by a geologist. (Ord. 773, Sec. 2, 2008; Ord. 741, Sec. 2, 2007)

14.88.660 Prohibited Alterations.

Modification of geologically hazardous areas shall be prohibited under the following circumstances:

- (a) Where geologically hazardous slopes are located in a stream, wetland, and/or a fish and wildlife habitat conservation area or their required buffers, alterations of the slopes are not permitted, except as allowed in Section [14.88.220](#). The required buffer for such slopes shall be determined through the site-specific geological assessment, but in no case shall be less than 25 feet from the top of slopes of 25 percent and greater.
- (b) Any proposed alteration that would result in the creation of, or which would increase or exacerbate existing geological hazards, or which would result in substantial unmitigated geological hazards either on or off site shall be prohibited. (Ord. 773, Sec. 2, 2008; Ord. 741, Sec. 2, 2007)

14.88.670 Mitigation.

- (a) In addition to the other requirements of this chapter, as part of any approval of development on or adjacent to geologically hazardous areas or within the setback buffers required by this section:

- (1) The City shall require:
 - (i) Geologically hazardous areas not approved for alteration and their buffers shall be placed in a native growth protection area as set forth in Section [14.88.290](#).
 - (ii) Any geologically hazardous area or required setback buffer that is allowed to be altered subject to the provisions of this chapter shall be subject to a covenant of notification and indemnification/hold harmless agreement in a form acceptable to the City Attorney. Such document shall identify any limitation placed on the approved alterations.
- (2) The City may require:
 - (i) The presence of a geologist on the site to supervise during clearing, grading, filling, and construction activities which may affect geologically hazardous areas, and provide the City with

certification that the construction is in compliance with the geologist's recommendations and has met approval of the geologist, and other relevant information concerning the geologically hazardous conditions of the site.

(ii) Vegetation and other soil stabilizing structures or materials be retained or provided.

(iii) Long term maintenance of slopes and on-site drainage systems.

(b) If potential geologic impacts cannot be avoided by adhering to the above requirements and the other requirements of this chapter, other forms of mitigation may be considered. Applicants must provide mitigation plans exploring and analyzing any proposed mitigation measures. What is considered adequate mitigation will depend on the nature and magnitude of the potential impact. For example, some potential risk due to construction in geologically hazardous areas may be reduced through structural engineering design. (Ord. 773, Sec. 2, 2008; Ord. 741, Sec. 2, 2007)

Part VII. Streams, Creeks, Rivers, Lakes and Other Surface Water

14.88.700 Classification.

Repealed by Ord. 741.

14.88.710 Allowed Activities.

Repealed by Ord. 741.

14.88.720 Requirements.

Repealed by Ord. 741.

14.88.730 Determination of Boundary.

Repealed by Ord. 741.

14.88.740 Mitigation.

Repealed by Ord. 741.

Part VIII. Wetlands

14.88.800 Classification.

Wetlands shall be classified as Category I, II, III, or IV using the Washington State Department of Ecology's Wetland Rating System for Western Washington, Publication No. 04-06-025, or as amended hereafter.

Wetland delineations shall be determined in accordance with WAC [173-22-035](#).

(a) Sources used to identify designated wetlands include, but are not limited to:

(1) United States Department of the Interior, Fish and Wildlife Service, National Wetlands Inventory.

- (2) Areas identified as hydric soils, soils with significant soil inclusions and wet spots with the United States Department of Agriculture/Soil Conservation Service Soil Survey for Snohomish County.
- (3) Washington State Department of Natural Resources, Geographic Information System, Hydrography and Soils Survey Layers.
- (4) City of Lake Stevens Critical Areas Inventory Maps.

(b) Category I Criteria.

- (1) Wetlands that represent a unique or rare wetland type; or
- (2) Are more sensitive to disturbance than most wetlands; or
- (3) Are relatively undisturbed and contain ecological attributes that are impossible to replace within a human lifetime; or
- (4) Provide a high level of functions.

(5) Category I wetlands include:

- (i) Estuarine wetlands which are larger than one acre in size.
- (ii) Natural heritage wetlands as identified by the Natural Heritage Program of the Washington Department of Natural Resources.
- (iii) Bogs.
- (iv) Mature and old-growth forested wetlands over one acre in area.
- (v) Wetlands that score 70 or more points out of 100 using the Western Washington Rating System.

(c) Category II Criteria.

- (1) Category II wetlands are difficult though not impossible to replace and provide high levels of some functions.
- (2) Category II wetlands include:
 - (i) Estuarine wetlands under one acre in area.

- (ii) Wetlands that score between 51 and 69 points out of 100 on the Western Washington Rating System.
- (d) Category III Criteria. Wetlands with a moderate level of functions and with rating system scores between 30 and 50 points out of 100.
- (e) Category IV Criteria. Wetlands with a low level of functions and with rating system scores less than 30 points out of 100. (Ord. 855, Sec. 24, 2011; Ord. 773, Sec. 2, 2008; Ord. 741, Sec. 2, 2007)

14.88.810 Determination of Boundary.

- (a) The Planning and Community Development Director, relying on a field investigation supplied by an applicant and applying the wetland definition provided in this chapter, shall determine the location of the wetland boundary. Qualified professional and technical scientists shall perform wetland delineations as part of a wetland identification report in accordance with WAC [173-22-035](#). Criteria to be included in a required wetland identification report may be found in Section [14.88.275](#), Mitigation/Enhancement Plan Requirements. The applicant is required to show the location of the wetland boundary on a scaled drawing as a part of the permit application.
- (b) When the applicant has provided a delineation of the wetland boundary, the Planning and Community Development Director shall verify the accuracy of, and may render adjustments to, the boundary delineation. In the event the adjusted boundary delineation is contested by the applicant, the Planning and Community Development Director shall, at the applicant's expense, obtain expert services to render a final delineation.
- (c) The Planning and Community Development Director, when requested by the applicant, may waive the delineation of boundary requirement for the applicant and, in lieu of delineation by the applicant, perform the delineation. The Planning and Community Development Director shall consult with qualified professional scientists and technical experts or other experts as needed to perform the delineation. The applicant will be charged for the costs incurred. Where the Planning and Community Development Director performs a wetland delineation at the request of the applicant, such delineation shall be considered a final determination. (Ord. 855, Sec. 25, 2011; Ord. 797, Sec. 6, 2009; Ord. 773, Sec. 2, 2008; Ord. 741, Sec. 2, 2007)

14.88.820 Allowed Activities.

Except where regulated by other sections of this or any other title or law, and provided they are conducted using best management practices, the following uses and activities shall be allowed and regulated within wetlands and their buffers when the requirements of Sections [14.88.830](#) and [14.88.840](#) have been met and mitigation adequate to alleviate any other impacts has been proposed:

- (a) Those uses listed in Section [14.88.220](#).
- (b) In Category IV wetlands only, access to developable portions of legal lots where:

- (1) There is no other reasonable method of accessing the property;
- (2) Altering the terrain would not cause drainage impacts to neighboring properties; and
- (3) Not more than 2,500 square feet of wetland is impacted. (Ord. 773, Sec. 2, 2008; Ord. 741, Sec. 2, 2007)

14.88.830 Requirements.

(a) Buffers. Wetland buffers shall be required for all regulated activities adjacent to regulated wetlands as provided in Table 14.88-II, unless modified per subsection (b) or (c) of this section. Any wetland created, restored, or enhanced as compensation for approved wetland alterations shall also include the standard buffer required for the category of the created, restored, or enhanced wetland. All buffers shall be measured from the wetland boundary as surveyed in the field. The width of the wetland buffer zone shall be determined according to wetland category and the proposed land use. These buffers have been established to reflect the impact of low and high intensity uses on wetland functions and values.

Table 14.88-II

Category	Land Use	HS 29-36	HS 20-28	HS <20
I	High	190	95	65
	Low	125	65	45
II	High	190	95	65
	Low	125	65	45
III	High	N/A	95	50
	Low		65	35
IV	High	N/A	N/A	35
	Low			20

(b) Increased Wetland Buffer Widths. The Planning and Community Development Director shall require increased standard buffer zone widths on a case-by-case basis when a larger buffer is necessary to protect wetland functions and values based on local conditions. This determination shall be supported by appropriate

documentation showing that it is reasonably related to protection of the functions and values of the regulated wetland. Such determination shall be attached as a permit condition and shall demonstrate that:

- (1) A larger buffer is necessary to maintain viable populations of existing species; or
- (2) The wetland is used by species proposed or listed by the Federal Government or the State as endangered, threatened, sensitive, critical or outstanding potential habitat for those species or has unusual nesting or resting sites such as heron rookeries or raptor nesting trees. An applicant must consult with the State Department of Fish and Wildlife to confirm any special recommendations for candidate or monitor species as listed for approval by the Planning and Community Development Director; or
- (3) The adjacent land is susceptible to severe erosion and erosion control measures will not effectively prevent adverse wetland impacts, or the adjacent land has minimal vegetative cover or slopes greater than 15 percent.

(c) Wetland Buffer Width Averaging. Wetland buffer widths may be modified by averaging. In no instance shall the buffer width be reduced by more than 25 percent of the standard buffer. Wetland buffer width averaging shall be allowed only where the applicant demonstrates all of the following:

- (1) The averaging will not impair or reduce the habitat, water quality purification and enhancement, stormwater detention, groundwater recharge, shoreline protection, erosion protection, and other functions and values of the wetland and buffer; and
- (2) The total area contained within the wetland buffer after averaging is no less than that contained within the standard buffer prior to averaging.

(d) Buffer Conditions. Except as otherwise specified, wetland buffers shall be retained in their natural condition. Where buffer disturbance may or has occurred during construction, revegetation with native wetland vegetation may be required.

(e) Permitted Uses in a Wetland Buffer. Regulated activities shall not be allowed in a buffer zone except for the following:

- (1) Activities having minimal adverse impacts on buffers and no adverse impacts on regulated wetlands. These may include low intensity, passive recreational activities such as pervious trails, nonpermanent wildlife watching blinds, short-term scientific or educational activities, and sports fishing or hunting;
- (2) For Category III and IV wetlands, stormwater management facilities restricted to the outer 25 percent of the buffer around the wetland; or

(3) For Category III and IV wetlands, development having no feasible alternative location.

(f) Buffer Reductions. Buffer reductions may be allowed for Category III or IV wetlands, provided the applicant demonstrates the proposal meets the criteria in subsections (f)(1) through (4) of this section and either subsection (f)(5) or (6) of this section. Buffer width reduction proposals that meet the criteria as determined by the Planning and Community Development Director shall be reduced by no more than 25 percent of the required buffer and shall not be less than 25 feet in width.

(1) The buffer area meets buffer area planting in Section [14.88.275](#) and has less than 15 percent slopes; and

(2) A site-specific evaluation and documentation of buffer adequacy is based on consideration of the best available science as described in Section [14.88.235](#); and

(3) Buffer width averaging as outlined in subsection (c) of this section is not being used; and

(4) A buffer enhancement plan is proposed that would significantly improve the function and value of the wetland; and either

(5) The subject property is separated from the wetland by pre-existing, intervening, and lawfully created structures, public roads, or other substantial improvements. The pre-existing improvements must be found to separate the subject upland property from the wetland by height or width that prevents or impairs the delivery of buffer functions to the wetland. In such cases, the reduced buffer width shall reflect the buffer functions that can be delivered to the wetland; or

(6) The wetland scores less than 20 points for wildlife habitat in accordance with the rating system applied in Section [14.88.800](#), and mitigation is provided based on Section [14.88.840\(b\)](#) and Table 14.88-III, when determined appropriate based on the evaluation criteria in Section [14.88.840\(f\)](#).

Table 14.88-III: Disturbance Mitigation

Examples of Disturbance	Activities that May Cause Disturbance	Example Measures to Minimize Impacts
Lights	Parking lots, warehouses, manufacturing,	Direct lights away from wetland

	high density residential	
Noise	Manufacturing, high density residential	Place activity away from wetland
Pets and humans	Residential areas	Landscaping to delineate buffer edge and to discourage disturbance of wildlife by humans and pets
Dust	Tilled fields	Best management practices for dust control
Toxic runoff*	Parking lots, roads, manufacturing, residential areas, landscaping	<ul style="list-style-type: none">-Route all new untreated runoff away from wetland while ensuring that wetland is not dewatered-Establish covenants governing use of pesticides within 150 feet of wetland-Apply integrated pest management
Stormwater runoff	Parking lots, roads, manufacturing, residential areas, commercial areas, landscaping	<ul style="list-style-type: none">-Retrofit stormwater detention and treatment for roads and existing

		adjacent development -Prevent channelized flow from lawns that directly enters buffer
*These examples are not necessarily adequate for minimizing toxic runoff if threatened or endangered species are present at the site.		

(g) Buffers may be modified when approved for the purpose of implementing innovative development design in accordance with Section [14.88.298](#). (Ord. 811, Sec. 92, 2010; Ord. 773, Sec. 2, 2008; Ord. 741, Sec. 2, 2007)

14.88.840 Mitigation.

The mitigation sequence set forth in this section should be applied after impact avoidance and minimization measures have been taken.

(a) Location and Timing of Mitigation.

- (1) Restoration, creation, or enhancement actions should be undertaken on or adjacent to the site, or, where restoration, creation, or enhancement of a former wetland is proposed, within the same watershed. In-kind replacement of the impacted wetland is preferred for creation, restoration, or enhancement actions. The City may accept or recommend restoration, creation, or enhancement which is off site and/or out-of-kind, if the applicant can demonstrate that on-site or in-kind restoration, creation, or enhancement is unfeasible due to constraints such as parcel size or wetland type, or that a wetland of a different type or location is justified based on regional needs or functions;
- (2) Whether occurring on site or off site, the mitigation project shall occur near an adequate water supply with a hydrologic connection to the wetland to ensure a successful wetlands development or restoration;
- (3) Any approved proposal shall be completed before initiation of other permitted activities, unless a phased or concurrent schedule has also been approved by the Planning and Community Development Department;
- (4) Wetland acreage replacement ratios shall be as specified in Table 14.88-IV;

(5) Credits from a wetland mitigation bank may be approved for use as compensation for unavoidable impacts to wetlands.

(i) This provision may be used when:

- a. The bank is certified under Chapter [173-700](#) WAC;
- b. The Planning and Community Development Director determines that the wetland mitigation bank provides appropriate compensation for the authorized impacts; and
- c. The proposed use of credits is consistent with the terms and conditions of the bank's certification.

(ii) Replacement ratios for projects using bank credits shall be consistent with replacement ratios specified in the bank's certification.

(iii) Credits from a certified wetland mitigation bank may be used to compensate for impacts located within the service area specified in the bank's certification. In some cases, the service area of the bank may include portions of more than one adjacent drainage basin for specific wetland functions.

(b) Mitigation Performance Standards.

(1) All reasonable measures shall be taken to avoid and reduce impacts. When such avoidance and reduction is not reasonable, adverse impacts to wetland functions and values shall be mitigated.

Mitigation actions shall be implemented in the preferred sequence identified in Section [14.88.010\(a\)](#). Proposals which include less preferred or compensatory mitigation shall demonstrate that:

- (i) All reasonable measures will be taken to reduce impacts and losses to the original wetland;
- (ii) No overall net loss will occur in wetland functions, values and acreage; and
- (iii) The restored, created or enhanced wetland will be as persistent and sustainable as the wetland it replaces.

(c) Wetland Replacement Ratios.

(1) Where wetland alterations are permitted by this chapter, the applicant shall restore or create equivalent areas of wetlands in order to compensate for wetland losses. Equivalent areas shall be determined according to size, function, category, location, timing factors, and projected success of restoration or creation.

(2) Where wetland creation is proposed, all required buffers for the creation site shall be located on the proposed creation site. Properties adjacent to or abutting wetland creation projects shall not be responsible for providing any additional buffer requirements.

(3) The following acreage replacement ratios shall be used as targets. The Planning and Community Development Director may vary these standards if the applicant can demonstrate and the Planning and Community Development Director agrees that the variation will provide adequate compensation for lost wetland area, functions and values, or if other circumstances as determined by the Planning and Community Development Department justify the variation.

(4) The qualified scientific professional in the wetlands report may, where feasible, recommend that restored or created wetlands shall be a higher wetland category than the altered wetland.

(d) The Planning and Community Development Director may increase the ratios under the following circumstances:

- (1) Uncertainty exists as to the probable success of the proposed restoration or creation; or
- (2) A significant period of time will elapse between impact and replication of wetland functions.

(e) All wetland restoration, creation and/or enhancement projects required pursuant to this chapter either as a permit condition or as the result of an enforcement action shall follow a mitigation plan prepared in conformance to the requirements of Section [14.88.275](#), Mitigation/Enhancement Plan Requirements.

(f) Mitigation ratios for the replacement of impacted wetlands shall be as listed in Table 14.88-IV. However, Table 14.88-IV shall not apply to bogs, because it is not possible to create or restore bogs due to their unique chemistry and hydrology. Therefore, impacts to bogs are considered to be a loss of functions and shall be avoided.

Table 14.88-IV: Wetland Mitigation Ratios

Affected Wetland	Mitigation Type and Ratio				
	Category	Re-establishment or Wetland Creation	Rehabilitation	Re-establishment or Creation (R/C) and Enhancement (E)	Enhancement Only
Category IV		1.5:1	3:1	1:1 R/C and 2:1 E	6:1
Category III		2:1	4:1	1:1 R/C and 2:1 E	8:1
Category II		3:1	6:1	1:1 R/C and 4:1 E	12:1

Category I – Forested	6:1	12:1	1:1 R/C and 10:1 E	24:1
Category I – Score Based	4:1	8:1	1:1 R/C and 10:1 E	16:1
Category I – Bog	Not considered possible	N/A	N/A	N/A

(Ord. 811, Sec. 92, 2010; Ord. 773, Sec. 2, 2008; Ord. 741, Sec. 2, 2007)

Part IX. Transfer of Development Rights

14.88.900 Definitions.

(a) “Development rights” are those rights granted to a property owner under a particular zoning district.

(b) “Transferable rights” include dwelling unit equivalents (density) and commercial/industrial square footage.

(Ord. 773, Sec. 2, 2008; Ord. 741, Sec. 2, 2007)

14.88.910 Intent and General Regulations of Transferring Development Rights (TDR).

(a) The purpose in allowing the transfer of density is:

- (1) To allow for the transfer of development rights out of critical areas into buildable areas; and
- (2) To allow a property owner to recover a portion of the development value from property that may be used for a public purpose.

(b) TDR is not a guarantee that full development value can be recovered from a parcel of land designated as a sending area. Certain market forces may limit demand for density transfers including limitations placed on critical area receiving district capacities; particularly where all such districts are built out. Value of development rights shall be determined by the market for said rights and shall in no way be the responsibility of the City of Lake Stevens.

(c) All transfers must be consistent with the policies of the City’s Comprehensive Plan and the provisions of this chapter. In particular, land developed within a critical area receiving district through the transfer of development rights shall comply with all use, dimensional, parking, screening, etc., requirements as set forth in this title.

(d) Development rights may be transferred out of areas designated as critical area sending districts and only into areas designated as critical area receiving districts. They may be transferred within or across ownership boundaries.

(e) When development rights are transferred off site, the property owners shall provide and enter into a contract with one another which, at a minimum, shall acknowledge their participation and acceptance. (Ord. 773, Sec. 2, 2008; Ord. 741, Sec. 2, 2007)

14.88.920 Qualifications for Designation of Land as a Critical Area Sending or Receiving District.

(a) All areas classified as a critical area by this chapter shall be considered critical area sending districts. Additionally, land that does not qualify as an critical area but which has been determined by City Council to be land suitable for a public purpose may be designated as critical area sending districts by the Planning and Community Development Director with the concurrence of the majority ownership of the land.

(b) Any parcel or portion of a parcel on which development can occur per this title may be designated as a critical area receiving district by the Planning and Community Development Director with the concurrence of the majority ownership of the land. (Ord. 773, Sec. 2, 2008; Ord. 741, Sec. 2, 2007)

14.88.930 Designation Process.

(a) Critical area sending or receiving districts are considered overlay zones allowed per Section [14.88.920](#), Qualifications for Designation of Land as a Critical Area Sending or Receiving District. Designation as a critical area sending or receiving district is the equivalent of a rezone and shall be accomplished by the same process as specified in Section [14.16C.090](#).

(b) Underlying land use and zoning designations may be changed by the legislative authority granted to the City through its normal Comprehensive Plan amendment or rezoning procedures. However, the land will retain the critical area sending district designation until that designation is specifically removed.

(c) Land designated as a critical area sending or receiving district shall be shown as an overlay district on the Official Zoning Map. The map shall be modified upon each designation or revocation.

(d) Designation or revocation as a critical area sending or receiving district shall be recorded with the Snohomish County recorder's office and shall run with the land. (Ord. 903, Sec. 55, 2013; Ord. 811, Sec. 74, 2010; Ord. 773, Sec. 2, 2008; Ord. 741, Sec. 2, 2007)

14.88.940 Designation Revocation.

(a) Land that has been designated as a critical area sending district shall retain its designation:

(1) Until all development rights calculated for that parcel have been transferred; or

(2) For a period of three years, whereby the designation may be reviewed for reconsideration. The designation may be continued upon all of the following findings being met:

(i) The property retains the same characteristics that qualified it as a critical area receiving district in the first place.

(ii) The owner(s) of the property desire a continuation of the designation.

(iii) It is still in the public interest to continue the designation.

- (b) Land that has been designated a critical area receiving district shall retain its designation until the property has yielded its development potential.
- (c) The Council may reconsider designation revocation of a noncritical area when it determines that the property is no longer suitable for public use.
- (d) Revocation of a critical area sending or receiving district designation shall not affect the underlying land use designation or zone. (Ord. 773, Sec. 2, 2008; Ord. 741, Sec. 2, 2007)

14.88.950 Calculating Transferable Development Rights.

- (a) Maximum transferable development rights shall be calculated for each parcel or portion of a parcel by calculating the theoretical development capacity were the land not classified as a critical area. Theoretical development capacity is calculated based on the requirements of this title, in particular Chapter [14.48](#), Density and Dimensional Regulations, but also taking into account the requirements of all other chapters (e.g., parking, screening, fire code, building code, etc.).
- (b) Only like development rights may be transferred, and may only be transferred to a zone allowing a similar use, e.g., commercial square footage may be transferred out of a commercial district and into another commercial district or an industrial district that allows commercial uses. (Ord. 773, Sec. 2, 2008; Ord. 741, Sec. 2, 2007)

Part X. Mitigation Plan Requirements

14.88.960 Criteria.

Repealed by Ord. 741. (Ord. 468, 1995)