



## PLANNING COMMISSION AGENDA

Regular Meeting Date: 12/04/2019

**Lake Stevens School Dist Bldg**

Planning Commission  
Meeting:

First Wednesday of every  
Month @ 7:00pm

Planning & Community  
Development Department

1812 Main Street  
Lake Stevens, WA 98258  
(425) 622-9430

[www.lakestevenswa.gov](http://www.lakestevenswa.gov)

Municipal Code

Available online:

[www.codepublishing.com/WA/LakeStevens/](http://www.codepublishing.com/WA/LakeStevens/)

\*Items attached

\*\*Items previously  
distributed

# Items to be  
distributed

- **CALL TO ORDER 7:00pm**

Pledge of Allegiance

- **ROLL CALL**

- **GUEST BUSINESS**

- **ACTION ITEMS**

1. Approve minutes from 11-06-2019
2. Approve minutes from 11-20-2019

- **PUBLIC HEARING**

**LUA2019-0129 Code Amendment to subdivision regulations**

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

**PUBLIC HEARING FORMAT**

1. PC Chair Opens Public Hearing
2. Staff Presentation
3. Commission's questions for staff
4. Proponent's comments
5. Comments from the audience
6. Proponent rebuttal comments
7. Close public comments portion of hearing by motion
8. Re-open public comment portion of hearing for additional comments (optional)
9. Close Hearing by motion
10. COMMISSION ACTION BY MOTION—Recommendation to Council
  - A. Approve
  - B. Deny
  - C. Continue

**DISCUSSION ITEMS**

1. 2020 Work Program

Director Wright

- **COMMISSIONER REPORTS**

- **PLANNING DIRECTOR'S REPORT**

- **ADJOURN**

**SPECIAL NEEDS**

*The City of Lake Stevens strives to provide accessible opportunities for individuals with disabilities. Please contact City of Lake Stevens ADA Coordinator, at (425) 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**  
Lake Stevens Fire Admin Bldg  
1825 S Lake Stevens Rd, Lake Stevens, WA 98258  
Wednesday, November 6, 2019

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

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

MEMBERS ABSENT: John Cronin

STAFF PRESENT: Community Development Director Russ Wright and Clerk Jennie Fenrich

OTHERS PRESENT: Councilmembers Petershagen and Daughtry

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**Excused Absence:** Commissioner Hoult made a motion and Commissioner Trout seconded to excuse Commissioner Cronin for his absence. Motion approved 6-0-0-1.

**Guest business.** None

**Action Items:**

1. Commissioner Hoult made a motion Commissioner Ewing seconded to approve with corrections the minutes for 10/16/19. Approved 6-0-0-1.

**Public Hearing:**

Chair Huxford asked for a motion to open the public hearing on the update to 2019 Comprehensive Plan. Commissioner Trout made the motion and Commissioner Ewing seconded. Motion passed 6-0-0-1.

**Staff Presentation:** Community Development Wright presented a Power Point presentation on the 2019 Comprehensive Plan Update. The proposals included city-initiated map amendments, text amendments to the land use element, park elements, public services element and capital facility element and other administrative amendments to the Comprehensive Plan.

**Comments from the Commission:** Commissioner Huxford asked when we received the request for the map changes. Director Wright replied the most current requests were turned in today. There were questions specific items from the Capital Facilities Plan.

**Comments from Public:** Mr. Toyer from Toyer Strategic Consulting, submitted comments to the City and Commission today. He stated his clients would like the zoning to be changed from Neighborhood Business to Commercial District. This would allow more flexibility for permitting with a shorter turn-around time. A representative of the Master Builders association apologized for the late comments presented to the City. They are concerned about the definition of gross vs.net and are asking for broader terms and if this could be left out this time around.

There were questions on specific properties and zoning on. Citizens asked questions regarding rezoning residential properties to commercial and if the City could then take their land. They asked about taxes and how they will be assessed. Traffic concerns were expressed and asked if City looks at traffic impacts when considering Commercial zoning changes. A local developer asked how the City will address infrastructure for the newly commercial zoned area, specifically sewer extension. A question arose about the zoning designation proposal being changed and added today. They believe it needs to be properly noticed to those properties surrounding these lots.

Chair Huxford asked for a motion to close the public portion of the hearing. Commissioner Hoult moved and Commissioner Ewing seconded the motion. Motion passed 6-0-0-1.

**Comments from the Commission:**

The Commission discussed how to proceed. Due to late arrival of request for designation, a motion was made to move the Comp Plan forward extracting the new Neighborhood Business designation as well as the gross/net allotment until there is more time to study it. The group was united that the new designation be properly noticed to surrounding properties. A vote passed 4-2-0-1, with Steve Ewing, Linda Hoult, Vicki Oslund and Jennifer Davis in the affirmative.

**Discussion items:** None

**Commissioner Reports:** Commissioner Ewing thank all people who voted in the recent election. Commissioner Hoult attended the Snohomish County Tomorrow presentation on Light Rail North and aid it was excellent. Commissioner Davis gave thanks to Steve Ewing for running a campaign with so much integrity. Commissioner Trout expressed thanks to the City for the wonderful Harvest Festival and hopes it continues. Commissioner Huxford requests the City's mobile app be easier access to the Planning Commission packet on mobile devices.

**Planning Director Report:** Director Wright reported we have a new Assistant Planner Jill Needham.

**Adjourn.** Motion to adjourn by Commissioner Hoult, seconded by Commissioner Trout. Motion carried 6-0-0-1. Meeting adjourned 9:03 pm.

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Janice Huxford, Chair

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Jennie Fenrich, Clerk, Planning & Community Development

**PLANNING COMMISSION REGULAR MEETING MINUTES**  
Lake Stevens Fire Admin Bldg  
1825 S Lake Stevens Rd, Lake Stevens, WA 98258  
Wednesday, November 20, 2019

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

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

MEMBERS ABSENT: None

STAFF PRESENT: Community Development Director Russ Wright, Associate Planner Gassaway and Clerk Jennie Fenrich

OTHERS PRESENT: Councilmember Petershagen

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**Guest business.** None

**Action Items:**

1. Commissioner Hoult made a motion Commissioner Ewing seconded the motion to revisit the minutes at next Commission meeting. Approved 7-0-0-0.

**Discussion items:** Associate Planner Gassaway gave a briefing on a proposed new Infill housing code amendment. She gave a history of the Land Use Advisory Committee and how they collected information to develop the code amendment. The goal of this code is to develop flexible and efficient code to increase diversity in housing stock throughout the City particularly in areas that may be more difficult to develop. The proposed Chapter 14.46 Innovative and Infill language were shared. Chapter 14.46.200 Multi-Family Uses in Waterfront Residential Zones were also highlighted.

**Commissioner Reports:** Commissioner Trout asked for clarification of a Capital Project amount on 123<sup>rd</sup> Ave NE improvement. There is a discrepancy from a July 10, 2019 report and the current Capital Facility report. Director Wright will get clarification and report back to the Commission.

Commissioner Ewing heard from a citizen who would like to know a reasonable time to hear from staff on their inquiry. Director Wright said this is a legal matter and response will be from our legal counsel.

Commissioner Cronin reported the School Board voted to name the high school batting cages after his dad, it will be named "The Bert Cronin Field House".

**Planning Director Report:** Director Wright reported there will be a public hearing on Subdivision requirements at the next Planning Commission meeting on December 4, 2019.

**Adjourn.** Motion to adjourn meeting was made by Commissioner Hoult, seconded by Commissioner Cronin. Motion carried 7-0-0-0. Meeting adjourned 8:27 pm.

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Janice Huxford, Chair

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Jennie Fenrich, Clerk, Planning &  
Community Development

DRAFT



Staff Report  
City of Lake Stevens Planning Commission  
Public Hearing  
Date: **December 4, 2019**

**SUBJECT:** Code Amendment to subdivision regulations (LUA2019-0129)

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

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**SUMMARY:** Code amendment to restructure subdivision regulations.

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

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***Background on Code Amendment Process***

The city initiated this code amendment to restructure subdivision regulations into one cohesive chapter and revise the Planned Residential Development code sections. This code amendment is one of the phases of amendments related to the Land Advisory Committee process.

The Planning Commission was briefed on September 18, 2019 where an earlier version of the draft code was presented.

Code amendments require an environmental determination and a Department of Commerce review. A Determination of Non-Significance (DNS) was issued on September 7, 2019; no comments or appeals were received. The code amendment was sent to the Washington State Department of Commerce for expedited review. Expedited review was granted on September 23, 2019 and no further comments have been received.

If the Planning Commission recommends approval of this code amendment, the amendment will go to City Council in a public hearing on December 17, 2019.

***Major Changes in the Draft Regulations***

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

- Chapter 14.18 currently contains two parts, Subdivisions and Binding Site Plans. The chapter will now include two additional parts, Boundary Line Adjustments and Alternative Subdivisions. Alternative Subdivisions (Part IV) include Planned Residential Developments (PRD), Cluster Subdivisions and Unit Lot Subdivisions. These new parts are already in the LSMC but are scattered throughout.
- Increasing the impervious surface allowance in the Urban Residential zone from 40% to 55%.
- The PRD section is the section undergoing the most change. PRDs are a type of development that allows greater flexibility to the zoning standards in exchange for a higher quality design and more common amenities. Changes to the PRD code include:
  - A density bonus of 20%.
  - A requirement to “tier” development based on density. Lower density residential uses shall be closer to existing public roads and higher density residential uses shall be

- developed more toward the interior of the subject properties.
  - A requirement to have a diverse set of house and townhouse plans/elevations.
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## **FINDINGS AND CONCLUSIONS:**

### **1. Compliance with elements of the Comprehensive Plan**

- Land Use Element Policy 2.3.2 – Preserve and promote the character of existing neighborhoods through thoughtful development regulations and design standards.
- Land Use Element Goal 2.2 – Achieve a well balanced and well-organized combination of residential, commercial, industrial, open space, recreation and public uses.
- Land Use Element Policy 2.3.4 – Maintain development regulations to promote compatibility between uses; retain desired neighborhood character; ensure adequate light, air and open space; protect and improve environmental quality; and manage potential impacts on public facilities and services.
- Housing Element Goal 3.1 – Provide fair and equal access to a range of housing types and choices to meet the existing and project housing needs of all Lake Stevens residents regardless of income level or demographic status.
- Housing Element Policy 3.1.3 – Allow diverse subdivision methods including short subdivisions, formal subdivisions, cluster subdivisions, planned residential developments and units lot subdivisions to create buildable lots throughout the city.

**Conclusions** – The proposed code amendments are consistent with Comprehensive Plan goals as they relate to the subdivision process and regulation.

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

- A DNS was issued on September 7, 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 September 6, 2019.
- The Department of Commerce sent granted approval on September 23, 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 September 7, 2019.
- The city published a notice of public hearing in the Everett Herald on November 20 and November 27, 2019. The notice was also posted at City Hall and on the city's website.
- One public comment has been received to-date. If more 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.

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**RECOMMENDATION:** Forward a recommendation to the City Council to APPROVE the proposed code amendment to reorganize and modify subdivision regulations.

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**ATTACHED:**

- 1) Draft Regulations
- 2) Public Comment, Toyer



Attachment 1

Sections:

Part I. Subdivisions ~~and Boundary Line Adjustments~~

- 14.18.010 Subdivisions**
- 14.18.015 Review of Subdivisions**
- 14.18.020 Limitations on Re-Subdividing Short Plats**
- 14.18.025 Criteria for Preliminary Plat Approval**
- 14.18.030 Application for Final Plat Approval**
- 14.18.035 Approval of Final Plats**
- 14.18.040 Content of the Final Plat**
- 14.18.045 Endorsements on Short and Long Subdivision Plats**
- 14.18.050 Plat Approval Not Acceptance of Dedication Offers**
- 14.18.055 Subdivision Recording Requirements**
- 14.18.060 Alterations of Subdivisions**
- 14.18.065 Vacations of Subdivisions**
- ~~**14.18.070 Boundary Line Adjustments**~~

Part II. Binding Site Plans

- 14.18.105 Purpose and Applicability**
- 14.18.110 Procedure**
- 14.18.115 Additional Application Requirements**
- 14.18.120 Decision Criteria**
- 14.18.125 Subsequent Development Permits**
- 14.18.130 Conditions of Approval**
- 14.18.135 Conditions for Previously Approved Site Plan**
- 14.18.140 Conditions When Concurrently Reviewed**
- 14.18.145 Design Standards - Access Requirements**
- 14.18.150 Road and Right-of-Way Establishment and Right-of-Way Dedication**
- 14.18.155 Phased Development**
- 14.18.160 Acceptance of Site Improvements**
- 14.18.165 Bond or Performance Security**
- 14.18.170 Revisions**
- 14.18.175 Recording with County Auditor**
- 14.18.180 Vacation**

### Part III. Boundary Line Adjustments

#### 14.18.200 Lot Line Adjustments

### Part IV. Alternative Subdivisions

#### 14.18.300 Planned Residential Developments

#### 14.18.310 Cluster Subdivisions

#### 14.18.320 Unit Lot Subdivisions

### Part I. Subdivisions ~~and Boundary Line Adjustments~~

#### **14.18.010 Subdivisions.**

Unless exempted by Chapter [58.17](#) RCW, all subdivision activity is subject to the requirements of this title. No person may subdivide land except in accordance with all of the provisions of this chapter. Short plats consist of subdivisions which result in nine or fewer lots. Subdivisions of 10 or more lots may also be referred to as formal or long plats/subdivisions. (Ord. 811, Sec. 5 (Exh. 4), 2010)

#### **14.18.015 Review of Subdivisions.**

No person may subdivide his land except in accordance with the provisions of this title. Long and short subdivisions are subject to a three-step approval process. The first step is approval of the preliminary plat, the second is approval and construction of the infrastructure necessary to serve the plat, and the third step is for approval of the final plat. Each step requires a separate application and fee as set by Council resolution. (Ord. 811, Sec. 5 (Exh. 4), 2010)

#### **14.18.020 Limitations on Re-Subdividing Short Plats.**

Short plats can be re-subdivided with a subsequent short plat within five years if the total number of lots created between the original and second short plat does not exceed nine. If the number of lots exceeds nine, re-subdivision requires a long plat. (Ord. 811, Sec. 5 (Exh. 4), 2010)

#### **14.18.025 Criteria for Preliminary Plat Approval.**

- (a) A preliminary plat shall follow the procedures for a Type II review for a short plat and Type III review for plats pursuant to Chapter [14.16B](#).
- (b) A preliminary plat shall be approved if it meets the approval criteria in Chapter [58.17](#) RCW and the requirements of this title.

(c) Preliminary plat approvals may contain conditions as deemed necessary to ensure the approval criteria are met. (Ord. 811, Sec. 5 (Exh. 4), 2010)

#### **14.18.030 Application for Final Plat Approval.**

The application for final plat approval shall include:

(a) Completed application form with fee.

(b) ~~Five~~Two draft copies of the following information:

(1) Mathematical lot closures showing error of closures not to exceed 0.005 times the square root of "n," where "n" equals the number of sides and/or curves of a lot.

(2) A certification from a professional land surveyor, licensed in the State of Washington, as to the survey data, layout of streets, alleys and other rights-of-way.

(3) A certification that bridges, sewage, water systems and other structures together with the information provided by the professional land surveyor for the approval signature of a licensed engineer acting on behalf of the City.

(4) A complete survey of the section or sections in which the plat is located, or as much thereof as may be necessary to properly orient the plat within the section or sections. A computer printout showing closures of the section or subdivision breakdown (if any), plat boundary, road centerlines, lots and tracts. The maximum allowable error of closure shall be .02 feet in any such closure.

(5) A title company certification which is not more than 30 calendar days old containing:

(i) A legal description of the total parcel sought to be subdivided; and

(ii) A list of those individuals, corporations, or other entities holding an ownership interest in the parcel; and

(iii) Any easements or restrictions affecting the property with a description, purpose and reference by auditor's file number and/or recording number; and

(iv) Any encumbrances on the property; and

(v) Any delinquent taxes or assessments on the property.

(6) An approved subdivision name reservation form from the Snohomish County Auditor's Office.

(7) If lands are to be dedicated or conveyed to the City as part of the subdivision, an American Land Title Association title policy shall be required.

(8) The Planning Director may require the applicant to submit any other information deemed necessary to make this determination, including, but not limited to, a copy of the tax map showing the land being subdivided and all lots previously subdivided from that tract of land within the previous five years. (Ord. 811, Sec. 5 (Exh. 4), 2010)

#### **14.18.035 Approval of Final Plats.**

(a) Final plats for subdivisions and short subdivisions are approved by the Planning and Public Works Directors. Final plats shall be approved if it is found that the requirements of preliminary plat, including applicable conditions of approval, have been met, and the requirements of Chapter [58.17](#) RCW have been met.

(b) The final plat submitted for recording shall be drawn in waterproof ink on a sheet made of material that will be acceptable to the Snohomish County Auditor's Office for recording purposes, and having dimensions of 18 inches by 24 inches.

(c) When more than one sheet is required to include the entire subdivision, all sheets shall be made of the same size and shall show appropriate match marks on each sheet and appropriate references to other sheets of the subdivision. The scale of the plat shall be at one inch equals not more than 50 feet.

(d) The applicant shall also provide all final plat maps and engineered as-builts in digital form. Files shall be submitted in "\*.dwg" or other AutoCad-compatible format approved by Public Works. (Ord. 1023, Sec. 2 (Exh. A), 2018; Ord. 811, Sec. 5 (Exh. 4), 2010)

#### **14.18.040 Content of the Final Plat.**

The final plat shall contain the following information:

(a) The name of the subdivision, which name shall not duplicate the name of any existing subdivision as recorded in the Snohomish County Registry.

(b) The name and signatures of the subdivision owner or owners.

(c) The location by quarter section/section/township/range and/or by other legal description, the county, and state where the subdivision is located.

(d) The name, registration number, and seal of the professional land surveyor responsible for preparation of the plat, and a certification on the plat by said surveyor to the effect that (1) it is a true and

correct representation of the land actually surveyed by him/under his supervision; (2) that the exterior plat boundary, and all interior lot corners have been set on the applicant's property by him/under his supervision using appropriate permanent materials, with a field traverse with a linear closure of one to 10,000 and corresponding angular closure as specified in WAC [173-303-610](#); and (3) that all street centerline monuments (points of intersection, points of curve, points of tangency, etc.) within the plat and all intersections with existing street centerlines have been monumented with concrete monuments in case or other permanent material approved by the City.

(e) The scale according to which the plat is drawn in feet per inch or scale ratio in words or figures and bar graph. The drawing shall be of legible scale, and shall include the north arrow and basis of bearings. Unless otherwise approved by the Planning Director, the scale of the final plat will be at one inch equals 50 feet in order that all distances, bearings and other data can be clearly shown.

(f) A boundary survey prepared by a Professional Land Surveyor, licensed in the State of Washington, shall be shown on the proposed plat and shall reference the plat to the Washington Coordinate System, North Zone (North American Datum, 1983) with a physical description of such corners. When the necessary G.P.S. points exist within one-half mile of the subject property, they shall be located on the plat and used as primary reference datums.

(g) The boundary lines of the plat, based on an accurate traverse, with angular and linear dimensions.

(h) The exact location, width, number or name of all rights-of-way and easements within and adjoining the plat and a clear statement as to whether each is to be dedicated or held in private ownership.

(i) The true courses and distances to the nearest established right-of-way lines or official monuments which will accurately locate the plat.

(j) Curved boundaries and centerlines shall be defined by giving radii, internal angles, points of curvature, tangent bearings and lengths of all arcs.

(k) All lot and block numbers and lines, with accurate dimensions in feet and hundredths of feet, and bearings to one second of arc. Blocks in numbered additions to subdivisions bearing the same name must be numbered consecutively through the several additions.

(l) Accurate locations of all monuments at such locations as required by the City Engineer.

(m) All plat meander lines or reference lines along bodies of water which shall be established above, but not farther than 20 feet from the high waterline of the water or within a reasonable distance, to ensure reestablishment.

- (n) Accurate outlines and dimensions of any areas to be dedicated or reserved for public use, with purposes indicated thereon and in the dedication; and/or any area to be reserved by deed covenant for common uses of all property owners.
- (o) A full and correct legal description of the property.
- (p) All permanent restrictions and conditions on the lots or tracts or other areas in the plat required by the City.
- (q) Any additional pertinent information required at the discretion of the Public Works Director or Planning and Community Development Director.
- (r) An endorsement to be signed, prior to recordation, by the proper officer in charge of tax collections, certifying that all taxes and delinquent assessments have been paid, satisfied, or discharged.
- (s) The following declaration: "All conditions of the preliminary ~~short~~ plat, embodied within the Form of Decision [recorded in Book \_\_\_\_, Page \_\_\_\_ of the Snohomish County Registry/which is attached hereto as Exhibit \_\_\_\_], shall remain conditions of construction of the public improvements." (Ord. 811, Sec. 5 (Exh. 4), 2010)

#### **14.18.045 Endorsements on Short and Long Subdivision Plats.\***

All subdivision plats shall contain the following endorsements, specific language of which is to be made available by the Planning Director: certificate of subdivision approval, certificate of approval of public improvements, certificate of ownership and dedication, certificate of survey and accuracy, certificate of City Treasurer, Planning and Public Works Directors Approvals, Snohomish County treasurer's certificate, and recording certificate. (Ord. 903, Sec. 22, 2013; Ord. 811, Sec. 5 (Exh. 4), 2010)

\* Code reviser's note: This section has been updated to correspond to changes made by Ordinance 1023 and the intent of the city council in passing Ordinance 1023.

#### **14.18.050 Plat Approval Not Acceptance of Dedication Offers.**

Preliminary approval of a plat does not constitute acceptance by the City of the offer of dedication of any streets, sidewalks, parks, or other public facilities shown on a plat. Offers of dedication will be officially accepted with approval of the final plat. (Ord. 811, Sec. 5 (Exh. 4), 2010)

#### **14.18.055 Subdivision Recording Requirements.**

When the City approves a final subdivision or final short subdivision, the applicant shall record the original signed final plat or final short plat with the Snohomish County Auditor. The applicant will also furnish the

City with one reproducible copy of the recorded documents, and the Snohomish County Assessor shall be furnished one paper copy. (Ord. 811, Sec. 5 (Exh. 4), 2010)

**14.18.060 Alterations of Subdivisions.**

- (a) If an applicant wishes to alter a subdivision or short subdivision or any portion thereof, except as provided in Section [14.18.065](#), that person shall submit an application to the Department of Planning and Community Services requesting the alteration. The application shall contain the signatures of all persons having an ownership interest in lots, tracts, parcels, sites or divisions within the subdivision or short subdivision or in that portion to be altered.
- (b) The Planning Director shall have the authority to determine whether the proposed alteration constitutes a minor or major alteration. Major alterations are those which substantially change the basic design, density, open space, or other similar requirements or provisions.
- (c) If the subdivision or short subdivision is subject to restrictive covenants, which were filed at the time of the approval, and the application for alteration would result in the violation of a covenant, the application shall contain an agreement signed by all parties subject to the covenants providing that the parties agree to terminate or alter the relevant covenants to accomplish the purpose of the alteration of the subdivision or short subdivision or any portion thereof.
- (d) If the alteration is requested prior to final plat or final short plat review and signature, a minor alteration may be approved with consent of the Planning Director. A long plat or short plat major alteration shall require consent of the Planning Director as a Type II review for short subdivisions after public notice or the ~~City Council~~Hearing Examiner as a Type ~~VIII~~ review for subdivisions after public notice and a public hearing is held. Notice shall be provided of the application for a long plat or short plat alteration to all owners of property within the subdivision or short subdivision, all parties of record, and as was required by the original subdivision or short subdivision application. The Planning Director shall have the authority to determine whether the proposed alteration constitutes a minor or major alteration pursuant to subsection (b) of this section.
- (e) If the alteration is requested after final plat or final short plat review and signature, but prior to filing the final plat or final short plat with Snohomish County, a plat or short plat alteration may be approved with consent of the Planning Director for short subdivisions as a Type II review or the City Council for subdivisions as a Type V review. Upon receipt of an application for alteration, notice shall be provided of the application to all owners of property within the subdivision or short subdivision, all parties of record, and as was required by the original application. The notice shall establish a date for a public hearing.

(f) If the alteration is requested after filing the final plat or final short plat with Snohomish County, a minor plat ~~or short plat~~ alteration may be approved with consent of the Planning Director ~~in the case of short subdivisions~~ as a Type II review ~~or the City Council for subdivisions as a Type V review~~. If the Planning Director determines that the proposed alteration is a major alteration, pursuant to subsection (b) of this section, then the Planning Director may require replatting pursuant to this chapter. Upon receipt of an application for alteration, notice shall be provided of the application to all owners of property within the subdivision or short subdivision, all parties of record, and as was required by the subdivision or short subdivision plat application. The notice shall establish a date for a public hearing.

(g) The City shall determine the public use and interest in the proposed alteration and may deny or approve the application for alteration. If any land within the alteration is part of an assessment district, any outstanding assessments shall be equitably divided and levied against the remaining lots, parcels, or tracts, or be levied equitably on the lots resulting from the alteration. If any land within the alteration contains a dedication to the general use of persons residing within the subdivision, such land may be altered and divided equitably between adjacent properties.

(h) After approval of the alteration, the City shall order the applicant to produce a revised drawing of the approved alteration of the subdivision or short subdivision, and after signature the final plat or final short plat shall be filed with Snohomish County to become the lawful plat or short plat of the property.

(i) This section shall not be construed as applying to the alteration or replatting of any plat or short plat of State-granted shore lands. (Ord. 811, Sec. 5 (Exh. 4), 2010)

#### **14.18.065 Vacations of Subdivisions.**

(a) Whenever an applicant wishes to vacate a subdivision or short subdivision or any portion thereof, that person shall file an application for vacation with The Department of Planning and Community Services. The application shall set forth the reasons for vacation and shall contain signatures of all parties having an ownership interest in that portion of the subdivision subject to vacation.

(b) If the development is subject to restrictive covenants which were filed at the time of the approval, and the application for vacation would result in a violation of a covenant, the application shall contain an agreement signed by all parties subject to the covenants providing that the parties agree to terminate or alter the relevant covenants to accomplish the purpose of the vacation of the subdivision or short subdivision or portion thereof.

(c) When the vacation application is specifically for a City street or road, the procedures for right-of-way vacation in Section [14.16C.095](#) shall be followed for the street or road vacation. When the application is



for the vacation of the plat or short plat together with the streets or roads, the procedure for vacation in this section shall be used, but vacations of streets may not be made that are prohibited under State law.

(d) Notice shall be given to all owners of property within the subdivision or short subdivision, to all property owners within 300 feet of short subdivision and subdivision boundaries, and to all applicable agencies. The Planning Director shall conduct a public meeting in the case of short subdivisions, and the City Council shall conduct a public hearing on the application for a vacation. The application for vacation of a subdivision or short subdivision may be approved or denied after the City has determined the public use and interest to be served by the vacation. If any portion of the land contained in the proposed vacation was dedicated to the public for public use or benefit, such land, if not deeded to the City, shall be deeded to the City unless the City Council sets forth findings that the public use would not be served in retaining title to those lands.

(e) Title to the vacated property shall vest with the rightful owner as shown in Snohomish County records. If the vacated land is land that was dedicated to the public, for public use other than a road or street, and the City Council has found that retaining title to the land is not in the public interest, title thereto shall vest with the person or persons owning the property on each side thereof, as determined by the City Council. When a road or street that is to be vacated was contained wholly within the subdivision or short subdivision and is part of the boundary of the subdivision or short subdivision, title to the vacated road or street shall vest with the owner or owners of property contained within the vacated subdivision.

(f) This section shall not be construed as applying to the vacation of any plat or short plat of State-granted shore lands. (Ord. 811, Sec. 5 (Exh. 4), 2010)

#### **~~14.18.070 Boundary Line Adjustments.~~**

~~(a) Minor lot line adjustments are exempt from the subdivision regulations. Minor lot line adjustments to existing legal lots are permitted when no new lots are created through the process and the adjusted lots either meet all requirements of this title and other City regulations. In the case of existing legal nonconforming lots, the adjustment shall not create a new or greater nonconformity with respect to any City regulations.~~

~~(b) Application for a boundary line adjustment (BLA) is made by submitting to the Planning Director a land use development application, with a survey of the subject property showing existing and proposed lot lines, before and after legal descriptions, owner's certificate, surveyor's certificate, and Planning Director's approval certificate.~~

~~(c) To finalize an approved boundary line adjustment, it shall be recorded with the Snohomish County auditor's office no later than one year after final approval has been issued by the Planning Director or the application and approval shall lapse and a new application must be submitted.~~

~~(d) Recording fees and applicable state fees shall be paid by the applicant. Immediately after recording, copies of the recorded BLA documents shall be provided to the City. The BLA shall not take effect until recorded with the Snohomish County auditor and copies returned to the City.~~

~~(e) The department may grant up to a one year extension of a BLA for good cause, if a written request for extension, including a description of reason for request, is submitted to the Planning Director at least two weeks before approval lapses.~~

~~(f) If the BLA affects more than one property owner, a conveyance document(s) shall be recorded at the same time as the BLA documents. The conveyance document(s) shall establish ownership consistent with the approved, adjusted boundaries.~~

~~(g) When a BLA is recorded subsequent to a record of survey for the same property, the recording number of the record of survey shall be noted on the BLA map. (Ord. 903, Sec. 23, 2013; Ord. 811, Sec. 5 (Exh. 4), 2010)~~

## Part II. Binding Site Plans

### 14.18.105 Purpose and Applicability.

(a) The purpose of this chapter is to provide an alternative method for the division of land as authorized by RCW [58.17.035](#) and [58.17.040](#)(4), (5), and (7). A binding site plan ensures through covenants, conditions, restrictions, easements, and other requirements binding upon all lot owners that the collective lots continue to function as one site concerning but not limited to public roads, improvements, open spaces, drainage, and other elements specified in this chapter.

(b) The provisions of this part shall apply to:

- (1) The division of commercial or industrial zoned land for sale or lease when used for commercial or industrial purposes, or the division of land for lease when used as a mobile home park;
- (2) The division of land resulting from subjecting a portion of a parcel or tract to the Horizontal Property Regimes Act, Chapter [64.32](#) RCW, or the Condominium Act, Chapter [64.34](#) RCW; and
- (3) The division of land for the creation of special purpose tracts.

(c) The provisions of this part do not apply to:

- (1) Divisions of commercial or industrially zoned property for lease during exhibitions or other special events of a temporary, short-term nature, not to exceed six months' duration;
- (2) Boundary line adjustments;
- (3) Housing cooperatives; and
- (4) Divisions for commercial or industrial zoned land when such lands are being used only for single-family or multifamily residential purposes, or are proposed for such residential purposes, except when the division is proposed pursuant to subsection (b)(2) of this section. (Ord. 811, Sec. 5 (Exh. 4), 2010)

**14.18.110 Procedure.**

The department will process a binding site plan according to the procedures for a Type II administrative decision. Application requirements are established and implemented per Section [14.16A.220](#). A binding site plan application will be processed concurrently with any other application for development of the same site, unless the applicant requests otherwise. (Ord. 811, Sec. 5 (Exh. 4), 2010)

**14.18.115 Additional Application Requirements.**

The submittal requirements for binding site plan applications are set forth in an application checklist provided by the Department pursuant to Section [14.16A.220](#). All binding site plan applications must include one of the following site plan representations, which show the proposed and existing location of all roads, improvements, open space, and any other element specified by this title:

- (a) A previously approved site plan;
- (b) A revision to a previously approved site plan; or
- (c) A new site plan for proposed development. (Ord. 811, Sec. 5 (Exh. 4), 2010)

**14.18.120 Decision Criteria.**

In order to approve a binding site plan, the Department must find that the newly created lots function and operate as one site and that the binding site plan and record of survey comply and are consistent with the following provisions as well as any other applicable regulations as determined by the Department:

- (a) Requirements of this part;
- (b) Requirements for noise control, Chapter [9.56](#);

- (c) Requirements for public or private roads, right-of-way establishment and permits, access, and other applicable road and traffic requirements;
- (d) Compliance with fire lane, emergency access, fire-rated construction, hydrants and fire flow, and other requirements of Chapter [14.84](#);
- (e) Compliance with applicable construction code requirements, Chapter [14.80](#);
- (f) Compliance with applicable use and development standard requirements of this title;
- (g) Compliance with applicable shoreline management code requirements of the Shoreline Master Program, Chapter [14.92](#) and/or flood hazard area requirements of Chapter [14.64](#);
- (h) Compliance with environmental policies and procedures and critical areas regulations of Title [16](#) and Chapter [14.88](#);
- (i) Compliance with applicable drainage requirements of Chapter [14.64](#);
- (j) Compliance with applicable impact fee requirements;
- (k) Provisions for adequate sewer service, water supply and refuse disposal; and
- (l) Any other applicable provision of this title. (Ord. 898, Sec. 4, 2013; Ord. 855, Sec. 19, 2011; Ord. 811, Sec. 5 (Exh. 4), 2010)

#### **14.18.125 Subsequent Development Permits.**

Subsequent site development permits for the land are subject to compliance with the zoning, building, and other applicable land use codes and regulations existing at the time of development permit review, unless addressed as part of the binding site plan review and expressly depicted on the binding site plan. (Ord. 811, Sec. 5 (Exh. 4), 2010)

#### **14.18.130 Conditions of Approval.**

(a) The Department is authorized to impose conditions and limitations on the binding site plan. By this authority, and if the Department determines that any delay in satisfying requirements will not adversely impact the public health, safety, or welfare, the Department may allow requirements to be satisfied prior to issuing the first building permit for the site, or prior to issuing the first building permit for any phase, or prior to issuing a specific building's certificate of occupancy, or in accordance with an approved phasing plan.

(b) The binding site plan shall contain a provision requiring that any development of the site shall be in conformity with the approved binding site plan.

(c) The Department may authorize sharing of open space, parking, access, and other improvements among properties subject to the binding site plan. Conditions and restrictions on development, use, maintenance, shared open space, parking, access, and other improvements shall be identified on the binding site plan and enforced by covenants, conditions, restrictions, easements, or other legal mechanisms.

(d) All provisions, conditions, and requirements of the binding site plan shall be legally enforceable on the owner, purchaser, and any other person acquiring a possessory ownership, security, or other interest in any property subject to the binding site plan.

(e) After approval of a binding site plan for land zoned and used for commercial or industrial purposes, or for land zoned and used for mobile home parks, the applicant shall record the approved binding site plan with a record of survey (except for the provision of RCW [58.09.090](#)(1)(d)(iv)) as one recording document complying with the requirements of this section.

(f) After approval of a binding site plan for land, all or a portion of which will be subjected to the provisions of Chapter [64.32](#) or [64.34](#) RCW, the applicant shall record the approved binding site plan with a record of survey (except for the provisions of RCW [58.09.090](#)(1)(d)(iv)) as one recording document complying with the requirements of this section. Following recordation of the binding site plan with record of survey, the applicant shall independently complete improvements shown on the approved binding site plan and file a declaration of condominium, and survey map and plans as required by Chapter [64.32](#) or [64.34](#) RCW.

(g) Under subsection (e) or (f) of this section, when a record of survey is not required pursuant to RCW [58.09.090](#)(1)(d)(iv), the applicable record of survey data, consistent with the application requirements as adopted by the department pursuant to Section [14.16A.220](#), shall be shown on the binding site plan to be recorded. (Ord. 811, Sec. 5 (Exh. 4), 2010)

#### **14.18.135 Conditions for Previously Approved Site Plan.**

If a previously approved site plan is submitted for binding site plan approval, the conditions and limitations imposed by the department may, where appropriate, include any conditions and limitations contained in the previously approved site plan. (Ord. 811, Sec. 5 (Exh. 4), 2010)

#### **14.18.140 Conditions When Concurrently Reviewed.**

When a binding site plan is being considered concurrently with another land development application, the department will incorporate all conditions and limitations imposed on the concurrent application into the binding site plan. (Ord. 811, Sec. 5 (Exh. 4), 2010)

**14.18.145 Design Standards - Access Requirements.**

Access requirements and road standards to and within lots of the binding site plan shall be provided in accordance with Chapters [14.56](#) and [14.72](#) and the EDDS. New public road(s) shall be provided for lot access where determined by the Public Works Director to be reasonably necessary as a result of the proposed development or to make appropriate provisions for public roads. The applicant may also propose establishment of public road(s). (Ord. 811, Sec. 5 (Exh. 4), 2010)

**14.18.150 Road and Right-of-Way Establishment and Right-of-Way Dedication.**

(a) Where road and/or right-of-way establishment is required for a binding site plan application or proposed by the applicant, establishment shall be in accordance with Chapter [14.56](#) and shall occur prior to recording the binding site plan with record of survey. The establishment shall be effective upon recording of the binding site plan with record of survey.

(b) Where dedication of new right-of-way is required for binding site plan approval, the dedication shall be made in accordance with Chapter [14.56](#), prior to or at the time of recording the binding site plan with record of survey. The dedication shall be effective upon recording of the binding site plan with record of survey.

(c) Road and right-of-way establishment and right-of-way dedications stated as approval conditions for a previously approved site plan requiring implementation prior to issuance of any subsequent building or development permit shall be implemented at the time of binding site plan with record of survey recording.

(d) Where right-of-way is established by recording a binding site plan with record of survey but not required or built upon at the time of site development, a revised binding site plan with record of survey may be prepared, approved, and recorded showing the elimination of the right-of-way.

(e) This section shall not apply where the establishment or dedication has already been approved or is being considered for approval with another concurrent land development application that includes a site plan approval. (Ord. 811, Sec. 5 (Exh. 4), 2010)

**14.18.155 Phased Development.**

(a) An applicant who chooses to develop a site in phases or divisions shall submit to the department a phasing plan consisting of a written schedule and a drawing illustrating the plan for concurrent review with the application for a binding site plan.

(b) Site improvements designed to relate to, benefit, or be used by the entire development (such as stormwater detention ponds or tennis courts in a residential development) shall be noted on the phasing plan. The phasing plan shall relate completion of such improvements to completion of one or more phases or stages of the entire development.

(c) Once a phasing plan has been approved, the information contained therein shall be shown on, or the phasing plan attached to and made a part of, the binding site plan.

(d) Approval of a phasing plan does not constitute approval of the binding site plan. No land may be used, no buildings may be occupied, and no lots may be sold except in accordance with the approved binding site plan. (Ord. 811, Sec. 5 (Exh. 4), 2010)

#### **14.18.160 Acceptance of Site Improvements.**

All public and private site improvements must be completed and accepted by the City or subjected to a performance security approved by the department prior to issuing the first building permit for the site, prior to issuing the first building permit for any phase, or prior to issuing a specific building's certificate of occupancy. Alternatively, the Department may condition the completion of such improvements pursuant to an approved phasing plan. (Ord. 811, Sec. 5 (Exh. 4), 2010)

#### **14.18.165 Bond or Performance Security.**

(a) Prior to issuing the first building permit for a site development, prior to issuing the first building permit for each phase, or prior to issuing a specific building's certificate of occupancy, the Director may require performance security or security to be provided in a form and amount deemed necessary to assure that all work or actions required by this title are satisfactorily completed in accordance with the approved binding site plan and to assure that all work or actions not satisfactorily completed will be corrected to comply with the approved binding site plan to eliminate hazardous conditions, to restore environmental damage or degradation, and to protect the health, safety, and general welfare of the public bonding in accordance with Section [14.16A.180](#), Security Mechanisms.

(b) The bond or other security device must be conditioned on:

- (1) The work or requirements being completed in accordance with the binding site plan;
  - (2) The site being left in a safe condition; and
  - (3) The site and adjacent or surrounding areas being restored in the event of damages or other environmental degradation from development activities conducted pursuant to the binding site plan.
- (Ord. 811, Sec. 5 (Exh. 4), 2010)

#### **14.18.170 Revisions.**

- (a) The applicant may revise a binding site plan application or may request that the department revise conditions of binding site plan approval. The department will consider revisions upon an applicant's request, payment of any fees, and submittal of materials required by the department.
- (b) If a revision to a previously recorded binding site plan or record of survey is approved, the applicant must record the revised binding site plan or record of survey.
- (c) Any request for a revision to an approved plan shall be reviewed pursuant to Section [14.16A.235](#). (Ord. 811, Sec. 5 (Exh. 4), 2010)

#### **14.18.175 Recording with County Auditor.**

- (a) To finalize an approved binding site plan, it shall be recorded with the Snohomish County auditor's office no later than one year after final approval has been issued by the Planning Director or the application and approval shall lapse and a new application must be submitted.
- (b) Immediately after recording, copies of the recorded binding site plan documents shall be provided to the City. The ~~BLA-binding site plan~~ shall not take effect until recorded with the Snohomish County auditor and copies returned to the City. (Ord. 903, Sec. 24, 2013; Ord. 811, Sec. 5 (Exh. 4), 2010)

#### **14.18.180 Vacation.**

The department is authorized to approve vacation of a binding site plan pursuant to Section [14.16A.240](#) upon the request of all owners of the subject property. If determined appropriate by the department, the Planning Director shall require that all parties having an interest in property subject to the binding site plan consent to vacation and that all legal instruments effecting the division of property into lots be rescinded. (Ord. 811, Sec. 5 (Exh. 4), 2010)

### Part III. Boundary Line Adjustments **[SECTION MOVED FROM 14.18.070]**

#### **14.18.070~~200~~ Boundary Line Adjustments.**

- (a) Minor lot line adjustments and lot consolidations are exempt from the subdivision regulations. Minor lot line adjustments to existing legal lots and lot consolidations are permitted when no new lots are created through the process and the adjusted lots either meet all requirements of this title and other City regulations. In the case of existing legal nonconforming lots, the adjustment shall not create a new or greater nonconformity with respect to any City regulations.



(b) Application for a boundary line adjustment (BLA) is made by submitting to the Planning Director a land use development application, with a survey of the subject property showing existing and proposed lot lines, before and after legal descriptions, owner's certificate, surveyor's certificate, and Planning Director's approval certificate.

(c) To finalize an approved boundary line adjustment, it shall be recorded with the Snohomish County auditor's office no later than one year after final approval has been issued by the Planning Director or the application and approval shall lapse and a new application must be submitted.

(d) Recording fees and applicable state fees shall be paid by the applicant. Immediately after recording, copies of the recorded BLA documents shall be provided to the City. The BLA shall not take effect until recorded with the Snohomish County auditor and copies returned to the City.

(e) The department may grant up to a one-year extension of a BLA for good cause, if a written request for extension, including a description of reason for request, is submitted to the Planning Director at least two weeks before approval lapses.

(f) If the BLA affects more than one property owner, a conveyance document(s) shall be recorded at the same time as the BLA documents. The conveyance document(s) shall establish ownership consistent with the approved, adjusted boundaries.

(g) When a BLA is recorded subsequent to a record of survey for the same property, the recording number of the record of survey shall be noted on the BLA map. (Ord. 903, Sec. 23, 2013; Ord. 811, Sec. 5 (Exh. 4), 2010)

#### Part IV. Alternative Subdivisions

##### 14.44.02018.300 Planned Residential Developments. [SECTION MOVED FROM 14.44.020]

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

(a) The PRD ~~must may only~~ be located on ~~tracts of at least five acres within a Suburban Residential, Urban Residential, High Urban Residential, or Multi-Family Residential~~ sites containing at least three acres within a single family zoning district.

(b) The ~~gross~~ density of a PRD shall not exceed one hundred and twenty percent of the allowable density specified in Section 14.48.010.

(c) Permissible types of residential uses within a PRD include single-family detached dwellings ~~(use classification 1.111)~~, single-family attached townhomes (1.130), two-family residences ~~(1.200)~~, and multifamily residences ~~(1.300)~~ regardless of the underlying zone.

~~(d) In the SR and UR zones the developer may create lots and construct buildings with reduced lot size, width, or setback restrictions, except that:~~

~~(1) In the SR zone, perimeter lots must have a minimum area of 7,500 square feet and width of 60 feet, and in the UR zone, perimeter lots must have a minimum area of 6,000 square feet and width of 45 feet.~~

~~(2) At least 50 percent of the total number of dwelling units must be single family detached residences on lots of at least 6,000 square feet in all zones except for the Multi-Family Residential.~~

~~(3) Comply with the fire protection requirements of the International Building Code (IBC) and the International Fire Code (IFC). Additional fire protection is required by these rules when setbacks are reduced below the standard five feet.~~

~~(4) Setback requirements of the underlying zone shall apply for all property lines located on the perimeter of the PRD.~~

~~(5) Each lot must be of a size and shape to contain the proposed improvements.~~

~~(6) The lots are designed so that homes can be constructed at least 15 feet from any environmentally critical area buffer.~~

~~(7) In providing additional amenity pursuant to subsection (h) of this section, priority shall be given to maintaining native areas in a natural condition.~~

~~(8) Homes shall be designed so as to minimize the visual impact of garages and automobiles from the streets and sidewalks through either:~~

~~(i) Providing alleys which provide access to the garage at the rear of the lot; or~~

~~(ii) Locate the garage at least 20 feet behind the front of the house; or~~

~~(iii) Locate the garage at least five feet behind the front of the house, with the combined width of garage doors no wider than 18 feet or 50 percent of the width of the front of the house (including garage), whichever is less.~~

(d) Alternative development standards may be used through the PRD process, including reduced lot size, width, or setback restrictions for a portion of the lots, subject to the following:

(1) At least 60 percent of the total number of dwelling units must be single-family detached residences comprised of a minimum of two graduated densities (i.e., distinct lot patterns representing two different zoning districts).

i. The first graduated density of SFR lots must be a minimum of 50 percent of the total PRD dwelling units and achieve at least 80 percent of the underlying zoning district's lot size and lot width standards.

ii. The second graduated density of SFR lots must be designed to achieve the minimum dimensional requirements of the next smaller zoning district's lot size and lot width standards.

iii. Multifamily portions of a PRD may not exceed 25 percent of the total PRD dwelling units and shall have lot widths at least 20-feet wide.

(2) Setback requirements of the underlying zone shall apply within the PRD for each tier or land use used.

(e) The design of a PRD, including site layout, landscaping, public facilities (e.g., storm drainage, parks, streets, etc.) and building design shall be subject to design review and shall meet the City's adopted Design Guidelines, in addition to the following:-

(1) Primary building entrances shall be located on the front facades of residences and shall be clearly identifiable and visible from the street.

(2) Facades shall emphasize the pedestrian entrance to the house by using distinct architectural features, varied materials, windows, and/or varied rooflines.

(3) All homes shall include offsets forward from the garage that define the living area or entry of the home or include other elements including but not limited to using windows, contrasting colors, materials or other architectural features to soften the appearance of garages.

(4) A Type A landscape screen shall be required on the perimeter of the PRD, but are not required between uses within the PRD.

(5) Ensure that the primary frontage of new development includes inviting and appropriate landscaping from the public way that compliments the structure.

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

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

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

~~interpretive sign. Park space will be given credit towards meeting this requirement only when it meets the criteria for dedication contained in Chapter 14.120.~~

(h) The PRD must include and improve 10 percent of the site (excluding critical areas) with common amenities including but not limited to:

(1) Usable open space area for parks and recreation including but not limited to play areas, sport courts, trails, gazebos, covered shelters, picnic tables and benches;

(2) Landscaped entries into the project;

(3) Protection of significant trees. A minimum of 15% of the site's significant trees, outside of critical areas, shall be retained (rounding to the nearest whole tree). The retained trees shall only include healthy trees that have a high likelihood of withstanding wind-throw.

~~(i) Protected critical areas and significant stands of trees will be used as an amenity to the project through such techniques as providing pervious trails and benches in buffers and significant stands of trees, orienting buildings to create views, and any other technique to provide visual and physical access.~~

#### 14.48.07018.310 Cluster Subdivisions **[SECTION MOVED FROM 14.48.070]**

(a) In any single-family residential zoning district e with a minimum lot size of 6,000 square feet or more~~single-family residential subdivision or short subdivision of six lots or more~~, a developer may create lots that are smaller than those required by Section [14.48.010](#) if such developer complies with the provisions of this section ~~and if the lots so created are not smaller than the minimums set forth in Table 14.48-1.~~

(b) The subdivision must result in ~~be~~ six lots or more.

(c) The intent of this section is to authorize ~~the developer to~~ decrease in lot sizes and leave the land "saved" by so doing as usable open space, thereby lowering development costs and increasing the amenity of the project without increasing the density beyond what would be permissible if the land were subdivided into the size of lots required by Section [14.48.010](#).

(1) Lot sizes and lot widths may be reduced by up to 20% of the dimensional standards for the underlying zone as specified in Section 14.48.010.

~~(d)~~ The amount of usable open space that must be set aside shall be determined by:

(1) Subtracting from the standard square footage requirement set forth in Section [14.48.010](#) the amount of square footage of each lot that is smaller than that standard;

(2) Adding together the results obtained in subsection (c)(1) of this section for each lot.

(~~ee~~) The provisions of this section may only be used if the usable open space set aside in a subdivision comprises at least 10,000 square feet of space that satisfies the definition of usable open space.

(~~ef~~) The setback requirements of Sections [14.48.040](#) and [14.48.050](#) shall apply in cluster subdivisions. (Ord. 903, Sec. 40, 2013; Ord. 501, Sec. 10, 1995; Ord. 468, 1995)

14.18.320 Unit Lot Subdivisions **[SECTION MOVED FROM 14.46.030]**

(a) ~~The primary purpose of these provisions is to allow for the creation of fee simple unit lots for townhouse dwellings and duplexes, while applying only those site development standards applicable to the parent site as a whole. The provisions of this section apply exclusively to the unit lot subdivision of land for innovative housing developments pursuant to this chapter in zones where such uses are permitted.~~

(b) ~~Innovative housing developments may be subdivided into individual unit lots.~~ The development as a whole shall meet development standards applicable at the time the permit application is vested. As a result of the subdivision, development on individual unit lots may be nonconforming as to some or all of the development standards of this title based on analysis of the individual unit lot, except that any private open space for each dwelling unit shall be provided on the same lot as the dwelling unit it serves.

(c) Unit lot subdivisions and subsequent platting actions, additions or modifications to the structure(s) may not create or increase any nonconformity of the parent lot.

(d) Private access drives are allowed to provide access to dwellings and off-street parking areas within a unit lot subdivision. Access, joint use and maintenance agreements shall be executed for use of common garage or parking areas, common open area and other similar features, as recorded with Snohomish County.

(e) Within the parent lot, required parking for a dwelling unit may be provided on a different unit lot than the lot with the dwelling unit, as long as the right to use that parking is formalized by an easement on the plat, as recorded with Snohomish County.

(f) The facts that the unit lot is not a separate buildable lot and that additional development of the individual unit lots may be limited as a result of the application of development standards to the parent lot shall be noted on the plat, as recorded with Snohomish County. (Ord. 798, Sec. 7 (Exh. 2), 2009)

## Chapter 14.48 LSMC DENSITY AND DIMENSIONAL REGULATIONS

Table 14.48-I: Density and Dimensional Standards

Zone	Minimum Lot Size		Minimum Residential Densities (Minimum Square Feet per Dwelling Unit)	Minimum Lot Width (ft.)	Building Setback Requirements Minimum Distance, in feet, from: <sup>4</sup>								Height Limitation (ft.)
	Standard Subdivision	Cluster Subdivision			Nonarterial Street Right-of-Way Line		Nonarterial Street Centerline <sup>1</sup>		Ultimate Arterial Street Right-of-Way Line		Lot Line, Tract or Easement <sup>3</sup>		
					Building	Freestanding Sign	Building	Freestanding Sign	Building	Freestanding Sign	Building and Freestanding Sign		
Waterfront Residential	9,600 ft <sup>2</sup>	7,500 ft <sup>2</sup>	9,600 ft <sup>2</sup>	50	25	12.5	55	42.5	25	12.5	5	35	
Suburban Residential <sup>2</sup>	5 acres/ 9,600 ft <sup>2</sup>	5 acres/ 7,500 ft <sup>2</sup>	5 acres/ 9,600 ft <sup>2</sup>	80	25	12.5	55	42.5	25	12.5	5	35	
Urban Residential <sup>2</sup>	5 acres/ 7,500 ft <sup>2</sup>	6,000 ft <sup>2</sup>	7,500 ft <sup>2</sup>	60	20	10	50	40	20	10	5	35	
High Urban Residential	3,600 ft <sup>2</sup>	N/A	3,600 ft <sup>2</sup>	40	15	5	45	35	20	5	5	35	
Multi-Family Residential	3,000 ft <sup>2</sup>	N/A	0 ft <sup>2</sup>	50	0	0	30	30	10	0	0	60	
Neighborhood Commercial	3,000 ft <sup>2</sup>	N/A	0 ft <sup>2</sup>	0	0	0	30	30	0	0	0	35	
Mixed Use	3,000 ft <sup>2</sup>	N/A	0 ft <sup>2</sup>	0	0	0	30	30 ft <sup>2</sup>	0	0	0	60	
Local Business	3,000 ft <sup>2</sup>	N/A	0 ft <sup>2</sup>	0	0	0	30	30	0	0	0	60	
Central Business District	3,000 ft <sup>2</sup>	N/A	0 ft <sup>2</sup>	0	0	0	30	30	0	0	0	60	
Planned Business District	0 ft <sup>2</sup>	N/A	0 ft <sup>2</sup>	0	0	0	30	30	0	0	0	40	
Sub-Regional Commercial	0 ft <sup>2</sup>	N/A	0 ft <sup>2</sup>	10	0	0	30	30	0	0	0	85	
Light Industrial	0 ft <sup>2</sup>	N/A	N/A	10	0	0	30	30	0	0	0	85	
General Industrial	0 ft <sup>2</sup>	N/A	N/A	10	0	0	30	30	0	0	0	85	
Public/Semi-Public	0 ft <sup>2</sup>	N/A	N/A	0	0	0	0	0	0	0	0	60	

### 14.48.055 Maximum Impervious Surface.

Unless otherwise provided for elsewhere in Title 14 or the Shoreline Master Program, the maximum impervious surface shall not exceed 40 percent of a lot for development in single-family zoning districts, except that the impervious surface areas for development in the Urban Residential (UR) zone shall not exceed 55% and the High Urban Residential (HUR) zoning district shall not exceed 65 percent of the lot.



TOYER STRATEGIC  
CONSULTING

## Attachment 2

November 22, 2019

Planning Commission  
City of Lake Stevens  
1812 Main Street  
Lake Stevens, WA 98258

### Code Amendment Timing | Suggested Amendments to Consider

Dear Council Members:

We respectfully request the Staff and Planning Commissioners consider an additional amendment within the first batch of code revisions that will be before the Commission for public hearing on December 4<sup>th</sup> (the "subdivision ordinance"). This amendment will help promote subdivisions, infill and innovative housing to successfully address the need for a wider range of housing options and solutions in Lake Stevens, specifically in the UR zone.

#### PROPOSED AMENDMENT

##### **14.48.055 Maximum Impervious Surface.**

Unless otherwise provided for elsewhere in Title 14 or the Shoreline Master Program, the maximum impervious surface shall not exceed 40 percent of a lot for development in single-family zoning districts, except that the impervious surface areas for development in the Urban Residential (UR) zone shall not exceed 55% and the High Urban Residential (HUR) zoning district shall not exceed 65 percent of the lot.

Very Sincerely,

David K. Toyer  
/founder/

CC: Russ Wright, Director & Dillion Roth, Associate Planner



## Staff Report City of Lake Stevens Planning Commission

Planning Commission Briefing  
Date: **December 4, 2019**

**SUBJECTS:** 2020 Long Range Work Program

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

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**SUMMARY:** Discuss proposed 2020 Long Range Work Program

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

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The tentative 2020 Long Range Work Program to the Planning Commission is attached for your consideration. The major projects for completion in the first part of the year include:

- **Zoning code updates** – this project is to complete the overhaul of the city’s zoning standards and adopt standards for in-fill development and varied housing options; and
- **Multifamily tax exemption** – state law allows city’s the ability to provide tax exemptions for multifamily projects in defined areas.

Other amendments throughout the year will include:

- **Permitted use table** – this project would review and simplify the current permitted use table;
- **SEPA Infill Exception** – the city will consider expanding SEPA exemptions for infill development projects;
- **Code clean up** – this project would be a comprehensive overview of the zoning code to identify inconsistencies and clarify any ambiguous sections; and
- **Impact Fee Review** – the city needs to review its impact fee code and adopt standards for annexed areas.
- **Building Code** – this project would adopt by reference and consider local updates to the International Building and Fire Codes; and
- **Enforcement Code Review** – the city needs to review its code enforcement code and with the city attorney’s office.

The Planning Commission and City Council may consider amendments to the Comprehensive Plan and related documents in 2020 if private applications are received. Staff will work with Snohomish County on Buildable Lands updates, marketing material and annexation materials. Finally, staff will also continue to process annexations under review in coordination with petitioner, City Council and Snohomish County.

Staff has also included the 2019 Work Program with status updates.

**ATTACHED:**

2020 Work Program

2019 Work Program





## 2020 Long Range Work Program

Lake Stevens 2020 Long Range Work Program					
Amendments	1 <sup>st</sup> quarter	2 <sup>nd</sup> quarter	3 <sup>rd</sup> quarter	4 <sup>th</sup> quarter	Status
<b>Zoning Code</b>					
1. Infill Code	PC / CC				Carryover
2. Content Based Sign Code (City Council Only)	CC				
3. Permitted Use Table		PC	CC		
4. SEPA Infill Exceptions		PC	CC		
5. Code Clean Up			PC	CC	
6. Multifamily Tax Exemption	PC	CC			
7. Affordable Housing Tax Funding (City Council only)	Schedule TBD				
8. Impact Fee Update			PC	CC	
<b>Other Code Amendments</b>					
1. Chapter 14.80 Building and Construction	Schedule TBD				
2. Title 17 Enforcement Code	Schedule TBD				
<b>Comprehensive Plan / Economic Development</b>					
1. Annual Docket (if needed) a. Land Use Element b. Capital Facilities	PC / CC	PC	PC / CC		
2. RUTA Analysis	Schedule TBD				
3. Economic Development Marketing Materials	Schedule TBD				
<b>Annexations</b>					
1. Southeast Election Annexation	Schedule TBD				
2. Machias Industrial Petition	PC / CC				10% petition received
3. NE Island					ON-HOLD
4. Petition Placeholder					

1st Quarter January through March

2nd Quarter April through June

3rd Quarter July through September

4th Quarter October through December



## 2019 Long Range Work Program

Lake Stevens 2019 Long Range Work Program (Updated)					
Amendments	1 <sup>st</sup> quarter	2 <sup>nd</sup> quarter	3 <sup>rd</sup> quarter	4 <sup>th</sup> quarter	Status
<b>Zoning Code (carry over)</b>					
1. Critical Areas Update		CC			DONE
2. Wireless Facilities	PC / CC				DONE
3. Fences / Retaining walls	PC / CC				DONE
4. Private Roads / Streets	PC	CC			DONE
<b>Zoning Code</b>					
1. Zoning Updates			PC	PC / CC	SPLIT UP – Action on first element in December
2. Permanent Design Guidelines			PC	CC	DONE
3. Permitted Use Table			PC	CC	Carryover to 2020
4. Code Clean Up			PC	CC	Carryover to 2020
5. Content Based Sign Code					Interim Regulations Adopted – Final Action in January
<b>Comprehensive Plan</b>					
1. Annual Docket a. Land Use Element b. Parks Element c. Capital Facilities d. UGA Zoning e. Maps – new city boundaries	PC	PC	PC / Park Board	CC	DONE
2. SMP - Mandated periodic review	PC	PC / CC			DONE
3. Buildable Lands / RUTA Analysis	PC	PC / CC			DONE
<b>Annexations</b>					
1. Rhodora Annexation	CC				DONE
2. Adrian Petition	CC				DONE
3. Machias Industrial Petition					10% petition received
4. NE Island					ON-HOLD
5. SE Island	CC				DONE

1st Quarter January through March

2nd Quarter April through June

3rd Quarter July through September

4th Quarter October through December