



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

Planning & Community
Development Department
1812 Main Street
Lake Stevens, WA 98258
(425) 622-9460
www.lakestevenswa.gov

Municipal Code
Available online:
www.codepublishing.
com/WA/Lake Stevens/

*Items attached

**Items previously
distributed

Items to be
distributed

PLANNING COMMISSION AGENDA

Regular Meeting Date: 06-05-2019

**THIS MEETING WILL BE HELD AT THE LAKE STEVENS SCHOOL DISTRICT
BUILDING**

A. CALL TO ORDER: 7:00pm

Pledge of Allegiance

B. ROLL CALL

C. GUEST BUSINESS

D. ACTION ITEMS

1. Approve minutes for 05-01-2019
2. Approve minutes for 05-15-2019

E. PUBLIC HEARING

1. Fence, walls and hedge ordinance
2. Street and sidewalk ordinance

Planning Manager Machen
Planner Dillon Roth

Public hearing presentation will follow the public hearing format listed below:

PUBLIC HEARING FORMAT

3. PC Chair Opens Public Hearing
4. Staff Presentation
5. Commission's questions for staff
6. Proponent's comments
7. Comments from the audience
8. Proponent rebuttal comments
9. Close public comments portion of hearing by motion
10. Re-open public comment portion of hearing for additional comments (optional)
11. Close Hearing by motion

12. COMMISSION ACTION BY MOTION—Recommendation to Council

- A. Approve
- B. Deny
- C. Continue

F. COMMISSIONER REPORTS-

G. PLANNING DIRECTOR'S REPORT- None

H. ADJOURN

SPECIAL NEEDS

The City of Lake Stevens strives to provide accessible opportunities for individuals with disabilities. Please contact Human Resources, City of Lake Stevens ADA Coordinator, at (425)622-9419 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, May 1, 2019

CALL TO ORDER: 7:07 pm by Chair Janice Huxford

MEMBERS PRESENT: Janice Huxford, Linda Hoult, Vicki Oslund, Steve Ewing and John Cronin, Tracey Trout and Jennifer Davis

MEMBERS ABSENT: None

STAFF PRESENT: Community Development Director Russ Wright, Planning Manager Josh Machen and Clerk Jennie Fenrich

OTHERS PRESENT: Councilmember McDaniel

Excused Absence: None

Guest business: None

Action Items:

1. Commissioner Hoult made a motion Commissioner Ewing seconded to approve the minutes for 4/3/2019. Approved 7-0-0-0.

Discussion Items: Planning Manager Machen gave a briefing on the Fence, Hedge and Wall Code Amendment. Mr. Machen presented a Power Point Presentation on Fence and Retaining Walls. He expressed this is a discussion with the commission and he is looking for feedback to take to the City Council. Balancing between safety and aesthetics. Sight triangle is the first consideration for safety. The height limitation within the site triangle has typically been limited to 42 inches due to safety. A standard six-foot high wood fence is the general assumption that a homeowner expects to have on their property line. The Commission also discussed regulations to allow homeowners to add an additional foot of decorative features, open fencing, lattice or the like. Staff also presented a variety of regulatory options for walls within setbacks and along rights-of-ways. The commission made expressed their preferences on heights and landscaping of such walls. Commissioners were generally in favor of the staff's recommendations and requested that the actual regulations be brought back to them before holding a public hearing.

Commissioner Reports: Commissioner Hoult gave a report on the Puget sound Regional council, Vision 2050. She urged anyone who wants to have their comments heard that will impact the region in the future, must submit comments now, as decisions are being made now that will affect us in the future. She shared an article that a link to psychosis from regular use of marijuana is on the rise.

Planning Director Report: Director Wright gave an update on the Land Use Advisory

Committee. The focus has been on visual preference, and zoning comparison with other jurisdictions and lot width and setbacks and innovative neighborhoods. Planning Manager Machen indicated that there would be a public meeting regarding the development of the pre-land use designations for the UGA. Director Wright reported on the Snohomish County Tomorrow meeting. The recommendation of the group is Transit-Area Growth. The City of Lake Stevens issued comments asking for regional flexibility in addition to the recommendation of Puget Sound Regional Council.

Adjourn. Motion to adjourn by Commissioner Hoult, seconded by Commissioner Ewing. Motion carried 7-0-0-0. Meeting adjourned 8:11 pm.

Janice Huxford, Chair

Jennie Fenrich, Clerk, Planning & Community Development

DRAFT

PLANNING COMMISSION REGULAR MEETING MINUTES
Community Center
1808 Main Street, Lake Stevens
Wednesday, May 15, 2019

CALL TO ORDER: 7:04 pm by Chair Janice Huxford

MEMBERS PRESENT: Janice Huxford, Linda Hoult, Vicki Oslund, John Cronin, Tracey Trout and Jennifer Davis

MEMBERS ABSENT: Steve Ewing

STAFF PRESENT: Community Development Director Russ Wright, Planning Manager Josh Machen and Clerk Jennie Fenrich

OTHERS PRESENT: Councilmember Petershagen

Excused Absence: Steve Ewing

Guest business: None

Action Items:

1. Commissioner Trout made a motion Commissioner Cronin seconded to excuse Commissioner Ewing's absence. Motion carried 6-0-0-1.

Discussion Items: Planning Manager Machen gave a briefing on the Fence, Hedges and Wall Code Amendment. Mr. Machen presented the commission with the draft code as discussed at the May 1st meeting, reviewing with the commission the proposed regulations regarding fence and wall heights within front, side and rear setbacks, when landscaping areas should be required adjacent to sidewalks or paths for both fences and walls. The staff asked the Commission for any further feedback and clarification on the Code prior to a public hearing. The Commission asked that regulations be changed to allow fences up to 48 inches high in the front yards and up to six feet high if considered open.

Commissioner Reports: Commissioner Huxford reported her business has been tagged with graffiti and asked that they be found and stopped. Commissioner Hoult clarified the time for the joint ALICE training, which will be held at 7:00pm on June 4th.

Planning Director Report: None

Adjourn. Motion to adjourn by Commissioner Hoult, seconded by Commissioner Cronin. Motion carried 6-0-0-1. Meeting adjourned 8:46 pm.

Janice Huxford, Chair

Jennie Fenrich, Clerk, Planning & Community

DRAFT

Please Note: All **red underlined** sections are new proposed code, while **red strike-through** sections are sections of existing code that are being deleted or moved. This applies to all chapters below, except for Chapter 14.52 which is an entirely new chapter.

Chapter 14.44 SUPPLEMENTARY USE REGULATIONS

Sections:

Part I. General Provisions

- 14.44.010 Mixed Use**
- 14.44.015 *Repealed.***
- 14.44.020 Planned Residential Developments**
- 14.44.025 Model Homes**
- 14.44.030 Development within Adopted Subareas**
- 14.44.035 Cottage Housing Developments**
- 14.44.038 Temporary Encampments**
- 14.44.040 Temporary Emergency, Construction, or Repair Residences**
- 14.44.044 Storage Facilities**
- 14.44.045 Accessory Dwelling Units (ADU)**
- 14.44.048 Temporary Public Structures**
- 14.44.050 *Repealed***
- 14.44.060 *Repealed***
- 14.44.064 Tourist Homes**
- 14.44.065 Accessory Apartment in Industrial Zones**
- 14.44.070 Recreational Park Trailers and Recreational Vehicles (RV) Regulations**
- 14.44.074 Over- and In-Water Structures (Docks, Boathouses, Etc.)**
- 14.44.075 Farm Animals**
- 14.44.080 Mobile Sales and Delivery**
- 14.44.085 *Repealed***
- 14.44.090 Planned Business District**
- 14.44.095 Neighborhood Commercial**
- 14.44.097 Marijuana Facilities**

Part II. Grading, Filling, and Excavation

(Repealed by Ord. 1015)

Part III. Manufacturing/Processing Performance Standards

14.44.200 [Intentionally Blank]

14.44.210 Noise

14.44.220 Vibration

14.44.230 Odors

14.44.240 Smoke and Air Pollution

14.44.250 Disposal of Liquid and Hazardous Wastes

14.44.260 Water Consumption

14.44.270 Electrical Disturbance or Interference

Part IV. Design

14.44.300 *Repealed*

14.44.310 *Repealed*

14.44.320 Diversity within Planned Residential Districts

14.44.330 Location of Parking in Multifamily Structures

14.44.340 Site Design in the Central Business and Mixed Use Districts

14.44.350 Drive-Through Windows

14.44.360 *Repealed*

14.44.370 *Repealed*

14.44.380 *Repealed*

14.44.390 *Repealed*

14.44.400 Sales of Food from Stationary Motor Vehicles on City-Owned Property

14.44.410 Sales of Food from Stationary Motor Vehicles on Property Not Owned by the City

~~14.44.420 Fence Permit Required~~

Part V. Multifamily Apartments Annexed into the City

14.44.500 Authority

14.44.510 Conditional Use Permit Required

14.44.520 Additional Requirements

~~14.44.420 Fence Permit Required~~

~~(a) A building permit shall be obtained for any new fence which exceeds six feet in height.~~

~~(b) Where allowed, fences taller than six feet shall meet the requirements of the International Building Code (IBC).~~

(c) The Department of Planning and Community Development shall approve a building permit for a fence if it finds that the proposed fence is consistent with Chapter 14.80 (Building and Construction) and:

- (1) Meets all applicable setback requirements;
- (2) Does not exceed applicable height requirements;
- (3) Does not adversely impact utility or access easements;
- (4) Does not create a traffic hazard, in the opinion of the Public Works Director, by limiting sight-lines for vehicles at locations such as road and alley intersections, and where vehicles cross sidewalks;
- (5) Will not be detrimental to the public health, safety and general welfare.

(d) It shall be the responsibility of the property owner to ensure the fence is placed in the proper location. Exceptions to setback requirements for fences are located in Section 14.48.050(e).

All other sections of Chapter 14.44 remain unchanged.

Chapter 14.48 DENSITY AND DIMENSIONAL REGULATIONS

14.48.040 Building Setback Requirements.

(a) Table 14.48-1 sets forth the minimum building and freestanding sign setbacks required from lot lines, ultimate street rights-of-way and street centerlines.

- (1) If the ultimate street right-of-way line is readily determinable (by reference to the Comprehensive Plan Transportation Plan, a recorded map, set irons, adopted plan, or other means), the setback shall be measured from the ultimate right-of-way line. If it is not so determinable, the setback shall be measured from the actual street centerline.
- (2) As used in this section, the term "lot line, tract or easement" refers to all easements and lot boundaries other than those that abut streets. Setbacks from access easements and access tracts are considered lot line setbacks.
- (3) As used in this section, the term "building" includes any substantial structure which by nature of its size, scale, dimensions, bulk, or use tends to constitute a visual obstruction or generate activity similar to that usually associated with a building. It also includes any element that is substantially a part of the building, such as bay windows and chimneys, and not a mere appendage, such as a flagpole. Without limiting the generality of the foregoing, for the purpose of determining setbacks the following structures are to be considered buildings:
 - (i) Gas pumps and overhead canopies or roofs;
 - (ii) Fences, walls, and hedges (See LSCM Section 14.52 for height and setback requirements).

- (4) Eaves and other minor architectural features may project into the required setback up to 18 inches.
- (b) Whenever a lot in a residential district abuts a nonresidential district, and its required setback is greater than that of the nonresidential lot, the nonresidentially zoned lot shall observe the more restrictive setback. Where a lot zoned General or Light Industrial shares a boundary with a residentially zoned lot, the setback for the industrial property along that common boundary shall be 30 feet.
- (c) In the High Urban Residential District, one five-foot interior side yard setback of a lot may be reduced to zero feet for portions of the house that share a common wall with the home on the adjacent lot. Portions of a house which do not share a common wall must be set back a minimum of five feet. The Fire and Building Codes have special building requirements which must be met when setbacks are less than five feet.
- (d) All docks and other permissible overwater structures shall be set back pursuant to the Shoreline Master Program, Chapter 4, Section C.3. For the purposes of this section each property line extending into the lake shall be construed as extending at the same angle as the property line on shore. (Ord. 903, Sec. 38, 2013; Ord. 898, Sec. 7, 2013; Ord. 796, Sec. 8, 2009; Ord 666, Sec. 8, 2002; Ord. 612, Sec. 1, 1999; Ord. 590, 1998; Ord. 468, 1995)

14.48.050 Exceptions to Building Setback Requirements.

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

- (1) In the Suburban Residential and Waterfront Residential districts only, where the high point of the roof or any appurtenance of an accessory building exceeds 12 feet in height, the accessory building shall be set back from the rear lot lines, tracts or easements an additional one foot for every foot of height exceeding 12 feet.
- (2) In single-family residential zones, accessory structures may be located within the exterior side yard of a corner lot, provided the accessory structure meets the following conditions:
 - (i) The gross floor area of all accessory structures within the reduced setback area does not exceed 200 square feet.
 - (ii) The height of the accessory structure does not exceed eight feet.
 - (iii) The accessory structure is screened to a minimum height of six feet with an opaque fence or densely planted vegetation.
 - (iv) The accessory structure respects the minimum front yard setback and shall be no closer to the front property line than that of the principal house.
 - (v) The accessory structure is located no closer than 10 feet to the exterior side property line.

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

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

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

~~In all residential zones, Exceptions for fences, walls, and hedges are contained in LSMC Chapter 14.52. which do not exceed six feet in height may be located along property lines which do not abut a public right of way. No fence may exceed 42 inches in height within the front yard setback abutting a public right of way or within 10 feet of an exterior side yard right of way. On exterior side yards, the area between the fence and sidewalk shall be maintained by the property owner. Where fences are built or hedges are maintained on top of or within five feet of a retaining wall on the uphill side, the retaining wall and fence or hedge shall be measured as one structure for the purposes of determining setback requirements. The height shall be the vertical distance measured from the mean elevation of the finished grade around the perimeter of the retaining wall to the highest point of the hedge or fence.~~

14.48.060 Building Height Limitations.

(a) For purposes of this section the height of a building shall be the vertical distance measured from the mean elevation of the finished grade around the perimeter of the building to the highest point of the building. The height of fences, walls, and hedges are as set forth in Section 14.52.

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

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

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

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

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

(e) In any zoning district the vertical distance from the ground to a point of access to a roof surface of any nonresidential building or any multifamily residential building containing four or more dwelling units may not exceed 35 feet unless the Fire Chief certifies to the permit-issuing authority that such building is

designed to provide adequate access for firefighting personnel or the building inspector certifies that the building is otherwise designed or equipped to provide adequate protection against the dangers of fire. A point of access to a roof shall be the top of any parapet wall or the lowest point of a roof's surface, whichever is greater. Roofs with slopes greater than 75 percent are regarded as walls.

(f) Towers and antennas which exceed the height limit of the zone district are allowed to the extent authorized in the Table of Permissible Uses, use classification 18.000.

All other sections of Chapter 14.48 remain unchanged.

New Chapter 14.52 FENCES, HEDGES AND WALLS

Chapter 14.52 FENCES, HEDGES AND WALLS

Sections:

Part I. General Requirements

- 14.52.010 Permits Required
- 14.52.020 Safety
- 14.52.030 Maintenance

Part II. Fences and Hedges

Purpose

- 14.52.040 Height/Setbacks
- 14.52.050 Design
- 14.52.060 Fence Exceptions

Part III. Walls

- 14.52.070 Purpose
- 14.52.080 Height
- 14.52.090 Critical Areas
- 14.52.100 Design
- 14.52.110 Wall Exceptions

Part I. General Requirements

14.52.010 Permits Required.

- (a) Fences: A fence taller than seven feet shall require a building permit meeting the requirements of the International Building Code (IBC).
- (b) Retaining Walls: A building permits shall be required for all retaining walls four feet and higher in height, measured from the bottom of the footing. Building permits shall be required for all retaining walls with a surcharge. All retaining walls over four feet in height from the bottom of the footing shall be engineered by a professional engineer registered in the State of Washington.

14.52.020 Safety

- (a) Sight Triangle: No fence, wall, hedge, structure or other obstruction shall act as a sight hazard to traffic or pedestrians by limiting sight lines for vehicles at locations such as roads, alleys, driveway intersections and where vehicles cross sidewalks. There shall not be anything constructed or

reconstructed, and no obstruction permitted, contrary to this chapter or within the sight triangle area as required by city of Lake Stevens Engineering Design and Development Standards (EDDS).

(b) Utilities and Easements: No fence, hedge, wall or other structure may adversely impact utility or access easements.

14.52.030 Maintenance.

All fences, walls and hedges shall be maintained in a condition of repair so as not to be dangerous to human life or a danger to the property subject to the requirements of this chapter and Chapter 14.32 Nonconforming Situations.

Part II Fences and Hedges

Purpose. The purpose of this chapter is to provide regulations for fences and hedges that promote privacy, security and screening of certain uses from streets and other uses, while minimizing obstruction of views, light, air, and motorists' and pedestrians' vision, without negatively affecting the community or endangering public or vehicle safety

14.52.040 Height/Setbacks.

- (a) Fence or hedge height shall be measured as the vertical distance between the finished grade at the base of the fence or hedge to the top edge of the fence material or hedge.
- (b) Solid fences may be a maximum height of four feet within required front yard setbacks. Open fences as detailed in LSCM 14.52.050 are allowed up to six feet high within the front setback.
- (c) Solid hedges may be a maximum height of four feet within required front yard setbacks, there is no height limit in other areas of a property, if the site triangle is maintained.
- (d) All fences in residential zones are allowed up to a maximum height of six feet within required exterior side or rear yard setbacks subject to LSCM 14.52.030.
- (e) If the fence includes a gate or similar feature, a vehicle refuge area shall be provided within the driveway to avoid blocking the street. The vehicle refuge area shall have a length that is sufficient for a waiting vehicle and not block the street.
- (f) No fence or freestanding wall shall be placed closer than three feet to any fire hydrant or utility cabinet.

Table 14.52-1 Fence Height Regulations-Based on Use and Orientation

Lot Type	Setback Location		
Residential			
Residential	Front	Side	Rear
Standard Lot	4 feet (solid fencing and hedges) 6-feet (open fencing)	6 feet ¹ ,	6 feet ¹
Corner Lot	4 feet (solid fencing and hedges) 6-feet (open fencing)	6 feet ¹ ,	6 feet ¹
Double-Fronting (Through) Lot	4 feet (solid fencing and hedges) 6-feet (open fencing)	6 feet ¹ ,	6 feet ¹

Commercial/Industrial / Public			
Commercial	4 feet (solid fencing and hedges) 6 feet (open fencing)	10 feet	10 feet
Industrial	10 feet	10 feet	10 feet
Public/Utility	6-feet (open fencing)	8-feet	8-feet

Notes:

1. Height can go to seven feet if the top foot is open fencing or ornamental, per 14.52.050.

14.52.050 Design.

(a) Screening Options Along Streets with Continuous Fencing

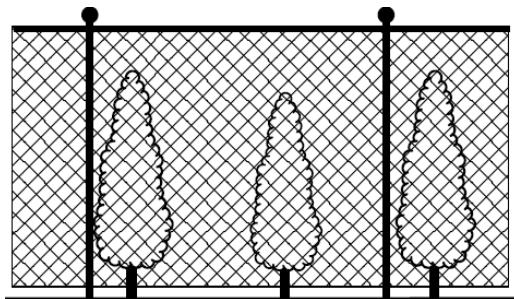
Where 80 feet or more of continuous fencing abuts a public sidewalk or trail, landscaping shall be required between the fence and the property line to mitigate the aesthetic impacts using one of the following:

1. Installation of a three-foot landscape buffer between a solid fence over four feet high. The landscape buffer / planter strip shall be a Type C screen per LSMC 14.76.040 comprised of a combination of trees and shrubs and/or groundcover based on available space;
2. Where planter strips are required along local access and collector roads, constructed as part of new subdivisions, the planter strip may be reversed with the sidewalk, so that the planter strip is adjacent to the property line and outside of the right-of-way; or
3. Where such landscaping is required, the fence may be built along the property line except for offset sections to contain the landscaping.

(b) No landscape setback is required between an open fence and sidewalk when the fencing is comprised of materials such as wrought iron, wood fences with wide openings, vinyl coated chain link or other similar materials that have 60% open space between the ground surface and the top of the fence as illustrated below:

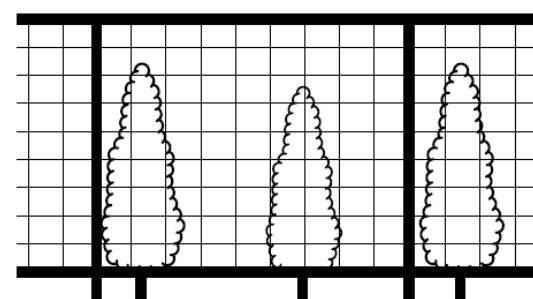
Examples of Open Fencing

Figure 1



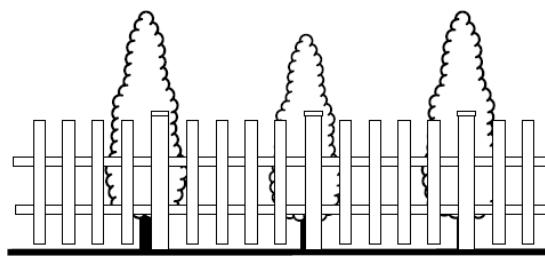
Chain-link Fencing

Figure 2



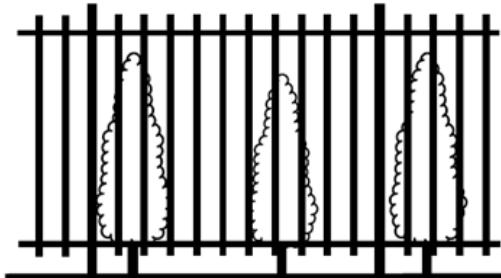
Hog Wire Fencing

Figure 3



Picket Fencing

Figure 4



Wrought Iron Fencing

(c) Allowed ornamental fencing features may include open trellises, arbors, decorative caps or similar ornamental features.

(d) Barbed Wire and Electric Fences

(1) Barbed wire is permitted on top of a solid or chain link fence for commercial, industrial, utility and public uses when needed for security as part of the overall fence height, so long as the barbed wire is positioned in such a way that it leans inward towards the enclosed area. Barbed wire use in residential zones to control livestock will be considered with an approved pasture plan. Razor/concertina wire is not allowed.

(2) Electric fences are not allowed, except in residential zones to control livestock will be considered with an approved pasture plan.

14.52.060 Fence Exceptions

(a) The director or designee may allow modifications, per LSCM 14.16C.120, to fences that do not conform to the regulations of this chapter or in the following situations if the director finds that such fences are needed to protect the public health and safety:

(1) Outdoor recreation establishments or park and recreation facilities; or

(2) To prohibit illegal dumping; or

(3) Where the finished grade is a different elevation on either side of a fence the height may be measured from the side having the highest elevation.

(b) As part of approving fences under this section, the director may impose conditions or limitations on fences allowed under this section to ensure that such fences conform with the purpose and intent of this chapter and this title.

Part III. Retaining Walls and Rockeries

14.52.070 Purpose.

Walls and rockeries provide different functions and purposes depending upon need; ranging from landscaping walls that are solely for aesthetic purposes to retaining walls or rockeries that support structural loads and surcharges. Additionally, walls may be needed where fill exists or is proposed versus needing a wall to stabilize a natural slope.

14.52.080 Height.

- (a) Retaining walls and rockeries shall be limited to the following heights within setbacks as measured by the International Building Code (IBC):
 - (1) Front Setback: three feet.
 - (2) Side and Rear Setbacks eight feet.
- (b) The maximum height limit on retaining walls or rockeries located outside of a setback shall be 12 feet of exposed wall height, before terracing is required. See Section 14.52.110 for exceptions.

14.52.090 Critical Areas.

All walls proposed to be located adjacent to critical areas / or buffers shall comply with Chapter 14.88 LSMC.

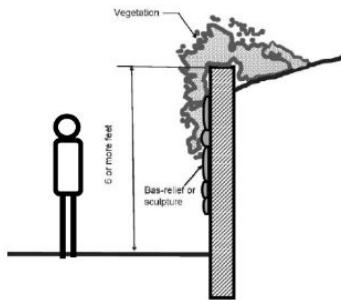
14.52.100 Design.

(a) Screening Options for Continuous Walls and Rockeries Along Streets

Where 80 feet or more of continuous walls or rockeries six feet or higher abut a street, sidewalk or pedestrian path, landscaping or screening shall be required between the wall and the right-of-way or easement line to mitigate the aesthetic impacts of such walls and rockeries using one of the following options:

- (1) Provide cascading vegetation from the top of the wall or rockery – at maturity the cascading screen should not contain openings more than 10 feet wide, per figure 1 below; or

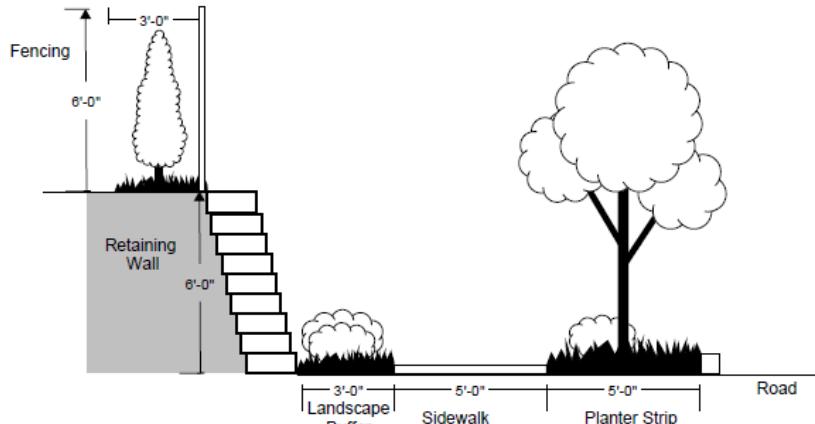
Figure 1



Adapted from Bothell Municipal Code

- (2) Provide a three-foot landscape buffer between the wall or rockery (See Figure 2 below). The landscape buffer / planter strip shall be a Type C screen per LSMC 14.76.040 comprised of a combination of trees and shrubs and groundcover based on available space; or

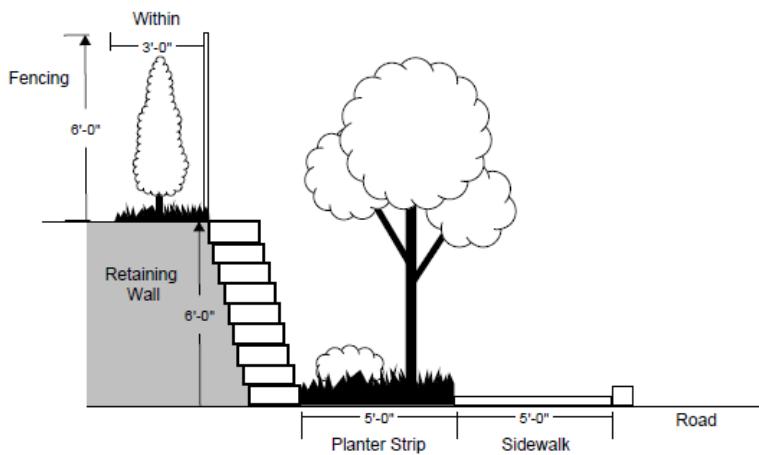
Figure 2



Landscape Buffer Option

(3) Where planter strips are required to be constructed along local access and collector roads, as part of new subdivisions or a public improvement, the planter strip may be reversed with the sidewalk, so that the planter strip is adjacent to the property line / easement and outside of the right-of-way; or

Figure 3



Planter Strip Swap Buffer Option

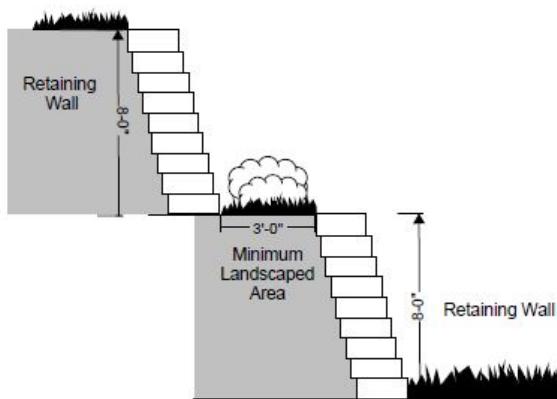
(4) Walls or rockeries visible from public pedestrian areas shall comply with blank wall treatments in the city's adopted design guidelines.

(a) Walls or rockeries shall not exceed eight feet in height within setbacks or twelve feet in height outside of setbacks. Exception: A wall that is outside of one setback but crossing perpendicular into either a side or rear yard setback may be twelve feet.

(b) Terraces are required if a wall is 12 feet or higher.

(1) Terraces shall be a minimum of three feet in width from the back of the lower wall to the face of the upper wall or rockery and shall be comprised of a combination of shrubs and groundcover per Figure 4 below.

Figure 4



Fence On top of Tiered Wall Option

(2) Alternatively, the terrace width can be reduced to no less than 18-inches when using cascading vegetation from the top of the wall or rockery – when at maturity the cascading screen does not contain openings more than 10 feet wide.

14.52.110 Wall or Rockery Exceptions

The Planning and Community Development Director, in consultation with the Public Works Director, may approve a modification to wall or rockery heights if the modification is necessary because of the size, configuration, existing topography or location of the subject property. Modifications are to be processed in accordance with LSCMC 14.16C Modifications and may be approved when the following conditions are met:

- (a) The modification will not be materially detrimental to the public welfare or to abutting properties; and
- (b) The modification will reduce potential adverse impacts to critical areas;
- (c) The modification will retain a greater number of significant trees;
- (d) The modification will permit the installation of transportation improvements; or
- (e) The alternative separation, slope gradient, or height is in the public interest.

Chapter 14.80 BUILDING AND CONSTRUCTION

Sections:

Part I. Washington State Building Codes Adopted

14.80.010 Washington State Building Codes Adopted

Part II. Building Official

14.80.020 Building Official

Part III. Building Code

14.80.030 Building Permits

14.80.040 Fees

14.80.050 Building Sewer Permits

14.80.060 Construction and Use

14.80.070 Accessory Buildings

14.80.080 Docks and Over-Water Structures

14.80.090 Fences

14.80.100 Retaining Walls

14.80.1190 Signs

14.80.1200 Repairs and Maintenance

14.80.1310 Certificate of Occupancy

14.80.1420 Inspection of Improvements

14.80.1530 Repealed

14.80.1640 Repealed

14.80.1750 Repealed

14.80.1860 Repealed

14.80.090 Fences

(a) Building permits shall be required for all fence construction for fences over six feet in height from median grade.

(b) Height and setbacks shall comply with Section 14.48.050(e).

(c) Fence permits shall be approved as set forth in Section 14.44.420.

14.80.100 Retaining Walls

Building permits shall be required for all retaining walls four feet and higher in height, measured from the bottom of the footing. Building permits shall be required for all retaining walls with a surcharge. All

~~retaining walls over four feet in height from the bottom of the footing shall be engineered by a professional engineer registered in the State of Washington.~~

14.80.1190 Signs.

Building permits shall be required for sign installations and shall comply with the regulations of Chapter [14.68](#) (Signs)

14.80.1200 Repairs and Maintenance.

Nothing in this code shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part thereof declared to be unsafe by any official charged with protecting public safety, upon order of such official, nor to prevent the improvement of a single-family house without expanding its exterior dimensions.

14.80.1310 Certificate of Occupancy.

No building or structure shall be used or occupied until the Building Official has issued a certificate of occupancy except for accessory structures. Prior to the issuance of a certificate of occupancy all completed projects shall be accepted by the Planning and Public Works Departments. No certificate of occupancy may be issued for any dwelling units in a subdivision until all improvements required by a permit or this title have been completed, even where a completion security has been posted.

14.80.1420 Inspection of Improvements.

Prior to signing off the final inspection, the Building Official shall inspect all improvements on or adjacent to the site installed as a requirement of this title or as a condition of a permit. Any improvements found to be damaged by the builder shall be repaired prior to receiving final inspection sign-off.

14.80.1530 Fire-Extinguishing Systems.

Repealed by Ord. 778.

14.80.1640 Automatic Fire-Extinguishing Systems Required.

Repealed by Ord. 778.

14.80.1750 Installation.

Repealed by Ord. 778.

14.80.1860 Sprinkler System Monitoring and Alarms.

~~All other sections of Chapter 14.80 remain unchanged.~~



Staff Report
City of Lake Stevens Planning Commission
Public Hearing
Date: June 5, 2019

SUBJECT: Code Amendment to Streets and Sidewalks regulations, Chapter 14.56 (LUA2018-0151)

CONTACT PERSON/DEPARTMENT: Dillon Roth, *Planner* / Planning and Community Development Department

SUMMARY: Code amendment to clarify existing code and reduce overlap between the city's EDDS and the LSMC.

ACTION REQUESTED OF PLANNING COMMISSION: Forward a recommendation to City Council on proposed regulations.

Background on Code Amendment Process

The city initiated this 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 Engineering Design and Development Standards (EDDS) are granted (See Attachment 1 for draft regulations).

The Planning Commission was briefed on September 19, 2018 and April 3, 2019. Discussions during those meetings included the scope of the code amendment, having increased flexibility built into the code, possibly adding regulations to limit the prevalence of 'flagpole' or 'panhandle' lots, and the city's current sidewalk infrastructure.

The City Council was briefed on May 14, 2019. The main topics of discussion were flexibility in the code to consider the existing context and the requirement for a pedestrian path on blocks longer than 700 feet.

Since that briefing, SEPA review has been completed. A Determination of Non-Significance (DNS) was issued on May 21, 2019; as of this writing no comments or appeals were received. The code amendment was also sent to the Washington State Department of Commerce for expedited review. Expedited review was granted and to-date no further comments have been received.

If the Planning Commission recommends approval of this code amendment, the amendment will go to City Council for final approval on June 25, 2019.

Major Changes in the Draft Regulations

The following bullet points highlight some of the changes to the regulations:

- EDDS definitions and references to specific dimensions in standard plans are removed to avoid future and present discrepancies with the EDDS. Currently, the EDDS and the municipal code overlap and conflict in some areas. Much of the changes in the code amendment are helping to draw a distinction between the two documents; the LSMC being a high-level regulatory document and the EDDS being a finer grain document addressing engineering details.

- Require parking spaces be provided in on-street parking lanes on new streets (Attachment 2 and 3).
- Requiring access tracts to be constructed and dedicated as half-streets if the adjacent land not being developed has development capacity to subdivide and build the other half (Attachment 4).
- Requiring a delineated pedestrian facility on private access tracts (14.56.160).

FINDINGS AND CONCLUSIONS:

1. Compliance with elements of the Comprehensive Plan

- Transportation Element Policy 8.2.2 – Provide a safe, convenient and efficient transportation system.
- Transportation Element Goal 8.4 – Provide a transportation system that supports existing land uses and accommodates anticipated growth.
- Transportation Element Goal 8.15 – Allow for alternative design standards and/or materials for street and parking areas.
- Transportation Element Goal 8.16 – Support neighborhood efforts to implement appropriate traffic calming devices and strategies.

Conclusions – The proposed code amendments are consistent with Comprehensive Plan goals as they relate to streets and sidewalks.

2. Compliance with the State Environmental Policy Act (SEPA) (Chapter 97-11 WAC and Title 16 LSMC)

- A DNS was issued on May 21, 2019.
- No comments or appeals from agencies or the public were received regarding the SEPA determination.

Conclusions – The proposed code amendment has met local and state SEPA requirements.

3. Compliance with the Growth Management Act (RCW 36.70A.106)

- The city requested expedited review from the Department of Commerce on May 17, 2019.
- The Department of Commerce sent granted approval on May 20, 2019.
- Staff will file the final ordinance with the Department of Commerce within 10 days of City Council action.

Conclusions – The proposed code amendment has met Growth Management Act requirements.

4. Public Notice and Comments

- The city published a notice of SEPA determination on May 21, 2019.
- The city published a notice of public hearing in the Everett Herald on May 22 and May 29, 2019. The notice was also posted at City Hall and on the city's website.
- Two comments have been received from the Master Builders Association (Attachment 5 and 6). If additional comments are received prior to the hearing, the comments will be distributed on the night of the hearing.

Conclusions – The city has met public notice requirements per Chapter 14.16B LSMC.

RECOMMENDATION: Forward a recommendation to the City Council to APPROVE the proposed code amendment to update Chapter 14.56.

ATTACHED:

- 1) Draft Regulations
- 2) On-Street Parking Visual
- 3) On-Street Parking Visual
- 4) Half-Street Visual
- 5) Public Comment MBA
- 6) Public Comment MBA

Attachment 1

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](#)
- [14.56.025 Abutting Property Owner's Duty to Maintain](#)
- [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 SubdivisionsCoordination with the Comprehensive Plan](#)
- [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](#)
- [14.56.165 On-Street Parking Required](#)
- [14.56.170 Right-of-Way Dedication and Frontage Improvements](#)
- [14.56.180 Road and Sidewalk Requirements in Unsubdivided Developments](#)
- [14.56.190 Off-Site Traffic Mitigation](#)
- [14.56.192 Collection of Pre-Annexation Traffic Mitigation Fees](#)
- [14.56.200 Attention to Disabled Persons in Street and Sidewalk Construction](#)
- [14.56.210 Street Names and House Numbers](#)
- [14.56.220 Bridges](#)
- [14.56.230 Utilities](#)
- [14.56.240 Vacations of Public Rights-of-Way](#)
- [14.56.250 Right-of-Way Permit Required](#)

[**14.56.260 Implementation of Traffic Calming Techniques**](#)

[**14.56.270 Private Landscape Usage of Public Right-of-Way**](#)

[**14.56.280 Complete Streets**](#)

Part II. Street Assessment Reimbursement Agreements

[**14.56.300 Purpose**](#)

[**14.56.310 Authorization**](#)

[**14.56.320 Applications**](#)

[**14.56.340 Assessment Methods**](#)

[**14.56.350 Notice to Property Owners**](#)

[**14.56.360 City Council Action**](#)

[**14.56.370 Contract Execution and Recording**](#)

Part I. Requirements

[**14.56.010 Street Classification.**](#) 

(a) In all new subdivisions, streets ~~shall be dedicated to public use, and~~ shall be classified ~~as provided in~~ per the City's currently adopted Engineering Design and Development Standards (EDDS) subsection (b) ~~of this section.~~

- (1) The classification shall be based upon the projected volume of traffic to be carried by the street, stated in terms of the number of trips per day;
- (2) The number of dwelling units to be served by the street may be used as an indicator of the number of trips but is not conclusive;
- (3) Whenever a subdivision street continues an existing street that formerly terminated outside the subdivision or it is expected that a subdivision street will be continued beyond the subdivision at some future time, the classification of the street will be based upon the street in its entirety, both within and outside of the subdivision.

(b) The classification of streets, including freeway/expressway, major arterial, minor arterial, collector, local access, access tract, alley and cul-de-sac generally shall be consistent with the Washington State Department of Transportation Design Manual, as defined in Chapter 14.08 LSCM and ~~shall be~~ described as follows in the City's currently adopted EDDS.

- (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.

 SHARE

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.

14.56.025 Abutting Property Owner's Duty to Maintain.

Whenever any right-of-way in the city has been improved by the construction of a landscape strip and/or sidewalk, the duty, burden, and expense of the routine maintenance of such improvement shall be the responsibility of the property owner, or HOA if one is active, directly abutting on that side of such street along which such improvements have been constructed. Routine maintenance includes landscaping maintenance and removal of leaves and snow from sidewalks.

14.56.030 Access to Lots. 

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

14.56.040 Access to Arterial Streets. 

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

14.56.050 Entrances to Streets. 

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

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

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

Single-Family Residential

10 feet minimum

20 feet maximum

Multifamily Residential

20 feet minimum

30 feet maximum

Commercial and Industrial

30 feet minimum

40 feet maximum

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

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

14.56.060 Coordination with Surrounding Streets. 

- (a) The street system of a subdivision shall be coordinated with existing, proposed, and anticipated streets outside the subdivision or outside the portion of a single tract property that is being divided into lots (hereinafter, "surrounding streets") as provided in this section.
- (b) Collector streets shall intersect with surrounding collector or arterial streets at safe and convenient locations.
- (c) Local access residential streets shall connect with surrounding streets, including existing temporary dead-ends, 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 property) 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. The responsibility of restoring a temporary turnaround to its permanent condition shall be borne by the party connecting to the temporary turnaround. Notwithstanding the other provisions of this subsection, no temporary dead-end street in excess of 4,000~~750~~ feet may be created unless no other practicable alternative is available.

(ed) 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, through coordination with the applicable agency, may be required to include an unobstructed easement of at least 10 feet in width and construct a pathway to provide such access. (Ord. 796, Sec. 12, 2009)

14.56.070 Relationship of Streets to Topography. 

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

(b) The maximum grade at any point on a street shall be in compliance with EDDS Section 2-103 (Road Standards for Arterial and Non-Arterial Roads), not exceed 15 percent unless no other practicable alternative is available. However, in no case may streets be constructed with grades that, in the professional opinion of the Public Works Director or designee, create a substantial danger to the public safety. (Ord. 468, 1995)

14.56.080 Coordination with the Comprehensive Plan 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 or department director.

(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 Requirements⁴

Classification	ROW Width (ft)	Pavement Width (ft)	Standard Plan
Freeway/Expressway	*	*	-
Major Arterial	*	*	-
Minor Arterial	70	48	2-010

Table 14.56-1: Street and Right-of-Way Improvement Requirements[†]

Classification	ROW Width (ft)	Pavement Width (ft)	Standard Plan
Reduced Standard Minor Arterials [‡]	60	42	2-010
Collector	60	36	2-020
Reduced Standard Collector [‡]	50	32	2-020
Local Access	50	28	2-030
Reduced Standard Local Access [‡]	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

[†]Access easements shall have a minimum 20-foot width.

[‡]Used in short subdivisions.

[§]Allowed in nonconforming situations by the approval of the Public Works Director or designee.

^{*}Determined by the Director of Public Works, designee, or WSDOT.

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

14.56.090 General Layout of Streets. SHARE

- (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. In blocks with a length in excess of 700 feet, the city shall require a public access

easement of not less than 10 feet wide through the middle of the block to provide an internal pedestrian walkway, unless deemed infeasible by the Planning and Community Development Director. The access easement shall include a 5-foot-wide paved path.

- (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 arterials and 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 property 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.
- (i) A subdivision containing thirty or more parcels shall have two vehicular access points, located at least one hundred feet apart. This requirement may be waived if all adjacent properties are built-out, encumbered by critical areas, or the existing topography renders a second access technically infeasible.

(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~~provide an appropriate turnaround for the road type in accordance with the standards set forth in ~~subsection (d) of this section~~the City's currently adopted EDDs. The city will consider the use of alternative turnarounds described in the EDDs on a case by case basis through the EDDs deviation process outlined in [14.56.135 LSMC](#).

(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.~~

~~(f) Private driveways serving no more than two dwelling units, shall provide a means for residential vehicles to turnaround, outside of the right-of-way, if the driveway extends more than 150 feet from the edge of right-of-way.~~ (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 ~~with development capacity~~, creates or comprises a street that meets the right-of-way and pavement requirements of this title.
- (2) Where no more than 10 dwelling units will use the half-street ~~as their sole means of access~~.
- (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. include two travel lanes. C~~urb, gutter, sidewalk, planter strip, and street trees, ~~depending on the street~~

classification, 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 ~~has been or~~ is being dedicated to the City over those portions of the ~~adjacent~~ property to be used as a half-street.

(b) 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, constructed and dedicated in such a way so as to allow them to be combined into one 40-or 50-foot right-of-way, depending on the applicable road standard. This requirement may be waived by the Planning Director if the build-out of the full right-of-way will be significantly constrained by critical areas, existing topography, or a lack of development potential on the adjacent property.

14.56.120 Street Intersections. SHARE

(a) Streets shall intersect at angles as nearly as possible at right angles, and no two streets may intersect at less than 60 degrees in compliance with EDDS Section 2-111. Not more than two streets shall intersect at any one point, unless the Public Works Director ~~or designee~~ certifies to the permit-issuing authority that such an intersection can be constructed with no extraordinary danger to public safety.

(b) Spacing requirements, when connecting with arterial, non-arterial, or other driveway spacing, shall be in compliance with the currently adopted EDDS. 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, For the distance spacing requirements between centerlines of the intersecting streets, shall be refer to e not less than 150 feet. EDDS Section 2-111.

(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. SHARE

All public streets, sidewalks, curbs and gutters and other improvements shall be constructed in accordance with the currently adopted of the Engineering Design and Development Standards (EDDS) for the City of Lake Stevens. When feasible, applicants shall utilize Low Impact Development EDDS standards when constructing new public streets. 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 StandardsEDDS](#) 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 [the City's currently adopted EDDS](#)[Sections 14.56.080\(d\), Table 14.56.1 \(except right-of-way type and standards for state highway\), and Sections 14.56.100\(b\) and \(d\).](#)
- (b) Deviations shall be processed in accordance with the [currently adopted Engineering Design and Development StandardsEDDS](#).
- (c) Requests for deviation shall, at a minimum, comply with the following criteria:
 - (1) The deviation will achieve the intended result of the standards with a comparable or superior design and quality of improvement;
 - (2) The deviation will not adversely affect safety or operations;
 - (3) The deviation will not adversely affect maintenance and related costs;
 - (4) The deviation will not adversely affect the environment; and
 - (5) The deviation will not adversely affect aesthetic appearance.
- (d) An annual report of deviation requests shall be submitted to the City Council. (Ord. 903, Sec. 44, 2013; Ord. 811, Sec. 92, 2010; Ord. 796, Sec. 16, 2009; Ord. 731, Sec. 3, 2006)

14.56.140 Construction Drawings Required Prior to Construction.

No right-of-way improvements shall be installed without first obtaining construction plan approval from the [City Engineer](#)[Public Works Director or designee](#). 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 streets~~ created ~~by the subdivider through a subdivision~~ 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. For the purposes of subsections (b) – (d) an ADU constructed per Title 14 shall not count as a dwelling unit.

(b) Private roads shall not be allowed in major subdivided developments. However, private access tracts may be allowed in all subdivisions.

(c) Private access tracts ~~may only be created through the short plat process and~~ shall provide access for four or fewer dwelling units ~~and shall have a delineated pedestrian facility~~. Where an existing private access tract is nonconforming with respect to minimum tract width or minimum pavement width, no additional dwelling units may take access off ~~of~~ the tract without bringing it into conformance with this chapter. ~~Where a private access tract is used, and an adjacent property is capable of being short platted with a private access tract, such tracts shall be located in such a way so as to allow them to be combined into one 50-foot right-of-way in the event that the property owners wish to improve and dedicate it as a public street.~~

(d) Access easements shall provide access to no more than two dwelling units. Where an existing access easement is nonconforming with respect to minimum easement width or minimum pavement width, no additional dwelling units may take access off ~~of~~ the easement without the developer bringing it into conformance with this chapter. Access easements shall be a minimum of 20 feet in width and shall have a minimum paved surface of 1810 feet per for the two dwelling units accessed by that paved section of easement. The width of pavement may be reduced to a minimum of 10 feet if the length of the driveway is less than 50 feet.

(e) Shared driveways shall meet the requirements of minimum total easement width and minimum paved surface width as described in subsection (d) of this section. Because shared driveways have two

easements, the total easement width shall include both easements. No shared driveway may provide access to more than two dwelling units. (Ord. 796, Sec. 18, 2009; Ord. 590, 1998; Ord. 468, 1995)

14.56.165 On-Street Parking Required.

On-street parking shall be provided on new public streets when such streets are created and dedicated through the subdivision process, subject to the following criteria:

- (a) The minimum amount of on-street parking spaces that is required to be provided on public streets is one space per five residential parcels in each new subdivision. Dimensions of the parking spaces are subject to Section 14.72.030.
- (b) The above requirement shall only apply when the subdivision includes a new public street that is constructed to an EDDS standard that includes an on-street parking lane. The parking requirement applies to the whole subdivision, including those parcels accessed by shared driveways or private tracts, and not just those parcels that abut the public street.
- (c) If the ratio of on-street spaces to residential parcels cannot be achieved on the new public street, then off-street public parking spaces are required at the same ratio.
- (d) When the number of parking spaces required results in a fractional space, rounding shall be calculated pursuant to Section 14.72.010(c).
- (e) Where parking is provided off-street as described above, the parking strip can be eliminated, so long as the roadway meets applicable fire standards and an EDDS deviation is approved per Section 14.56.135. The off-street parking must be distributed throughout the entire subdivision.

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 [per the applicable street classification](#):

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

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

- (i) Subdivisions and short subdivisions;

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

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

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

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(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.

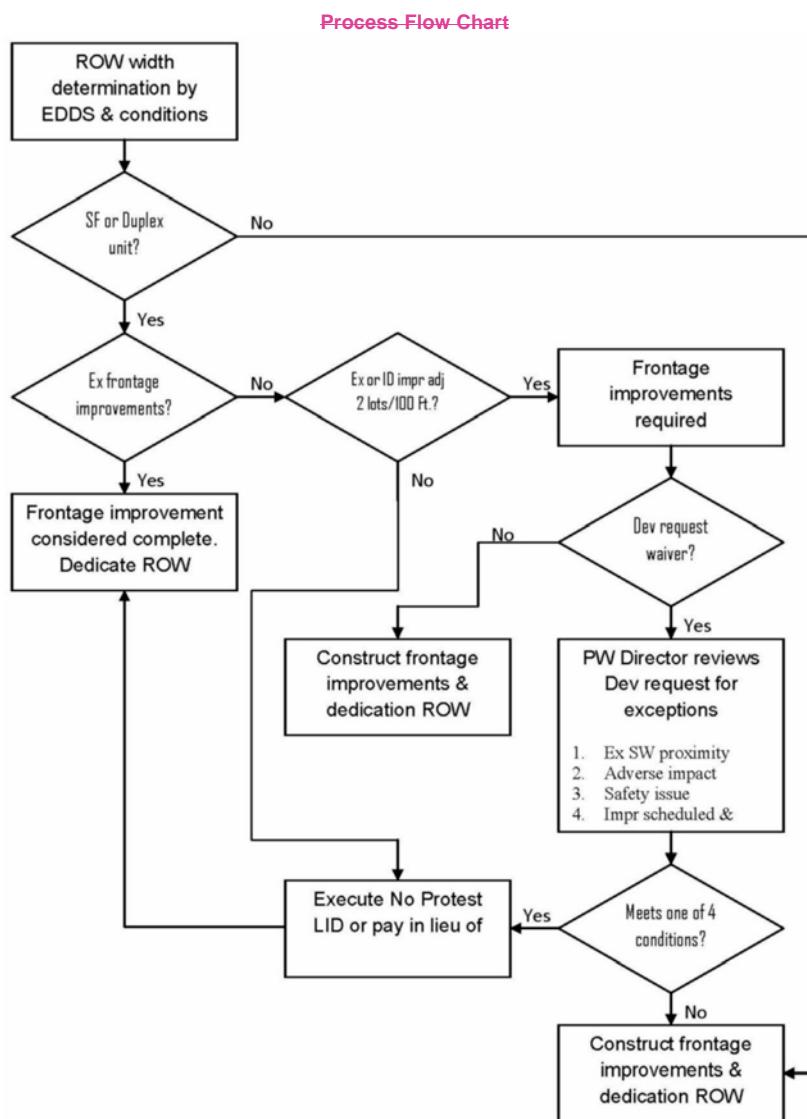
(5) The Public Works Director may accept a fee in-lieu of waive or modify the requirement to constructing frontage improvements for new development when the applicant or property owner demonstrates that at least one of the following conditions exist and the owner of the new development either executes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

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

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

- (c) Dedication of Right-of-Way. Dedication of right-of-way is required to be executed prior to building permit issuance or final project approval. For subdivisions, short subdivisions and binding site plans, the dedication shall be required on the final recording documents. For projects that are not part of a subdivision of land, the applicant shall submit the required executed documents on forms provided by the City. The City shall record the documents upon obtaining the appropriate City signatures and the applicant or property owner pays the recording fees.
- (d) Acceptance of Frontage Improvements. The Public Works Director or designee may approve an extension for the completion of the improvements for up to one year if the Public Works Director or designee receives a surety bond or equivalent cash deposit ensuring the timely completion of the improvements. Said surety bond shall meet the requirements set forth in Section [14.16A.180](#) (Security Mechanisms).
- (e) State or Federal Law. Where an applicant demonstrates under applicable State or Federal law that the required dedication or improvements are unlawful, the Public Works Director or designee, to the extent the obligation is unlawful, shall not require the dedication or improvements required by this section as a condition of final acceptance or of building permit issuance.
- (f) Appeal of Director Decision. Any appeal of the Director or designee's determination shall be processed using the appeal processes specified for the underlying application pursuant to

Section [14.16A.265](#). A timely appeal shall be required in order to constitute an exhaustion of remedies under this section.



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

14.56.180 Road and Sidewalk Requirements in Unsubdivided Developments.  SHARE

(a) Within unsubdivided developments, which includes multifamily, commercial and industrial 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, 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, through coordination with the applicable agency, 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[EDDS](#). Alternative pedestrian facilities may be considered on a case by case basis through an EDDS deviation. (Ord. 796, Sec. 20, 2009)

14.56.190 Off-Site Traffic Mitigation.  SHARE

(a) Applicants for all administrative conditional or conditional use permits, Planning Director or Public Works Director approvals for short subdivisions creating five or more lots, all multifamily residential (four dwelling units or greater), commercial, industrial, or recreational building permits shall, where warranted,

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

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

Table 14.56-II: Trip Generation Factors

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

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

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

14.56.192 Collection of Pre-Annexation Traffic Mitigation Fees.  

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

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

14.56.200 Attention to Disabled Persons in Street and Sidewalk Construction.  

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

14.56.210 Street Names and House Numbers.  

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

14.56.220 Bridges.  

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

14.56.230 Utilities.  

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

14.56.240 Vacations of Public Rights-of-Way. 

Applications for vacations of public rights-of-way shall be processed according to Section [14.16C.095](#).

(Ord. 811, Sec. 59, 2010)

14.56.250 Right-of-Way Permit Required. 

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

14.56.260 Implementation of Traffic Calming Techniques. 

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

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

(11) The proposal must accommodate installation of utilities to adopted standards. The proposal does not significantly increase the potential to adversely impact the environment than would building a standard street.

(12) The proposal doesn't significantly impact residents access or adversely impact adjacent or nearby properties.

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

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

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

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

(1) Occur within a right-of-way adjacent to a designated state route without prior approval from WSDOT of the proposed enhancement; and

(2) Create a sight distance condition for both the public and the adjacent properties within the public right-of-way; and

(3) Impact or alter existing drainage flows or existing drainage systems within the right-of-way; and

(4) Obstruct pedestrian movement as existing prior to any enhancement work; and

(5) Come within three feet from the edge of the existing driving lane; and

(6) Have a casted cement concrete, asphalt, or metal foundation; and

(7) Add additional impervious surface; and

- (8) Create a glare from the sun or headlights that affect users of the public right-of-way; and
- (9) Have electrical power service; and
- (10) Require mechanical excavation for placement; and
- (11) Include a sign or moving object (i.e., wind- or self-power-operated yard display); and
- (12) Create a health, safety, and welfare concern or issue to the public as determined by the Public Works Director.

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

- (1) Manicured lawn.
- (2) Ground cover, bushes, shrubs and plants.
- (3) City-approved street trees.
- (4) Nonstructure landscaping walls less than three feet in height.
- (5) Paver bricks and concrete patio type step blocks.
- (6) Landscaping rocks no larger than six inches at the widest point.
- (7) Landscaping bark.
- (8) Mailbox.
- (9) Irrigation system up to five-eighths-inch in diameter pipe size.

(10) Gravel shoulder using a crush surface base course material with fines that allows for compaction.

(c) Requests for an approval for the placement of an enhancement within the public right-of-way not included in subsection (b) of this section shall be submitted in writing to the Public Works Director or designee. 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 or designee 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 or designee shall be final and conclusive and there shall be no right of appeal.

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

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

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

(f) The owner of the adjacent property is responsible for the maintenance of private enhancement along its frontage and sides. If maintenance is needed for public safety, the City may perform the work without notification to the property owner. The costs of such maintenance shall be deemed costs of abatement and shall be the responsibility of the owner of the adjacent property. Such costs may be recovered by the City in accordance with the provisions of Section [9.60.210](#).

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

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

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

14.56.280 Complete Streets.  SHARE

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

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

- (1) Where their establishment would promote or accommodate uses of the street that are prohibited by law;
- (2) Where their establishment would be contrary to public health and safety;
- (3) Where there is no City-identified need;
- (4) Where ordinary maintenance activities, designed to keep assets in serviceable condition (e.g., striping, cleaning, sweeping, spot repair and pavement preservation), would be wholly or partially impeded;
- (5) Where the costs associated with planning and implementing "complete streets" is, or would be, disproportionate to the current need or future benefit;
- (6) Where a documented exception or deviation has been granted by the Public Works Director, City Engineer or designee;
- (7) Where implementing "complete streets" practices on a small project would create a short section of improvements that create problematic transitions on either end or that are unlikely to be followed by similar improvements at either end which result in little to no progress toward implementing "complete streets";
- (8) Where implementing "complete streets" practices would have an adverse impact on environmental resources including, but not limited to, streams, rivers, lakes, wetlands, floodplains or historic structures/sites beyond the impacts of existing infrastructure;

(9) Where implementing a "complete streets" practice would be contrary to or conflict with the City's adopted street design standards and/or the City's adopted Transportation Improvement Plan.

(Ord. 965, Sec. 1, 2016)

Part II. Street Assessment Reimbursement Agreements

14.56.300 Purpose.

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

14.56.310 Authorization.

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

14.56.320 Applications.

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

- (a) Detailed construction plans and drawings of the entire street project to be borne by the assessment reimbursement area prepared and stamped by a licensed engineer.
- (b) Itemization of all costs of the street project including, but not limited to, design, grading, paving, installation of curbs, gutters, storm drainage, sidewalks, street lights, engineering, construction, property acquisition and contract administration.
- (c) A map and legal description identifying the proposed boundaries of the assessment reimbursement area and each separately owned parcel within such area. Such map shall identify the location of the street project in relation to the parcels of property in such area.
- (d) A proposed assessment reimbursement roll stating the proposed assessment for each separate parcel of property within the proposed assessment reimbursement area as determined by apportioning the total project cost on the basis of the benefit of the project to each such parcel of property within said area.
- (e) A complete list of record owners of property within the proposed assessment reimbursement area certified as complete and accurate by the applicant and which states names and mailing addresses for each such owner.

(f) Envelopes addressed to each of the record owners of property within the assessment reimbursement area who have not contributed their pro rata share of such costs. Proper postage for registered mail shall be affixed or provided.

(g) Copies of executed deeds and/or easements in which the applicant is the grantee for all property necessary for the installation of such street project.

14.56.340 Assessment Methods. 

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

14.56.350 Notice to Property Owners. 

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

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

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

14.56.360 City Council Action. 

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

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

14.56.370 Contract Execution and Recording. 

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

14.08.010 Definitions of Basic Terms. 

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

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

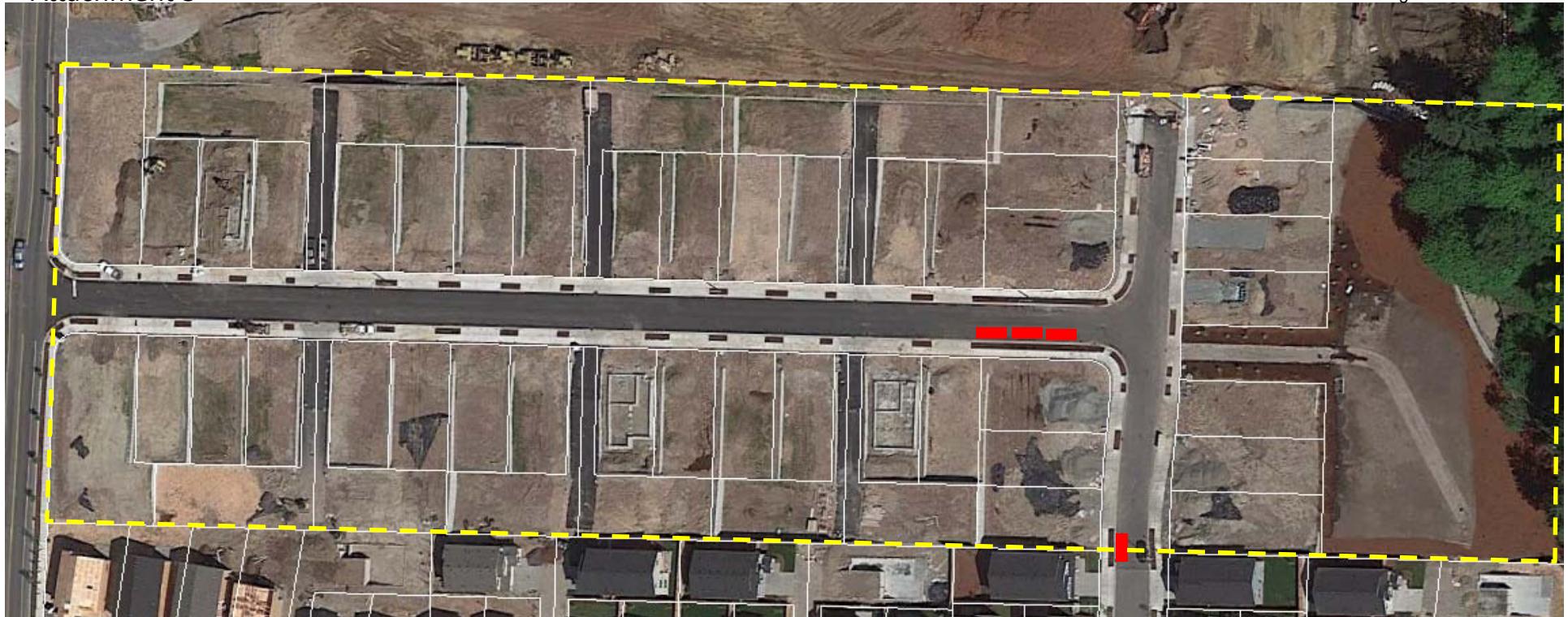
Attachment 2



68 new homes / 5 = 14 on-street parking spaces would be required per new code.

15 on-street spaces were provided.

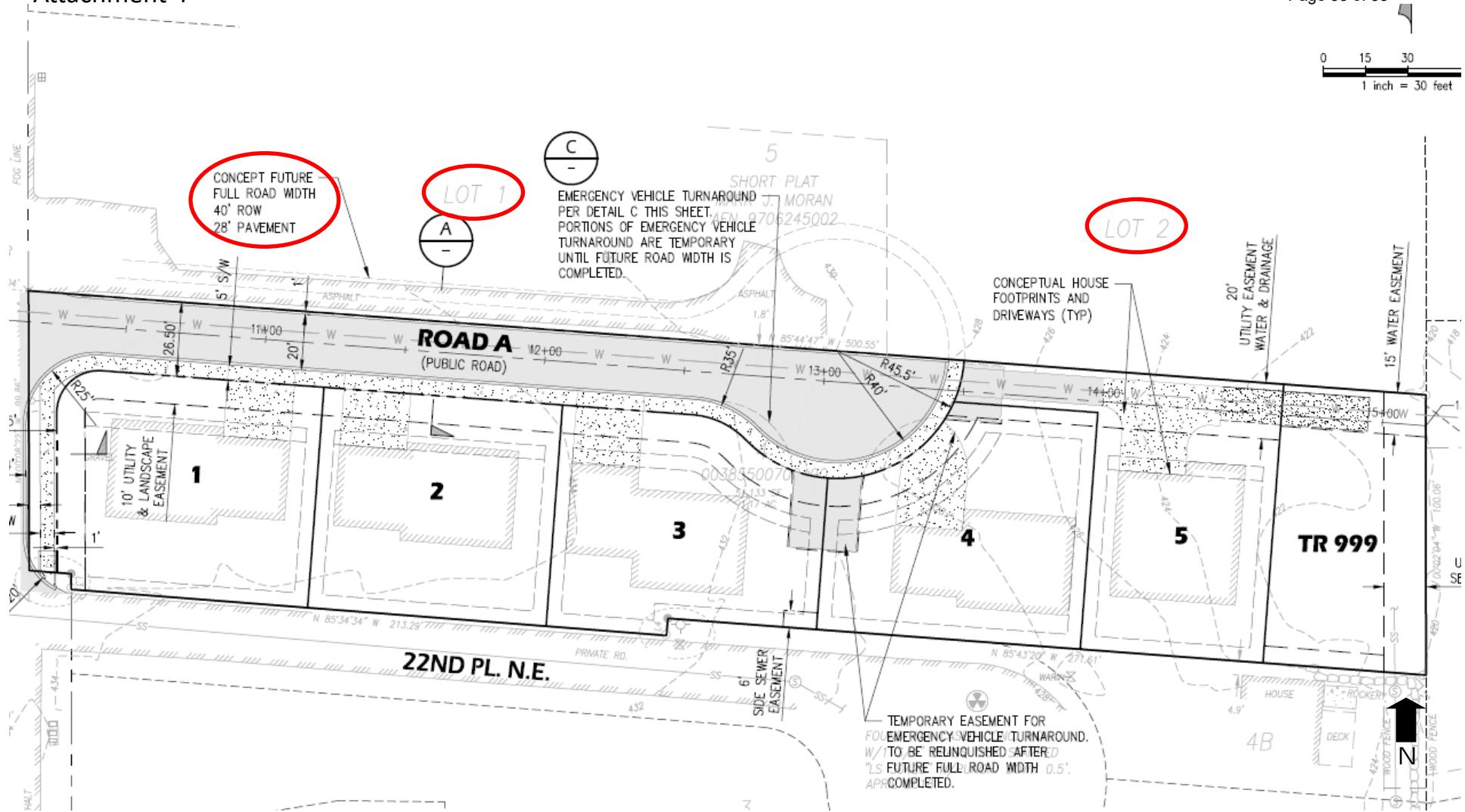
Attachment 3



53 new homes / 5 = 11 on-street parking spaces would be required per new code.

4 on-street spaces were provided.

Attachment 4



This 5-lot subdivision is adjacent to two properties with development potential to the north (Lots 1 and 2). When the parcels to the north subdivide, those developers will construct the full build-out of the cul-de-sac.

Attachment 5

From: [Dylan Sluder](#)
To: [Dillon Roth](#)
Subject: Questions on Streets and Sidewalks Draft Code Changes
Date: Monday, April 1, 2019 10:50:10 AM
Attachments: [image001.png](#)
[image002.png](#)
[image004.png](#)
[image005.png](#)

Dillon,

I hope you are having a great start to the week! I had a few questions brought up to me by members and I wanted to reach out and ask for some clarity.

1. There was a question on path requirements for longer blocks. They mentioned that there are times when critical areas or other site constraints do not make this possible. Adding “when practicable” could alleviate some of the concerns. Here is the language referred to:
(c) The length of residential blocks should range between 500 and 700 feet, unless no other practicable alternative is available. **In blocks with a length in excess of 700 feet, the city shall require dedication of a paved path not less than 10 feet wide through the middle of the block to provide an internal pedestrian walkway to connect other portions of the neighborhood.**
2. There was also a question asked about a possible conflict with the Fire code in the General Layout of Streets. Here is the passage of concern:
(i) A subdivision containing thirty or more dwelling units shall have two vehicular access points, located at least one hundred feet apart. (Ord. 662, Sec. 5, 2002; Ord. 468, 1995).
3. The last question was in Residential Streets and Private Roads on Private Access Tracts. They asked what the access section width and pavement type were in the following section:
(c) Private access tracts may only be created through the short plat process and shall provide access for four or fewer dwelling units and shall have a delineated pedestrian facility. Where an existing private access tract is nonconforming with respect to minimum tract width or minimum pavement width, no additional dwelling units may take access off of the tract without bringing it into conformance with this chapter.

Thanks for your help on answering these!

Dylan



Dylan Sluder

Snohomish County Manager
Master Builders Association of King and Snohomish Counties

p 425.460.8236
335 116th Ave. SE | Bellevue, WA 98004
[mbaks.com](#)

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Attachment 6

From: [Dylan Sluder](#)
To: [Dillon Roth](#)
Subject: Streets and Sidewalks Amendment Comment
Date: Monday, May 13, 2019 4:02:27 PM
Attachments: [image001.png](#)
[image002.png](#)
[image004.png](#)
[image005.png](#)

Hi Dillon,

Thank you for your willingness to answer my questions and to follow-up on our previous comments on the Streets and Sidewalks Amendment.

I have a couple more comments concerning 14.56.090 General Layout of Streets section "C" regarding path requirements for long blocks.

See below:

(c) The length of residential blocks should range between 500 and 700 feet, unless no other practicable alternative is available. In blocks with a length in excess of 700 feet, the city shall require dedication of a paved path not less than 10 feet wide through the middle of the block to provide an internal pedestrian walkway to connect other portions of the neighborhood, unless deemed infeasible by the Planning Director.

Our concern is that the 10 feet minimum width requirement for mid-block dedicated paths is excessive. A standard sidewalk width of 5 feet would be more practical. A smaller path would also limit environmental and stormwater impacts of the impervious surface associated with it.

An addition of easement width allowances would provide guidance and also allow for some form of a landscaping "buffer" on the sides of the path. A 10 feet easement with a 5 feet path would provide for this. This would allow for more aesthetically pleasing paths as well.

I appreciate the opportunity to comment and your willingness to work with us during this process.

Please let me know if have any questions or if the MBA can help out in any way.

Thanks!



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