CITY OF LAKE STEVENS
LAKE STEVENS, WASHINGTON

**ORDINANCE NO. 1081**

AN ORDINANCE OF THE CITY OF LAKE STEVENS, WASHINGTON REVISING AND UPDATING PORTIONS OF CHAPTER 14.46 LSMC INNOVATIVE HOUSING OPTIONS PROGRAM; PROVIDING FOR SEVERABILITY, SUMMARY PUBLICATION BY ORDINANCE TITLE ONLY;AND AN EFFECTIVE DATE.

WHEREAS, Washington State has adopted the Growth Management Act (Ch. 36.71A RCW), which requires local governments to adopt comprehensive plans and implementing regulations; and

WHEREAS, The Lake Stevens City Council has been reviewing proposed amendments to the City's zoning requirements to encourage the development of moderately priced housing within the City; and

WHEREAS, the state legislature in House Bill 1923 (Chapter 348, 2019 Laws) encouraged cities to consider flexible tools to take two or more of the listed actions to increase residential building capacity as reflected through the adoption of infill housing development standards and provisions for small multi-family projects in single family residential zones to encourage affordable and market rate housing in a greater variety of housing types and at prices that are accessible to a greater variety of incomes; and

WHEREAS, if taken prior to April 1, 2021, the actions taken by the City to implement the residential building capacity described above are exempt from administrative or judicial appeal under SEPA and the GMA, and if taken by a city with a population over 20,000, the city is eligible to apply for grant funding through the Department of Commerce (Commerce) to support such planning and outreach efforts; and

WHEREAS, Staff created an outreach program to discuss these issues with an advisory committee comprised of interested citizens and industry constituents and the City Council and the Planning Commission have been briefed on the project multiple times; and

WHEREAS, on December 24, 2019, the City's SEPA Responsible Official complied with the State Environmental Policy Act (SEPA) by issuing a Determination of Nonsignificance (DNS) for the proposed amendments; and

WHEREAS, on December 19, 2019, the city submitted the proposal to the Department of Commerce for review of the proposed code amendments (Submittal ID 2019-S-1049). No comments were received; and

WHEREAS, on February 19, 2020, the City held a duly noticed public hearing with the Planning Commission to discuss the proposed code updates and amendments; and

WHEREAS, the Planning Commission adopted Findings, Conclusion and a Recommendation to the City Council which is attached hereto (Exhibit A) and incorporated by this reference; and

WHEREAS, on April 28, 2020, the City held a duly noticed public hearing with the City Council to review the proposed code updates and amendments; and

WHEREAS, the City Council has determined that it is in the public interest and in furtherance of the public health and welfare to adopt the proposed code updates and amendments, as set forth below.

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

SECTION 1. The City Council hereby makes the following findings:

A. This ordinance amending the City's municipal code changing zoning regulations was sent to the Washington State Department of Commerce for expedited review on December 19, 2019 as required by the Growth Management Act; no comments were received.

B. The requirements of Chapter 14.16C.075 LSMC for land use code amendments have been met.

C. As required by LSMC 14.16C.075(f), the adoption and amendment of codes are consistent with the Comprehensive Plan, comply with the Growth Management Act and serve to advance the public health, safety and welfare.

D. Adoption of infill housing standards and adding provisions within the Innovative Housing and infill furthers the city's commitment to providing varied housing options pursuant to House Bill 1923.

E. The Findings of Fact, Conclusions and Recommendation of the Planning Commission attached hereto is hereby approved and adopted by the City Council as its own **(Exhibit A).**

F. The above recitals are incorporated as additional findings of fact.

SECTION 2. The title of Chapter 14.46 LSMC currently titled Innovative Housing Options Program is hereby amended to read as Chapter 14.46 Innovative Housing and Infill.

SECTION 3. The following sections of Chapter 14.46 LSMC Part I are hereby amended to read as follows (additions shown by underline, deletions shown by strikethrough) (all other sections of Part I remain unchanged):

1. **14.46.001 Purpose**

   (a) Th~~is~~e purpose of this chapter is to help achieve the goals and objectives of the Land Use and Housing elements of the Lake Stevens Comprehensive Plan ~~by providing for a separate program for individual projects creating a type of housing appropriately sized for smaller households~~. These housing options encourage more efficient use of land and energy, build communities, and offer more affordability.

2. **14.46.005 Goals**

   The goals ~~of the~~ for innovative housing and infill as defined in this chapter ~~options program~~ are to:

   (a) Increase housing supply and the choice of housing styles available in the community in accordance with the Comprehensive Plan.

   (b) Provide for development of housing that responds to changing demographics and smaller-sized households.

   (c) Support the efficient us of land and higher density infill in developed areas.

   (d) Promote housing affordability and greater choice by encouraging smaller and more diverse home sizes and mixes of income levels.

   (e) Promote ~~high~~ quality design and materials that are compatible with adjacent neighborhoods.

(f) Allow flexibility in site and design standards while promoting infill projects compatible with existing single-family developments.

3. **14.46.010 Applicability**

(a) This chapter applies to all innovative housing projects allowed and submitted under this chapter.

4. **14.46.015 Review and Processing**

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

(a) A pre-application conference per Section 14.16A.220(d) is ~~required~~ highly recommended to exchange general and preliminary information and to identify potential issues.

(b) Projects that use the provisions included in this chapter shall follow the permit path associated with the underlying permit pursuant to Chapters 14.16A and 14.16B.

(c) Innovative housing projects are subject to design review per LSMC 14.16C.050.

~~(b) After the pre-application conference, the applicant shall schedule and host a neighborhood meeting before submitting an application to the City. The purpose of the neighborhood meeting is to provide residents who live adjacent and nearby to the proposed cottage housing development an opportunity to obtain information about the proposal and provide comment on the overall project before an applicant expends significant time and resources in developing the specific site and development features of the proposal.~~

~~(1) The meeting shall be located in the general area of the proposed project.~~

~~(2) Notice of the neighborhood meeting shall be mailed to all property owners located within 300 feet of the proposed project or 20 property owners (whichever results in more property owners being noticed) and shall provide details of the proposed project, including a description of any modification or flexibility in site design standards that will be requested.~~

~~(3) Comprehensive notes describing the meeting shall be submitted with the project application.~~

~~(4) Following the neighborhood meeting, the applicant shall consider public input received during the neighborhood meeting and shall consider recommendations, if any, for revising the proposed innovative housing project to respond to neighborhood concerns.~~

~~Duties and authority are as follows:~~

~~(c) Design review is required for projects in accordance with this chapter.~~
~~(1) Prior to a final decision by the Director or the Hearing Examiner, a staff report including findings of fact must be provided demonstrating whether the proposed project meets the specific design requirements provided in this chapter for the specific type of innovative housing option and may propose allowable modifications.~~

5. **14.46.020 Application**

Applications for an innovative housing project shall be made on forms provided by the City, ~~shall be available for public review for a minimum of two week prior to the neighborhood meeting, and shall include the following materials~~ pursuant to the permit path associated with

the underlying permit. In addition, the following items shall be provided at the time of submittal.

~~(a) Preliminary Development Plan. A site plan of the proposed development, indicating property lines, proposed setbacks, and lot coverage calculations. The site plan shall also include the location of all adjacent structures, the distance to property lines, and the footprint of any existing structures on the property with a note on which structures will remain. The preliminary development plan shall consist of a site plan drawn to scale and shall display the following information:~~

~~(1) The location, size, configuration, and dimensions of the lot(s) on which the cottage housing development will be developed;~~

~~(2) The location and footprint for each cottage;~~

~~(3) A depiction of individual dwelling unit area that delineates the spacing around each cottage;~~

~~(4) A delineation of the common open areas;~~

~~(5) The height and square footage of each cottage;~~

~~(6) The parking locations, layout, circulation, ingress and egress;~~

~~(7) The location, if applicable, of any buildings to be used in common by the residents of the cottage housing development;~~

~~(8) The layout and dimensions of pedestrian circulation from the parking areas to the cottages, and connecting the cottages;~~

~~(9) Design illustrations that show, and a design checklist that lists, the design features that constitute the required design points for each cottage;~~

~~(10) A depiction of the driveway access from a publicly maintained street to the cottage housing development parking areas, with its dimensions; and~~

~~(11) Any other information the Director finds necessary to ensure compliance with this title.~~

~~(b) Conceptual drawings of the proposed innovative housing type, including building footprints and building elevations, floor plans, roof plans, and additional architectural features.~~

~~(c) A detailed description of how the proposed development is consistent and not in conflict with the surrounding neighborhood character and neighborhood design.~~

~~(d) A detailed description of how the proposed development meets the purpose and goals of this chapter and complies with all the criteria and project parameters for an innovative housing project.~~

~~(e) A detailed description of the proposed unit type, including proposed square footage, unit mix, and number of bedrooms per unit.~~

~~(f) General information about the site including the number of dwelling units allowed by the zone and the number of proposed dwelling units, open space allowed and proposed, impervious surface allowed and proposed, and building height allowed and proposed.~~

~~(g) Photographs of the site and adjacent properties keyed to the site plan.~~

~~(h) Additional information as required by the application forms provided by the City or deemed necessary by City staff to consider the application.~~

(a) Preliminary Development Plan. A preliminary development plan indicating property lines, proposed setbacks, proposed structures, parking, roads, infrastructure and open space / landscape areas, and other items identified in LSMC 14.16C.105 Site Plan Review.

(b) A detailed description of how the proposed development is consistent and not in conflict with the surrounding neighborhood character and neighborhood design.

(c) A detailed description of how the proposed development meets the purpose and goals of this chapter and complies with all the criteria and project parameters for an innovative housing project.

(d) A detailed description of how the proposed development is applying development bonuses including but not limited to parking reductions, lot width reductions, and lot size reductions.

(e) Additional information as required by the application forms provided by the City or deemed necessary by City staff to consider the application.

5. **14.46.025 ~~Sewer~~ Utility Requirements**

Innovative housing developments are required to be developed ~~on sewers~~ where public utilities including public water and sanitary sewer are available or can be extended to. No septic systems shall be allowed.

6. **14.46.035 Modifications to the Previsions in this Chapter**

(a) An applicant may request modifications to the provisions of this chapter or other provisions of this title related specifically to this chapter, to the extent that such modifications are consistent with the purpose, intent and requirements of this chapter.

(b) The applicant must describe each requested modification and document in writing how the modifications are consistent with the purpose, intent and requirements of this chapter.

(c) Director or Hearing Examiner may approve modifications ~~after:~~ documented in writing that the modifications are consistent with the purpose and requirements of this chapter and do not threaten the public health, safety, or welfare depending on the underlying permit type.

~~(1) Considering the design review staff report and findings of fact; and~~

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

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

SECTION 4. Chapter 14.46 LSMC Part II is hereby amended to read as follows (additions shown by underline, deletions shown by strikethrough) (all other sections of Part II remain unchanged):

1. **14.46.100 Purpose and intent.**

(a) These regulations set forth the required standards for cottage housing developments as permissible uses in ~~various~~ the following zoning districts ~~as specified in Section 14.44.035~~: R6, R8-12 and MFR.

(b) Cottage housing allows for a higher density development than is normally allowed. This is made possible by smaller home sizes, clustered home sites, and parking and design standards.

(a) The intent of the cottage housing development regulations is to:

(1) Support the growth management goal of more efficient use of urban residential land;

(2) Support development of diverse housing in accordance with the Comprehensive Plan;

(3) Increase the variety of housing types available for smaller households;

(4) Provide opportunities for small, detached dwelling units within existing neighborhoods; and

(5) Provide opportunities for creative, diverse and high-quality development that is compatible with existing neighborhoods.

1. **14.46.115 Community Assets.**

(a) Common Open Area. The minimum common open area requirements set forth in this section are intended to provide a sense of openness, visual relief, and community in cottage housing developments. Common open areas shall provide a centrally located, focal area for the cottage housing development.

(1) At least 400 square feet of common open area per cottage is required for each cluster.

(2) Required common open area may be divided into no more than two separate areas per cluster.

(3) To be considered as part of the minimum open space requirement, an area of common open area must have a minimum dimension of 35 feet on all sides.

~~(4) The total common open area shall be at least 3,000 square feet, regardless of the number of units in the cluster.~~

(~~5~~4) At least two sides of the common open area shall have cottages along the perimeter.

(~~6~~5) Parking areas, yard setbacks, private open space, and driveways do not qualify as common open area. Community buildings can be counted towards the common open area calculations.

(b) Community Buildings.

(1) Community buildings are permitted in cottage housing developments.

(2) Community buildings shall be clearly incidental in use and size to dwelling units.

(3) Building height for community buildings shall be no more than two stories with a maximum height of ~~18~~ 25 feet, including ground level structured parking.

(4) Maximum size of community buildings shall be 2,000 square feet.

(5) Design shall be similar to and compatible with the design of the cottages.

~~(6) Community buildings may be constructed on top of parking structures to a maximum of 23 feet.~~

(c) Other shared facilities could include tool sheds, gazebos, workshops, or similar common elements.

SECTION 5. Chapter 14.46 LSMC is hereby amended to include the new Part III Infill Development as follows:

Part III. Infill Development

1. **14.46.200 Purpose and Intent**

The purpose of this section is to encourage the efficient development of underutilized residential parcels in areas that are primarily built out, where infill residential development should be encouraged. This section identifies conditions under which infill development is supported and relaxes certain development requirements to promote the efficient construction of infill development in appropriate areas of the city.

2. **14.46.210 Applicability**

(a) *Eligibility Criteria.* This chapter may be applied to development or redevelopment that meets all the following criteria:

(1) The lot is within one of the following zoning districts: R4, R6 and R8-12;

(2) Adjacent properties abutting at least 50 percent of the non-street perimeter of the subject property:

(i) Are developed with single-family dwellings or higher intensity uses; or

(ii) Are encumbered by critical areas and associated buffers near the boundary; or

(iii) Are utility easements, such as the Everett Waterline or PUD power easement, that create a substantial break in development and/or redevelopment potential.

(3) The subject property is at least 125 percent of the minimum lot size for the underlying zoning district up to a maximum of one acre, not including those lands encumbered by critical areas, their associated buffers, proposed dedications to the City and existing utility easements that will remain; and

(i) If the infill development is made up of multiple parcels the maximum size shall be taken from the combined area of the parcels.

(4) The development or redevelopment creates a minimum of one new lot or dwelling unit.

3. **14.46.230 Infill Residential Standards**

(a) All other provisions of this title that would apply to a non-infill project shall apply to infill development except as specifically modified by this chapter.

(b) *Infill Land Division Standards* - Reduction in Dimensional Requirements for Infill Residential Development. Notwithstanding the dimensional development standard requirements found in the underlying residential zones of Chapter 14.48 LSMC, property that is eligible for infill residential development pursuant to LSMC 14.46.210 shall be eligible for subdivision of land as follows:

(1) Minimum Lot Area. Minimum lot area may be reduced by 20 percent, of the minimum areas required in Chapter 14.48 LSMC for the underlying zone.

(2) Minimum Lot Width. Minimum lot width may be reduced by 20 percent of the required minimum lot width of the underlying zone with no lots being narrower than 40 feet.

(3) Developments that provide detached housing units 1,600 square feet or smaller shall be granted a 20 percent adjusted gross density bonus to the underlying zoning district.

(c) *Infill Development Standards*. Properties eligible for infill residential development pursuant to LSMC 14.46.210 may apply these additional development standards, provided all required utility infrastructure, access requirements, and street elements can be accommodated in accordance with the city design and construction standards.

(1) If the proposed project conforms to the average existing building lines or setbacks of adjoining structures, reduced front setbacks will be permitted. In no case, shall front setbacks be reduced for a garage or carport.

(2) Side setbacks for single-family units may be 5 feet per side.

(3) Impervious Surface. Maximum impervious surfaces can be increased by five percent over that allowed in the underlying zone.

(4) Parking. Attached dwelling units, with shared parking lots, located within a half mile of a transit center with one or less bedrooms will qualify for a reduced parking standard of 1.5 spaces required per unit.

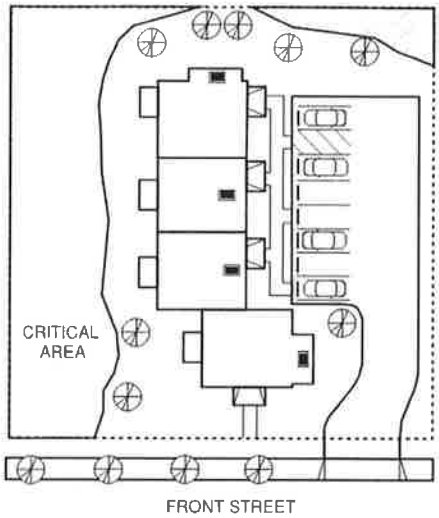
(5) Attached dwelling units of up to four (4) units shall be allowed in single-family zones as infill development subject to the following lot size standards:

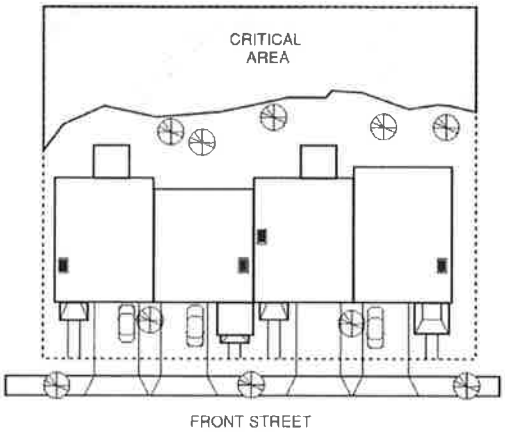
(i) Duplex lots shall be 125% of the minimum lot size of the underlying zone.

(ii) Triplex lots shall be 150% of the minimum lot size of the underlying zone.

(iii) Fourplex lots shall be 175% of the minimum lot size of the underlying zone.

(iv) Up to four units may be provided in a garden / courtyard apartment with a minimum of two units per structure on a single lot.




(d) *Infill Design Standards.* Property that is eligible for infill residential development pursuant to LSMC 14.46.210 shall adhere to the following design requirements. While creativity and variation in architectural design is encouraged, the purpose of these requirements is to ensure compatibility of infill development with the character of nearby existing residential structures.

(1) Building orientation on infill lots shall match the predominant orientation of other buildings along the street frontage to match the neighborhood character. Multiplexes may have one unit face the street to meet this design standard.

(2) Parking. Infill developments shall comply with all parking standards pursuant to Chapter 14.72 LSMC except as specifically modified by this chapter.

(i) Parking may be consolidated for infill projects. Parking lots can be attached to induvial lots, in common easements or set aside in a separate tract.

(ii) For single-family and townhome projects, the access and off-street parking shall be like the predominant character for existing development along the street frontage; however, a central parking lot at the rear or side of the development would be allowed.

(iii) For stacked apartment style projects, the primary vehicular access and off-street parking is preferred to be located to the rear or side of the proposed structures.

(iv) For garden / courtyard style apartments the parking must be on the side or rear of the development.

(3) Landscaping shall be provided along the perimeter of the development and parking lots to soften the transition between new and existing dwelling units when the new dwellings are different than the adjacent existing land use.

(i) Attached dwelling-units, including townhomes, stacked apartment and garden/ courtyards shall provide a Type B screen as described in 14.76.040 LSMC.

(ii) Detached single-family infill projects are exempt from buffer landscaping adjacent to other single-family zoning districts.

(4) Integration with Natural Amenities. Natural amenities (views, mature trees, creeks, rock outcrops, and other similar features) should be preserved and integrated with the development to the maximum extent feasible. Clustering of lots/units and adjusting roadway configuration to integrate these features is encouraged to achieve these goals. Access and visibility to these natural amenities is encouraged.

(5) Horizontal building facades longer than 25 feet, or the width of individual attached units, shall be treated to reduce building mass and visual bulk using elements described in the Lake Stevens Design Guidelines for blank wall treatments.

(6) Attached dwelling units shall be design reviewed using the Multifamily Chapter of the Lake Stevens Design Guidelines.

(7) Additional requirements for Garden / Courtyard Apartments:

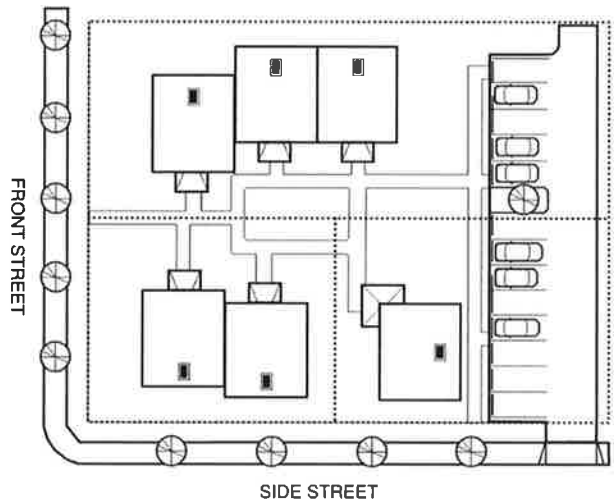



**Figure 14.46-I: Multiple lots combined to create a garden courtyard project that includes a detached single family, duplex and triplex with consolidated parking in the rear of the development.**

(i) Each dwelling unit must have a separate, ground-related entrance with entrances facing the shared open space.

(ii) Garden / courtyard projects shall provide architectural details on facades that face the courtyard and the public right of way.

(iii) Garden / courtyard entries shall be well defined using landscaping, ornamental fencing, or architectural features.

(iv) Every unit shall have a covered entry from the courtyard.

(v) The internal garden / courtyard space of the development shall be defined through architectural features, buildings, or landscape, and include community amenities.

(vi) A walkway from each dwelling unit shall be provided that connects the dwelling unit to the street through the courtyard. Connections through the parking area of the development do not count towards this requirement.

(vii) Parking accessed from a street or lane shall be limited to one driveway with a maximum width as defined by the currently adopted EDDS.

(viii) Garbage/recycling areas shall be consolidated and screened from public view.

SECTION 6. Severability. If any section, subsection, sentence, clause, phrase or word of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality thereof shall not affect the validity or constitutionality of any other section, subsection, sentence, clause, phrase or word of this ordinance.

SECTION 7. Effective Date and Publication. The summary of this ordinance consisting of its title shall be published in the official newspaper of the City. This ordinance shall take effect five (5) days after the date of publication.

PASSED by the City Council of the City of Lake Stevens this 12th day of May 2020.

Brett Gailey, Mayor

ATTEST/AUTHENTICATION:

By: _____
Kathy Pugh, City Clerk

APPROVED AS TO FORM:

_____
Greg Rubstello, City Attorney

First Reading: April 28, 2020
Second and Final Reading: May 12, 2020
Published: May 15, 2020
Effective Date: May 20, 2020