



Planning Commission
Meeting:
First Wednesday of
every Month @ 7:00pm

Planning & Community
Development
Department

1812 Main Street
Lake Stevens, WA
98258 (425) 377-3235

www.lakestevenswa.gov

Municipal Code

Available online:

www.codepublishing.com/WA/LakeStevens/

PLANNING COMMISSION AGENDA

Regular Meeting Date: 9/19/ 18

CALL TO ORDER: 7:00pm

Pledge of Allegiance

ROLL CALL

GUEST BUSINESS

ACTION ITEMS

1. Approval of Minutes for August 15, 2018

DISCUSSION ITEMS

1. Briefing: Design Review Board Status Comm. Dev. Director/Wright
2. Briefing: CH 14.56 Street and Sidewalk Code Amendment Assoc. Planner Roth

COMMISSIONER REPORTS

PLANNING DIRECTOR'S REPORT

1. Zoning Code Update
2. 2018 Work Program

ADJOURN

SPECIAL NEEDS

The City of Lake Stevens strives to provide accessible opportunities for individuals with disabilities. Please contact City of Lake Stevens ADA Coordinator, at (425) 377-3227 at least five business days prior to any City meeting or event if any accommodations are needed. For TDD users, please use the state's toll-free relay service.

PLANNING COMMISSION REGULAR MEETING MINUTES

Community Center
1808 Main Street, Lake Stevens
Wednesday August 15, 2018

CALL TO ORDER: 7:00 pm by Chair Janice Huxford

MEMBERS PRESENT: Chair Janice Huxford, Vicky Oslund, Tracey Trout, Linda Hoult, Jennifer Davis, Steve Ewing

MEMBERS ABSENT: None

STAFF PRESENT: Community Development Director Russel Wright, Senior Planner Josh Machen and Clerk Jill Meis

OTHERS PRESENT: Councilmembers Rauchel McDaniel

Guest business: none

Action Items: 1. Motion made by Commissioner Hoult and Seconded by Commissioner Oslund to approve June 6, 2018 as corrected.
2. Motion made by Commissioner Hoult and Seconded by Commissioner Oslund to approve of June 13, 2018 as corrected.

Discussion items: Senior Planner Machen presented materials on the wireless communication field. Commissioners asked clarifying questions. A discussion followed with the commission and staff. Commissioner's questions ranged from comments from Public Right of Way and private property. Franchise agreements would be required with the City and cell providers. The consortium we have entered in to has just sent a letter to the State Senators that we oppose a mandate that takes the authority away from local jurisdictions. Community Development Direct Russ Wright presented an overview of Residential Zoning. He explained the definition and differences between density allotments. The City is working on a new designation and is looking for input.

Commissioner Reports: Commissioner Oslund worked the City booth at Aquafest and enjoyed the interaction with the public. Commissioner Trout reported the boat launch is staging for its improvements. Commissioner Hoult reported great success of Aquafest. Commissioner Davis also worked the Aquafest booth and reported having the visual aids at the booth was excellent.

Director Report: None

Adjourn: Motion by Commissioner Hoult to adjourn Commissioner Trout 2nd. Motion carried 5-0-0-1. Meeting adjourned at 8:26 p.m.

Janice Huxford, Chair

Jennie Fenrich, Clerk, Planning & Community Development

DRAFT



Staff Report City of Lake Stevens Planning Commission

Planning Commission Briefing
Date: **September 19, 2018**

SUBJECTS: Design Review Amendments

CONTACT PERSON/DEPARTMENT: Russ Wright, *Community Development Director*

SUMMARY: Discuss future process for conducting design review

ACTION REQUESTED OF PLANNING COMMISSION: No action requested at this time.

The City Council has discussed its desire to eliminate the Design Review Board as a distinct city organization to simplify and streamline the development review process.

On September 11, 2018 the City Council passed Interim Ordinance 1034 dissolving the Design Review Board and making design review an administrative function with an option for a public meeting. This ordinance also repeals the 1990's Urban Design Guidelines and replaces them with the current Subarea Design Guidelines as citywide standards. Staff will develop a work plan and hold a public hearing within 60 days with City Council to meet statutory requirements. The City Council packet is attached for your reference as Attachment 1.

Staff is looking to the Planning Commission to highlight items that should be developed for the permanent regulations. Some of the big questions to resolve will be should we maintain a distinction between small and large projects that would trigger greater public involvement, should residential development retain any type of design review and how can the regulations be consolidated.

ATTACHED:

1. September 11, 2018 City Council Packet

Attachment 1

LAKE STEVENS CITY COUNCIL
STAFF REPORT



Council Agenda Date: September 11, 2018

Subject: Interim Design Review Regulations – ORD. NO. 1034

Contact Person/Department: Russ Wright, Community
Development Director

Budget Impact: none

RECOMMENDATION(S)/ACTION REQUESTED OF COUNCIL: Adopt ORD. NO. 1034 dissolving the Design Review Board and establishing an administrative review process.

SUMMARY:

At its January and September retreats the Lake Stevens City Council Lake discussed the role of the Design Review Board and the continued need for this board. Council discussion related to streamlining the review process, workload to maintain/support the board, staff's ability to implement design review independently. Council also discussed a desire to retain a forum for public comment on multifamily, commercial and industrial projects. The Design Review Board has historically been one of the hardest boards to fill due to requirements for a specific makeup of design-related professionals. At present the board does not have a functional quorum. The City Council directed staff to dissolve the Design Review Board.

Staff recommends that Council enact an interim ordinance related to the design review process until the Planning Commission can review and make a final recommendation and Council takes a final action related to the design review process.

DISCUSSION

The Revised Code of Washington (RCW) 36.70A.390 allows jurisdictions to enact interim regulations to preserve the status quo without prior notice or a public hearing provided a public hearing is held within 60 days of adoption and findings of fact are addressed. The attached ordinance (Exhibit 1) provides findings of fact. A public hearing to consider the interim ordinance will be held on October 23, 2018. The Planning Commission will make recommendations on permanent regulations to City Council at that time.

APPLICABLE CITY POLICIES: Title 14 of Lake Stevens Municipal Code

BUDGET IMPACT:

EXHIBITS:

1. Ordinance No. 1034

**CITY OF LAKE STEVENS
Lake Stevens, Washington**

ORDINANCE NO. 1034

AN ORDINANCE OF THE CITY OF LAKE STEVENS, WASHINGTON ADOPTING AN INTERIM OFFICIAL CONTROL DISSOLVING THE DESIGN REVIEW BOARD AND PROVIDING FOR AN ADMINISTRATIVE DESIGN REVIEW PROCESS; REVISING LSMC 14.16A.030, 14.16A.210, 14.16A.220, 14.16A.260 AND 14.16A.320; REPEALING LSMC 14.16A.340; REVISING LSMC 14.16B.010, 14.16B.305, 14.16B.310, 14.16B.340, 14.16B.405, 14.16B.410, 14.16B.440; REVISING LSMC 14.16C.020, 14.16.025, 14.16C.050; REVISING LSMC 14.44.020; REVISING 14.46.015, 14.46.035; ADOPTING FINDINGS OF FACT; PROVIDING FOR A PUBLIC HEARING AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the Lake Stevens City Council directed staff to dissolve the Design Review Board at its Special Meeting on January 19-20, 2018 and reaffirmed this direction at its Special Meeting September 5, 2018;

WHEREAS, the City Council would like to streamline the permit review process by dissolving the Design Review Board and provide for an Administrative Design Review Process during the period necessary for the City to consider permanent regulations; and

WHEREAS, the City has had difficulties recruiting qualified design professionals to fill this board; and

WHEREAS, RCW 36.70A.390 provides that the City Council may adopt an immediate interim zoning ordinance, interim zoning maps, and interim official controls for a period of up to six months if a public hearing on the proposal is held within at least sixty (60) days; and

WHEREAS, moratoria, interim zoning ordinances, interim zoning maps, and interim official controls enacted under RCW 36.70A.390 are methods by which local governments may preserve the status quo so that new regulations will not be rendered moot by intervening development; and

WHEREAS, the proposed interim official control will promote the public health, safety, morals, and general welfare, and it is consistent with the goals and policies of the Comprehensive Plan; and

WHEREAS, this ordinance satisfies the procedural and substantive requirements of and is consistent with the GMA; and

WHEREAS, pursuant to WAC 197-11-880 and LSMC Chapter 16.04, the adoption of this ordinance is exempt from the requirements for a threshold determination under the State Environmental Policy Act (SEPA); and

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

Section 1. The City Council adopts and incorporates the foregoing recitals as findings as if set forth fully herein.

Section 2. Several sections of Title 14 – the Land Use Code are hereby amended, to read as follows, as incorporated by Exhibit A.

Section 3. This Ordinance shall be referred to the Lake Stevens Planning Commission for study, review and a recommendation to the City Council for modified zoning regulations related to future design review of development projects.

Section 4. Public hearing. The Lake Stevens City Council will hold a public hearing on this matter on **October 23, 2018**, at the hour of 7:00 PM at 12308 – 22nd Street, N.E., Lake Stevens, Washington, to hear public testimony on this matter in accordance with RCW 36.70A.390. The notice for the public hearing shall specifically indicate that this ordinance may be renewed for one or more six month periods if a subsequent public hearing is held and findings of fact are made prior to each renewal.

Section 5. Ordinance to be Transmitted to Department. Pursuant to RCW 36.70A.106, a copy of this interim Ordinance shall be transmitted to the Washington State Department of Commerce.

Section 6. Severability. If any section, clause, and/or phrase of this Ordinance is held invalid by a court of competent jurisdiction, such invalidity and/or unconstitutionality shall not affect the validity and/or constitutionality of any other section, clause and/or phrase of the Ordinance.

Section 7. Effective Date. This Ordinance shall take effect five (5) days after passage and publication of an approved summary thereof consisting of the title. PROVIDED, HOWEVER, that unless extended by the Lake Stevens City Council, this Ordinance shall automatically expire and be deemed to have been repealed six (6) months following its effective date.

ADOPTED by the City Council and **APPROVED** by the Mayor this 11th day of September 2018.

CITY OF LAKE STEVENS

By: _____
John Spencer, Mayor

ATTEST/AUTHENTICATED:

By: _____
Kathleen Pugh, City Clerk.

APPROVED AS TO FORM:

By: _____
Grant K. Weed, City Attorney

Date of Publication: _____

Effective Date: _____

14.16A.030 Planning Agency Identified.

The Planning Agency (Chapter 35A.63 RCW) for the City shall be composed of the following:

- (a) The Director of the Department of Planning and Community Development;
- (b) The Building Official;
- (c) The Director of the Department of Public Works;
- ~~(d) Design Review Board;~~
- (e) The Lake Stevens Hearing Examiner;
- (f) The Lake Stevens Planning Commission;
- (g) The Lake Stevens Park Board; and
- (h) The Lake Stevens City Council. (Ord. 1015, Sec. 4 (Exh. C), 2018; Ord. 811, Sec. 2 (Exh. 1), 2010)

14.16A.210 Types of Review.

- (a) The purpose of this section is to provide an overview of the six levels of land use review. Land use and development decisions are classified into six processes based on who makes the decision, the amount of discretion exercised by the decision maker, the level of impact associated with the decision, the amount and type of input sought, and the type of appeal opportunity.
- (b) Classification of Permits and Decisions.
 - (1) Type I Review - Administrative Decisions without Notice. A Type I process is an administrative review and decision by the appropriate department or division. Applications reviewed under the Type I process are minor administrative decisions and are exempt from certain administrative procedures, such as complete application review, noticing, and decision time frames. Appeals of Type I decisions are made to the Hearing Examiner, except shoreline permit appeals are made to the Shoreline Hearings Board. The permits and actions reviewed and decided as Type I are listed in the table in subsection (d) of this section.
 - (2) Type II Review - Administrative Decisions with Notice. A Type II process is an administrative review and decision with recommendation from staff, City departments or others and requiring public notice at the application and/or decision stages of the review. Appeals of Type II decisions are made to the Hearing Examiner, except shoreline permit appeals are made to the Shoreline Hearings Board. The permits and actions reviewed and decided as Type II are listed in the table in subsection (d) of this section.
 - (3) Type III Review - Quasi-Judicial Decisions - Hearing Examiner. This Type III process is a quasi-judicial review and decision by the Hearing Examiner. The Hearing Examiner makes a decision based on a staff report and, if required, the Design Review Board. A public meeting may be held prior to the Design Review Board recommendation. The Hearing Examiner considers public testimony received at an open record public hearing. Public notification is provided at the application, public hearing, and decision

stages of application review. Appeals of Hearing Examiner decisions are made to Snohomish County Superior Court, except shoreline permit appeals are made to the Shoreline Hearings Board. The permits and actions reviewed and decided as Type III are listed in the table in subsection (d) of this section.

(4) Type IV Review - Quasi-Judicial Decisions - City Council with Hearing Examiner Recommendation. A Type IV process is a quasi-judicial review and recommendation by the Hearing Examiner and a decision by the City Council. The Hearing Examiner considers ~~the recommendation from the Design Review Board, if required, as well as~~ public testimony received at an open record public hearing. The City Council makes a decision based on a recommendation from the Hearing Examiner during a closed record public meeting. Public notification is provided at the application, public hearing, and decision stages of application review. There is no opportunity for an administrative appeal. Appeals of City Council decisions are made to Snohomish County Superior Court. The permits and actions reviewed and decided as Type IV are listed in the table in subsection (d) of this section.

(5) Type V Review - Quasi-Judicial Decisions - City Council. A Type V process is a quasi-judicial review and decision by the City Council. Public notification is provided at the application, public hearing (if any), and decision stages of application review. There is no opportunity for an administrative appeal. Appeals of City Council decisions are made to Snohomish County Superior Court. The permits and actions reviewed and decided as Type V are listed in the table in subsection (d) of this section.

(6) Type VI Review - Legislative Decisions - City Council with Planning Commission Recommendation. A Type VI review is for legislative and/or nonproject decisions by the City Council under its authority to establish policies and regulations regarding future private and public development and management of public lands. The Planning Commission makes a recommendation to the City Council. The Planning Commission will conduct a public hearing to obtain public testimony on the proposed legislation. The City Council may elect to conduct an additional public hearing. The actions reviewed and decided as Type VI are listed in the table in subsection (d) of this section.

(c) Permits and Actions Not Listed. If a permit or land use action is not listed in Table 14.16A-I, the Planning Director shall make the determination as to the appropriate review procedure.

(d) Permit-Issuing Authority and Appeal Authority. The permit-issuing authority and appeal authority for permit applications and legislative actions are established in Table 14.16A-I. A detailed explanation for each review procedure is in Chapter 14.16B under each part for each review type.

Table 14.16A-I: Classification of Permits and Decisions

Type of Review	Land Use Actions and Permits	Recommendation By	Public Hearing Prior to Decision	Permit-Issuing Authority	Administrative Appeal Body and Hearing
TYPE I Administrative without Public Notice	<ul style="list-style-type: none"> • Administrative Design Review • Administrative Deviation • Administrative Modifications • Boundary Line Adjustments • Change of Use • Code Interpretations • Events • Floodplain Development Permits • Home Occupations • Master Sign Program • Minor Land Disturbance • Reasonable Use Exceptions • Shoreline Exemptions • Signs • Temporary Uses 	None	None	Department director or designee	Hearing Examiner, except shoreline permits to State Shoreline Hearings Board, and Open Record

Table 14.16A-I: Classification of Permits and Decisions

Type of Review	Land Use Actions and Permits	Recommendation By	Public Hearing Prior to Decision	Permit-Issuing Authority	Administrative Appeal Body and Hearing
TYPE II Administrative with Public Notice	<ul style="list-style-type: none"> • Administrative Conditional Use (formerly Special Use) • Administrative Variance • Binding Site Plans • Final Plats (short subdivisions and subdivisions) • Major Land Disturbance • Planned Action Certification • SEPA Review (early or when not combined with another permit or required for a Type I permit) • Shoreline Substantial Developments • Short Plats - Preliminary • Short Plat Alterations 	None	None	Planning Director or designee	Hearing Examiner, except shoreline permits to State Shoreline Hearings Board, and Open Record

Table 14.16A-I: Classification of Permits and Decisions

Type of Review	Land Use Actions and Permits	Recommendation By	Public Hearing Prior to Decision	Permit-Issuing Authority	Administrative Appeal Body and Hearing
	<ul style="list-style-type: none"> • Short Plat Vacations • Site Plan Review 				
TYPE III Quasi-Judicial, Hearing Examiner	<ul style="list-style-type: none"> • Conditional Uses • Preliminary Plats • Shoreline Conditional Uses • Shoreline Variances • Variances 	Design Review Board (if required) <u>Planning Director</u> or designee	Open Record	Hearing Examiner	Superior Court, except shoreline permits to State Shoreline Hearings Board, and Closed Record
TYPE IV Quasi-Judicial, City Council with Hearing Examiner Recommendation	<ul style="list-style-type: none"> • Essential Public Facilities • Planned Neighborhood Developments • Rezone - Site-Specific Zoning Map Amendments • Secure Community Transition Facilities 	Hearing Examiner with Open Record Hearing	Closed Record	City Council	None, appeal to Superior Court
TYPE V Quasi-Judicial, City Council	<ul style="list-style-type: none"> • Plat Alterations • Plat Vacations • Right-of-Way Vacations 	Design Review Board (if required) <u>Planning Director</u> or designee	Open Record	City Council	None, appeal to Superior Court

Table 14.16A-I: Classification of Permits and Decisions

Type of Review	Land Use Actions and Permits	Recommendation By	Public Hearing Prior to Decision	Permit-Issuing Authority	Administrative Appeal Body and Hearing
TYPE VI Legislative, City Council with Planning Commission Recommendation	<ul style="list-style-type: none"> • Comprehensive Plan Amendments, Map and Text • Development Agreements • Land Use Code Amendments • Rezones - Area-Wide Zoning Map Amendments 	Planning Commission with Open Record Hearing	Open Record	City Council	Growth Management Hearings Board and Closed Record

14.16A.220 Application Procedures.

- (a) This section describes the requirements for making application for review, including pre-application conferences, submittal requirements, and fees.
- (b) Applications for development permits and other land use actions shall be made to the Department of Planning and Community Development, except Type I applications shall be made to the department which has the decision making authority (see Section 14.16A.210(d)).
- (c) The property owner or any agent of the owner with authorized proof of agency may apply for a permit or approval under the type of process specified. Consent to the application must be made by the owners or lessees of property or persons who have contracted to purchase property. Signatures by agents of these parties may be accepted, if a letter from the party with ownership interest is submitted which authorizes the agent to sign the application in their name.
- (d) Pre-Application Conferences.
- (1) To achieve efficient and effective application of the requirements of this title, a pre-application conference between the applicant and the City staff is required for projects needing a conditional use permit, planned action certification and planned neighborhood developments.

(2) Pre-application conferences are highly recommended for applications requiring Type III, IV or V reviews, and/or design review. Pre-application conferences are optional for applications requiring Type I, II and VI reviews.

(3) Prior to submitting an application, the applicant may arrange a conference with Planning and Public Works staff to review the proposed action, to become familiar with City policies, plans and development requirements and to coordinate all necessary permits and procedures. Pre-application procedures and submittal requirements shall be determined by the Planning Director and available in the Department of Planning and Community Development.

(4) Since it is impossible for the conference to be an exhaustive review of all potential issues, the discussions at the conference shall not bind or prohibit the City's future application or enforcement of all applicable law.

(5) To request a pre-application conference, an applicant shall submit a set of preliminary plans to the City. The amount and quality of the information submitted is up to the applicant; however, better information provided initially is more likely to result in better feedback and discussion with planning staff. At a minimum, the plans should include a basic layout of the proposal, including circulation, lot patterns and building locations, location of critical areas, and other site constraints.

(e) Submittal Requirements.

(1) The Planning Director shall specify submittal requirements, including type, detail, and number of copies, for an application to be complete. Submittal requirements for each permit application shall be available in the Department of Planning and Community Development. At a minimum the following shall be submitted with new applications:

- (i) General application form;
- (ii) Applicable fees;
- (iii) Environmental checklist (if not exempt);
- (iv) Applicable signatures, stamps or certifications;
- (v) All required items stated in the applicable development handouts.

(2) The Planning Director may waive in writing specific submittal requirements determined to be unnecessary for review of an application. Alternatively, the Planning Director may require additional material, such as maps, studies, or models, when the Planning Director determines such material is needed to adequately assess the proposed project and submits the request in writing to the applicant.

(3) Applications for shoreline substantial development permits shall include submittal of the supplemental requirements set forth in Chapter 7 of the Shoreline Master Program and shoreline permits application materials.

(f) Determination of Complete Application.

(1) The presumption established by this title is that all of the information set forth in the specified submittal checklists is necessary to satisfy the requirements of this section. However, each development is unique, and therefore the Planning Director may request additional information, if necessary, or may

waive certain items if it is determined they are not necessary to ensure that the project complies with City requirements.

(2) The Planning Director shall make a determination of completeness pursuant to Section 14.16A.230(c).

(g) Consolidated Permit Process.

(1) When applying concurrently for a development that involves two or more related applications, individual permit numbers shall be assigned and separate permit fees shall be paid, but the applications shall be reviewed and processed collectively. A consolidated report setting forth the recommendation and decision shall be issued.

(2) Applications processed in accordance with subsection (g)(1) of this section, which have the same highest numbered procedure but are assigned different hearing bodies, shall be heard collectively by the highest decision maker(s). The City Council is the highest, followed by the Hearing Examiner and then ~~the Design Review Board~~ Administrative.

(3) No hearing or deliberation upon an application for a conditional use permit, subdivision, variance, planned neighborhood development, site plan review, administrative conditional use permit, shoreline permit, or similar quasi-judicial or administrative action, which is inconsistent with the existing Zoning Map, shall be scheduled for the same meeting at which the required Zoning Map amendment will be considered by the Hearing Examiner or the City Council. This section is intended to be a procedural requirement applicable to such actions as noted in RCW 58.17.070.

(h) Application and Inspection Fees. Fees are set forth in a separate fees resolution adopted by the City Council. (Ord. 1015, Sec. 4 (Exh. C), 2018; Ord. 898, Sec. 2, 2013; Ord. 876, Sec. 10, 2012; Ord. 811, Sec. 2 (Exh. 1), 2010)

14.16A.260 Public Meetings and Public Hearings (Note to editor -remainder of section remains unchanged).

(a) This section sets forth procedures for public meetings and hearings in addition to processes set forth in each of the review types in Chapter 14.16B.

(b) Public Meetings. The purpose of a public meeting is to provide the public with the opportunity to learn about a project and/or the City, a board or panel, or decision maker to ask questions for a better understanding of a project. Meetings are not as formal as a hearing, do not require public testimony, and are not required to be taped. Public meetings may be required for Type III, IV or V reviews and design review of commercial, and industrial and multi-family buildings.

Commented [DR1]: Can we exempt industrial buildings in industrial zones from design review at public meetings?

14.16A.320 Planning Director.

(a) The Planning Director enforces the municipal code unless otherwise specified. As specified in this title, the Planning Director shall be the City's Planning and Community Development Director or designated representative.

(b) Authority and Duties. The Planning Director or designee shall have the authority to enter and inspect buildings and land during reasonable hours with permission of the occupant or owner or by court order, to issue abatement orders and citations and to cause the termination and abatement of

violations of this title unless otherwise specified. The duties of the Planning Director shall include, but not be limited to, the following: enforce and administer this title unless otherwise specified; investigate complaints and initiate appropriate action; render decisions or make recommendations as specified in this title; and keep adequate records of land use applications, enforcement actions, and appeals. The Planning Director may also review administrative modifications pursuant to Section 14.16C.025 to items previously approved by the ~~Design Review Board~~, Planning Commission, and/or City Council.

(c) Appeals. Appeals of final decisions of the Planning Director made in the course of interpretation or administration of this title shall be governed by Section 14.16A.265, Appeals. Code enforcement actions pursuant to Section 14.16A.040, Compliance with Title 14 Required, are not "final decisions" for the purpose of this section, except as otherwise provided in this title. (Ord. 1015, Sec. 4 (Exh. C), 2018; Ord. 811, Sec. 2 (Exh. 1), 2010)

~~14.16A.340 Design Review Board.~~

~~(a) The Design Review Board is created independent from~~

~~the legislative functions of the City Council to review and make urban design decisions that will promote visual quality throughout the City. The purpose of the Design Review Board and their procedure includes but is not limited to the following:~~

~~(1) To encourage and promote aesthetically pleasing and functional neighborhood and commercial developments for the citizens of Lake Stevens by establishing design review standards including site layout, landscaping, parking and preferred architectural features;~~

~~(2) To implement the City's Comprehensive Plan policies and supplement land use regulation: promote high quality urban design and development, promote a coordinated development of the unbuilt areas, lessen traffic congestion and accidents, secure safety from fire, provide light and air, prevent the overcrowding of land, and conserve and restore natural beauty and other natural resources;~~

~~(3) To encourage originality, flexibility, and innovation in site planning and development, including the architecture, landscaping and graphic design of proposed developments in relation to the City or design area as a whole;~~

~~(4) To encourage low impact development (LID) by conservation and use of existing natural site features to integrate small scale stormwater controls, and to prevent measurable harm to natural aquatic systems from commercial, residential or industrial development sites by maintaining a more hydrologically functional landscape;~~

~~(5) To encourage green building practices to reduce the use of natural resources, create healthier living environments and minimize the negative impacts of development on local, regional, and global ecosystems;~~

~~(6) To encourage creative, attractive harmonious developments and to promote the orderliness of community growth, the protection and enhancement of property values for the community as a whole and as they relate to each other, the minimization of discordant and unsightly surroundings, the need for harmonious and high quality of design and other environmental and aesthetic considerations which generally enhance rather than detract from community standards and values for the comfort and prosperity of the community and the preservation of its natural beauty and other natural resources~~

which are of proper and necessary concern of local government, and to promote and enhance construction and maintenance practices that will tend to prevent visual impairment and enhance environmental and aesthetic quality for the community as a whole;

(7) — To aid in assuring that structures, signs and other improvements are properly related to their sites and the surrounding sites and structures, with due regard to the aesthetic qualities of the natural terrain and landscaping and that proper attention is given to exterior appearances of structures, signs and other improvements;

(8) — To protect and enhance the City's pleasant environments for living and working and thus support and stimulate business and industry and promote the desirability of investment and occupancy in business and other properties;

(9) — To stabilize and improve property values and prevent blight areas to help provide an adequate tax base to the City to enable it to provide required services to its citizens;

(10) — To foster civic pride and community spirit by reason of the City's favorable environment and thus promote and protect the peace, health and welfare of the City and its citizens;

(11) — To ensure compatibility between new and existing developments.

(b) — Appointments and Qualifications.

(1) — The Design Review Board shall consist of five individuals, of which at least three are City residents, from the following representatives selected by the City Council and shall include staff as a resource:

(i) — At least one member and a designated alternate of the Lake Stevens Planning Commission;

(ii) — At least one member and a designated alternate who work as urban design professionals experienced in the disciplines of architecture, landscape architecture, urban design, graphic design or similar disciplines and need not be residents of the City; and

(iii) — At least one member and a designated alternate who is a city resident that has expressed an interest in urban design.

(2) — The term of each professional and resident position is three years and shall expire on December 31st in the final year of each term. When establishing the Design Review Board, one professional shall have a term of three years and the second, if required, shall have a term of two years to start. The Planning Commission representatives shall be voted on by the Planning Commission yearly.

(c) — Authority and Duties. The Design Review Board shall review all structures and site features in specific zones and for specific regulations listed in Section 14.16C.050.

(d) — Meetings. The Design Review Board shall meet on an as-needed basis.

(e) — Rules. The Design Review Board may adopt rules for the transaction of its business. The rules shall be consistent with the development code and may provide for but are not limited to:

(1) — Date, time, place and format of public meetings;

(2) — Record of proceedings, reports, studies, findings, conclusions and decisions;

~~(3) Election of a chairman and vice chairman of the Design Review Board for a one year term.~~

~~(f) Approval Required. No design review approval shall be granted, no building permit shall be issued, and no construction shall begin until the Design Review Board has completed the review specified in this section and determined that the requested action is consistent with the adopted design criteria.~~

~~(g) Appeals of Design Review Board Decisions. Applicants and any interested party may appeal decisions of the Design Review Board. Only those issues under the authority of the Design Review Board as established by this section are subject to appeal. Appeals of the decisions of the Design Review Board will be heard as follows:~~

~~(1) If a related land use permit does not require an open record public hearing, then the appeal shall be heard by the permit-issuing or review body.~~

~~(2) If a related development permit requires an open record public hearing, then the appeal shall be heard at that hearing and decided upon by the hearing body or officer hearing the related development permit. (Ord. 1015, Sec. 4 (Exh. C), 2018; Ord. 811, Sec. 2 (Exh. 1), 2010)~~

14.16B.010 Classification.

Land use actions, permits and decisions shall be classified according to which procedures apply. In the following table, a symbol in a cell means the specified procedure (row) pertains to the specified permit type (column). Section [14.16A.210\(d\)](#) Table 14.16A-I, Classification of Permits and Decisions, lists all land use actions, permits and decisions for each type of review.

Procedure Category	Permit Types					
	I	II	III	IV	V	VI
Unique permit submittal requirements & decision criteria apply	X	X	X	X	X	X
Public notice required		X	X	X	X	X
SEPA threshold determination required		*	*	X	*	*
Public meeting may be required		*	*	*	*	
Public hearing required			X	X	X	X
Design Review Board required	*	*	*	*	*	
Pre-application conference recommended	O	O	H	H	H	O

X - required; * - may be required depending on the project; O - optional; H - highly recommended

(Ord. 811, Sec. 3 (Exh. 2), 2010)

Commented [DR2]: We say somewhere in here that Design review should be a Type II process and some projects will have a public meeting. So maybe there should be an asterisk here.

14.16B.305 Purpose.

A Type III process is a quasi-judicial review and decision made by the Hearing Examiner. The Hearing Examiner makes a decision based on a recommendation from staff ~~and, if required, the Design Review Board~~. A public meeting (e.g., scoping, neighborhood, etc.) may be held prior to staff or Design Review Board recommendation. The Hearing Examiner considers public testimony received at an open record public hearing. Public notification is provided at the application, public hearing and decision stages of application review. The administrative appeal body is the Superior Court, except shoreline permits are appealed to the State Shoreline Hearings Board. The purpose of this part is to provide the necessary steps for permit approvals requiring Type III review. (Ord. 811, Sec. 3 (Exh. 2), 2010)

14.16B.310 Overview of Type III Review.

(a) This section contains the procedures the City will use in processing Type III applications. This process begins with a complete application, followed by notice to the public of the application and a public comment period, during which time an informational meeting may be held. The permit-issuing authority and designated appeal body for each application reviewed as a Type III are indicated in Table 14.16A-I.

(b) If required by the State Environmental Policy Act, a threshold determination will be issued by the SEPA Responsible Official. The threshold determination shall be issued prior to the issuance of staff's or Design Review Board's recommendation on the application.

~~(c) Following issuance of the Design Review Board recommendation, if applicable, a public hearing will be held before the city Hearing Examiner.~~

(d) The decision of the Hearing Examiner on a Type III application is appealable to the Superior Court, except shoreline permit appeals are made to the State Shoreline Hearings Board. The Hearing Examiner action deciding the appeal and approving, approving with modifications, or denying a project is the final City decision on a Type III application. A final appeal may be made to the Snohomish County Superior Court. (Ord. 811, Sec. 3 (Exh. 2), 2010)

14.16B.340 Notice of Public Hearing.

(a) Public notice of the date of the Hearing Examiner public hearing for the application shall be published in a newspaper of general circulation. The public notice shall also include a notice of availability of the staff ~~or Design Review Board~~ recommendation. If a determination of significance was issued by the SEPA responsible official, the notice of staff ~~or Design Review Board~~ recommendation shall state whether an EIS or supplemental EIS was prepared or whether existing environmental documents were adopted. The public hearing shall be scheduled no sooner than 10 days following the date of publication of the notice.

(b) The Planning Director shall mail notice of the public hearing and the availability of the recommendation to each owner of real property within 300 feet of the project site.

(c) The Planning Director shall mail or email notice of the availability of the recommendation and the date of the public hearing to each person who submitted oral or written comments during the public comment period or at any time prior to the publication of the notice of recommendation.

(d) The Planning Director shall post the notice of the date of the public hearing and the availability of the recommendation on site and at City Hall. The Planning Director shall establish standards for size, color, layout, design, wording and placement of the notice boards. (Ord. 811, Sec. 3 (Exh. 2), 2010)

14.16B.405 Purpose.

A Type IV process is a quasi-judicial review and recommendation made by the Hearing Examiner and a decision made by the City Council. At an open record public hearing, the Hearing Examiner considers the recommendation from staff and, if required, the Design Review Board, as well as public testimony received at the public hearing. The City Council makes a decision, based on a recommendation from the Hearing Examiner, during a closed record public meeting. Public notification is provided at the application, public hearing, and decision stages of application review. There is no opportunity for an administrative appeal. Appeals of City Council decisions are made to Snohomish County Superior Court. The purpose of this part is to provide the necessary steps for permit approvals requiring Type IV review. (Ord. 811, Sec. 3 (Exh. 2), 2010)

14.16B.410 Overview of Type IV Review.

(a) This section contains the procedures the City will use in processing Type IV applications. This process begins with a complete application, followed by notice to the public of the application and a public comment period, during which time an informational meeting may be held. The permit-issuing authority and designated appeal body for each application reviewed as a Type IV are indicated in Table 14.16A-I.

(b) If required by the State Environmental Policy Act, a threshold determination will be issued by the SEPA responsible official. The threshold determination shall be issued prior to the issuance of staff or Design Review Board's recommendation on the application.

(c) Following issuance of staff or Design Review Board recommendation, a public hearing will be held before the City Hearing Examiner.

(d) The recommendation of the Hearing Examiner on a Type IV application is forwarded to the City Council. The City Council action approving, approving with modifications, or denying a Type IV application is the final City decision. (Ord. 811, Sec. 3 (Exh. 2), 2010)

14.16B.440 Notice of Public Hearing.

(a) Public notice of the date of the Hearing Examiner public hearing for the application shall be published in a newspaper of general circulation. The public notice shall also include a notice of the availability of the staff or Design Review Board recommendation. If a determination of significance was issued by the SEPA responsible official, the notice of staff or Design Review Board recommendation shall state whether an EIS or supplemental EIS was prepared or whether existing environmental documents were adopted. The public hearing shall be scheduled no sooner than 10 days following the date of publication of the notice.

(b) The Planning Director shall mail or email notice of the availability of the recommendation and the date of the public hearing to each person who submitted comments during the public comment period or at any time prior to the publication of the notice of recommendation.

(c) The Planning Director shall mail notice of the public hearing and the availability of the recommendation to each owner of real property within 300 feet of the project site.

(d) The Planning Director shall post the notice of the date of the public hearing and the availability of the recommendation on site and at City Hall. The Planning Director shall establish standards for size, color, layout, design, wording and placement of the notice boards. (Ord. 811, Sec. 3 (Exh. 2), 2010)

14.16C.020 Administrative Design Review.

(a) The purpose of this section is to allow administrative review and approval of ~~design for small development~~ design by establishing the criteria the Planning Director ~~or designee~~ will use in making a decision upon an application for administrative design review in all zones. ~~All other design review must be reviewed by the Design Review Board pursuant to Section 14.16C.050.~~

(b) Procedure. Applications that seek administrative design review shall follow the procedures established in Chapter 14.16B for a Type I permit process. ~~New commercial, and industrial and multi-family projects subject to design review that exceed the limitations in LSMC 14.16C.020(d), shall follow the procedures established in Chapter 14.16B for a Type II permit process, when not associated with other land use applications.~~

(c) The Planning Director ~~or designee~~ will review the project administratively ~~make a determination if the project can be reviewed administratively or is required to go through the Design Review Board.~~

(d) Limitations. ~~Administrative d Design review is limited to of small projects with minimal impacts to exterior design elements, including changes to existing structures, facades, landscaping, or site design with a construction value less than \$100,000, do not require a public meeting. The Planning Director will make a determination if the project can be reviewed administratively or is required to go through the Design Review Board.~~

(e) Decision Criteria. The Planning Director's decision shall be based on the extent to which the proposed project meets applicable design guidelines adopted by Council. (Ord. 811, Sec. 4 (Exh. 3), 2010)

14.16C.025 Administrative Modifications.

(a) This section governs requests to modify any final approval granted pursuant to this title, excluding all approvals granted by passage of an ordinance or resolution of the City Council and requests to revise a recorded plat governed by Chapter 14.18.

(b) Procedure. Applications that seek administrative modification that meet the criteria below shall follow the procedures established in Chapter 14.16B for a Type I permit process.

(c) Decision Criteria.

(1) The Planning Director may determine that an addition or modification to a previously approved project or decision will require review as a new application rather than an administrative modification, if it exceeds the criteria in subsection (c)(2) of this section. If reviewed as a new

Commented [DR3]: I don't see much flexibility in here when determining what goes to a public meeting.

Should this subsection (d) be articulating what needs design review or what needs a public meeting? I think projects under 100k should not have any design review as opposed to no public meeting.

I think there are three categories all projects fall into: No design review, admin design review (type 1 process), and admin design review with public meeting (type 2 process). After these edits, I'm still unclear on when projects fall into each category. My edits to subsection (b) here are intended to clarify this, but may just confuse it.

application rather than an administrative modification, the modification shall be reviewed by the same body that reviewed the original application. ~~If the application resulting in the approval which is the subject of the request for modification was reviewed by the Design Review Board and the modification would have minimal impacts to design, then the Planning Director shall review the request and make a final decision.~~ The criteria for approval of such a modification shall be those criteria governing original approval of the permit which is the subject of the proposed modification.

(2) A proposed modification or addition will be decided as an administrative modification, if the modification meets the following criteria:

- (i) No new land use is proposed;
- (ii) No increase in density, number of dwelling units or lots is proposed;
- (iii) No changes in location or number of access points are proposed;
- (iv) Minimal reduction in the amount of landscaping is proposed;
- (v) Minimal reduction in the amount of parking is proposed;
- (vi) The total square footage of structures to be developed is the lesser of 10 percent or 6,000 gross square footage; and
- (vii) Minimal increase in height of structures is proposed to the extent that additional usable floor space will not be added exceeding the amount established in subsection (c)(2)(vi) of this section. (Ord. 811, Sec. 4 (Exh. 3), 2010)

14.16C.050 Design Review.

(a) ~~The Design Review Board is created~~ required to review and make urban design decisions that will promote visual quality throughout the City. The purpose of design review includes but is not limited to the following:

- (1) To encourage and promote aesthetically pleasing and functional neighborhood and commercial developments for the citizens of Lake Stevens by establishing design review standards and guidelines including site layout, landscaping, parking and preferred architectural features;
- (2) To implement the City's Comprehensive Plan policies and supplement the City's land use regulations, promote high-quality urban design and development, supplement land use regulation, promote a coordinated development of the unbuilt areas, improve walkability, lessen traffic congestion, provide light and air, prevent the overcrowding of land, and conserve and restore natural beauty and other natural resources;
- (3) To encourage originality, flexibility, and innovation in site planning and development, including the architecture, landscaping and graphic design of proposed developments in relation to the City or subarea as a whole;

(4) To encourage low impact development (LID) by conservation and use of existing natural site features in order to integrate small-scale stormwater controls and to prevent measurable harm to natural aquatic systems from commercial, residential or industrial development sites by maintaining a more hydrologically functional landscape;

(5) To encourage green building practices in order to reduce the use of natural resources, create healthier living environments, and minimize the negative impacts of development on local, regional, and global ecosystems;

(6) To encourage creative, attractive and harmonious developments and to promote the orderliness of community growth, the protection and enhancement of property values for the community as a whole and as they relate to each other, the minimization of discordant and unsightly surroundings, the need for harmonious and high quality of design and other environmental and aesthetic considerations which generally enhance rather than detract from community standards and values for the comfort and prosperity of the community and the preservation of its natural beauty and other natural resources which are of proper and necessary concern of local government, and to promote and enhance construction and maintenance practices that will tend to prevent visual impairment and enhance environmental and aesthetic quality for the community as a whole;

(7) To aid in assuring that structures, signs and other improvements are properly related to their sites and the surrounding sites and structures, with due regard to the aesthetic qualities of the natural terrain and landscaping, and that proper attention is given to exterior appearances of structures, signs and other improvements;

(8) To protect and enhance the City's community vision for living and working and thus support and stimulate business and industry and promote the desirability of investment and occupancy in business and other properties;

(9) To stabilize and improve property values to help provide an adequate tax base to the City to enable it to provide required services to its citizens;

(10) To foster civic pride and community spirit by reason of the City's favorable environment and thus promote and protect the health, safety and welfare of the City and its citizens; and

(11) To ensure compatibility between new and existing developments.

(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 apply to the Downtown Lake Stevens Subarea Plan as presently adopted and as hereafter may be amended, Lake Stevens Center Subarea Plan and 20th Street SE Corridor Subarea Plan. These design guidelines also apply to the construction of new commercial,

Commented [DR4]: I like removing this.

~~industrial and multifamily projects inside and outside of the subareas.~~ 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.

~~(c) Design Review Board. Review of permit applications for conformance with the development design guidelines shall be done by the Design Review Board in public meetings, as set forth in Section [14.16A.260](#).~~

(d) Projects requiring design review that meet the limitations in Section [14.16C.020](#)(d) shall follow the procedures established in Chapter [14.16B](#) for a Type I permit process ~~as an administrative for small project~~ design review. All other projects requiring design review shall follow the procedures in subsection (e) of this section.

(e) Procedure.

(1) Pre-Application Meeting. If design review is required, a pre-application meeting with the City is highly recommended prior to submittal of a formal application.

(2) Design Review Submittal Requirements. Seven color, hard copies and one electronic copy are required for each submittal for review by the Design Review Board.

(i) Buildings and Site Development Plans. The following information and materials shall be submitted to the City for review under this chapter:

- a. A completed application.
- b. Site plan at an engineering scale from one inch equals 20 feet to one inch equals 50 feet, showing:
 1. Location of all proposed structures and any existing structures to be retained or incorporated into the development.
 2. Location of building setback lines.
 3. Proposed pedestrian and vehicular circulation including driveways, access points, sidewalks and pedestrian pathways.
 4. Parking lot layout, design and, if applicable, loading areas.
 5. Public improvements including sidewalks, curbs, gutters, etc.
 6. Location of existing trees and vegetation to be retained.
- c. Building material samples and color chips.

- d. Plans and section drawings depicting the relationship of the proposed project to abutting properties and buildings.
- e. Building elevations and/or perspective renderings drawn to scale and indicating the exterior color and material composition (including mechanical equipment and screening).
- f. Roof plan including the location of mechanical equipment.
- g. A lighting plan, if required, adequate to determine the location, character, height and style of fixtures and the amount and impacts of spillover on adjacent properties.
- h. A brief narrative description of the design elements or objectives of the proposal and discussion of the project's relationship to surrounding properties.

(ii) Landscape Plans. The following information and materials shall be submitted to the City for review under this chapter:

- a. A completed application.
- b. Site plan at an engineering scale from one inch equals 20 feet to one inch equals 50 feet, showing:
 - 1. Location of all proposed structures and any existing structures to be retained or incorporated into the development.
 - 2. Proposed pedestrian and vehicular circulation including driveways, access points, sidewalks and pedestrian pathways.
 - 3. Parking lot layout, design and loading areas if applicable.
 - 4. Public improvements including sidewalks, curbs, gutters, etc.
 - 5. Location and size of existing trees and vegetation to be retained.
 - 6. Plans and section drawings depicting the relationship of the proposed project to abutting properties and buildings.
 - 7. Landscape plan showing the location of proposed plant materials, including a plant schedule identifying plants by common and scientific names, spacing, size at time of planting, size at maturity, location of any existing vegetation and trees to be retained, and special notes.
 - 8. Photographs of proposed plant material.
 - 9. Plans showing proposed grading/topography, drawn to the same scale as the landscape plan.

(iii) Sign Plans. The following information and materials shall be submitted to the City for review under this chapter:

- a. A completed application.
- b. A site plan, drawn to scale, showing the location of the building upon which the sign will be installed, surrounding buildings, and adjacent streets.
- c. A drawing showing the size, shape and exact location of the proposed sign(s). For wall or building-mounted signs, the drawing shall portray the proposed sign's relationship to any existing or proposed signs located on the same facade or common building wall. Drawings must be to scale or contain dimensions indicating the size of the sign and the length and height of the appropriate building surface.
- d. Dimensions, area (in square feet), and style of letters/symbols of the proposed signs.
- e. A colored illustration of the proposed signs.
- f. Sign materials (wood, plastic, metal, etc.) and color samples.

(iv) The Director may require the submission of such other information determined to be appropriate and necessary for a proper review of the requested action.

(3) Recommendation. A staff report of findings, conclusions and recommendations shall be forwarded to the ~~Design Review Board~~ Director or designee before a public meeting. The conclusions and recommendations shall indicate how the recommendations carry out the goals, policies, plans and requirements of the development design guidelines. The findings shall be referenced to contested issues of fact, and the conclusions shall be referenced to specific provisions of the development design guidelines and review criteria incorporated therein, together with reasons and precedents relied upon to support the same. The conclusions shall make reference to the effect of the decision upon the Comprehensive Plan, as well as the effect of both approval and denial on property in the vicinity, on business or commercial aspects, if relevant, and on the general public. The decision shall be based upon a consideration of the whole record of the application.

(f) Conformance with Design Guidelines or Standards.

(1) Structures within the following zones are subject to the design guidelines or standards adopted per subsection (b) of this section, except when the project meets the limitations in Section [14.16C.020\(d\)](#) or when the development is located within an adopted subarea plan ~~and is required to meet the adopted subarea design guidelines:~~

- (i) Central Business District ~~(except Class 1.100 or 1.200 uses);~~
- (ii) Mixed Use ~~(except Class 1.100 or 1.200 uses);~~
- (iii) Neighborhood Commercial ~~(except Class 1.100 or 1.200 uses);~~

- (iv) Local Business (~~except Class 1.100 or 1.200 uses~~);
 - (v) Planned Business District;
 - (vi) ~~Sub-Regional Commercial~~;
 - (vii) High Urban Residential (multifamily developments);
 - (viii) Multi-Family Residential (multifamily developments);
 - (ix) Light Industrial;
 - (x) General Industrial; or
 - (xi) Public/Semi-Public.
- (2) Structures are subject to the design guidelines or standards adopted per subsection (b) of this section when developed under specified regulations listed below, except when the project meets the limitations in Section [14.16C.020](#)(d):
- (i) Planned neighborhood developments (Section [14.16C.080](#));
 - (ii) Planned residential developments (Section [14.44.020](#)); and
 - (iii) Innovative Housing Options Program (Chapter [14.46](#)).
- (3) No building or land use permit shall be issued for structures or uses which do not conform to the applicable guidelines or standards, except as allowed under subsection (f)(4) of this section.
- (4) A building or land use permit may be issued for a structure or use that does not comply with subsection (f)(1), (2) or (3) of this section, if any one of the following findings can be made by the permit-issuing authority:
- (i) The structure is of a temporary nature which, in all likelihood, will be replaced by a permanent structure within a reasonable time frame.
 - (ii) The structure is minor to the overall use of the property and will not be noticeably visible from a public right-of-way.
 - (iii) The structure will not be visible from an existing, planned, or proposed public right-of-way.
 - (iv) The structure is pre-existing with proposed changes to portions of the facade that are not visible from public rights-of-way. (Ord. 1027, Sec. 3, 2018; Ord. 903, Sec. 19, 2013; Ord. 876, Sec. 12, 2012; Ord. 811, Sec. 4 (Exh. 3), 2010)

14.44.020 Planned Residential Developments.

It is intended that a PRD will: result in a residential environment of higher quality than traditional lot-by-lot development by being held to higher standards of design of buildings, parks, open space, landscaping, roadways, entrance and other project features; provide flexibility to the property owners; protect critical areas and significant stands of trees; encourage a variety or mixture of housing types; and encourage compatibility of the development with the surrounding neighborhood. In addition to meeting the other relevant requirements of this title, planned residential developments (PRDs) must comply with the following:

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

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

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

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

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

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

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

14.46.015 Review and Processing.

Innovative housing projects shall be reviewed and processed according to the requirements of Sections [14.16C.015](#), [14.16C.045](#) and [14.40.020\(b\)](#), with the additional requirements below:

- (a) A pre-application conference per Section [14.16A.220](#)(d) is required to exchange general and preliminary information and to identify potential issues.
- (b) After the pre-application conference, the applicant shall schedule and host a neighborhood meeting before submitting an application to the City. The purpose of the neighborhood meeting is to provide residents who live adjacent and nearby to the proposed cottage housing development an opportunity to obtain information about the proposal and provide comment on the overall project before an applicant expends significant time and resources in developing the specific site and development features of the proposal.
- (1) The meeting shall be located in the general area of the proposed project.
 - (2) Notice of the neighborhood meeting shall be mailed to all property owners located within 300 feet of the proposed project or 20 property owners (whichever results in more property owners being noticed) and shall provide details of the proposed project, including a description of any modification or flexibility in site design standards that will be requested.
 - (3) Comprehensive notes describing the meeting shall be submitted with the project application.
 - (4) Following the neighborhood meeting, the applicant shall consider public input received during the neighborhood meeting and shall consider recommendations, if any, for revising the proposed innovative housing project to respond to neighborhood concerns.
- (c) ~~The Design Review Board shall consider project proposals at one meeting with staff and provide a recommendation for design approval of~~ is required for projects in accordance with this chapter.

Duties and authority are as follows:

- ~~(1) The Design Review Board is required to meet with the Director and City staff at a meeting to discuss proposed innovative housing development site plans and recommend modifications.~~
- (2) Prior to a final decision by the Director or the Hearing Examiner, ~~the Design Review Board shall make a recommendation based on a staff report including findings of fact must be provided demonstrating~~ whether the proposed project meets the specific design requirements provided in this chapter for the specific type of innovative housing option and may propose allowable modifications.
(Ord. 872, Sec. 5, 2012; Ord. 811, Sec. 54, 2010; Ord. 798, Sec. 7 (Exh. 2), 2009)

14.46.035 Modifications to the Provisions in this Chapter.

- (a) An applicant may request modifications to the provisions of this chapter or other provisions of this title related specifically to this chapter, to the extent that such modifications are consistent with the purpose, intent and requirements of this chapter.
- (b) The applicant must describe each requested modification and document in writing how the modifications are consistent with the purpose, intent and requirements of this chapter.
- (c) The Director or Hearing Examiner may approve modifications after:

(1) Considering the Design Review Board's ~~recommendations~~ a staff report and findings of fact;
and

(2) Documenting in writing that the modifications are consistent with the purpose and requirements of this chapter and do not threaten the public health, safety, or welfare.

(d) Minor changes to a site plan or design elements approved under this chapter may be approved by the Director. Changes that increase the intensity of development, e.g., trips generated or number of residential units; alter the character of the development or balance of mixed uses; increase the floor area in one building by more than 10 percent; change access points; move buildings around on the site; reduce the acreage of common open area or buffering areas; or diminish the effectiveness of perimeter buffers, are major and shall be subject to the requirements of this chapter. Major modifications may be approved by the original decision body and ~~shall~~ may be subject to design review approval. (Ord. 872, Sec. 6, 2012; Ord. 798, Sec. 7 (Exh. 2), 2009)



Staff Report City of Lake Stevens Planning Commission

Planning Commission Briefing
Date: **September 19, 2018**

SUBJECTS: Code Amendment to Chapter 14.56 Streets and Sidewalks (LUA2018-0151)

CONTACT PERSON/DEPARTMENT: Dillon Roth, *Associate Planner*

SUMMARY: Code amendment to update Chapter 14.56 LSMC

ACTION REQUESTED OF PLANNING COMMISSION: Review and make recommendations on the proposed scope/regulations.

Purpose of Code Amendment

This is a city initiated code amendment to update Chapter 14.56 LSMC Streets and Sidewalks. This chapter addresses right-of-way (ROW) issues, including how the city's street network should be built out, what types of developments are required to build sidewalks and other frontage improvements and how deviations from the approved Engineering Design and Development Standards (EDDS) are granted (See Attachment 1 for current regulations).

The purpose of the code amendment is to harmonize adopted stormwater regulations that promote Low Impact Development (LID) and planned revisions to the city's EDDS, review on-street parking issues and promote more pedestrian improvements. There are also various sections of the chapter that are repeatedly contested and need clarification.

Important Subsections to be Reviewed

While the chapter is over 30 subsections large, certain areas of the chapter will have more scrutiny than others during the code amendment process. Subsections that will be reviewed for changes currently include: Street Width, Sidewalk, and Drainage Requirements in Subdivisions (080), Dead End Streets/Cul-de-Sacs (100), Residential Public Streets and Private Roads (160) and Right of Way Dedication and Frontage Improvements (170). See attachment 2 for the current scope of work.

Next steps

Further coordination with the Public Works Department and the Fire District is needed to determine the desired outcomes of the code amendment. This coordination will include discussion on how best to implement changes to the EDDS without creating discrepancies between the EDDS and the code. Staff will discuss the code amendment with City Council at a work session in the near future.

ATTACHED:

- 1) Existing Chapter 14.56 LSMC
- 2) Scope of Work

TITLE 14 -- LAND USE CODE

Chapter 14.56

STREETS AND SIDEWALKS

Sections:**Part I. Requirements**

- 14.56.010 Street Classification
- 14.56.020 Costs of Right-of-Way Installation and Improvements Borne by Applicant
- 14.56.030 Access to Lots
- 14.56.040 Access to Arterial Streets
- 14.56.050 Entrances to Streets
- 14.56.060 Coordination with Surrounding Streets
- 14.56.070 Relationship of Streets to Topography
- 14.56.080 Street Width, Sidewalk, and Drainage Requirements in Subdivisions
- 14.56.090 General Layout of Streets
- 14.56.100 Dead End Streets/Cul-de-Sacs
- 14.56.110 Temporary Half-Streets
- 14.56.120 Street Intersections
- 14.56.130 Construction Standards and Specifications
- 14.56.135 Deviations to Construction Standards and Specifications
- 14.56.140 Construction Drawings Required Prior to Construction
- 14.56.150 Inspection of Public Improvements Required Prior to Issuance of Final Permits
- 14.56.160 Residential Public Streets and Private Roads
- 14.56.170 Right-of-Way Dedication and Frontage Improvements
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Part I. Requirements14.56.010 Street Classification.

- (a) In all new subdivisions, streets shall be dedicated to public use, and shall be classified as provided in subsection (b) of this section.
 - (1) The classification shall be based upon the projected volume of traffic to be carried by the street, stated in terms of the number of trips per day;
 - (2) The number of dwelling units to be served by the street may be used as an indicator of the number of trips but is not conclusive;
 - (3) Whenever a subdivision street continues an existing street that formerly terminated outside the subdivision or it is expected that a subdivision street will be continued beyond the subdivision at some future time, the classification of the

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street will be based upon the street in its entirety, both within and outside of the subdivision.

- (b) The classification of streets generally shall be consistent with the Washington State Department of Transportation Design Manual and shall be described as follows:

- (1) "Freeway/Expressway" is an inter-regional divided or undivided highway connecting major centers. Typically, freeways have two or more lanes for traffic in each direction. Access is limited to interchanges designed for higher speed merging/diverging traffic.
- (2) "Major Arterial" is an inter-community roadway connecting community centers or major facilities. Major arterials are generally intended to serve predominantly through traffic. Direct access to abutting property will be discouraged. Spacing between parallel major arterials is generally two miles or greater.
- (3) "Minor Arterial" is an intra-community roadway for areas bounded by the major arterial system. Minor arterials serve trips of moderate length. Direct access to abutting property will be discouraged. Spacing of minor arterials is typically less than two miles.
- (4) "Collector" is a roadway designed for movement within a community, including connecting neighborhoods with smaller community centers. Collectors also provide connections to minor and major arterials. Property access is generally a higher priority for collectors with a lower priority for through traffic movements. Spacing of collectors is generally one mile or less.
- (5) "Local Access" is a roadway designed for connections to arterial and collector systems for individual neighborhoods and provides circulation within and/or between neighborhoods. Spacing of

neighborhood collectors is typically one-half mile or less.

- (6) "Access Tract" is a privately-owned tract of land used primarily for ingress/egress for one or more lots.
- (7) "Alley" is a right-of-way providing access to the rear boundary of two or more residential or commercial properties and is not intended for general traffic circulation.
- (8) "Cul-de-sac" is a street which terminates in a vehicular turnaround. (Ord. 796, Sec. 10, 2009)

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

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

14.56.030 Access to Lots.

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

14.56.040 Access to Arterial Streets.

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

14.56.050 Entrances to Streets.

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

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- (1) Vehicles can enter and exit from the lot in question without posing any substantial danger to themselves, pedestrians, or vehicles traveling in abutting streets; and
- (2) Interference with the free and convenient flow of traffic in abutting or surrounding streets is minimized.
- (b) Driveway cuts shall be limited to the following widths:
 - Single-Family Residential
 - 10 feet minimum
 - 20 feet maximum
 - Multifamily Residential
 - 20 feet minimum
 - 30 feet maximum
 - Commercial and Industrial
 - 30 feet minimum
 - 40 feet maximum
- (c) Specifications for driveway entrances are set forth in the currently adopted version of the Engineering Design and Development Standards for the City of Lake Stevens. If driveway entrances and other openings onto streets are constructed in accordance with the foregoing specifications and requirements, this shall be deemed prima facie evidence of compliance with the standard set forth in subsection (a) of this section.
- (d) For purposes of this section, the term “prima facie evidence” means that the permit-issuing authority may (but is not required to) conclude from this evidence alone that the proposed development complies with subsection (a) of this section. (Ord. 796, Sec. 11, 2009)
- (b) Collector streets shall intersect with surrounding collector or arterial streets at safe and convenient locations.
- (c) Local access residential streets shall connect with surrounding streets where necessary to permit the convenient movement of traffic between residential neighborhoods or to facilitate access to neighborhoods by emergency service vehicles or for other sufficient reasons, but connections shall not be permitted where the effect would be to encourage the use of such streets by substantial through traffic.
- (d) Whenever connections to anticipated or proposed surrounding streets are required by this section, the street right-of-way shall be extended and the street developed to the property line of the subdivided property (or to the edge of the remaining undeveloped portion of a single tract) at the point where the connection to the anticipated or proposed street is expected. In addition, the permit-issuing authority may require temporary turnarounds to be constructed at the end of such streets pending their extension when such turnarounds appear necessary to facilitate the flow of traffic or accommodate emergency vehicles. Notwithstanding the other provisions of this subsection, no temporary dead-end street in excess of 1,000 feet may be created unless no other practicable alternative is available. (Ord. 796, Sec. 12, 2009)

14.56.060 Coordination with Surrounding Streets.

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

14.56.070 Relationship of Streets to Topography.

- (a) Streets shall be related appropriately to the topography. In particular, streets shall be designed to facilitate the drainage and storm water runoff objectives set forth in Chapter 14.64, and street grades shall conform as closely as practicable to the original topography.
- (b) The maximum grade at any point on a street shall not exceed 15 percent unless no other practicable alternative is available. However,

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in no case may streets be constructed with grades that, in the professional opinion of the Public Works Director, create a substantial danger to the public safety. (Ord. 468, 1995)

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

- (a) Streets are intended to serve several functions. These functions vary depending on the classification of the street: (1) to carry motor vehicle traffic, provide on-street parking; (2) to provide for safe and convenient pedestrian and nonmotorized travel; and (3) to aid in managing stormwater. The requirements outlined in this chapter are intended to ensure these objectives are met.
- (b) All existing and planned streets which the City deems necessary for the completion of the City's transportation system are shown and classified in the City's Transportation Element

- of the Comprehensive Plan. However, the list of planned streets is nonexhaustive and other streets may be proposed by a permit applicant.
- (c) Any permit application shall be reviewed for conformance with the Transportation Plan. If a planned street is shown to run through or adjacent to a property proposed for development, the proposal must include roadway dedication and improvements which are generally in conformance to the plan, and meet the development standards identified in this chapter.
- (d) Whenever convenient access from a subdivision to adjacent schools, parks or other public facilities is not provided through the dedication and improvement of streets pursuant to this chapter, the developer may be required to include an unobstructed easement of at least 10 feet in width and construct a pathway to provide such access.

Table 14.56-I: Street and Right-of-Way Improvement Requirements¹

Classification	ROW Width (ft)	Pavement Width (ft)	Standard Plan
Freeway/Expressway	*	*	-
Major Arterial	*	*	-
Minor Arterial	70	48	2-010
Reduced Standard Minor Arterial ³	60	42	2-010
Collector	60	36	2-020
Reduced Standard Collector ³	50	32	2-020
Local Access	50	28	2-030
Reduced Standard Local Access ²	40	24	2-040
Access Tract (Private)	Varies	20	2-050
Alley	20	16	2-090
Cul-de-sac	50 radius	40 radius	2-120
¹ Access easements shall have a minimum 20-foot width. ² Used in short subdivisions. ³ Allowed in nonconforming situations by the approval of the Public Works Director or designee. * Determined by the Director of Public Works, designee, or WSDOT.			

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

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14.56.090 General Layout of Streets.

- (a) All streets shall be straight whenever practicable to the extent necessary to preserve and continue a grid system, except that variations in alignment are allowed as a part of a traffic calming project. Traffic calming projects are expected to be constructed in the context of the grid system, not in conflict with it.
- (b) The width of blocks should be that which is sufficient to allow for two tiers of lots (plus width of an alley or public utility easement, if any), unless existing conditions render such requirements undesirable or impractical.
- (c) The length of residential blocks should range between 500 and 700 feet, unless no other practicable alternative is available.
- (d) Streets shall be laid out so that the lengths, widths and shapes of blocks adequately:
 - (1) Provide suitable building sites for the type of use to be accommodated;
 - (2) Provide for subsequent construction to be able to comply with the zoning requirements;
 - (3) Address the limitations and opportunities presented by the topography;
 - (4) Address the need for convenient access, circulation, control and safety of vehicles and pedestrians.
- (e) To the extent practicable, driveway access to collector streets shall be minimized to facilitate the free flow of traffic and avoid traffic hazards.
- (f) Pedestrian ways shall be required near the middle of all blocks longer than 800 feet unless deemed infeasible by the Planning Director.
- (g) Where a tract is subdivided into lots or tracts of an acre or more, the arrangement of lots and streets shall be such as to permit a later re-subdivision in conformance with the street and lot requirements specified in these regulations.
- (h) There shall be no reserve strips controlling access to streets, except where

such strips are required by the City. (Ord. 662, Sec. 5, 2002; Ord. 468, 1995)

14.56.100 Dead End Streets/Cul-de-Sacs.

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

14.56.110 Temporary Half-Streets.

- (a) Temporary half-streets (i.e., streets of less than the full required right-of-way and pavement width) may be allowed at the discretion of the decision-making authority under the following conditions:
 - (1) Where such street, when combined with a similar street developed previously, simultaneously, or anticipated to be built within a reasonable time frame on property adjacent to the subdivision, creates

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or comprises a street that meets the right-of-way and pavement requirements of this title.

- (2) Where no more than 10 dwelling units will use the half-street.
- (3) Where a temporary half-street is allowed, the first half of the half-street to be built shall be paved, at a minimum, to a width equal to three quarters of the ultimate paved width. Curb, gutter, sidewalk, planter strip, and street trees are to be built in conjunction with each respective half-street on the side adjacent to the proposed project.
- (4) Where a public right-of-way easement has been or is being dedicated to the City over those portions of the adjacent property to be used as a half-street.

14.56.120 Street Intersections.

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

14.56.130 Construction Standards and Specifications.

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

14.56.135 Deviations to Construction Standards and Specifications.

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

- (a) Unless otherwise specified in this title, deviations may only be granted for standards and specifications that relate to and implement Sections 14.56.080(d), Table 14.56-I (except right-of-way type and standards for state highway), and Sections 14.56.100(b) and (d).
- (b) Deviations shall be processed in accordance with the Engineering Design and Development Standards.
- (c) Requests for deviation shall, at a minimum, comply with the following criteria:
 - (1) The deviation will achieve the intended result of the standards with a comparable or superior design and quality of improvement;

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- (2) The deviation will not adversely affect safety or operations;
 - (3) The deviation will not adversely affect maintenance and related costs;
 - (4) The deviation will not adversely affect the environment; and
 - (5) The deviation will not adversely affect aesthetic appearance.
- (d) An annual report of deviation requests shall be submitted to the City Council. (Ord. 903, Sec. 44, 2013; Ord. 811, Sec. 92, 2010; Ord. 796, Sec. 16, 2009; Ord. 731, Sec. 3, 2006)

14.56.140 Construction Drawings Required Prior to Construction.

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

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

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

14.56.160 Residential Public Streets and Private Roads.

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

plat shall constitute an offer of dedication of such street.

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

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14.56.170 Right-of-Way Dedication and Frontage Improvements.

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

- (a) **Right-of-Way Width.** The width of right-of-way dedication shall be determined in accordance with the roadway classifications defined in this chapter, the Comprehensive Plan and the classification standards with the adopted Engineering Design and Development Standards (EDDS). Existing right-of-way widths matching or exceeding the current standards shall satisfy the width requirement. A reduction of right-of-way dedication width may be considered by the Public Works Director or his/her designee under the following conditions:
- (1) Where critical areas or their buffers as defined in Chapter 14.88 exist within the proposed dedication area; or
 - (2) The dedication would deny reasonable economic use of the property under the standards of this title. The applicant or property owner must demonstrate all of the following to receive a reduction in right-of-way width dedication requirements:
 - (i) The allowed land uses cannot reasonably be accomplished; and
 - (ii) A reduction in the size, scope, configuration, density or consideration of alternative designs as proposed will not accomplish the project as allowed under existing land use regulations; and
 - (iii) In cases where the applicant has rejected alternatives to the project as proposed due to other constraints

such as zoning or parcel size, the applicant must show there has been a reasonable attempt to remove or accommodate such constraints.

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

- (b) **Frontage Improvements Required.** Frontage improvements are required to be installed along the abutting public street frontage of the property to be developed. Resurfacing an existing public street to its centerline shall not be required for single-family or duplex development.
- (1) “Frontage improvements” used in this section as defined in the City’s adopted EDDS refer to the construction, reconstruction or repair of the following facilities along public rights-of-way abutting a property being developed:
 - (i) Curbs, gutters, and sidewalks;
 - (ii) Planter strips (or tree wells);
 - (iii) Underground storm drainage and other utility facilities;
 - (iv) Resurfacing of the existing public street to the centerline; and
 - (v) Construction of new street within dedicated unopened right-of-way.
 - (2) Frontage improvements shall be constructed for the following new development:
 - (i) Subdivisions and short subdivisions;
 - (ii) Multifamily developments;
 - (iii) Binding site plans;
 - (iv) All other residential projects unless expressly exempt pursuant to subsection (b)(3) of this section or a waiver is granted in accordance with subsection (b)(5) of this section;
 - (v) Commercial projects;

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- (vi) Municipal or agency building projects; and
- (vii) Industrial projects.
- (3) Frontage requirements related to the construction of a single-family or duplex dwelling unit shall be considered completed provided the following exceptions apply:
 - (i) An existing lot in an existing single-family subdivision, short plat, or binding site plan where the lots are fully developed and frontage improvements were constructed to the standards in effect at the time of final plat recording; or
 - (ii) A new single-family residence on an existing lot or replacement of an existing single-family residence where there are no frontage improvements meeting City standards constructed within 200 feet of the lot or improvements identified through an approved subdivision and potential exists for future development.
- (4) The granting of an exception or waiver as outlined in subsection (b)(3) or (5) of this section does not waive the property owner's requirement to dedicate right-of-way as established in this section.
- (5) The Public Works Director may waive or modify the requirement to construct frontage improvements for new development when the applicant or property owner demonstrates that at least one of the following conditions exist and the owner of the new development either executes a no-protest agreement to form a local improvement district for the subject street frontage or pays a fee in lieu of constructing frontage improvements as approved by the Public Works Director or designee. Said no-protest agreement shall have an effective term of eight

years from the time of the City's acceptance:

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

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

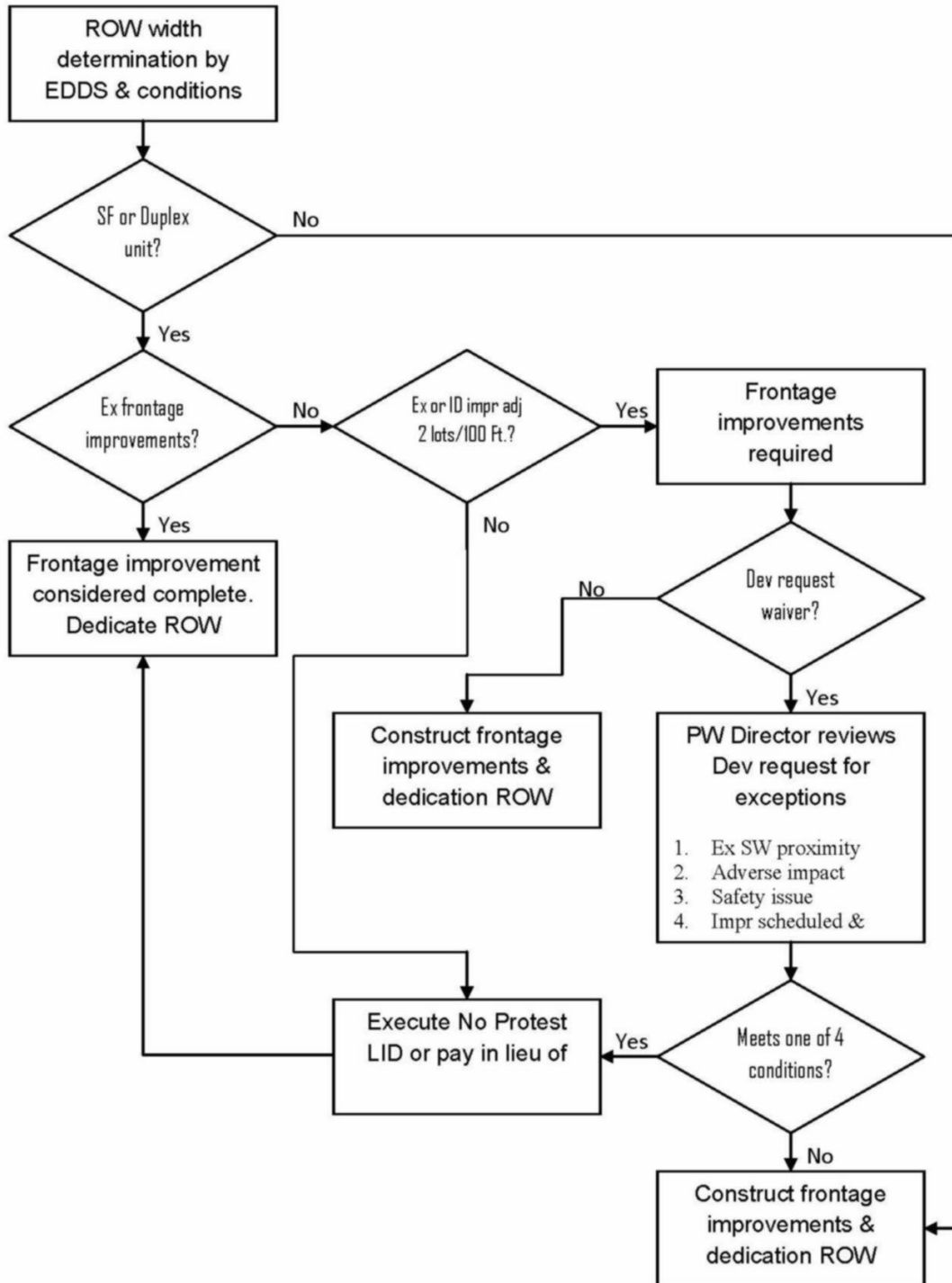
- (c) Dedication of Right-of-Way. Dedication of right-of-way is required to be executed prior to building permit issuance or final project approval. For subdivisions, short subdivisions and binding site plans, the dedication shall be required on the final recording documents. For projects that are not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

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- (d) Acceptance of Frontage Improvements. The Public Works Director or designee may approve an extension for the completion of the improvements for up to one year if the Public Works Director or designee receives a surety bond or equivalent cash deposit ensuring the timely completion of the improvements. Said surety bond shall meet the requirements set forth in Section 14.16A.180 (Security Mechanisms).
- (e) State or Federal Law. Where an applicant demonstrates under applicable State or Federal law that the required dedication or improvements are unlawful, the Public Works Director or designee, to the extent the obligation is unlawful, shall not require the dedication or improvements required by this section as a condition of final acceptance or of building permit issuance.
- (f) Appeal of Director Decision. Any appeal of the Director or designee's determination shall be processed using the appeal processes specified for the underlying application pursuant to Section 14.16A.265. A timely appeal shall be required in order to constitute an exhaustion of remedies under this section.

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Process Flow Chart



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

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14.56.180 Road and Sidewalk Requirements in Unsubdivided Developments.

- (a) Within unsubdivided developments, all private roads and access ways shall be designed and constructed to facilitate the safe and convenient movement of motor vehicle and pedestrian traffic. Width of roads, use of curb and gutter, and paving specifications shall be determined by the provisions of this title dealing with parking (Chapter 14.72) and drainage (Chapter 11.06). To the extent not otherwise covered in the foregoing chapters, and to the extent that the requirements set forth in this chapter for subdivision streets may be relevant to the roads in unsubdivided developments,

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

- (b) Whenever a road in an unsubdivided development connects two or more collector or arterial streets in such a manner that any substantial volume of through traffic is likely to make use of this road, such road shall be constructed in accordance with the standards applicable to subdivision streets and shall be dedicated to the public. In other cases when roads in unsubdivided developments within the city are constructed in accordance with the specifications for subdivision streets, the city may accept an offer of dedication of such streets.
- (c) In all unsubdivided residential development, sidewalks shall be provided linking dwelling units with other dwelling units, the public street, and on-site activity centers such as parking areas, laundry facilities, and recreational areas and facilities. Notwithstanding the foregoing, sidewalks shall not be required where pedestrians have access to a road that serves not more than nine dwelling units.
- (d) Whenever the permit-issuing authority finds that a means of pedestrian access is necessary from an unsubdivided development to schools, parks, playgrounds, or other roads or facilities and that such access is not conveniently provided by sidewalks adjacent to the roads, the developer may be required to reserve an unobstructed easement of at least 10 feet to provide such access.
- (e) The sidewalks required by this section shall be at least five feet wide and constructed according to the specifications set forth in the currently adopted version of the Engineering Design and Development Standards for the City of Lake Stevens. (Ord. 796, Sec. 20, 2009)

or Public Works Director approvals for short subdivisions creating five or more lots, all multifamily residential (four dwelling units or greater), commercial, industrial, or recreational building permits shall, where warranted, contribute to off-site right-of-way improvements based upon traffic volumes generated by the project and other factors indicated below; provided, that in the event the City requires formation of a local improvement district (LID) for construction of right-of-way improvements the developer's contribution share shall be determined as provided in Chapter 36.88 RCW and by City ordinance. The volume of traffic generated by the project in relationship to the total of current traffic volumes plus the traffic generated by the development expressed in ADT will be used as the primary measurement in establishing the share of cost of the road improvement or its implementation which the permit applicant will be required to fund. The ratio of traffic volumes will be determined by dividing the number of vehicles being added as a result of the applicant's proposal by the ADT using the road system following development. The number of vehicle trips being added by the development will be determined by using the following trip generation factors listed in Table 14.56-II.

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

14.56.190 Off-Site Traffic Mitigation.

- (a) Applicants for all administrative conditional or conditional use permits, Planning Director

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number of daily trips set forth as a factor above.

Table 14.56-II: Trip Generation Factors

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

- (c) The analysis required in subsections (a) and/or (b) of this section shall be provided by the applicant, in the form of a traffic impact study prepared by a qualified traffic engineer and conforming to the administrative guideline entitled "Traffic Impact Analysis Guidelines (TIAG)." The traffic reports so generated shall be reviewed by the Planning Director, or its representative, for conformance to the intent of this section, the TIAG and traffic engineering standards. Where differences of professional opinion exist, the Planning Director's opinion shall be final.
- (d) A fee for traffic report review, as set by resolution, shall be levied against the applicant. (Ord. 811, Sec. 58, 2010)

14.56.192 Collection of Pre-Annexation Traffic Mitigation Fees.*

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

ties the applicant from payment of such fees to the County. (Ord. 859, Sec. 1, 2011)

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

14.56.200 Attention to Disabled Persons in Street and Sidewalk Construction.

- (a) Whenever curb and gutter construction is used on public streets, wheelchair ramps for disabled persons shall be provided at intersections and other major points of pedestrian flow. Wheelchair ramps and depressed curbs shall be constructed in accordance with published standards of the Washington State Building Code addressing accessibility.
- (b) In unsubdivided developments, sidewalk construction for disabled persons shall conform to the requirements of the chapter of the Washington State Building Code addressing accessibility. (Ord. 468, Sec. 2, 1995)

14.56.210 Street Names and House Numbers.

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

14.56.220 Bridges.

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

14.56.230 Utilities.

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

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14.56.240 Vacations of Public Rights-of-Way.

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

14.56.250 Right-of-Way Permit Required.

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

14.56.260 Implementation of Traffic Calming Techniques.

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

- (1) There is a demonstrated need for calming (i.e., not an excuse to build substandard roads).
- (2) The modifications are limited to the least amount necessary to implement the desired technique.
- (3) It is demonstrated to the satisfaction of the Lake Stevens Public Works and Police Departments that the proposed techniques will be effective in achieving their objectives.
- (4) The proposal does not result in the level of service (LOS) dropping lower than the adopted standard for any City road.
- (5) The proposal does not create a traffic hazard.
- (6) The proposal does not come at cost of bike lane or pedestrian access.
- (7) Developers who install traffic calming techniques are encouraged to also incorporate low impact development techniques for stormwater management. Toward that end, projects may incorpo-

rate storm facilities in lieu of landscape strip.

- (8) The proposal must be acceptable to public works for purposes of not creating undue maintenance needs and for ensuring the replacement life of the facilities is acceptable relative to the costs of replacing the facilities.
- (9) The proposal must be acceptable to the fire and police chiefs for public safety purposes.
- (10) For modifications to existing streets where significant use of on-street parking already occurs, the proposal must accommodate on-street parking.
- (11) The proposal must accommodate installation of utilities to adopted standards. The proposal does not significantly increase the potential to adversely impact the environment than would building a standard street.
- (12) The proposal doesn't significantly impact residents access or adversely impact adjacent or nearby properties.
- (b) Prior to approval of modifying an existing street not associated with a land use development, the City Council shall conduct a public meeting to solicit input from people in the affected neighborhood. In making a decision whether to approve a proposal, the Council shall consider public testimony in regards to the previous criteria, and any other information which demonstrates the appropriateness of the proposal.
- (c) For new streets in new developments, public comments and testimony shall be afforded through the process set forth for the land use permit associated with the new development. (Ord. 796, Sec. 21, 2009; Ord. 662, Sec. 6, 2002)

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

- (a) Right-of-way dedicated for the purpose of public use may be used by an adjacent private property owner for landscape enhancement as described in subsection (b) of this section, or as described in subsection (c) of this section if approved in writing by the Public Works Director, and provided the enhancement does not:
- (1) Occur within a right-of-way adjacent to a designated state route without prior approval from WSDOT of the proposed enhancement; and
 - (2) Create a sight distance condition for both the public and the adjacent properties within the public right-of-way; and
 - (3) Impact or alter existing drainage flows or existing drainage systems within the right-of-way; and
 - (4) Obstruct pedestrian movement as existing prior to any enhancement work; and
 - (5) Come within three feet from the edge of the existing driving lane; and
 - (6) Have a casted cement concrete, asphalt, or metal foundation; and
 - (7) Add additional impervious surface; and
 - (8) Create a glare from the sun or headlights that affect users of the public right-of-way; and
 - (9) Have electrical power service; and
 - (10) Require mechanical excavation for placement; and
 - (11) Include a sign or moving object (i.e., wind- or self-power-operated yard display); and
 - (12) Create a health, safety, and welfare concern or issue to the public as determined by the Public Works Director.
- (b) Private enhancement allowed within the public right-of-way requires the approval of the Public Works Director unless included in the following:
- (1) Manicured lawn.
 - (2) Ground cover, bushes, shrubs and plants.
 - (3) City-approved street trees.
 - (4) Nonstructure landscaping walls less than three feet in height.
 - (5) Paver bricks and concrete patio type step blocks.
 - (6) Landscaping rocks no larger than six inches at the widest point.
 - (7) Landscaping bark.
 - (8) Mailbox.
 - (9) Irrigation system up to five-eighths-inch in diameter pipe size.
 - (10) Gravel shoulder using a crush surface base course material with fines that allows for compaction.
- (c) Requests for an approval for the placement of an enhancement within the public right-of-way not included in subsection (b) of this section shall be submitted in writing to the Public Works Director. The request must include a detailed description of the proposed enhancement and a sketch showing the location of the proposed enhancement. The Public Works Director shall provide a written response to all requests either approving or denying approval. If a request is denied, an explanation will be provided. The decision of the Public Works Director shall be final and conclusive and there shall be no right of appeal.
- (d) A right-of-way permit per Section 14.56.250 will be required prior to private enhancement being placed in the public right-of-way with the following private enhancements being exceptions:
- (1) Manicured lawn.
 - (2) Ground cover, bushes, shrubs and plants.
 - (3) Paver bricks and concrete patio type step blocks.
 - (4) Landscaping bark.
- (e) Any private enhancement placed within the public right-of-way may be required by the City to be removed at some future date. When practical, the City shall give 15 calendar days' notification to the adjacent property owner to

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remove such enhancement. In the event that the adjacent property owner does not remove such enhancements following the 15 calendar days' notification or the Public Works Director determines that an immediate action is needed, such as a safety, weather related, or part of a construction project, that requires the use of the public right-of-way, the City may take immediate action to remove any enhancement within the public right-of-way. The costs of such abatement by the City shall be the responsibility of the owner of the adjacent property. Such costs may be recovered by the City in accordance with the provisions of Section 9.60.210.

- (f) The owner of the adjacent property is responsible for the maintenance of private enhancement along its frontage and sides. If maintenance is needed for public safety, the City may perform the work without notification to the property owner. The costs of such maintenance shall be deemed costs of abatement and shall be the responsibility of the owner of the adjacent property. Such costs may be recovered by the City in accordance with the provisions of Section 9.60.210.
- (g) The City shall not be responsible to protect, preserve, or return any enhancements removed from the public right-of-way. No reimbursement will be made by the City for any loss, removal, or damage to said enhancements within the public right-of-way.
- (h) The City's cost of abatement or costs of maintenance shall be the City's actual costs plus an administrative fee of not less than 15 percent.
- (i) Enhancements installed and maintained in accordance with the provisions of this section shall not be deemed a nuisance under Section 9.60.170. (Ord. 843, Sec. 1, 2011)

14.56.280 Complete Streets.

- (a) The City of Lake Stevens should, to the best of its ability, and subject to the limits of its financial resources, plan for, design and construct

new transportation projects to provide appropriate accommodation for pedestrians, bicyclists, motor vehicle drivers, public transportation users and drivers, people of all ages and abilities including, but not limited to, children, youth, families, older adults, and individuals with disabilities.

- (b) Exceptions. Exceptions to this policy may be determined by the Public Works Director, City Engineer, Mayor, City Council, City Administrator or designee. Facilities for pedestrians, bicyclists, transit users, motorists, and/or people of all abilities are not required to be provided:
 - (1) Where their establishment would promote or accommodate uses of the street that are prohibited by law;
 - (2) Where their establishment would be contrary to public health and safety;
 - (3) Where there is no City-identified need;
 - (4) Where ordinary maintenance activities, designed to keep assets in serviceable condition (e.g., striping, cleaning, sweeping, spot repair and pavement preservation), would be wholly or partially impeded;
 - (5) Where the costs associated with planning and implementing "complete streets" is, or would be, disproportionate to the current need or future benefit;
 - (6) Where a documented exception or deviation has been granted by the Public Works Director, City Engineer or designee;
 - (7) Where implementing "complete streets" practices on a small project would create a short section of improvements that create problematic transitions on either end or that are unlikely to be followed by similar improvements at either end which result in little to no progress toward implementing "complete streets";
 - (8) Where implementing "complete streets" practices would have an adverse impact

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on environmental resources including, but not limited to, streams, rivers, lakes, wetlands, floodplains or historic structures/sites beyond the impacts of existing infrastructure;

- (9) Where implementing a “complete streets” practice would be contrary to or conflict with the City’s adopted street design standards and/or the City’s adopted Transportation Improvement Plan. (Ord. 965, Sec. 1, 2016)

Part II. Street Assessment Reimbursement Agreements

14.56.300 Purpose.

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

14.56.310 Authorization.

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

14.56.320 Applications.

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

- (a) Detailed construction plans and drawings of the entire street project to be borne by the assessment reimbursement area prepared and stamped by a licensed engineer.
- (b) Itemization of all costs of the street project including, but not limited to, design, grading, paving, installation of curbs, gutters, storm drainage, sidewalks, street lights, engineering, construction, property acquisition and contract administration.

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

14.56.340 Assessment Methods.

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

14.56.350 Notice to Property Owners.

Prior to the execution of any contract with the City establishing an assessment reimbursement area, the Public Works Director or designee shall mail, via registered mail, a notice to all record property owners within the assessment reimbursement area as determined by the City on the basis

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of information and materials supplied by the applicant, stating the preliminary boundaries of such area and assessments along with substantially the following statement:

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

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

14.56.360 City Council Action.

If an owner of property within the proposed assessment reimbursement area requests a hearing, notice of the hearing shall be given to all affected property owners in addition to the regular notice requirements specified by this part, the cost of which shall be borne by the applicant. At a hearing the City Council shall take testimony from affected property owners and make a final determination of the area boundaries, the amount of assessments, length of time for which reimbursement shall be

required and shall authorize the execution of appropriate documents. The City Council's ruling on these matters is determinative and final. If no hearing is requested, the Council may consider and take final action on these matters at any public meeting 20 days after notice was mailed to the affected property owners.

14.56.370 Contract Execution and Recording.

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

Exhibit 2



Scope of Work

Subject: Code Amendment; Streets and Sidewalks, Chapter 14.56 LSMC

The purpose of this code amendment is to:

- Prioritize the Low Impact Development EDDS standard for all new roads.
- Find a way to create more parking spaces in new subdivisions. These may be on-street or off-street, depending on the configuration of the street.
- Require pedestrian facilities on private tracts.
- Codify existing practice, e.g. allow private tracts in long plats, allow the Reduced Local Access standard in any short plat.
- Examine language regarding the requirement to build frontage improvements.
- Correct the "Process Flow Chart" in LSMC 14.56.170.
- Examine road/tract width requirements.
- Coordinate the code amendment with changes to the EDDS.
- Reduce potential conflicts of standards in city code and the EDDS.
- Clarify requirements for restoring a temporary dead-end connection.

Regulations affected:

- Chapter 14.56 LSMC
- Chapter 14.08 LSMC
- EDDS, Engineering Design and Development Standards

Timeline:

- Approximately 6 months for final adoption.



Memorandum

Date: September 14, 2018
To: Planning Commission
From: Russ Wright, *Community Development Director*
Subject: **2018 Work Program**

This memorandum summarizes the status of the 2018 Long Range Work Program. Predominantly the items identified in the Work Program have been completed on schedule. A couple of items will be deferred to 2019, as we did not have a Comprehensive Plan update this year. We have adopted an additional citizen-initiated code amendment for storage uses in the Local Business zoning district, which was adopted January 22, 2018. Other projects actively worked on this year outside of Planning Commission have been several annexations under review or completed.



Lake Stevens 2018 Long Range Work Program					
Code Amendments	1 st quarter	2 nd quarter	3 rd quarter	4 th quarter	Status
Environment (carry over)					
1. Critical Areas -update			PC / CC	PC / CC	Under review remainder of 2018
Zoning Code (carry over)					
1. Wireless Facilities			PC	CC	Under Review – extended through end of year
2. Model Homes	PC	CC			Adopted March 27, 2018
3. Temporary Encampments	PC		CC		Adopted July 10, 2018
4. Content Based Sign Code			PC	CC	On-hold
5. Safe Injection Sites	PC	CC			Adopted March 27, 2018
Zoning Code (new)					
1. HUR / Compact Residential Zone-changes		PC		CC	Under Review
2. Private Roads		PC	CC		
3. Downtown Subarea Code Amendments	PC	CC			Adopted July 10, 2018
4. Accessory Dwellings		PC	CC		Adopted June 26, 2018
5. Design Review		PC	CC		Interim regulations adopted September 2018
Process					
1. Proposed Zoning Designation within the UGA's			PC	CC	On-hold until 2019 w/ Comprehensive Plan
2. Final Plats (Delegating Administrative Approval Authority)	PC	CC			Adopted May 22, 2018
3. Code Clean-up (fences, sight triangle, etc)			PC	CC	Fences – Under Review
Comprehensive Plan					
1. Annual Docket a. Land Use Element b. Capital Facilities Element		PC	CC		On-hold until 2019



2. SMP -Mandated periodic review update			PC	CC	Under Review / Grant Application received – to be completed by June 2019
3. Buildable Lands / RUTA Analysis		PC	PC/CC	CC	On-hold pending discussion with City Council

1st Quarter January through March

2nd Quarter April through June

3rd Quarter July through September

4th Quarter October through December

Blue – modifications to schedule

Red – items completed