



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

Planning & Community Development Department

1812 Main Street
Lake Stevens, WA
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www.lakestevenswa.gov

Municipal Code

Available online:

www.codepublishing.com/WA/LakeStevens/

PLANNING COMMISSION

AGENDA

Regular Meeting Date: 5-1-2019

**New meeting location: Lake Stevens School District Educational Service Center
12309 22nd St NE, Room B -2019**

- **CALL TO ORDER: 7:00pm**
Pledge of Allegiance
- **ROLL CALL**
- **GUEST BUSINESS**
- **ACTION ITEMS**
 1. Approve minutes from 4/3/2019
- **DISCUSSION ITEMS**
 1. Briefing-Fence Code amendment Planning Manager Machen
- **COMMISSIONER REPORTS**
- **PLANNING DIRECTOR'S REPORT- Land Use Advisory Committee Update and Puget Sound Regional Council 2050 Update**
- **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

Community Center
1808 Main Street, Lake Stevens
Wednesday, April 3, 2019

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

MEMBERS PRESENT: Janice Huxford, Linda Hoult, Vicki Oslund, Steve Ewing and John Cronin

MEMBERS ABSENT: Tracey Trout and Jennifer Davis

STAFF PRESENT: Planner Roth and Clerk Jennie Fenrich

OTHERS PRESENT: Councilmembers McDaniel and Petershagen

Excused Absence: Commissioner Hoult made a motion and Commissioner Ewing seconded to excuse Commissioner Trout and Commissioner Davis for their absences. Motion approved 5-0-0-2.

Guest business. Dylan Sluder of Master Builder Association introduced himself and will be the representative between the City and the association.

Action Items:

1. Commissioner Hoult made a motion Commissioner Ewing seconded to approve the minutes for 3/6/19. Approved 5-0-0-2.

Discussion Items: Planner Roth gave briefings on our current Buildable Land Analysis, 2nd briefing of Street and Sidewalks Code Amendment. Since the last meeting this has been discussed with Public Works and Fire. Tonight's copy reflects their feedback. Planner Roth asked for comments from the Commission. Commissioner Ewing asked about the section that required maintenance for sidewalk and planter strips, specifically snow removal. Commissioner Cronin asked to clarify the developer's responsibilities for locating access tracts. Commissioner Huxford suggested reviewing restrictions on flagpole/panhandle parcels. The assignment of land use designation in the UGA was also discussed.

Commissioner Reports: Commissioner Ewing share that he watched the documentary "Seattle's Dying" and it brought to light the importance of the job the Planning Commission is doing. Commissioner Hoult reported she has been reappointed to Snohomish County Tomorrow board. Commissioner Cronin reported his family has set up a scholarship for deserving male and female student at LSHS is his dad's name.

Planning Director Report: none

Adjourn. Motion to adjourn by Commissioner Hoult, seconded by Commissioner Cronin. Motion carried 5-0-0-2. Meeting adjourned 7:52 pm.

Janice Huxford, Chair

Jennie Fenrich, Clerk, Planning &
Community Development

DRAFT



Staff Report
City of Lake Stevens
Planning Commission Briefing
Date: **May 1, 2019**

SUBJECT: LUA2018-0109- City of Lake Stevens Fence and Retaining Wall Code Amendment

CONTACT PERSON/DEPARTMENT: Joshua Machen, *Planning Manager* / Russ Wright, *Community Development Director*

SUMMARY:

Code amendment to revise regulations regarding fences, hedges, and walls city-wide.

ACTION REQUESTED OF PLANNING COMMISSION:

Make preference recommendations on fence and wall heights for residential and commercial properties.

Background:

On June 19, 2018, the city initiated a code amendment to update regulations governing fences, hedges, and walls within the city. The purpose of the amendment is to clarify and revise the height, setback requirements, allowable location, and definition of fences and retaining walls, as well as address safety concerns and aesthetics for such features. The three primary goals of the revision are to:

- Establish predictable and safe regulations,
- Include appropriate consideration for aesthetics and screening,
- Ensure regulations are not overly land consumptive and provide flexibility.

On October 3, and November 7, 2018 the Planning Commission was briefed on the code amendment. Staff presented the intent of the code update, identified areas in the existing code that present administrative challenges, and presented photos illustrating existing conditions and desirable conditions. The Planning Commission discussed the need for balance and flexibility in the regulations to address the different functions and purposes for fences and walls, agreed on the importance of safety, and specified the importance of obtaining public input on the proposed code changes.

On November 13, 2019, the City Council was briefed on the code amendment. The City Council was concerned on potential impact these changes could have on development, they also expressed the need for balance and flexibility and the need to obtain public input.

After reaching out to local developers, the master builders association, interested citizens, and reviewing other jurisdictions codes, staff is prepared to present a menu of options to the Planning Commission for consideration. Each of the following are options for regulations in the new code:

1. What should the maximum allowed height be for residential fences?

- *Maximum height for residential fences*
 - *Front setbacks – 42-inches to 6 feet*
 - *Side and rear setbacks – 6 feet*

- *Street side setbacks for corner and through lots – 42-inches to 6 feet*
- *Outside setbacks – 6 to 8 feet (over 7 feet requires building permit)*
- **Staff Recommendation:**
 - *Front setbacks – 42-inches solid fencing / open fences constructed of chain link, wrought iron or similar materials that provide 75% visibility may be 6 feet in height*
 - *Side and rear setbacks – 6 feet*
 - *Street setbacks for corner and through lots – 6 feet*
 - *Outside setbacks – 8 feet*
 - *Fences over 7 feet requires building permit*
 - *No fences can obscure visibility within sight triangle at street/access points*
 - *Minor exceptions for topography will be considered per LSMC 14.16C.120*
 - *1 additional foot allowed for open architectural / decorative elements such as trellis top*

2. What should the maximum allowed height be for commercial, industrial and institutional fences?

- *Maximum height for commercial/industrial/institutional fences*
 - *Commercial – 6 to 10 feet outside front setback*
 - *Industrial – 6 to 10 feet*
 - *Institutional – 4 to 6 feet (front) / 6 to 10 feet (outside front setbacks)*
- **Staff Recommendation**
 - *Commercial – max 10 feet outside front setback*
 - *Industrial – max 10 feet*
 - *Institutional – max 6 feet (front- open fencing) / max 8 feet (outside front setbacks)*
 - *Maximum fence height includes combined height if barbed wire (no razor wire) is used for security*
 - *No fences can obscure visibility within sight triangle at street/access points*

3. Should a landscape buffer be included along street side setbacks for corner and through lots?

- *Fences 42-inches no landscape buffer (current) and/or*
- *Fences 6 feet with minimum 3-5-foot landscape buffer between back of sidewalk and fence*
- *Fences 6 feet with no landscape buffer between back of sidewalk and fence*

Staff Recommendation:

- *6 feet solid fence with 3-foot landscape buffer that steps down to 42inches in front setback*
- *6 feet open fences constructed of chain link, wrought iron or similar materials that provide 75% visibility no landscape buffer*
- *No fences can obscure visibility within sight triangle at street/access points*

4. What should be the maximum retaining wall height be in setbacks?

- **Maximum wall height**
 - *Front setbacks – 48-inches to 6-feet*
 - *Side and rear setbacks – 6 to 12 feet before terracing*
 - *Street setbacks for corner and through lots –6 to 12 feet before terracing*
 - *Outside setbacks – 6 to 12 feet before terracing*
- **Staff Recommendation:**
 - *Front setbacks – 48-inches*
 - *Side and rear setbacks – 6 feet before terracing*
 - *Street setbacks supporting public improvements – 8 feet before terracing*
 - *Outside setbacks – 8 feet before terracing*
 - *Exceptions for individual topographic constraints, public improvements or extraordinary screening / aesthetic improvements*
 - *No walls can obscure visibility within sight triangle at street/access points*

5. Should a landscape buffer be included along street setbacks for walls?

- **Wall Heights**
 - *Front setbacks – none to 5 feet*
 - *Side and rear setbacks – none*
 - *Street setbacks supporting public improvements – none to 5-foot landscape buffer*
 - *Terrace 3 – 5 feet*
- **Staff Recommendation:**
 - *Street setback (including front) none for walls under 4 feet / 3 feet for walls 8 feet or more, other screening options may be considered such as cascading plants from the top or implementation of design guidelines for blank walls*
 - *Walls supporting public improvements over 8 feet may swap planter strip and sidewalk in the road profile*
 - *No walls can obscure visibility within sight triangle at street/access points*

6. If terracing is required, based on wall/fence height, how much space between walls should be required?

- **Terrace Width**
 - *3-5 feet or height of lower wall, or 2 X height of lower wall*
- **Staff Recommendation:**
 - *3 feet*

7. Should there be a maximum combined fence and retaining wall height

- *None*
- *10 to 14 feet combined fence/retaining wall height*
- *No walls can obscure visibility within sight triangle at street/access points*

Staff Recommendation:

- *None – each element will be evaluated separately*

Next steps

Staff anticipates bringing the code amendment before the Planning Commission for a discussion on May 15, 2019 and then a public hearing before the Planning Commission on June 5, 2019 with a public hearing before the City Council on June 11, 2019.

ATTACHED:

- 1) Graphics of options
- 2) Comparison Matrices

Jurisdiction Comparison Matrix: Fence/Wall Requirements (N/A = Not Addressed)

Jurisdiction	Fences/Walls subject to side and rear yard setbacks
<i>Adjacent</i>	
Lake Stevens <i>existing</i>	Yes, allowed up to 6-feet high for fences, except on corner lots must not exceed 42-inches
Lake Stevens <i>proposed</i>	Yes, allow up to combined fence/wall height of 12-feet if not adjacent to road
Arlington	Yes, must meet setbacks if adjacent to streets and over 42-inches
Everett	Yes, allowed up to 6-feet, 10 -feet commercial (on retaining walls not exceeding 6-feet otherwise limited to 42-inches)
Marysville	No, allowed in setback if 6 feet or less
Snohomish	Yes, max height for retaining walls and rockeries in a setback is 6-feet
Snohomish County	Yes, must meet setback if 6-feet+ or if a landscaped area is required
Edmonds	N/A
Lynnwood	N/A
Redmond	N/A
Bothell	Yes, must meet setback over 6-feet high must meet setbacks
Mill Creek	Yes, must meet setback if fence is over 42-inches high

Jurisdiction Comparison Matrix: Fence in Front Yards

Jurisdiction	Fence Max Front Yard Height
<i>Adjacent</i>	
Lake Stevens <i>existing</i>	42-inches
Lake Stevens <i>proposed</i>	42-inches, -6-feet if open and outside site triangle
Arlington	48-inches or 6-feet if open (50% opacity above 4-feet)
Everett	42-inches and be 30% transparent or 6-feet and 70% transparent and 10-feet from sidewalk
Marysville	4-feet solid or 6-feet if open on access streets or 4-feet solid with top 2-foot open if arterial St.
Snohomish	36-inches for a solid fence and 60-inches if open – for residential areas only – height max based on district areas
Snohomish County	6-feet or less
Edmonds	4-feet, can go higher if 50% open
Lynnwood	3-feet solid or 6-feet if open
Redmond	42-inches in certain zones
Bothell	6-feet if no landscape buffer required
Mill Creek	42-inches

Jurisdiction Comparison Matrix: Fence/Wall Height

Jurisdiction	Allow fence/wall combos? Max height
<i>Adjacent</i>	
Lake Stevens <i>existing</i>	Yes – limited to combined height of 6-feet in setback
Lake Stevens <i>proposed</i>	Yes – allow 12-foot combined height, unless walls are terraced with plantings
Arlington	Yes, no height limit indicated
Everett	Yes – 6-foot wall with 6-foot fence, higher wall with a 42-inch fence
Marysville	Yes – 6-foot, any height above shall be open fencing
Snohomish	Yes – 6-foot
Snohomish County	Yes
Edmonds	Yes – 4-foot fence above for safety only
Lynnwood	N/A
Redmond	Yes – 8-foot combined max unless excepted
Bothell	Yes – 10-foot combined max, unless terraced
Mill Creek	6-foot combined max