Staff Report
City of Lake Stevens Planning Commission

Planning Commission Briefing
Date: **May 16, 2018**

Subject: **Subarea Plan Update**

Contact Person/Department: **Russ Wright**, Community Development Director

ACTION REQUESTED OF PLANNING COMMISSION: No action required by the Planning Commission

BACKGROUND:

Over the past few months, staff has briefed the Planning Commission and Council on the fundamental concepts, land use / zoning, proposed infrastructure improvements and potential environmental impacts related to the draft subarea plan. On February 12, 2018, the City Council adopted a preferred alternative, which was a modified high growth alternative, for the Downtown Lake Stevens Subarea Plan. Staff discussed the preferred alternative and subarea plan with the Planning Commission on April 18, 2018. The Final Environmental Impact Statement (FEIS) was issued on April 27, 2018. The end of the comment period was May 11, 2018 – to date no additional comments were received. The Subarea Plan and FEIS are available at: http://lakestevensdowntown.com. Hard copies of the plan and documents will be available for pick up at the Permit Center upon request.

PREFERRED ALTENATIVE

The environmental impact statement indicates that there will be no significant impacts that cannot be mitigated through a combination of code adherence or planned infrastructure improvements. The development limits identified in the preferred alternative follow.

Table 1 Existing and Preferred Alternative Land Use Planning Assumptions

Land Use	Existing	Preferred Alternative
Park (acres)	1.67	4.1
Retail/Commercial (gross sq. ft.)	73,365	242,500
Office (gross sq. ft.)	30,000	50,000
Community Facilities (gross sq. ft.)	40,000	21,150
Housing (dwelling units)	112-300	600
Open Space (acres)	3.9	3.9
Public Parking (spaces)	95	Up to 300

- Existing Conditions represent the existing development within the greater downtown area.

PLANNED ACTION ORDINANCE

After determining the thresholds for the FEIS, based on the preferred alternative, a Planned Action Ordinance was developed pursuant to Chapter 43.21C RCW. Tonight's meeting includes a community meeting to discuss the specific elements of the Planned Action Ordinance as required by statute

(Attachment A). Planned Actions are tools available to cities to establish upfront development thresholds streamlining the permit review process. Projects found to be consistent with the development thresholds and Planned Action Ordinance mitigation requirements will receive a certification of consistency. The Planned Action Ordinance describes the public and environmental review process; defines consistency with the Growth Management Act and Lake Stevens Comprehensive Plan and State Environmental Policy Act; identifies procedures and criteria for evaluating and determining if projects qualify as planned actions including transportation concurrency criteria; and finally establishes a protocol for monitoring projects within the boundaries of the subarea.

DEVELOPMENT REGULATIONS

Staff requests the Planning Commission review and discuss the draft development regulations for the Downtown Lake Stevens Subarea Plan (Attachment B). The foundation of the development regulations comes from the existing Subarea Regulations – Chapter 14.38 LSMC and existing Central Business District (CBD) regulations found in Chapter 14.40 LSMC. Other sections throughout the municipal code have also been updated as needed for internal consistency. Within Chapter 14.38 LSMC the purpose, uses, parking requirements, signage standards and development regulations for the CBD zones are described. Any revisions required to implement the Mixed Use Neighborhood regulations in the Downtown Subarea were also updated as necessary. Generally, the CBD and MUN share similar regulations with other mixed-use regulations, but the proposed regulations are geared toward downtown in scale and purpose. As part of this code revision, staff was also able to clarify sections, update existing regulations where implementation issues have been identified or additional compatible uses are desirable. Examples include adding a specific description of principal and secondary uses in LSMC 14.38.030(c), updating footnotes to tables, revising special regulations in the MUN and Neighborhood Business districts and clarifying some parking requirements. The most substantial change proposed is to eliminate the Floor to Area Ratio requirements found in LSMC 14.38.050 and replace this section with a Development Bonus, implemented as an overall height increase, for constructing desirable features in commercial or mixed-use developments. The reason for this proposed change is staff has not found a significant benefit applying an FAR regulation when other dimensional standards and design guidelines control the intensity and form of development. There also appears to be an inability for some projects to achieve the existing FAR with the current dimensional standards. If the Planning Commission would like to retain an FAR requirement, staff recommends increasing the ratio in each category to more closely match the dimensional regulations (Attachment C).

NEXT STEPS

Staff will present the updated Design Guidelines and Capital Facilities Plan to the Planning Commission on June 6, 2018 and will hold a public hearing with the Planning Commission on June 13, 2018 covering all elements of the plan. Following a recommendation from the Planning Commission, staff will hold separate public hearings with the City Council leading to final adoption of the Downtown Lake Stevens Subarea Plan, Planned Action Ordinance, Capital Facilities Plan, Development Regulations and Design Guidelines.

Attachments

Attachment A: Planned Action Ordinance
Attachment B: Draft Development Regulations
Attachment C: Alternative FAR Code Modifications

Attachment A

ORDINANCE NO. 1025

AN ORDINANCE OF THE CITY OF LAKE STEVENS, WASHINGTON ESTABLISHING A PLANNED ACTION FOR THE DOWNTOWN LAKE STEVENS SUBAREA PURSUANT TO THE STATE ENVIRONMENTAL POLICY ACT (CHAPTER 43.21C RCW AND WAC 197-11-164)

WHEREAS, the State Environmental Policy Act (SEPA) (Chapter 43.21C RCW) and implementing rules (WAC 197-11-164) provide for the integration of environmental review with land use planning and project review through designation of "Planned Actions" by jurisdictions planning under the Growth Management Act (GMA) (Chapter 36.70A RCW); and

WHEREAS, on September 22, 2015 the Lake Stevens City Council enacted Ordinance No. 937 adopting an updated Comprehensive Plan and Land Use Map for the City of Lake Stevens complying with the GMA; and

WHEREAS, the Growth Management Act allows jurisdictions to amend comprehensive plans once a year, except in those situations enumerated in RCW 36.70A.130(2)(a); and

WHEREAS, RCW 36.70A.130(2)(a)(i) and (v) allows jurisdictions to amend the comprehensive plan with initial adoption of a subarea plan and adoption of comprehensive plan amendments necessary to enact a planned action under RCW 43.21C.031(2); and

WHEREAS, the City is concurrently adopting a subarea plan to the comprehensive plan, zoning map, zoning classifications (Ordinance 1026) and related zoning code amendments (Ordinance 1027) in association with this Planned Action Ordinance; and

WHEREAS, the City held community meetings to elicit public input on the subarea plan on June 30, September 7 and November 1, 2016; January 25 and March 7, 2017; and

WHEREAS, the City held a scoping meeting on July 18, 2017 to elicit public input on the Environmental Impact Statement (EIS) and a follow-up meeting on January 17, 2018 to review the Draft EIS; and

WHEREAS, the City has prepared a subarea plan for Downtown Lake Stevens, which is referred to as the Planned Action Area; and

WHEREAS, the City issued a Determination of Significance and request for comments on the scope of the environmental impact statement on July 5, 2017 and held a Scoping Meeting on July 18, 2017; and

WHEREAS, on January 6, 2018 the City issued a Draft Environmental Impact Statement (EIS) for the Downtown Lake Stevens Subarea Plan which identifies environmental impacts and mitigation measures associated with planned development in the subarea; and

WHEREAS, staff briefed City Council on the Draft EIS land use alternatives on February 6, 2018 and City Council adopted a preferred alternative on February 13, 2018; and

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WHEREAS, on April 27, 2018 the City issued a Final environmental impact statement (EIS) for the Downtown Lake Stevens Subarea Plan which identifies impacts and mitigation measures associated with planned development in the subarea; and

WHEREAS, on May 16, 2018 the City held a community meeting on the Planned Action Ordinance, pursuant to Chapter 43.21C RCW, prior to issuing notice for the adoption of the planned action ordinance; and

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

WHEREAS, the City is concurrently adopting updated design guidelines, development regulations and capital facilities plan for the subarea, which will help protect the environment; and

WHEREAS, on April 27, 2018 the City submitted the proposed Downtown Lake Stevens Subarea Plan, Zoning Map amendments, Subarea Land Use Map, proposed development regulations and design guidelines, and other comprehensive plan and land use code amendments to the Washington State Department of Commerce for its 60-day review and received a letter dated June XX, 2018 stating the procedural requirements were met; and

WHEREAS, the Department of Commerce's 60-day review period was completed on June 27, 2018 and any Department comments are addressed in this Ordinance; and

WHEREAS, the City held a Planning Commission public hearing on June 20, 2018 and two public hearings with City Council on June 26, 2018 and July 10; and

WHEREAS, the Lake Stevens Planning Commission, after review of the proposed Downtown Lake Stevens Subarea Plan, Planned Action, Comprehensive Plan Land Use Map and Zoning Map amendments, Subarea Land Use Map, proposed development regulations and design guidelines, and other related amendments, held a duly noticed public hearing on the amendment, and all public testimony was given full consideration before making a recommendation to the City Council to approve the proposed Subarea Plan, Planned Action and related documents; and

WHEREAS, the Lake Stevens City Council reviewed the Planning Commission's recommendation relating to the proposed Downtown Lake Stevens Subarea Plan, Planned Action Comprehensive Plan Land Use Map and Zoning Map amendments, Subarea Land Use Map and Subarea Zoning Map, proposed development regulations and design guidelines, and related amendments, and held a duly noticed public hearing, and all public testimony and arguments have been given full consideration; and

WHEREAS, designation of a Planned Action expedites the permitting process for subsequent, implementing projects whose impacts have been previously addressed in a Planned Action EIS, and thereby encourages desired growth and economic development; and

WHEREAS, the Downtown Lake Stevens Subarea is deemed to be appropriate for designation of a Planned Action.

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

SECTION 1. Purpose. The City Council declares that the purpose of this ordinance is to:

A. Combine analysis of environmental impacts with the City's development of plans and regulations;

B. Designate the Downtown Lake Stevens Subarea as a Planned Action for purposes of environmental review and permitting of subsequent, implementing projects pursuant to the State Environmental Policy Act (SEPA), RCW 43.21C.031;

C. Determine that the EIS prepared for the subarea plan meets the requirements of a Planned Action EIS pursuant to SEPA;

D. Establish criteria and procedures, consistent with state law, that will determine whether subsequent, implementing projects qualify as Planned Actions;

E. Provide the public with information about Planned Actions and how the City will process applications for implementing projects;

F. Streamline and expedite the land use review and approval process for qualifying projects by relying on the environmental impact statement (EIS) completed for the Planned Action; and

G. Apply the City's development regulations together with the mitigation measures described in the EIS and this Ordinance to address the impacts of future development contemplated by the Planned Action.

SECTION 2. Findings. The City Council finds as follows:

A. The City is subject to the requirements of the Growth Management Act, Chapter 36.70A RCW, and is located within an Urban Growth Area;

B. The City has adopted a Comprehensive Plan complying with the GMA, and is amending the Comprehensive Plan to incorporate a subarea element specific to the Downtown Lake Stevens Planned Action Area;

C. The City is adopting development regulations and design guidelines concurrent with the Subarea Plan to implement said Plan;

D. The City has prepared an EIS for the Downtown Lake Stevens Subarea and finds that this EIS adequately addresses the probable significant environmental impacts associated with the type and amount of development planned to occur in the designated Planned Action Area;

E. The mitigation measures identified in the Planned Action EIS and attached to this ordinance, together with adopted subarea land use regulations and design guidelines, will adequately mitigate significant impacts from development within the Planned Action Area;

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F. The subarea plan and Planned Action EIS identify the location, type and amount of development that is contemplated by the Planned Action;

G. Future projects that are implemented consistent with the Planned Action will protect the environment, benefit the public and enhance economic development within the City;

H. The City has provided numerous opportunities for meaningful public involvement in the proposed Planned Action; has considered all comments received; and, as appropriate, has modified the proposal or mitigation measures in response to comments;

I. The Downtown Lake Stevens Subarea Plan is not an essential public facility as defined by RCW 36.70A.200(1);

J. The Planned Action Area is a defined area that is smaller than the overall City boundaries; and

K. Public services and facilities will be adequate to serve the proposed Planned Action with implementation of mitigation measures identified in the EIS.

SECTION 3. Procedures and Criteria for Evaluating and Determining Projects as Planned Actions.

A. *Planned Action Area.* The Planned Action designation shall apply to the area shown in Exhibit A.

B. *Environmental Document.* A Planned Action determination for a site-specific implementing project application shall be based on the environmental analysis contained in the Draft EIS issued by the City on January 6, 2018 and the Final EIS issued on April 27, 2018. The Draft and Final EISs together shall comprise the Planned Action EIS. The mitigation measures contained in Exhibit B are based upon the findings of the Planned Action EIS and shall, along with adopted City regulations, provide the framework that the City will use to impose appropriate conditions on qualifying Planned Action projects.

C. *Planned Action Designated.* Land uses and activities described in the Planned Action EIS, subject to the thresholds described in subsection 3.D and the mitigation measures contained in Exhibit B, are designated Planned Actions or Planned Action Projects pursuant to RCW 43.21C.031. A development application for a site-specific project located within the Downtown Lake Stevens Subarea shall be designated a Planned Action if it meets the criteria set forth in subsection 3.D of this ordinance and applicable laws, codes, development regulations and standards of the City.

D. *Planned Action Qualifications.* The following thresholds shall be used to determine if a site-specific development proposed within the Downtown Lake Stevens Subarea is contemplated by the Planned Action and has had its environmental impacts evaluated in the Planned Action EIS:

(1) Land Use. The following general categories/types of land uses, which are permitted or conditionally permitted in zoning districts applicable to the Downtown Lake Stevens Planned Action Area, are considered Planned Actions:

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(a) Park;

(b) Retail/Commercial;

(c) Office;

(d) Community Facilities;

(e) Housing (residential dwelling units);

(f) Lodging, such as hotels and motels;

(g) Open Space;

(h) Public Parking; and

(i) Infrastructure improvements identified in the EIS to support planned land uses.

Individual land uses considered to be Planned Actions shall include those uses specifically listed in subarea development regulations, Chapter 14.38 LSMC, applicable to the zoning classifications applied to properties within the Planned Action Area.

(2) Development Thresholds.

(a) The following amount of various new land uses are contemplated by the Planned Action:

Land Use[1]	Development Thresholds
Park	4.1 acres
Retail/Commercial[2]	170,000 gross square feet
Office	50,000 gross square feet
Community Facilities[3]	21,150 gross square feet
Residential	600 dwelling units
Public Parking	300 spaces
Total Trips	1740 trips

[1] A building with multiple uses will be designated by the majority use.

[2] Retail/Commercial includes accommodation services, arts and entertainment/, recreation, food services, retail trade, etc.

[3] Community facilities may include emergency services such as a fire station; public/semi-public buildings used for community, corporate or private events; or other traditional land uses that support government operations.

(b) Local road projects identified in the EIS to support planned levels of growth identified in subsection (2)(a) are considered planned actions.

(c) Shifting the total build out between categories of uses may be permitted if the total build-out does not exceed the aggregate amount of development and the trip generation reviewed in the EIS, and so long as the impacts of that development have been identified in the Planned Action EIS and are mitigated consistent with Exhibit B.

(d) If future development proposals in the Planned Action Area exceed the development thresholds specified in this ordinance or alter the assumptions and analysis in the Planned Action EIS, further environmental review may be required pursuant to WAC 197-11-172.

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(3) Building Height. Building height shall not exceed those permitted in the underlying zoning district(s) pursuant to the standards of the Lake Stevens Municipal Code.

(4) Transportation.

(a) *Thresholds*. The City currently uses LOS E as the standard for arterials and collectors and LOS C as the standard for acceptable operations on local access roads; however, given the vision for a mixed-use district that functions as a local and regional destination, with multimodal transportation elements, it is reasonable to modify the LOS standard to LOS F Downtown for the PM peak and emphasize safe pedestrian amenities to maintain the character of the district.

(b) *Concurrency.* The determination of transportation impacts shall be based on the City's concurrency management program contained in Chapter 14.110 LSMC.

(c) *Off-Site Mitigation.* As provided in the EIS and Chapter 14.110 LSMC, to mitigate transportation related impacts, all Planned Action Projects shall pay a traffic impact mitigation fee to participate in and pay a proportionate share of off-site improvements consistent with Chapter 14.112 LSMC and the current Fees Resolution.

(d) *Director Discretion.* The Director of Public Works or designee shall have discretion to determine incremental and total trip generation, consistent with the latest edition of the Institute of Traffic Engineers (ITE) Trip Generation Manual or an alternative manual accepted by the Director of Public Works at his or her sole discretion, for each project permit application proposed under this Planned Action.

(5) Elements of the Environment and Degree of Impacts. A proposed project that would result in a significant change in the type or degree of impacts to any of the elements of the environment analyzed in the Planned Action EIS, or that causes significant impacts to an element of the environment that was not considered in the Planned Action EIS, would not qualify as a Planned Action.

(6) Changed Conditions. Should environmental conditions change significantly from those analyzed in the Planned Action EIS, the City's SEPA Responsible Official may determine that the Planned Action designation is no longer applicable until supplemental environmental review has been conducted.

E. Planned Action Review Criteria.

(1) The City's SEPA Responsible Official may designate as "Planned Actions", pursuant to RCW 43.21C.030, applications that meet all the following conditions:

(a) Proposal is located within the Planned Action Area identified in Exhibit A of this ordinance;

(b) Proposed uses and activities are consistent with those described in the Planned Action EIS and Section 3.D of this ordinance;

(c) Proposal is within the Planned Action thresholds and other criteria of Section 3.D of this ordinance;

(d) Proposal is consistent with the City of Lake Stevens Comprehensive Plan;

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(e) Proposal's potential significant adverse environmental impacts have been identified in the Planned Action EIS;

(f) Proposal's potential significant impacts have been mitigated by application of the measures identified in Exhibit B, and other applicable city regulations, together with any modifications, variances or special permits that may be required;

(g) 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

(h) Proposal is not an essential public facility as defined by RCW 36.70A.200(1), unless an essential public facility is accessory to or part of a project that is designated as a planned action.

(2) The City shall base its decision on review of a SEPA checklist, or an alternative form adopted with Planned Action Ordinance, and review of the application and supporting documentation.

(3) A proposal that meets the criteria of this section shall be considered to qualify and be designated as a Planned Action, consistent with the requirements of RCW 43.21C.030, WAC 197-11-164 et seq., and this ordinance.

F. Effect of Planned Action

(1) Designation as a Planned Action Project. Designation as a Planned Action Project means that a qualifying proposal has been reviewed in accordance with this ordinance and found to be consistent with its development thresholds, and with the environmental analysis contained in the Planned Action EIS.

(2) SEPA Determination. Upon determination by the City's SEPA Responsible Official that the proposal meets the criteria of Section 3.D and qualifies as a Planned Action, the proposal shall not require a SEPA threshold determination, preparation of an EIS, or be subject to further review pursuant to SEPA.

G. Planned Action Permit Process. Applications for Planned Actions shall be reviewed pursuant to the following process.

(1) Development Applications. Development applications shall meet all applicable requirements of the Lake Stevens Municipal Code (LSMC). Applications for Planned Actions shall be made on forms provided by the City and shall include a SEPA checklist, or an approved Planned Action checklist.

(2) The City's Director of Planning and Community Development or designee shall determine whether the application is complete as provided in LSMC 14.16A.220(f). If the application is for a project within the Planned Action Area defined in Exhibit A, the application will be reviewed to determine if it is consistent with the criteria of this ordinance and thereby qualifies as a Planned Action Project. The SEPA Responsible Official shall notify the applicant of his/her decision. If the project is determined to qualify as a Planned Action, it shall proceed in accordance with the applicable permit review procedures specified in Chapter 14.168 LSMC, except that no SEPA threshold determination, EIS or additional SEPA review shall be required. The decision of the SEPA Responsible Official regarding qualification as a Planned Action shall be final.

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(3) Public notice of the determination that a project qualifies as a planned action project, pursuant to Chapter 43.21C RCW, shall be mailed or otherwise verifiably provided to:

(a) All affected federally recognized tribal governments and

(b) 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.

(4) Development Agreement.

(a) To provide additional certainty about applicable requirements, the City or an applicant may request consideration and execution of a development agreement for a Planned Action Project. The development agreement may address review procedures applicable to a Planned Action Project, permitted uses, mitigation measures, payment of impact fees or provision of improvements through other methods, design standards, phasing, vesting of development rights, or any other topic that may properly be considered in a development agreement consistent with RCW 36.708.170 et seq.

(b) A development agreement may also include alternative mitigation measures proposed by an applicant, provided that such alternative measures shall provide mitigation that is equivalent to or better than that identified in the Planned Action EIS. The determination that mitigation measures are equivalent shall be made by the SEPA Responsible Official.

(5) If a project is determined to not qualify as a Planned Action, the SEPA Responsible Official shall so notify the applicant and prescribe a SEPA review procedure consistent with the City's SEPA regulations and the requirements of state law. The notice shall describe the elements of the application that result in failure to qualify as a Planned Action.

(6) Projects that fail to qualify as Planned Actions may incorporate or otherwise use relevant elements of the Planned Action EIS, as well as other relevant SEPA documents, to meet their SEPA requirements. The SEPA Responsible Official may limit the scope of SEPA review for the non-qualifying project to those issues and environmental impacts not previously addressed in the Planned Action EIS.

SECTION 4. Monitoring and Review.

A. The City shall monitor the progress of development in the designated Planned Action Area to ensure that it is consistent with the assumptions of this ordinance and the Planned Action EIS regarding the type and amount of development and associated impacts, and with the mitigation measures and improvements planned for the Downtown Lake Stevens Planned Action Area.

B. This Planned Action Ordinance shall be reviewed by the SEPA Responsible Official when development within the Planned Action Area is approaching maximum threshold levels or 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 Area, the impacts of development, and required mitigation measures. Based upon this review, the City may propose amendments to this ordinance or may supplement, addend or amend the Planned Action EIS.

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SECTION 5. Conflict. In the event of a conflict between this Ordinance or any mitigation measure imposed thereto, and any ordinance or regulation of the City, the provisions of this ordinance shall control, EXCEPT that the provision of any International Code shall supersede.

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

SECTION 7. Effective Date and Publication. A summary of this ordinance consisting of its title shall be published in the official newspaper of the City. This ordinance shall take effect and be in full force five days after the date of publication.

PASSED by the City Council of the City of Lake Stevens this July 10, 2018.

_____
John Spencer, Mayor

ATTEST/AUTHENTICATION:

By:_____
Kathy Pugh, City Clerk

APPROVED AS TO FORM:

_____
Grant K. Weed, City Attorney

First Reading: June 26, 2018
Second and Final Reading: July 10, 2018
Published:
Effective Date:

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EXHIBIT A – DOWNTOWNLAKE STEVENS PLANNED ACTION AREA

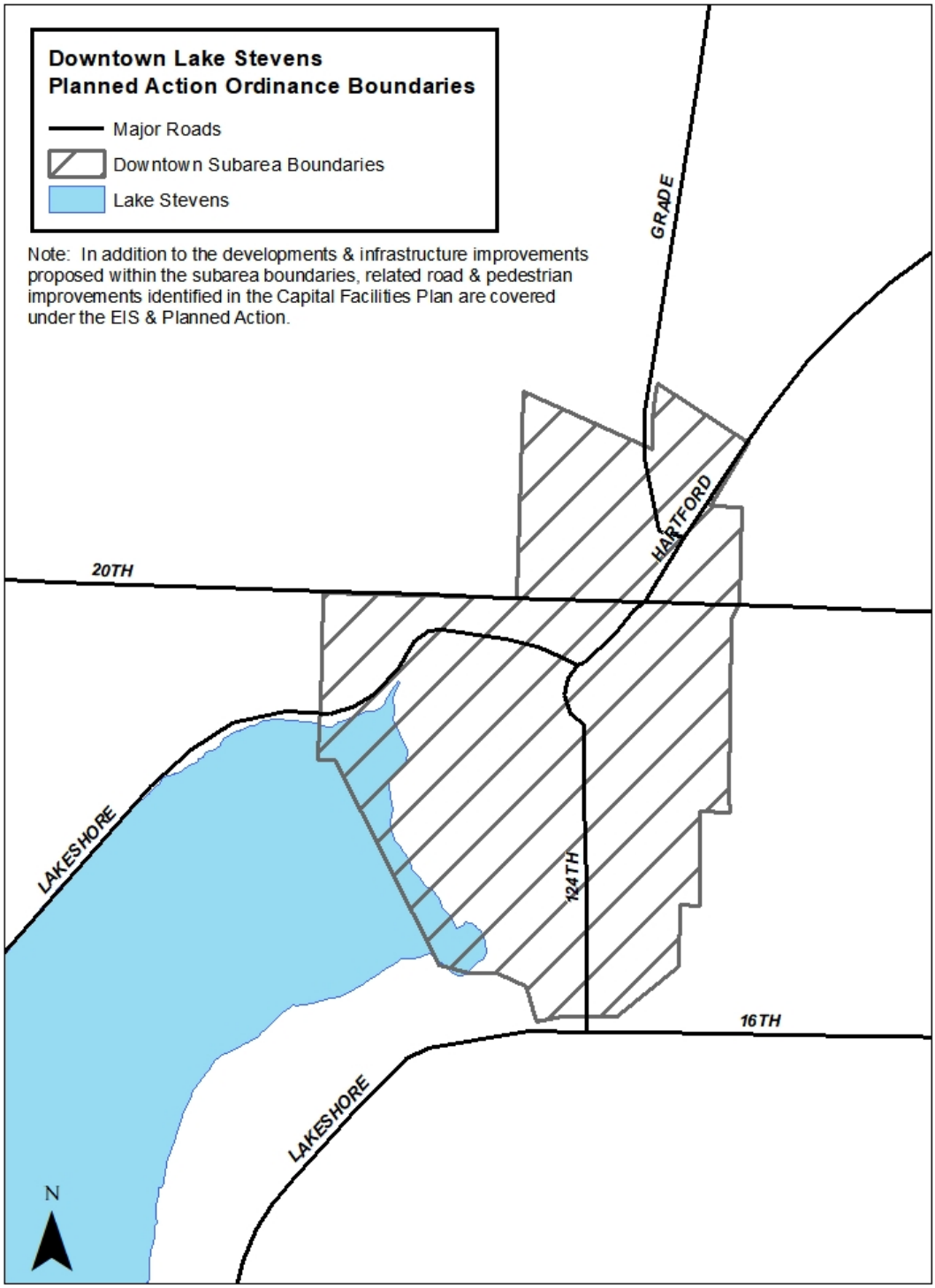

EXHIBIT B
DOWNTOWN LAKE STEVENS SUBAREA PLAN PLANNED ACTION ORDINANCE MITIGATION MEASURES

In compliance with the State Environmental Policy Act (SEPA), the City of Lake Stevens prepared and published draft and final environmental impact statements (collectively "the Planned Action EIS") for the Lake Stevens Center Subarea Plan. The Planned Action EIS identifies significant impacts to the environment that would occur because of future growth in the subarea, along with mitigation measures that would avoid, reduce, minimize or compensate for those impacts. The City will designate the subarea as a Planned Action for purposes of future environmental review, consistent with the requirements of RCW 43.21C.031 and WAC 197-11-164 et seq.

This exhibit to the Planned Action Ordinance summarizes mitigation measures identified in the Planned Action EIS. The Planned Action EIS should be reviewed to understand the full context of measures for each element of the environment. As part of its review of future development proposals within the Planned Action Area (Exhibit A), and to determine whether such proposals qualify as planned actions, the City will review the measures identified herein and require them as conditions of approval.

It should be noted that some mitigation measures identified in the Planned Action EIS have already been accomplished (such as adoption of a Planned Action Ordinance) and are not included in this exhibit. References are provided for measures that rely on adopted provisions of the Lake Stevens Municipal Code. In addition, while most mitigation measures identified in the Planned Action EIS apply to development projects (public or private), a few provide direction to the City for future planning and regulatory programs. The City will consider these as part of its ongoing planning processes, including any required monitoring.

1. Natural Environment

A. Earth

Applicable Regulations and Commitments

- ***Geological Assessments Required:*** The City's critical area regulations require a geological assessment for any development proposal within 200 feet of a designated geologically hazardous area. Geological assessments must contain an analysis of the potential impacts to geologically hazardous areas resulting from the proposed development and identify appropriate mitigation measures to protect development and the geologically hazardous area per LSMC 14.88.630.
- ***Native Growth Protection Area:*** LSMC 14.88.670 requires developers to place geologically hazardous areas and buffers not approved for alteration in a native growth protection area. Lawfully altered geologically hazardous areas are subject to a covenant of notification and indemnification/hold harmless agreement.
- ***Erosion Control Measures Required:*** LSMC 14.64.130 requires the implementation of sedimentation and erosion control measures for any development that would entail land disturbance. The Public Works Director must review and approve erosion control plans.

B. Air Quality

Mitigation During Construction

Although significant air quality impacts are not anticipated due to construction, contractors will be required to comply with all relevant federal, state, and local air quality rules. In addition, implementation of best management practices will also reduce emissions related to construction. The city will consider best management practices to minimize the potential air quality impacts during development review including measures for reducing exhaust emissions and fugitive dust. Possible control measures that will be considered include the following:

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- Use only equipment and trucks that are maintained in optimal operational condition
- Require all off-road equipment to have emission reduction equipment (e.g., require participation in Puget Sound Region Diesel Solutions, a program designed to reduce air pollution from diesel, by project sponsors and contractors)
- Use bio diesel or other lower-emission fuels for vehicles and equipment
- Use car-pooling or other trip-reduction strategies for construction workers
- Implement restrictions on construction truck and other vehicle idling (e.g., limit idling to a maximum of 5 minutes)
- Spray exposed soil with water or other suppressant to reduce emissions of particulate matter (PM) and deposition of particulate matter
- Pave or use gravel on staging areas and roads that would be exposed for long periods
- Cover all trucks transporting materials, wetting materials in trucks, or providing adequate freeboard (space from the top of the material to the top of the truck bed), to reduce particulate matter (PM) emissions and deposition during transport
- Provide wheel washers to remove particulate matter that would otherwise be carried *off* site by vehicles to decrease deposition of particulate matter on area roadways
- Remove particulate matter deposited on paved, public roads, sidewalks, and bicycle and pedestrian paths to reduce mud and dust; sweep and wash streets continuously to reduce emissions
- Cover dirt, gravel, and debris piles as needed to reduce dust and wind-blown debris
- Stage construction to minimize overall transportation system congestion and delays to reduce regional emissions of pollutants during construction.

Mitigation During Operation

The air quality analysis indicates that the alternatives would not result in any significant adverse air quality impacts in the subarea. Consequently, no operational impact mitigation measures are warranted or proposed.

C. Water Resources

Applicable Regulations and Commitments

- *Stormwater Management:* The City's municipal code requires the use of natural drainage systems to the extent feasible to preserve natural topography (LSMC 14.64.100). The Code also requires all new stormwater drainage systems to be constructed in accordance with the requirements of the Department of Ecology's *2014 Stormwater Management Manual for Western Washington* (Chapter 11.06 LSMC).
- *NPDES Phase II Municipal Stormwater Permit:* The current Western Washington Phase II Municipal Stormwater Permit was issued in 2012 and amended in 2014 to implement the requirements of the Clean Water Act and the National Pollutant Discharge Elimination System as codified in Chapter 11.06 LSMC. Local jurisdictions covered under the permit, including the City of Lake Stevens, are required to develop a stormwater management program designed to reduce the discharge of pollutants and protect water quality. In accordance with the requirements of the permit, the City of Lake Stevens has adopted a stormwater management plan focused on public education and outreach, detection and elimination of illicit stormwater discharge, controlling runoff generated by new development activities, and prevention of pollution resulting from municipal activities. Continued implementation of the measures contained in the stormwater management program would reduce pollutant loading and improve water quality in the City's lakes, streams and wetlands.

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- *Critical Areas Regulations:* The Lake Stevens Center Subarea contains varied critical areas, including wetlands and streams (Fish and Wildlife Conservation Areas). Future development will be subject to the adopted critical areas regulations found in Chapter 14.88 LSMC, including all applicable protection standards, mitigation requirements and mitigation sequencing procedures. Wetland mitigation is required to take the form of in-kind replacement of the impacted wetland functions and values whenever possible, and replacement wetlands must adhere to the design requirements of LSMC 14.88.840, including performance standards and mitigation ratios.
- *Floodplain Development Permit*: Developers are required to acquire a Floodplain Development Permit for construction and/or development activities within the floodplain.

Additional Mitigation Measures

- *Stormwater Detention:* For properties adjacent to identified wetlands and associated buffers, new development and redevelopment shall not result in an increased rate of runoff from the site to the wetland. To prevent alteration of established hydrologic wetland processes, the municipal code requires stormwater to be either detained or infiltrated onsite.
- *Low Impact Development (LID):* The City has incorporated incentives in development regulations (Chapter 14.38 LMSC) to encourage the use of LID techniques to reduce stormwater impacts. LID techniques could include bioretention and tree box filters.
- *Critical Areas:* More detailed analysis will be required for future projects that occur on sites containing critical areas – including full delineation, classification and functional assessment – in conjunction with development permitting. The standards and mitigation requirements of the City's critical area regulations (Chapter 14.88 LSMC) will be applied to such development.
- *Wetland Mitigation Banking:* LSMC 14.88.840 allows the use of credits from an approved wetland mitigation bank to compensate for unavoidable impacts to wetlands. Per LSMC 14.88.840(a)(5), projects using mitigation bank credits must be consistent with the replacement ratios specified in the mitigation bank's certification. If mitigation credits are not available and establishment of a separate mitigation bank is not feasible, the City could encourage preservation and enhancement of these areas in exchange for increased development potential in other portions of the site or subarea.

D. Plants & Animals

Applicable Regulations and Commitments

- *Endangered Species Act (ESA, 16 U.S.C. 15311544):* The ESA provides for the conservation of threatened or endangered plant and animal species and their habitat. Any action taken, authorized, or funded by a federal agency is subject to review by the U.S. Fish and Wildlife Service (USFWS) or the U.S. National Oceanic and Atmospheric Administration (NOAA). The ESA also prohibits "taking" of any listed species.
- *Washington State Water Pollution Control Act (90.48 RCW)*: Chapter 90.48 of the Revised Code of Washington (RCW) prohibits discharge of any material that causes pollution into waters of the state. The Act applies the Washington Department of Ecology standards for Clean Water Act Section 404 permits to projects without a federal nexus.
- *Critical Areas Regulations:* Future development in the Subarea has the potential to adversely affect plants and animals through clearing of vegetated areas. Chapter 14.88 of the Lake Stevens Municipal Code regulates development activities that occur in environmentally critical areas, including valuable vegetation, fish and wildlife habitat; geologically hazardous areas; wetlands; streams; frequently flooded areas; and fish and wildlife conservation areas. Development within a designated critical area is subject to additional development standards designed to preserve and protect sensitive natural resources from human influence.
- *Tree Retention:* The City's land use code (LSMC 14.76.120) requires every development to

retain significant trees and stands of trees that occur on the development site unless such retention would create an unreasonable burden on the developer or create a safety hazard. The code requires that significant trees removed as part of a development project be replaced, and that retained and replanted trees be protected during construction.

E. Public Services

Applicable Regulations & Commitments

All development will be required to comply with existing regulations related to emergency access, fire suppression systems, and payment of school and park impact mitigation fees.

F. Aesthetics

Visual Character

- *Development Regulations:* Proposed zoning regulations and design guidelines to implement the subarea plan would address appropriate uses, height, setbacks, and similar development parameters. The code also includes incentives, such as bonuses in height or intensity, in exchange for incorporating a menu of public amenities in new development. Standard landscaping requirements have been modified to create the desired character for development sites, roads, and for sidewalks and trails. Existing tree protection/replacement requirements ensure the subarea maintains a desirable amount of vegetative cover.
- *Design Guidelines*: Proposed subarea-specific design guidelines will ensure that future development achieves a cohesive visual character and high-quality site planning, building design, lighting and signage.

Views

- *Park & Open Space Planning:* The City will update its Parks & Open Space Plan to address parks and open space needs created by planned residential growth in the Lake Stevens Center Subarea. In conjunction with future parks planning, the City may identify new parks or open space areas that provide view opportunities of scenic landscape features. Proposed development regulations also provide incentives for the creation of public spaces in the subarea.
- *Design Guidelines*: In coordination with planning new parks and open spaces and identifying potential viewpoints, the City could consider adopting guidelines that identify when and how site plans or building design can incorporate elements to protect views from parks and other public spaces.

Light & Glare

- *Design Guidelines:* Design guidelines to implement the subarea plan could provide guidance on avoiding light spillage, glare and shadow impacts though site planning, building design and landscaping. The guidelines and standards would specifically address lighting and signage.

G. Transportation

Concurrency

The Growth Management Act (GMA) includes provisions, referred to as "concurrency," to ensure sufficient public facilities are available for new development. GMA requirements include: (1) adopting Transportation and Capital Facilities elements in local Comprehensive Plans that identify facilities needed to accommodate projected growth and to establish a funding program to construct the necessary improvements; (2) establishing level of service (LOS) standards as a measure to determine a project's impact potential; (3) adopting policies that require either denying permits for projects that exceed the LOS standard, modifying the LOS standard, or modifying the land use. Changes may be made to a development proposal to enable it to meet the concurrency requirements, such as by reducing project size, employing travel demand management to reduce the number of trips generated, or financing the needed improvements.

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Level of Service Threshold

The Comprehensive Plan establishes LOS standards for intersections in the City. The City sets LOS E as the standard for acceptable operation along arterials and collectors, and LOS C as the standard for acceptable operations on local access roads.

Impacted Intersections and Necessary Road Improvements

The EIS identifies that the 20th Street NE/Main Street intersection would be deficient (i.e., fall below LOS E operations) during the PM peak hour for the Preferred Concept.

To mitigate delay and improve the LOS at this intersection, several potential improvements were examined. Signalization of the intersection would improve the intersection to LOS B and provide pedestrian phases and crosswalks across all legs of the intersection. This improvement is compatible with the plans to create a pedestrian and bicycle friendly environment along Main Street and to enhance it as a retail destination for the community. However, given the vision for a mixed-use neighborhood that functions as a local and regional destination, with multimodal transportation elements, it is reasonable to consider modify the LOS standard to LOS F Downtown for the PM peak and emphasize safe pedestrian amenities to maintain the character of the district.

Other improvements that may be required, included a controlled intersection at 18th Street NE and Main Street; expansion of roadways and pedestrian amenities throughout and connected to the subarea as identified in the capital facilities plan; and an improved intersection at Grade Road and SR-92. The Grade Road / SR-92 intersection will be reviewed under a separate SEPA application.

Traffic Impact Fees

Implementing the improvements described above will require a substantial investment of money. To help address identified impacts, and to generate the funds necessary to implement the mitigation measures described above, the City will update its traffic impact fee program (Chapter 14.112), as authorized by RCW 82.02.050. This citywide program will establish fees within a traffic impact zone including the Downtown Lake Stevens Subarea.

Transportation Demand Management

Transportation demand management (TOM) strategies include commute trip reduction programs and enhanced transit service. The City would consider a commute trip reduction program when a qualifying employer develops within the City. Proposed development regulations also include incentives for alternative or high-efficiency transportation modes (LCMS 14.38.050).

H. Utilities

Drainage

Applicable Regulations and Commitments

- *Ecology Stormwater Manual:* The City has adopted the Department of Ecology's 2012 Stormwater Management Manual for Western Washington as its minimum design standard for stormwater infrastructure. All development meeting the minimum thresholds is required to design associated stormwater infrastructure to be consistent with these standards.
- *City* of *Lake Stevens Stormwater Ordinance:* Chapter 11.06 of the Lake Stevens Municipal Code adopt the Department of Ecology's 2005 Stormwater Management Manual for Western Washington. Any project that meets or exceeds the thresholds defined in the manual for new impervious area, drainage system modifications, or redevelopment is subject to City review and permit approval.
- *Low Impact Development:* The City's stormwater ordinance identifies Low Impact Development (LID) solutions, as defined and listed in the LID Technical Guidance Manual for Puget Sound, that are acceptable and encourages alternative standards for management of stormwater. In addition, proposed development regulations provide an incentive for the use of LID techniques (Chapter 14.38 LSMC).

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Water

Applicable Regulations and Commitments

- *Supply Upgrades:* Snohomish County PUD's *2011 Water System Plan* identifies necessary capital improvements to provide adequate water supply for the next 20 years.
- *Storage Upgrades:* The PUD's *2011 Water* System *Plan* identifies the following planned and budgeted capital improvements to storage capacity:
- *Distribution Upgrades:* The PUD's ongoing water main replacement program annually evaluates aging pipes for replacement with a focus on the replacement of galvanized iron/steel and asbestos cement pipes.
- *Joint Planning with Snohomish County PUD:* The City should consult with Snohomish County PUD to establish a joint planning process to identify and implement capital improvements necessary to serve anticipated development in the subarea.
- *Design Review for Fire Flow:* The City and developers will coordinate review of development applications with Snohomish County PUD and the Lake Stevens Fire Marshal to determine specific fire flow requirements based on project type, intensity and design. Upgrades to existing lines will be coordinated with the Snohomish County PUD. Installation of new water lines adequate to provide required fire flows shall be the responsibility of the developer, in accordance with the fire flow design thresholds established below.
    - Commercial. Office. and High-Density Residential: 12-inch pipes and 3,000 gpm.
    - Existing Medium and Low-Density Residential Areas: 8-inch pipes and 1,500 gpm.
    - All Other Areas and Development Types: 10-inch pipes and 2,000 gpm.

Sewer

Applicable Regulations and Commitments

- *Planned Capital Improvements:* The Lake Stevens Sewer District adopted updates to its Comprehensive Plan in 2016, describing the capital improvements planned for the near future.
- *Joint Planning with Lake Stevens Sewer District:* The City and the Lake Stevens Sewer District should establish a joint planning process to identify and implement capital improvements necessary to serve anticipated development in the subarea, including new wastewater collection infrastructure and future expansions to the new treatment plant that may be necessary to accept projected flows from development under the subarea plan.
- *Design Review for Wastewater Flows and Loads:* Because planned improvements to the wastewater system will be implemented in phases over several years, the Planned Action should establish size thresholds for new development that, when met or exceeded, would require developers to initiate consultation with Lake Stevens Sewer District. Consultation would confirm that projected wastewater flows and loads from any proposed project would not exceed the treatment or conveyance capacity of the wastewater system existing at that time.

I. Historic and Cultural Resources

Proposed development that could impact properties in the study area that are listed on national, state, or local historic registers must comply with Historic and Archaeological Resources code (Snohomish County Code Chapter 30.32D).

Archaeological testing must be completed for proposed projects that involve significant excavation or any changes made to the vegetation and landforms near existing waterways in the study area. Archaeological project monitoring is suggested for subsurface excavation and construction in these high probability areas. Complete a Washington State Historic Property Inventory form for each of the 22 buildings that meet the 50-year threshold. Carry out an archaeological survey within

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North Cove Park, if findings occur, consult DAHP and potentially require monitoring during construction relating to ground disturbance.

Applicable Regulations & Commitments

Under state law (RCW 27.53), prehistoric archaeological sites are protected in all cases. Historic archaeological sites must be determined eligible for listing in the Washington Heritage Register (WHR) (RCW 27.34.220) or National Register of Historic Places (NRHP) before they are considered protected. DAHP will make a final determination whether the resource is eligible or not eligible for register listing. If a resource that is considered protected cannot be avoided, the project proponent must apply for an archaeological excavation permit from DAHP (WAC 25-48-060) to conduct any activity that disturbs the site. DAHP will then provide the archaeological excavation permit application for review to the appropriate stakeholders and Tribes.

Under state law (RCW 27.44), archaeological resources identified during construction would need to be evaluated. If the resources are considered significant, any impacts on archaeological resources would require mitigation, which would likely entail archaeological investigation such as scientific excavation and analysis. For archaeological resources found during construction, an emergency archaeological excavation permit may be issued by DAHP and is typically received within three business days. It is possible that archaeological monitoring would be recommended for portions of the project; this work would be conducted under an Archaeological Resources Monitoring Plan.

J. Noise

Applicable Regulations & Commitments

Current city regulations that address daytime/ nighttime construction and noise limits and implementation of control plans during occurrence of construction activities.

New development in the subarea must adhere to noise standards used by WSDOT if state or federal funds are used.

K. Land Use

Many of the land use changes identified in the EIS- including increased density/intensity and a greater diversification and mix of land uses – are not considered adverse impacts. The change in the subarea's overall land use pattern would be minor and does not require mitigation.

Potential land use conflicts, between proximate land uses of different intensity are addressed in proposed subarea land use regulations and design guidelines and can be mitigated through site plan review. For example, height, bulk, and setback requirements address potential conflicts between commercial and residential land uses. Landscaping requirements will also help buffer and screen land uses of dissimilar intensity or scale. Proposed design guidelines provide approaches to site planning and building design that will reduce a range of potential impacts.

These techniques are incorporated into subarea land use regulations (Chapter 14.38 LSMC).

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LSMC 14.16C.050(b)

(b) The City Council shall adopt design guidelines or standards by ordinance.

(1) City of Lake Stevens Design Guidelines (Residential Development Handbook for Snohomish County Communities) were readopted on April 17, 1995, for use within City limits, excluding subareas.

(2) Subarea Design Guidelines ~~were adopted in September 2012 as an exhibit of the~~apply to the Downtown Lake Stevens Subarea Plan, Lake Stevens Center Subarea Plan and 20th Street SE Corridor Subarea Plan. To assure an attractive, pedestrian-friendly environment, all development occurring within either subarea shall comply with these design guidelines which are attached to the subarea plans. If design guidelines appear to conflict with another provision of this title, the design guidelines shall prevail.

14.16C.083 Planned Action Projects.*

(a) The purpose of this section is to establish a review process for projects submitted under a planned action ordinance within the following adopted subarea plans:

(1) Lake Stevens Center Subarea Plan; ~~and~~

(2) 20th Street SE Corridor Subarea Plan; and

(3) Downtown Lake Stevens Subarea Plan.

(b) Procedure. Proposed planned action projects shall be submitted for certification as a planned action under one of the planned action ordinances and participate in a pre-application conference.

(c) Development Thresholds and Criteria. The proposed project shall meet the development thresholds and mitigation measures adopted in the appropriate planned action ordinance and codified in Sections 14.38.120(c) and (d), and the planned action review criteria of Section 14.38.120(e).

(d) Planned Action Certification. Certification notice requirements for qualifying planned action projects in Section 14.16B.225(e)(1) shall be in accordance with Section 14.38.120(b)(5). (Ord. 876, Sec. 13, 2012)

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.

(c) Downtown Lake Stevens Subarea Plan – located generally along Main Street between 16th Street NE and the intersection of Hartford / Grade Road north of 20th Street NE.

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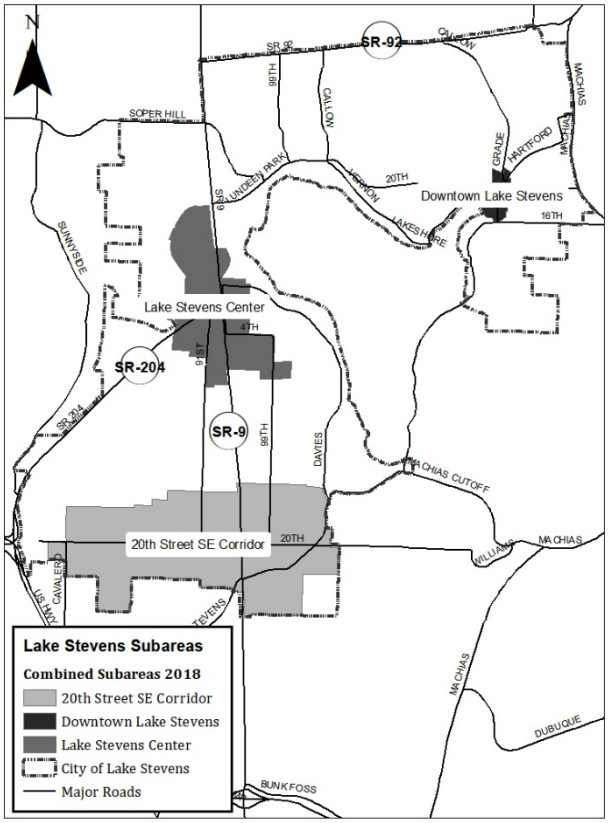

Figure 14.38-I Combined Subarea Locations

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) Central Business District (CBD). The purpose of this district is to provide pedestrian-oriented commercial uses that serve the community and region by attracting a variety of small to mid-sized 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) Amusement and recreation;

(ii) Arts and entertainment;

(iii) Food services;

(iv) Hospitality and lodging;

(v) Personal services; and

(vi) Small to mid-size retail trade.

(2) Secondary Uses.

(i) Commercial parking structures/lots;

(ii) Finance and insurance;

(iii) Health care services;

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

(v) Public administration.

(3) Residential Uses.

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

(4) Special Regulations.

(i) Ground floor retail is required along Main Street and 18th St NE frontages.

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

(iii) Drive-through uses are not allowed to front Main Street or 20th Street NE, but may be allowed on secondary streets.

(iv) Theaters and performing arts venues.

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

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

(vii) Wireless and cellular communications facilities require an administrative conditional use permit per Section 14.16C.015.

(viii) Marijuana facilities are not allowed.

(~~b~~c) 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

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(vi) Marijuana retail facilities are not allowed.

(~~e~~d) 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~~e) 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

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(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) In the Downtown Lake Stevens Subarea, ground floor retail is required along Main Street NE frontages.

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

(~~i~~v) 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~~i~~) Wireless and cellular communications facilities require an administrative conditional use permit per Section 14.16C.015.

(vi~~i~~) Marijuana facilities are not allowed.

(~~e~~f) 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, except in locations immediately adjacent to a State route or State highway.

(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.

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

(v) Marijuana facilities are not allowed.

(~~f~~g) 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. 1009, Sec. 3, 2017; 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)

(c) Principal uses are the preferred uses of the zoning district, while secondary uses are also allowed uses, but should be subordinate in a mixed-use configuration, whether in a vertical or horizontal configuration. The principal uses should be located along primary street frontages.

14.38.040 Dimensional Regulations.

Table 14.38-I Dimensional Regulations

Zone	Minimum Lot Size	Building Setback (from lot line, tract or easement) (ft)[13]		Min. Landscape Buffer (ft)[7]	Min. First Floor Height (ft)	Max. Height (ft)[9, ~~10~~]
		Front	Side/Rear			
Commercial Zones						
BD	NA	5	10[4,5]	5	12	55
CBD	NA	5[1]	0[4,5,6]	5	15	55

CD	NA	5	10[4,5]	5	15	55[10]
NB	NA	5	10[4,5]	5	15	35
Mixed Use Zones						
MS	NA	5[1]	0[4,5,6]	5	15	55
MUN	NA	10[2,3]	10[5,6]	5	15[8]	45
Residential Zones						
HUR[11]	3,600 sq. ft.[12]	10[2,3]	5[5]	5	NA	45
UR	7,500 sq. ft.[12]	20[3]	5	NA	NA	35

Notes:

1. The minimum required setback is five feet and the maximum allowed setback is 10 feet in the CBD and MS districts to allow an active storefront area.
2. The minimum required setback is 10 feet and the maximum allowed setback is ~~20~~ 25 feet.
3. Porches, covered entries, or pedestrian-oriented spaces may project up to five feet into front yard setbacks in residential districts.
4. Districts that allow commercial uses shall maintain a 10-foot, Type B screen when adjacent to residential zones, per Section 14.76.040(a).
5. 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.

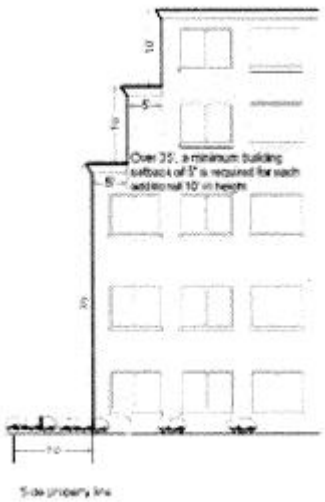

Figure 14.38-II illustrates stepping back the upper stories of a structure, adapted from the Everett Municipal Code.

6. 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.
7. Landscape buffers will be comprised of a Type C screen per Section 14.76.040(a) along side and rear property lines; however, the City may waive the landscape buffer when adjacent 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, screening different developments from neighboring properties will provide separation, vegetation and define each development. ~~The front landscaping buffer does not apply in the MS district.~~

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8. 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.

9. 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.

10. The City will consider an increase in maximum height up to 80 feet with a conditional use permit per Section 14.16C.045.

11. Maximum impervious surface for parcels in the HUR district is 65 percent.

12. 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.

13. 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 Bonuses.

~~(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**~~

-	~~**Basic Allowable**~~		~~**Maximum Allowable with Bonuses**~~	
~~**District**~~	~~**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~~

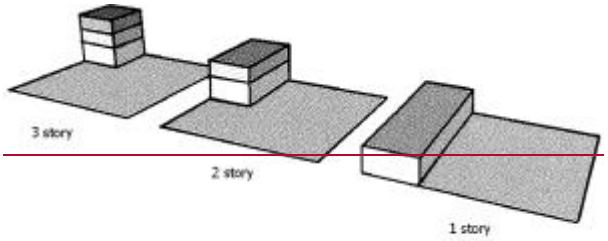
~~Notes:~~

~~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**~~



Possible building configurations for 0.30 FAR on a 10,000 square foot lot

Lot x FAR % = total buildable area

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(~~b~~a) ~~Eligible Floor Area Ratio Bonus Features.~~To encourage quality commercial and mixed-use development that incorporates enhanced elements that provide either a public, social or environmental benefit, the city will allow a 10-foot height increase above the maximum height for projects ~~Including~~ including any two 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.

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(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
Food Services	10 stalls per 1,000 gfa	20 stalls per 1,000 gfa
Retail Trade and Personal Services	2 stalls per 1,000 gfa	4 stalls per 1,000 gfa

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Wholesale Trade	1 stall per 1,000 gfa	2 stalls per 1,000 gfa
Hotel	0.75 stalls per room	1 stall per room
Conference Center	1 stall per 50 gfa	1.5 stalls per 50 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.
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, in the CD zoning district modifications may be allowed on a case by case basis according to LSMC 14.16C.120.

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(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.

(7) Commercial parking lots need not comply with sections (d)(1) and (d)(3) above, but must provide a perimeter landscaping and defined pedestrian walkway(s) to the abutting public road. Fences and low walls along sidewalk areas may not exceed 42-inches. Commercial parking structures, are exempt from the requirements of LSMC 14.38.060(d), but must otherwise meet the requirements of Chapter 14.38 LSMC.

Table 14.38-IV Sign Standards

Sign Type[1]		**BD**	**CD**[2]	**NB**	**MS**[2]	**CBD**	**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				
Wall[3]	**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		
Window[5]	**Sign Area**	10% percent of window area	20% percent of window area		10% percent of window area		

Table 14.38-V Freestanding Sign Standards

Sign Type		**CD**	**~~NC~~NB**	**BD**	**MS**	**CBD**	**MUN**
Monument	Sign Area[1] (sq. ft.)	75	50	50	50	25	25
	Sign Height	15 ft.	10 ft.	10 ft.	5 ft.	5 ft.	5 ft.
	Number[2,3,4]	1	1	1	1	1	1

Pole/Pylon[5]	Sign Area[1] (sq. ft.)	100	NA	NA	100	NA	NA
	Sign Height	20 ft.			20 ft.		
	Number	1			1		

Table 14.38-VI Planned Action Development Thresholds

	Lake Stevens Center	**20th Street SE Corridor**	**Downtown Lake Stevens**
Land Use			
Retail and Services	150,000 gross sq. ft.	450,000 gross sq. ft.	170,000 gross sq. ft.
Office/Employment	150,000 gross sq. ft.	1.25 million gross sq. ft.	71,150 gross sq. ft.[1]
Residential	200 dwelling units	1,000 dwelling units	600 dwelling units
Parking			300 parking spaces[2]
Transportation (PM peak hour)			
Total Trips	915	3,441	1,740

1. The office/employment category includes 50,000 square feet of office/employment uses and an additional 21,150 square feet of community facilities.
2. In the Downtown Lake Stevens Subarea, the parking category refers to public or commercial parking lots, not individual parking spaces required for each induvial land use.

LSMC 14.40.090 More Specific Use Controls

Table 14.40-I Note to editor - the CBD and SRC columns will be deleted in their entirety.

~~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)~~

14.110.040 Level of Service Standards.

(a) Transportation. All City streets shall maintain an LOS C or better at peak hour traffic in residential areas and LOS E along arterials and collectors in other areas at peak hour.

(b) As part of the subarea plans, the level of service for the subareas has been modified from an intersection LOS Standard "C" or "E" to a system LOS Standard "E" for each subarea. The system would consist of key intersections and connecting roads servicing each subarea. Under this approach, the

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LOS analysis would take the accumulative average LOS from intersections within the transportation network, while excluding intersections with State Route facilities.

(1) For the 20th Street SE Corridor Subarea, this would include all intersections within the defined subarea boundaries of the 20th Street SE Corridor with the exclusion of SR-9 intersections.

(2) For the Lake Stevens Center Subarea, this would include all intersections within the defined subarea boundaries of the Lake Stevens Center excluding SR-9 and SR-204 intersections.

(3) Given the vision for a mixed-use neighborhood that functions as a local and regional destination, with multimodal transportation elements, it is reasonable to modify the LOS standard to LOS F for arterials and collectors in the Downtown Lake Stevens Subarea for the PM peak and emphasize safe pedestrian amenities to maintain the character of the district.

(~~3~~c) For the purpose of this section, transportation level of service shall be the percentage of the capacity of the roadway (number of cars that a road is capable of handling) which is actually used by traffic during any one hour. For example, if the roadway has a capacity to serve 100 cars per hour, and it is observed that there are 70 cars per hour on that road, the percentage is 70 percent, which is also called a volume/capacity ratio. LOS C shall be defined as having a volume/capacity ratio greater than 70 percent and less than or equal to 80 percent. For LOS D, that ratio is greater than 80 percent and less than or equal to 90 percent. For LOS E, that ratio is greater than 90 percent and less than or equal to 100 percent.

(~~c~~d) Parks. ~~Seven and one-half acres per thousand population~~per the Comprehensive Plan. (Ord. 876, Sec. 23, 2012)

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Attachment C

Modified Floor to Area Ration Option

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

	Basic Allowable		**Maximum Allowable with Bonuses**	
District	**Non-residential**	**Residential**	**Non-residential**	**Residential**
BD	0.~~5~~6	NA	0.~~7~~8	NA
CBD	0.6	0.8	.8	1.0
CD	0.~~4~~5	0.2	0.~~6~~7	0.4
MS	0.~~5~~6	0.~~6~~8	0.~~7~~8	1.0
MUN	0.2	0.~~4~~8	0.4	0.~~6~~1.0
NB	0.~~3~~4	NA	0.~~5~~6	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.

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