



PLANNING COMMISSION AGENDA

Regular Meeting Date: August 20 2014

Planning Commission
Meeting:

First Wednesday of every
Month @ 7:00pm

Community Center
1808 Main Street
Lake Stevens, WA 98258
www.lakestevenswa.gov

Planning & Community
Development Department

1812 Main Street
Lake Stevens, WA 98258
(425) 377-3235
www.lakestevenswa.gov

Municipal Code

Available online:

www.codepublishing.com/WA/LakeStevens/

- A. CALL TO ORDER: 7:00pm**
Pledge of Allegiance
- B. ROLL CALL**
- C. GUEST BUSINESS**
- D. ACTION ITEMS**
 - 1. Approval of June 04, 2014 Meeting Minutes**
- E. DISCUSSION ITEMS**
 - 1. 2014 Comprehensive Plan Docket — Wright / Payne**
 - 2. 2015 Comprehensive Plan Survey Results — Wright**
 - 3. Frontage Improvement Code Amendment — Payne**
- F. COMMISSIONER REPORTS**
- G. STAFF REPORTS**
 - 1. Downtown Sewer**
 - 2. Cavalero Park Joint Planning Process**
- H. FUTURE AGENDA ITEMS**
 - 1. 2014 Docket Public Hearing 9/3/2014**
 - 2. Frontage Improvement Code 9/3/2014**
 - 3. Lake Stevens Housing Profile**
 - 4. Lake Stevens Development and Market Trends**
 - 5. Snohomish County Tomorrow Growth Monitoring Report**
- I. ADJOURN**

SPECIAL NEEDS

The City of Lake Stevens strives to provide accessible opportunities for individuals with disabilities. Please contact Steve Edin, City of Lake Stevens ADA Coordinator, at (425) 377-3227 at least five business days prior to any City meeting or event if any accommodations are needed. For TDD users, please use the state's toll-free relay service, at (800) 833-6388, and ask the operator to dial the City of Lake Stevens City Hall number.

PLANNING COMMISSION MEETING MINUTES

Community Center
1808 Main Street, Lake Stevens
Wednesday, June 4, 2014

CALL TO ORDER: 7:04 pm by Chair Petershagen

MEMBERS PRESENT: Chair Gary Petershagen, Vice-Chair Janice Huxford, Linda Hoult, Sammie Thurber, Pam Barnett, Tom Matlack and Jennifer Davis

MEMBERS ABSENT:

STAFF PRESENT: Planning and Community Development Director Rebecca Ableman, Senior Planner Russ Wright and Planning/Public Works Coordinator Georgine Rosson

OTHERS PRESENT:

Excused Absence: No Absences.

Guest Business: None

Action Items:

Approval of Minutes from May 21, 2014: Vice-Chair Huxford made a motion to approve minutes, Commissioner Hoult second, motion passed 7-0-0-0.

Discussion Items:

Staff Presentation: Comprehensive Plan Outline –Director Ableman, Senior Planner Wright: Planner Wright described how the Comprehensive Plan is broken into elements, with the primary element being land use. The rest of the document flows from this element, such as the housing element, which determines water and sewer needs, and schools. The capital facilities element determines which improvements are necessary and how facilities will be funded. The transportation element covers a broad spectrum, transportation issues. The economic development element includes strategies used to give the city an identity. Currently there is a critical area element, this will be updated to a natural environments element, which is a broader term meant to incorporate topics such as climate change and water quality. Planning Commissioners had questions regarding the statistical data used to determine economic development projections and population growth. Staff responded that census data has been used, the Growth Monitoring Report, Buildable Lands Report. Questions were asked regarding if the city has adequate capacity or could take on additional growth. Planner Wright responded the city has met its growth targets and larger cities along the I-5 corridor have larger population allocations. Questions were asked regarding the meaning of “multimodal approaches to concurrency.” Planner Wright responded the multimodal approaches would be things such as pedestrian walkways, or public transportation. Concurrency means ensuring adequate infrastructure based on population projections to handle future growth, and plans to handle any identified shortfalls.

Staff Presentation: Current Vision Statement – Planning Director Ableman, Senior Planner Wright:

Planner Wright has incorporated previous comments regarding the vision statement into one cohesive statement, and prepared a draft vision statement focusing on each element to present to the commissioners. Overall, the commissioners had positive comments regarding the vision, how it focuses on the lake, employment growth, quality neighborhoods, and encouraging character building at a neighborhood level. It was suggested that some highlights of the city be emphasized, such as excellent schools and neighborhoods. Vice-Chair Huxford mentioned reviewing the vision statements for local service organizations and schools to ensure consistency. Director Ableman explained the vision statement should drive the comprehensive plan and goals, and provide a vision of how the city will look in the next 20 years. Planner Wright stated the goals and policies supporting the vision statements for each element would stay mostly the same, with some possible reorganization.

Commissioner Reports:

Vice-Chair Huxford asked how the city is advertising meetings and other events right now since the local paper is undergoing some changes. Staff responded meetings and other notices are being published in the Everett Herald, and everything is posted on the city's website. Commissioner Matlack confirmed the next Design Review Board meeting will be June 26th. Commissioner Thurber announced she is resigning due to family reasons and that tonight will be her last meeting. Commissioner Thurber has served for four years.

Staff Reports:

Planning Director Ableman distributed a preliminary report on economic development efforts; staff is putting together additional outreach material for business recruitment. Planner Wright mentioned the grant for the boat launch, the application is about 75% complete, and staff is working with WDFW preparing it for submittal. Commissioner Barnett mentioned it would be nice to have a dock at the boat launch specifically for boats to "park" on a temporary basis so boaters can enjoy the downtown area.

Future Agenda Items:

2014 Docket: The next meeting will be the third week in July for public hearing on the Docket. Chair Petershagen asked for discussion on the potential uses of the Soper Hill properties at this public hearing, Chair Hoult would like to know what is currently allowed along Hwy 9 in the Soper Hill area.

2015 Comprehensive Plan Update: Commissioners will be updated in each meeting.

Lake Stevens Housing Profile: Staff plan to have information for review in July.

Lake Stevens Development and Market Trends: Staff plan to have information for review in July.

Adjourn. Commissioner Hoult made a motion to adjourn at 7:44 p.m., Commissioner Thurber second, motion passed. 7-0-0-0.

Gary Petershagen, Chair

Georgine Rosson, Planning/Public Works
Coordinator



Staff Report City of Lake Stevens Planning Commission

Public Hearing 2014 Docket Briefing
Date: August 20, 2014

Subject: 2014 Comprehensive Plan Docket

Contact Person/Department: Russ Wright, Senior Planner and Sally Payne, Senior Planner

ACTION REQUESTED: No action is required at this time

SUMMARY: Update on 2014 Comprehensive Plan Docket proposals prior to public hearing

BACKGROUND/ HISTORY:

The Planning Commission held a public hearing on May 21, 2014 over the proposed docket items for 2014 including citizen and city initiated amendments. The motion passed 3-1-0-3. City Council held their public hearing on June 9, 2014 and ratified the 2014 Docket on June 23, 2014 by Resolution 2014-03 (**Exhibit A**).

Tonight's briefing includes additional information for the Planning Commission's consideration and a final opportunity to discuss the projects before the public hearing. The amendments have been distributed to the Department of Commerce for their review. The city will issue its State Environmental Policy Act determination next week and publish the hearing date.

1. RM-1 – The first request (LUA2014-0007) is to change the land use designation, on two parcels totaling approximately 3.7 acres located at 1113 SR-204, from Medium-Density Residential to Local Commercial. Access to the site would be through an existing commercial development off 10th Street SE. The city has received a revised SEPA checklist for this project, a project narrative and a traffic report. The traffic report indicates that upon development the proposal would not create traffic impacts to the street system.

The rezone application (LUA 2014-0008) associated with the RM-1 Map amendment (LUA2014-0007) is considered a minor, site-specific rezone. LUA 2014-0008 rezone will be reviewed as a Type IV application and will include a public hearing in front of the hearing examiner who will recommend approval to the City Council. Final approval will be by ordinance following a closed record Public Hearing.

2. RM-2 – The second request (LUA2014-0010) is to change the land use designation on seven parcels, totaling approximately 9 acres, to Commercial from High Density Residential and Medium-Density Residential and change the land use designation on a single parcel from Mixed-Use to Local Commercial. City staff recommends the Planning Commission extend the Local Commercial land use designation (and Local Business zoning designation) to the adjacent parcel to the east. Combined, these two parcels total approximately two acres. All of the described properties are located near the eastern intersection of SR-9 and Soper Hill Road. The city has received a revised SEPA checklist for this project, a project narrative and a traffic report. The

traffic report indicated that upon development the proposal would create traffic impacts to the street system, specifically near Soper Hill and SR-9. The city has proposed some short term and permanent road improvements to ensure project concurrency at the time of development at the immediate intersection and offsite at Soper Hill and Lake Drive.

The rezone application (LUA 2014-0010) associated with the RM-2 Map amendment (LUA2014-0009) is considered a minor, area-wide rezone because the proposed changes involve different property owners, changes across rights-of-way, and changes to more than one land use designation. LUA 2014-0010 rezone will be reviewed as a Type VI application and will be reviewed concurrently with the comprehensive plan map amendment and include a public hearing in front of the Planning Commission who will recommend approval to the City Council. Final approval will be by ordinance following a Public Hearing.

At the last meeting, Planning Commissioners requested a summary of allowed uses for the proposed rezone areas. Find a summary of allowed uses and potential new uses below. A full list of uses can be found in Table 14.40-I and Section 14.38.020 of the Lake Stevens Municipal Code.

Current Zones	Existing Uses	Proposed Zones	Allowed Uses
RM-1 (10 th Street SE and SR-204)			
Suburban Residential	Single-family with 9,600 square foot minimum lots	Local Business ¹	Lodging, retail sales, offices, small recreation, personal services, dining, vehicle sales ² , mixed-use, medical, education
RM-2 (Soper Hill and SR-9)			
Suburban Residential	Single-family with 9,600 square foot minimum lots	Local Business ¹	Lodging, retail sales, offices, small recreation, personal services, dining, vehicle sales ² , mixed-use, medical, education
Multi-family Residential	Single-family (e.g., detached houses) and multifamily (e.g., apartment, condo, townhome)	Commercial District ³	Lodging, retail sales, offices, recreation, dining, vehicle sale, mixed-use, transit-oriented development, medical, education
Mixed-Use	1 st & 2 nd story commercial with 2 nd story or higher multifamily residential		

1. Vehicle sales allowed adjacent to state highways
2. Many uses in Local Business require Administrative Conditional Use Permits for site over 1-acre
3. Future development subject to subarea uses and bulk development standards per Chapter 14.38 LSMC

The city is proposing two substantive text amendments and other minor administrative amendments to the Comprehensive Plan (LUA2014-0013).

1. RT-1 – The city is proposing a text amendment to Chapter 5 – the Parks, Recreation and Open Space Element, which would add and describe the City Boat Launch Improvement as a project on the Capital Project List of the Parks Element.
2. RT-2 – The city is proposing a text amendment to Chapter 8 – the Capital Facilities Element, which would add the City Boat Launch Improvement as a capital project and add a pedestrian safety improvement project to the Capital Project List.
3. RT-3 and RT-4 – Along with the specific defined text amendments, staff will also include standard administrative amendments, including incorporating SEPA documents as a new appendix and updating the dates on the cover, footnotes and the Table of Contents.

The proposed amendments to the Comprehensive Plan are attached for your review (**Exhibit B**).

DISCUSSION:

Staff will address any final questions or comments by the Planning Commission prior to the public hearing scheduled for September 3, 2014

RECOMMENDATION:

No recommendation required at this time

ATTACHMENTS:

- A. Resolution 2014-03
- B. Comprehensive Plan Amendments

**CITY OF LAKE STEVENS
LAKE STEVENS, WASHINGTON**

RESOLUTION 2014-03

A RESOLUTION OF THE CITY OF LAKE STEVENS, RATIFYING A LIST OF DOCKET ITEMS FOR FURTHER ANALYSIS FOR THE 2014 COMPREHENSIVE PLAN DOCKET

WHEREAS, the Washington City of Lake Stevens is a City in Snohomish County, Washington, planning under the Growth Management Act; and

WHEREAS, the City of Lake Stevens has established procedures and schedules to update, amend or revise the Comprehensive Plan as required under RCW 36.70A.130(2)(a) no more frequently than once every year; and

WHEREAS, the 2014 Docket proposals include two (2) citizen-initiated amendments to the land use map with associated rezones and two (2) city-initiated amendments along with procedural amendments proposed for inclusion on the 2014 Comprehensive Plan Docket; and

WHEREAS, the Planning Commission conducted a duly noticed public hearing on the proposed list of docket items attached hereto as Exhibit A on May 21, 2014, and all public testimony has been given full consideration and is included in the Planning Commission's recommendation to the City Council; and

WHEREAS, this action is exempt from the requirements of the State Environmental Policy Act (SEPA) pursuant to WAC 197-11-800(19) as a procedural action; and

WHEREAS, each individual proposal will undergo a full and complete SEPA review per Chapter 197-11 WAC and Chapter 16.04 LSMC during the analysis phase taking into consideration the interrelationship and cumulative effect of all requests as required under the Growth Management Act per Chapter 36.70A RCW.

WHEREAS, the City Council conducted a public hearing on the proposed list of docket items listed in Exhibit A on June 9, 2014 continued to June 23, 2014, which was duly noticed, and considered all public testimony and the Planning Commission's recommendation.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF LAKE STEVENS AS FOLLOWS:

Section 1. Requested Action. The Lake Stevens City Council requests the Department of Planning and Community Development individually analyze the attached list of docket items, prepare reports, and present the detailed findings for each item to the Planning Commission and the City Council for action by December 31, 2014.

Section 2. 2013 Docket. The approved list of docket items including two (2) citizen-initiated amendments to the land use map with associated rezones and two (2) substantive city-initiated amendments along with procedural amendments constitute the official 2014 Docket for the city of Lake Stevens and will serve as the only potential

Comprehensive Plan changes as allowed under RCW 36.70A.130(2)(a) and the city of Lake Stevens Comprehensive Plan, Goal 1.1 which states: "Provide for a Consistent Review and Revision of the Comprehensive Plan."¹

Section 3. Severability. If any section, sentence, clause or phrase of this resolution should be held invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this resolution.

Section 4. Effective Date. This resolution shall take effect immediately upon passage by the Lake Stevens City Council.

PASSED by the City Council of the City of Lake Stevens this 23 day of June 2014.



Vern Little, Mayor

ATTEST:



Barb Stevens, City Clerk

APPROVED AS TO FORM:



Grant K. Weed, City Attorney

¹ The rezone application (LUA 2014-0008) associated with the RM-1 Map amendment (LUA2014-0007) is considered a minor, site-specific rezone. LUA 2014-0008 rezone will be reviewed as a Type IV application and will include a public hearing in front of the hearing examiner who will recommend approval to the City Council. Final approval will be by ordinance following a closed record Public Hearing.

The rezone application (LUA 2014-0010) associated with the RM-2 Map amendment (LUA2014-0009) is considered a minor, area-wide rezone because the proposed changes involve different property owners, changes across rights-of-way, and changes to more than one land use designation. LUA 2014-0010 rezone will be reviewed as a Type VI application and will be reviewed concurrently with the comprehensive plan map amendment and include a public hearing in front of the Planning Commission who will recommend approval to the City Council. Final approval will be by ordinance following a Public Hearing.

EXHIBIT A - 2014 DOCKET PROPOSALS

RATIFICATION MAPS			
#	<u>NAME</u>	<u>PARCELS/ ACREAGE</u>	<u>REQUEST</u>
RM-1	Minor Map Amendment (LUA2014-0007)	3.7 acres	Citizen request to change the land use designation, for two parcels off SR-204, from Medium Density Residential to Local Commercial.
RM-2	Minor Map Amendment (LUA2014-0010)	9 acres	Segment 1 – Citizen request to change the land use designation on 7 parcels, to Commercial from High Density Residential and Medium-Density Residential; and
		2 acres	Segment 2 – Change the land use designation on a single parcel from Medium-Density Residential to Local Commercial. The city is recommending this land use change be extended to the adjacent parcel to the east.
RATIFICATION TEXT			
#	<u>NAME</u>	<u>REQUEST</u>	
RT-1	Chapter 5 – Parks, Recreation & Open Space	City-initiated text amendment to add a park project(s) to the Capital Project List.	
RT-2	Chapter – 8 Capital Facilities	City-initiated text amendment to add a park project and a pedestrian safety improvement project to the Capital Project List.	
RT-3	Appendices	Add Appendix M – Addendum No. 7 to be prepared as environmental review for 2014 Docket	
RT-4	Update Dates & Table of Contents	Update dates on cover and footers and update Table of Contents	
POTENTIAL DOCKET ITEMS			
Council may add items to the Docket based on recommendation from Planning Commission, discussion of proposed amendments or public testimony			

Title Page and Table of Contents

Update the dates on the title page, header and footers and the table of contents as needed with final draft.

Chapter 4 – Land Use Element

Page 4-13 – Add updated Figure 4.1 – City Land Use Map (Exhibits A & B show proposed comprehensive plan map changes)

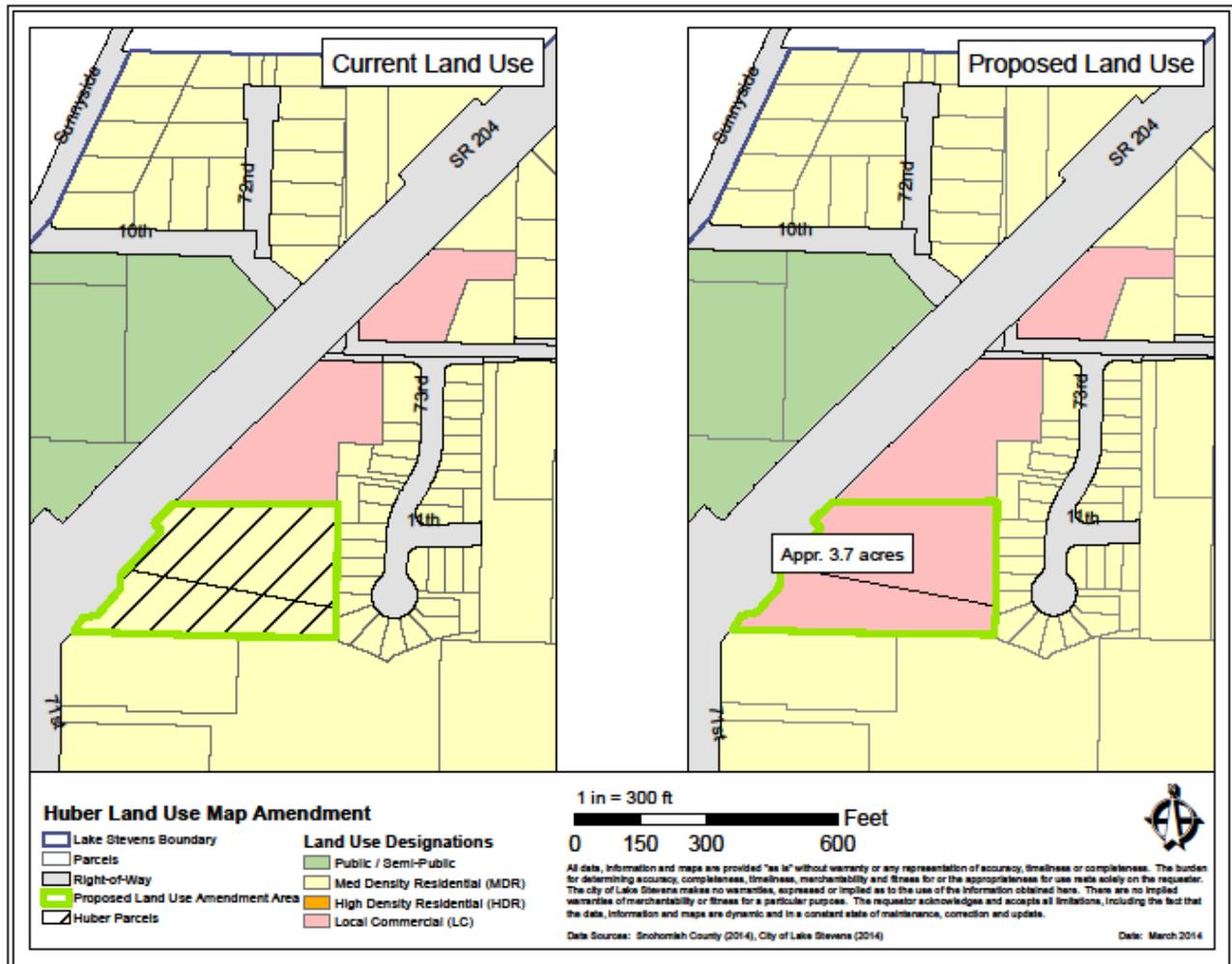


Exhibit A

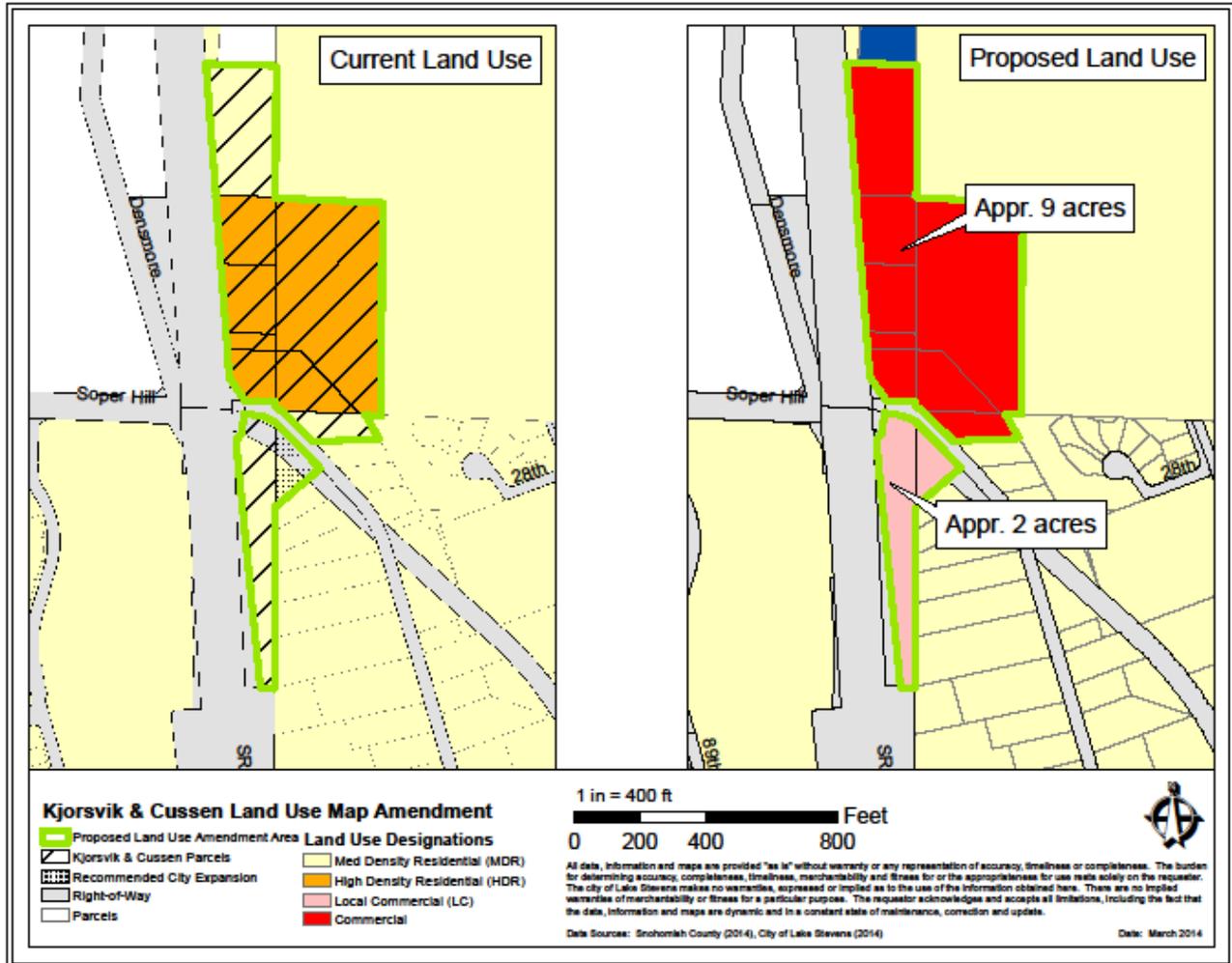


Exhibit B

Chapter 5 – Parks, Recreation and Open Space Element

Capital Projects – page 5-30

Pages 5-34 and 35 – Add Improvement Project No. 3

Improvement Project No.3 – City Boat Launch Improvement

Total Cost: \$527,000

Target Start Date: 2016

Description: Construction of a fully renovated boat launch along with development of associated amenities to modernize the site, improve public safety and enhance access for all users.

Proposed Funding Sources: Washington State Recreation and Conservation Office Grant

Location: Lake Stevens Town Center on the lake's North Cove off 17th Place NE

Justification: This project would meet the identified preference for improved boat launching facilities and increased site usability and safety for all boaters.

Chapter 8 – Capital Facilities Element

Page 8-16 – Add grant source to list of State Grants and Loans

Washington State Recreation and Conservation Office: Provides leadership, grant funding and technical assistance for the building of trails, parks, boating facilities, water access, and more. Office administers 12 grant programs for providing recreation, conserving habitat, measuring farmland and recovering salmon. Applicants must complete a planning process before applying for funding. Most grants require either a cash or in-kind contribution up to 50% of the cost of the project.

Page 8-37 – Add Transportation Project to Capital Improvements, 2012-2032, Table 8.1- pedestrian improvement project 91st Street SE

Road:	Location:	Cost:	Year:	Funding:
91 st Street SE	8 th Street SE to 20 th Street SE	\$1,700,000		2015
<u>Federal/Mitigation</u>				

Page 8-39 – Add Parks Project to Capital Improvements, 2012-2032, Table 8.1, repair, renovation and improvements to boat launch

Road:	Location:	Cost:	Year:	Funding:
Boat Launch North Cove Park	17 th Street NE	\$527,000	2016	State

Appendices

Add the SEPA review for the 2013 Docket as Appendix N (SEPA review will be distributed separately).



Staff Report City of Lake Stevens Planning Commission

Planning Commission Briefing
Date: **August 20, 2014**

Subject: **2015 Comprehensive Plan Periodic Update Survey Results**

Contact Person/Department: **Russ Wright, Senior Planner**

SUMMARY: Document Outline and Vision Statement

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

Staff prepared a survey to solicit public input on the 2015 Comprehensive Plan and issues that will affect the city over the next 20 years. The survey contained questions related to demographics, housing preferences by type and location, employment preferences by type and location, transportation preferences, public services, growth, community desires and satisfaction. The city posted the survey on the city's website, distributed it at Aquafest and presented it at an Open House. The survey has been available electronically, by paper and through interactive polling. To date, the city has received 243 completed surveys. Selected results are summarized below:

1. 86 percent of participants live in the city
2. Cottage housing and townhouses are the most popular non-single-family housing options
3. 33 percent of participants believe new population should be concentrated in Southwest Lake Stevens
4. 60 percent of participants do not work in Lake Stevens
5. High-tech industry and professional offices were identified as the most important employment sectors
6. 33 percent of participants believe new employment should be concentrated in the 20th Street SE Corridor, followed by Lake Stevens Center and the Hartford Industrial Area
7. 45 percent of participants believe growth will affect traffic the most over the next 20 years
8. An increased sense of community and government services were indicated as the most positive changes over the last 10 years, while increased traffic was identified as the greatest challenge
9. 34.5 percent of participants identified neighborhoods as the city's greatest strength
10. Approximately 30 – 31 percent of participants are attracted to other cities for shopping and dining
11. 28 percent of participants felt economic development should be a priority over the next 20 years, while 31 percent of participants believe shopping could be improved
12. 36 percent of participants identified adding more sidewalks and pedestrian paths as the most important transportation improvement
13. 45.5 percent of participants indicated parks and open spaces are the most important public facilities

The survey results will help form goals, policies and financing priorities as staff update individual chapters. Next steps with the Planning Commission will be review and discussion of elements.

Attached:

1. Combined Survey Results

Session Name

Combined Results

Date Created

8/14/2014 9:00:00 AM

Total Participants

243

Questions

17

Results by Question

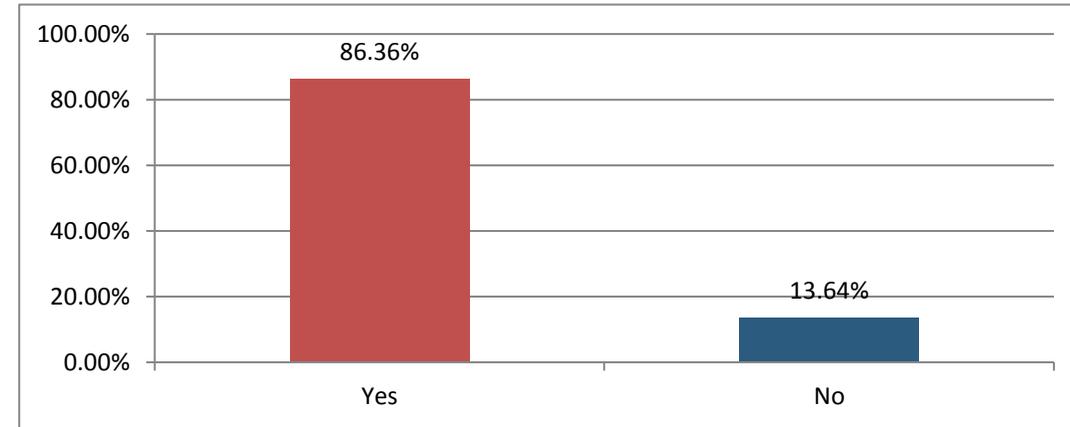
1. Do you live in Lake Stevens? (Multiple Choice)

Yes

No

Totals

Responses	
Percent	Count
86.36%	212
13.64%	29
100%	241



2. If you live in the City, what part? (Multiple Choice)

Northeast Lake Stevens (Town Center)

North Lake

Soper Hill (North Lake Stevens)

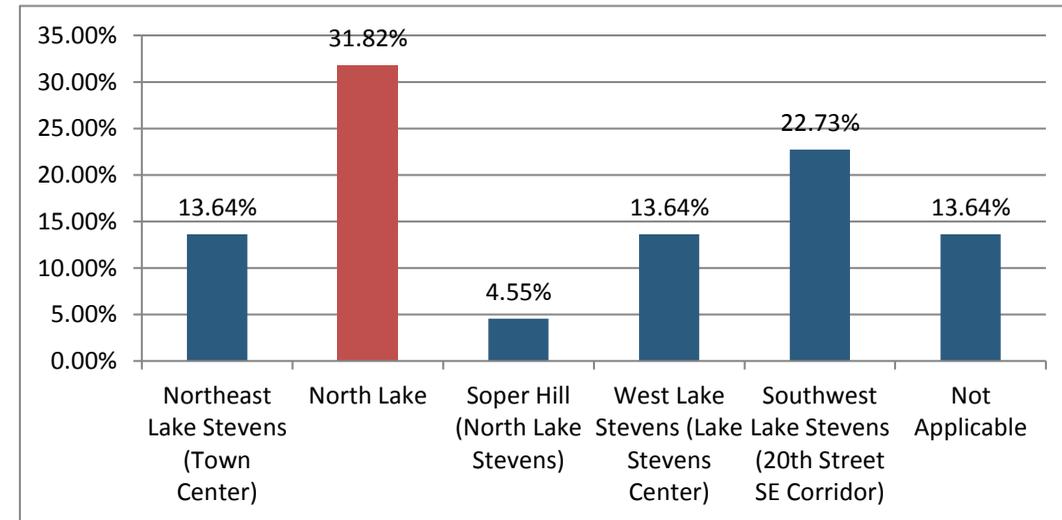
West Lake Stevens (Lake Stevens Center)

Southwest Lake Stevens (20th Street SE Corridor)

Not Applicable

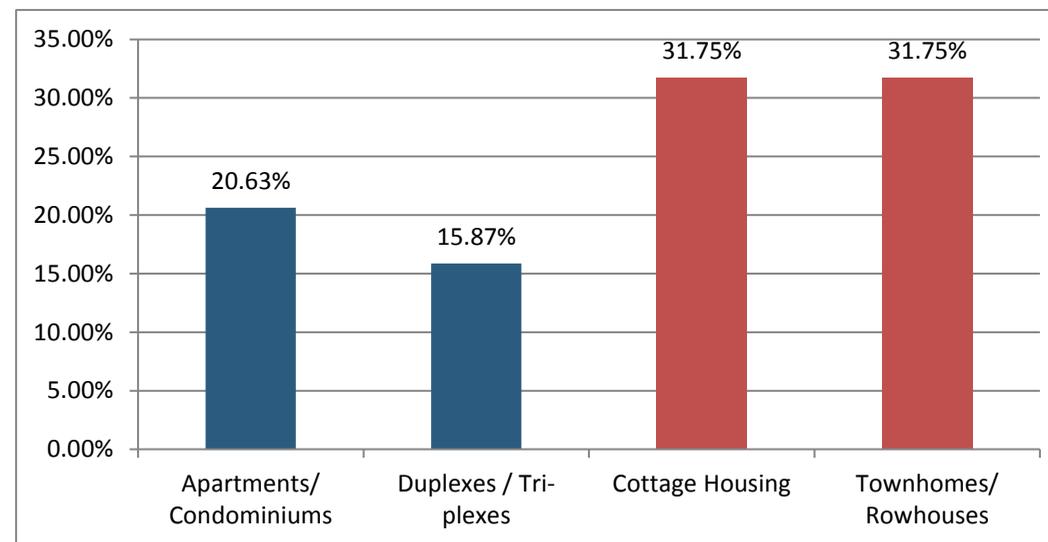
Totals

Responses	
Percent	Count
13.64%	63
31.82%	29
4.55%	17
13.64%	33
22.73%	5
13.64%	3
100%	150



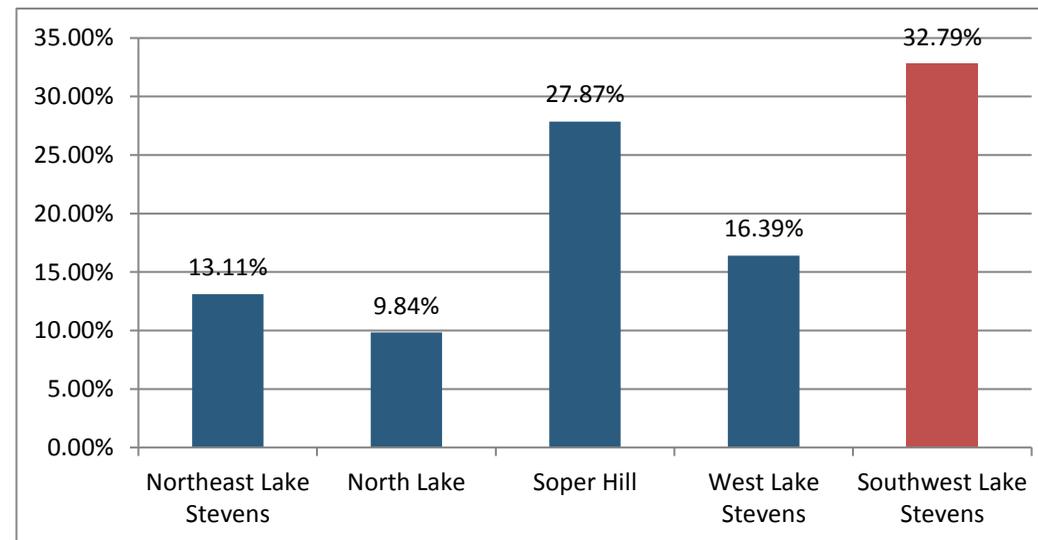
3. Pick your top 3 preferences for new housing options in Lake Stevens over the next 20 years (Multiple Choice - Multiple Response)

	Responses	
	Percent	Count
Apartments/ Condominiums	20.63%	81
Duplexes / Tri-plexes	15.87%	126
Cottage Housing	31.75%	208
Townhomes/ Rowhouses	31.75%	185
Totals	100%	600



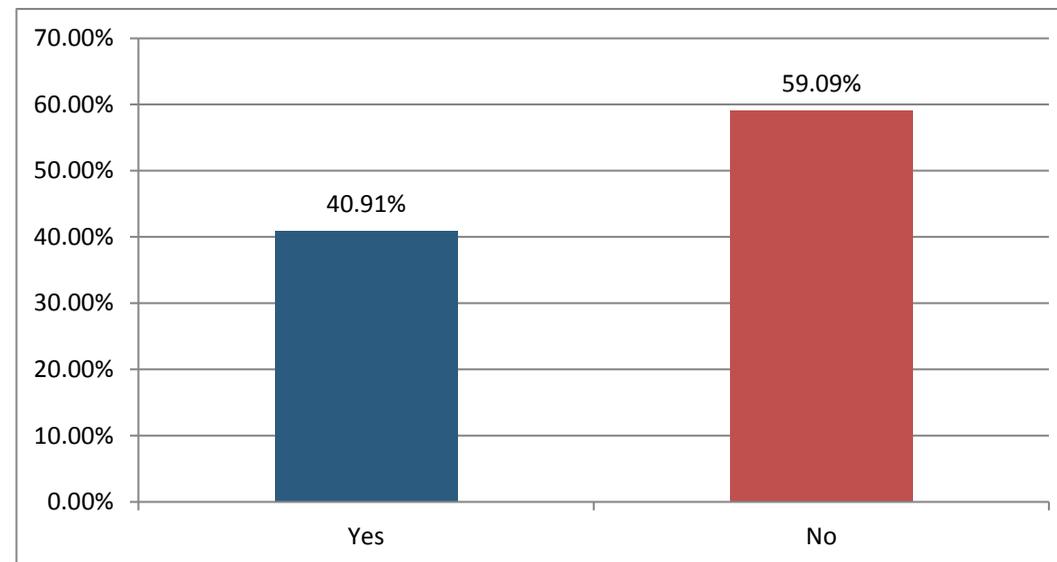
4. If Lake Stevens & surrounding areas add 13,000 more people by 2035 – Pick 3 areas where you believe people should go. (Multiple Choice - Multiple Response)

	Responses	
	Percent	Count
Northeast Lake Stevens	13.11%	120
North Lake	9.84%	75
Soper Hill	27.87%	121
West Lake Stevens	16.39%	102
Southwest Lake Stevens	32.79%	151
Totals	100%	569



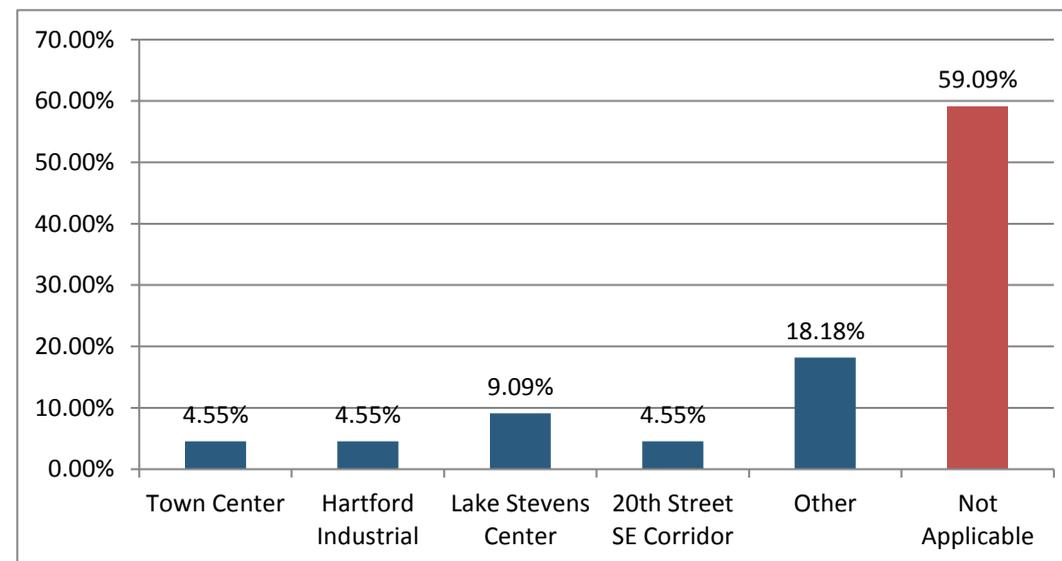
5. Do you work in Lake Stevens? (Multiple Choice)

Responses		
	Percent	Count
Yes	40.91%	81
No	59.09%	164
Totals	100%	245



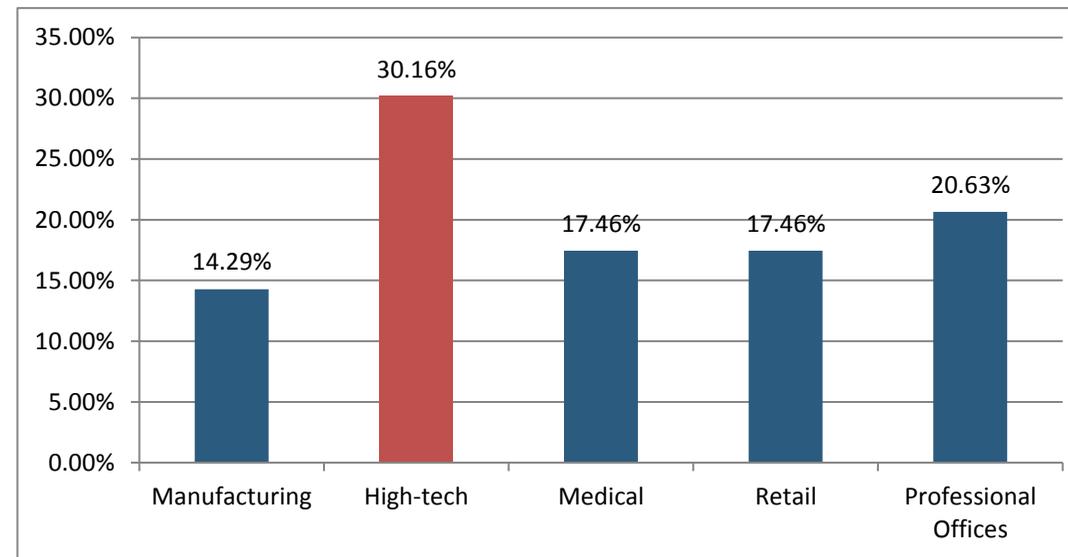
6. If you work in Lake Stevens, what part? (Multiple Choice)

Responses		
	Percent	Count
Town Center	4.55%	30
Hartford Industrial	4.55%	4
Lake Stevens Center	9.09%	28
20th Street SE Corridor	4.55%	8
Other	18.18%	8
Not Applicable	59.09%	16
Totals	100%	94



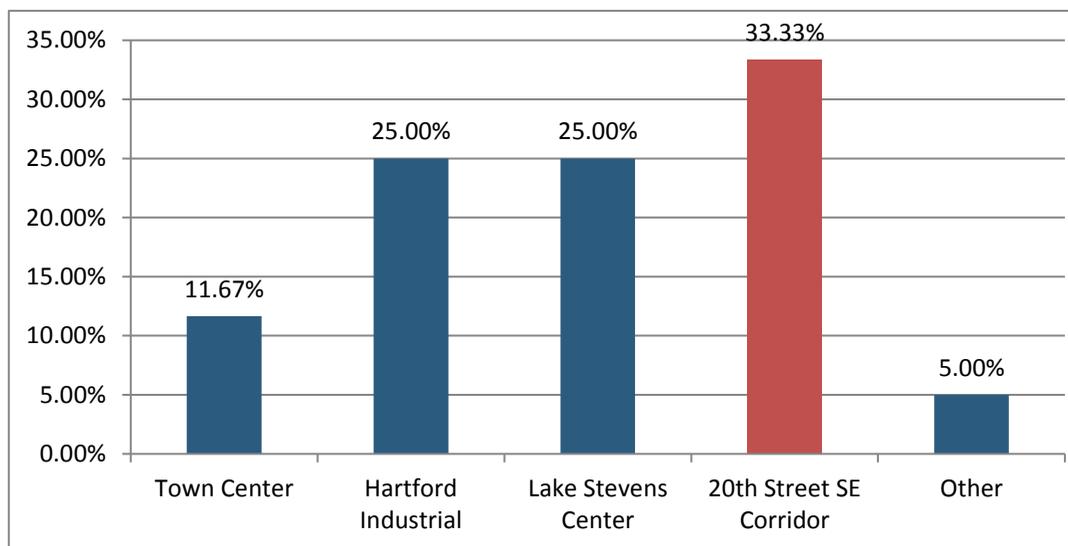
7. Pick 3 industries that would be the most important for new employment in Lake Stevens over the next 20 years. (Multiple Choice - Multiple Response)

Responses		
	Percent	Count
Manufacturing	14.29%	76
High-tech	30.16%	154
Medical	17.46%	152
Retail	17.46%	158
Professional Offices	20.63%	155
Totals	100%	695



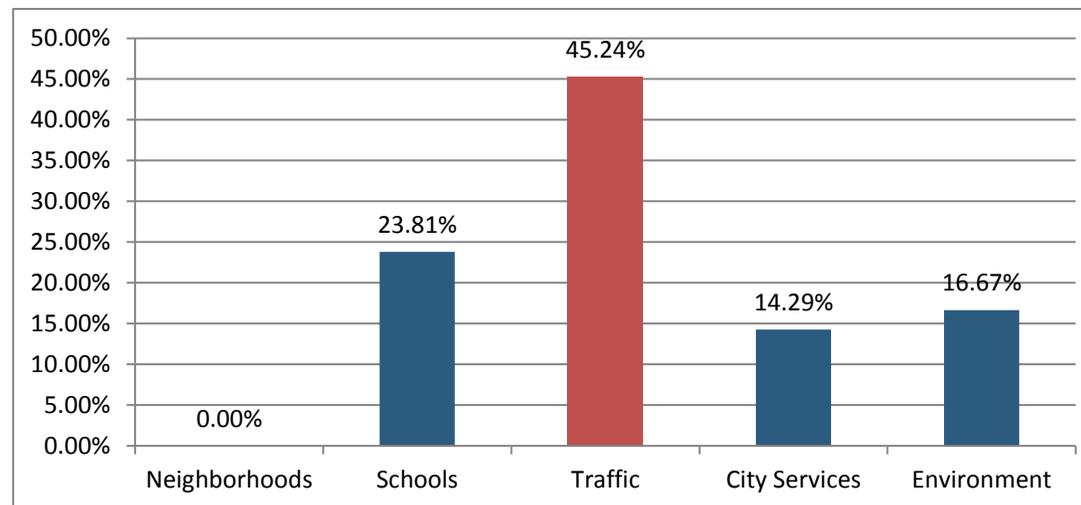
8. If Lake Stevens & surrounding areas add 3,800 more jobs by 2035 – Pick 3 locations where you think jobs should locate. (Multiple Choice - Multiple Response)

Responses		
	Percent	Count
Town Center	11.67%	130
Hartford Industrial	25.00%	147
Lake Stevens Center	25.00%	162
20th Street SE Corridor	33.33%	168
Other	5.00%	12
Totals	100%	619



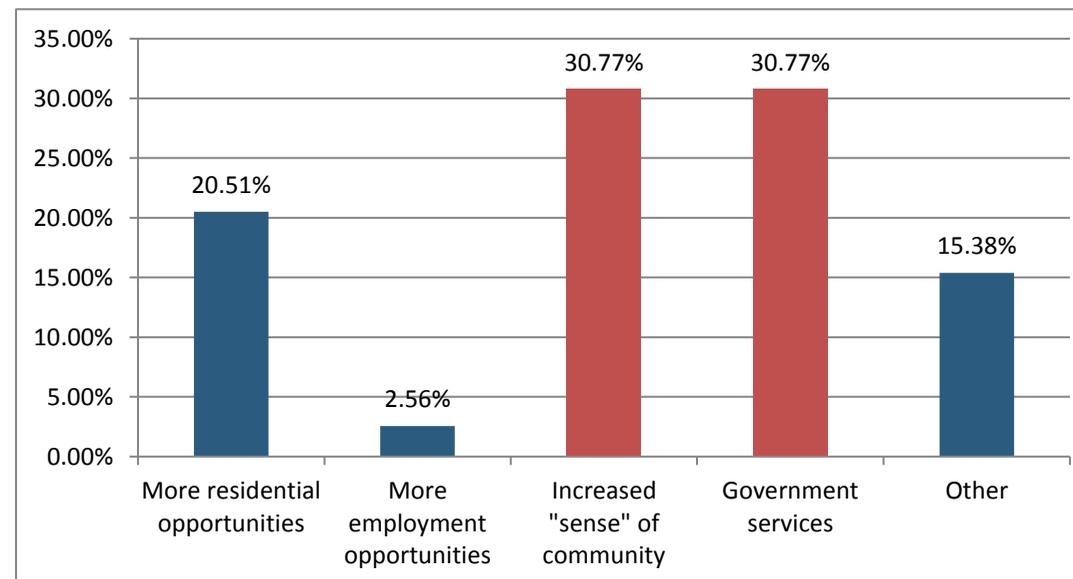
9. Pick 2 items that you believe growth in Lake Stevens will affect the most over the next 20 years. (Multiple Choice - Multiple Response)

Responses		
	Percent	Count
Neighborhoods	0.00%	70
Schools	23.81%	130
Traffic	45.24%	202
City Services	14.29%	58
Environment	16.67%	48
Totals	100%	508



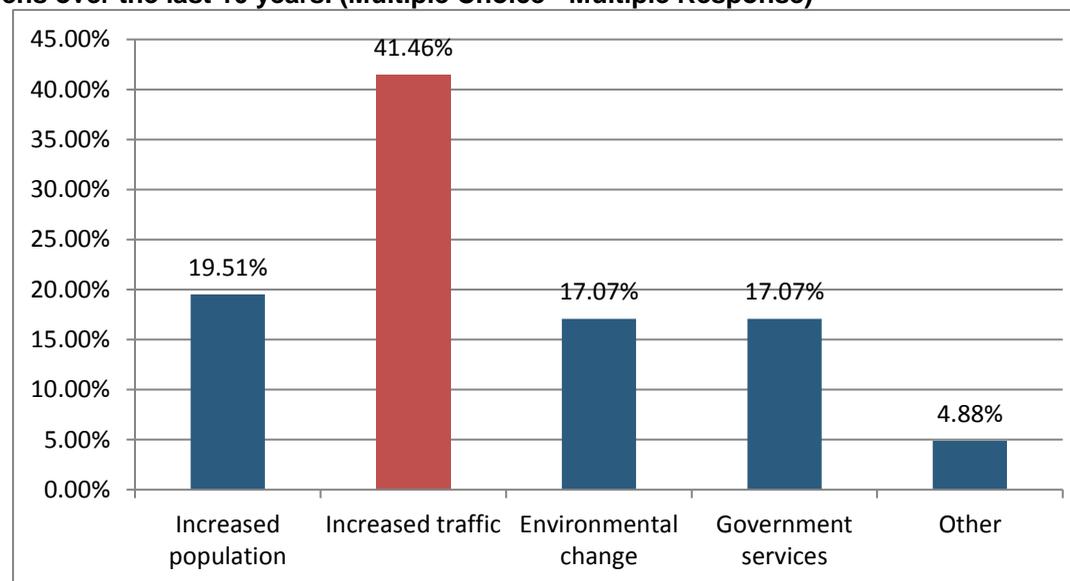
10. Pick 2 statements that best describe the most positive changes to occur in Lake Stevens in the last 10 years. (Multiple Choice - Multiple Response)

Responses		
	Percent	Count
More residential opportunities	20.51%	133
More employment opportunities	2.56%	64
Increased "sense" of community	30.77%	131
Government services	30.77%	47
Other	15.38%	9
Totals	100%	384



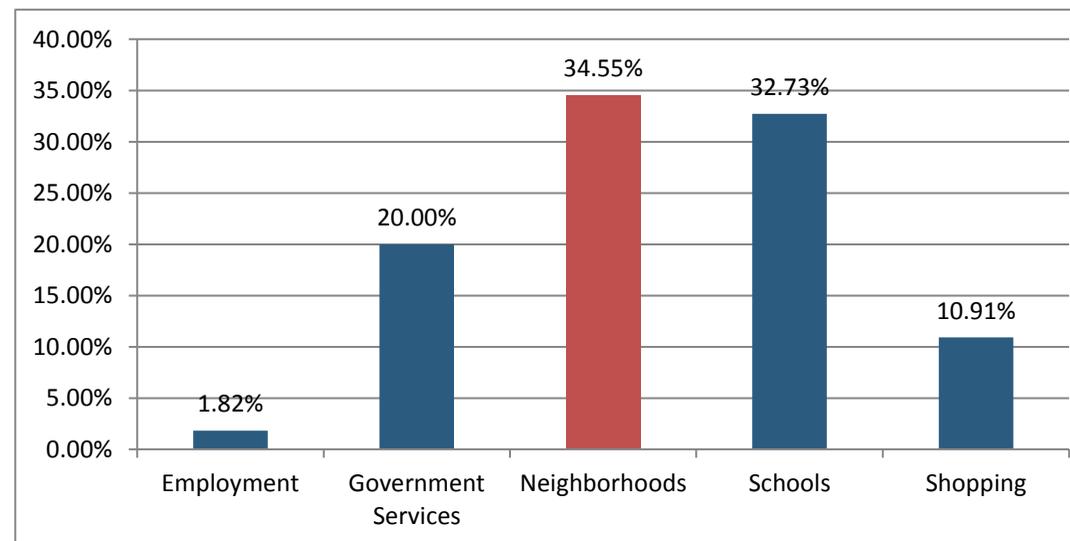
11. Pick 2 statements that best describe significant growth-related challenges in Lake Stevens over the last 10 years. (Multiple Choice - Multiple Response)

Responses		
	Percent	Count
Increased population	19.51%	149
Increased traffic	41.46%	26
Environmental change	17.07%	9
Government services	17.07%	144
Other	4.88%	3
Totals	100%	331



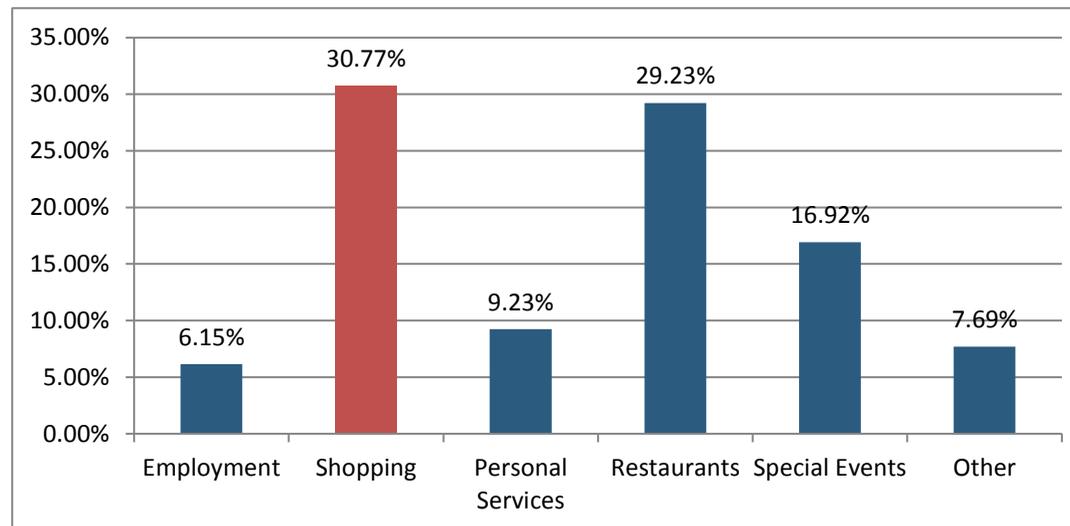
12. Pick 3 items that best describe Lake Stevens' greatest strengths. (Multiple Choice - Multiple Response)

Responses		
	Percent	Count
Employment	1.82%	18
Government Services	20.00%	64
Neighborhoods	34.55%	199
Schools	32.73%	202
Shopping	10.91%	56
Totals	100%	539



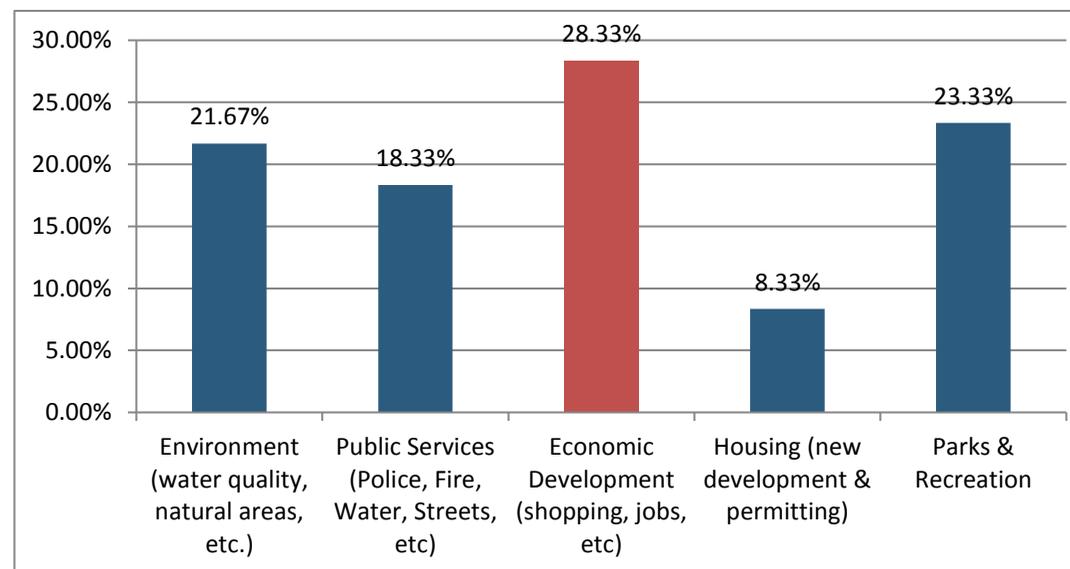
13. If you visit other cities, pick 3 items that attract you most to these communities (Multiple Choice - Multiple Response)

	Responses	
	Percent	Count
Employment	6.15%	87
Shopping	30.77%	195
Personal Services	9.23%	74
Restaurants	29.23%	201
Special Events	16.92%	106
Other	7.69%	10
Totals	100%	673



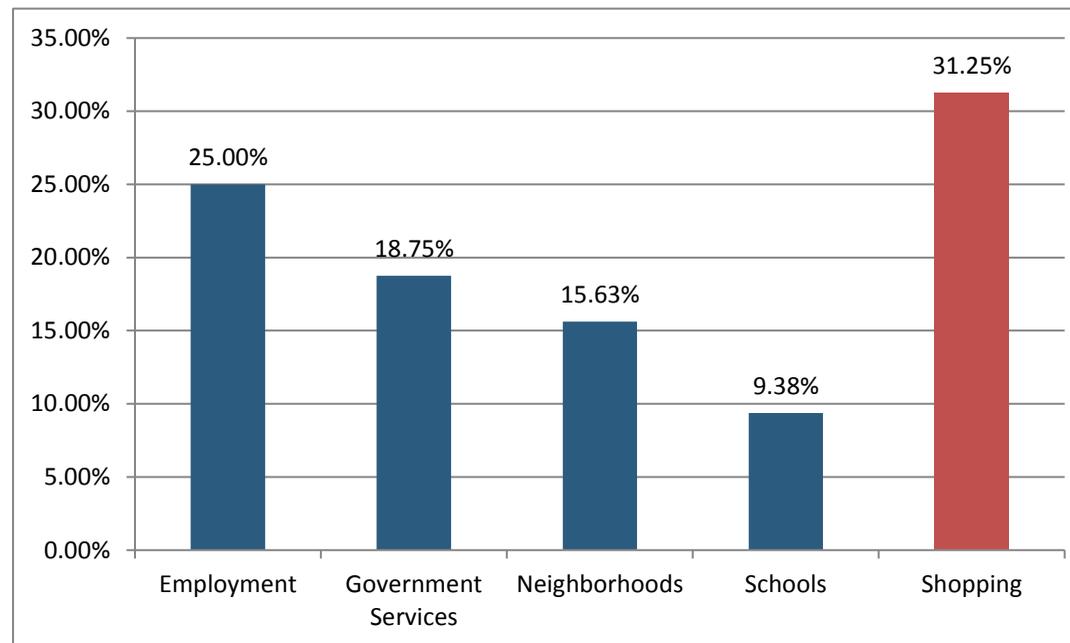
14. Pick 3 issues that are the most important for the city to address in the next 20 years. (Multiple Choice - Multiple Response)

	Responses	
	Percent	Count
Environment (water quality, natural areas, etc.)	21.67%	107
Public Services (Police, Fire, Water, Streets, etc)	18.33%	165
Economic Development (shopping, jobs, etc)	28.33%	177
Housing (new development & permitting)	8.33%	76
Parks & Recreation	23.33%	159
Totals	100%	684



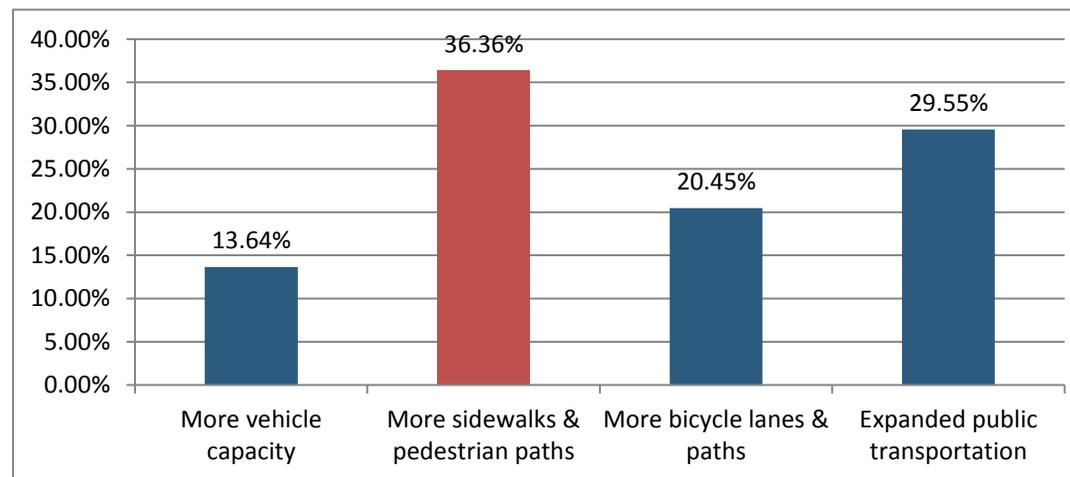
15. Pick 3 areas that Lake Stevens can improve in the next 20 years. (Multiple Choice - Multiple Response)

Responses		
	Percent	Count
Employment	25.00%	162
Government Services	18.75%	133
Neighborhoods	15.63%	111
Schools	9.38%	106
Shopping	31.25%	180
Totals	100%	692



16. Pick 2 transportation issues that you believe will improve the local street system the most. (Multiple Choice - Multiple Response)

Responses		
	Percent	Count
More vehicle capacity	13.64%	107
More sidewalks & pedestrian paths	36.36%	184
More bicycle lanes & paths	20.45%	93
Expanded public transportation	29.55%	99
Totals	100%	483



Staff Report City of Lake Stevens Planning Commission

Planning Commission Briefing
Date: **August 20, 2014**

Subject: Frontage Road Development Improvement Code Amendment (LUA2014-0058) – **Briefing**
Contact Person/Department: **Sally Payne**, Senior Planner

SUMMARY:

With development picking up, the City is seeing a steady increase in small development. It is becoming increasingly common that the developers of these sites are disputing and/or protesting the City requirement to perform frontage improvements. The reasoning is typically that there are no sidewalks to connect with on either side of the site. The current code (LSMC 14.56.170) requires all development to perform frontage improvements with very limited staff discretion to allow a deviation from this requirement.

City Council has directed staff to prepare proposed amendments to the current code to give more discretion to staff to allow for variations in the requirements when certain conditions exist. The revised code would allow the Public Works Director to waive or modify the requirements to construct frontage road improvements for new development when the applicant meets certain conditions. Background on this issue is provided as well the current code and draft revised code for Planning Commission review. This item is currently scheduled for Public Hearing before Planning Commission on September 3, 2014 as indicated on the project schedule in Attachment A.

BACKGROUND:

On 24th March 2014, staff presented the issue of frontage road improvements requirements to the City Council for discussion and direction. It was the consensus of the Council that there are situations, such as when there is no sidewalk in the close proximity of a new single-family development, where the installation of sidewalk with a single-family development didn't seem necessary. Furthermore, Council members commented that staff should have more discretion to allow for variation to this requirement. Staff was directed by the Council to prepare a code revision that would address these issues.

It is important to understand that the City's current policy, as adopted in the Comprehensive Plan and existing code, is to require the frontage improvements for any development so that eventually, there will be fully connected sidewalks. If the fronting property owner does not construct the improvements, the responsibility falls to the greater public to fund the missing infrastructure. A change in this policy accepts this infrastructure deficiency as a public obligation or assumes that a lengthy and expensive process of forming a Local Improvement District (LID) to fund the improvements will occur.

To make the code changes, staff proposed a complete code revision. The intent is to make the code easy to follow which includes: definition of what frontage improvement consists of; defined guidelines for single-family units; and legal language covering State, Federal, and appeal processes. Because this is a rewrite, a copy of the current code is provided as Attachment B. The proposed code is included in Attachment C with a Process Flow Chart. The flow chart provided would be an administrative guideline that could be provided to developers.

On July 14, 2014 staff presented proposed code revisions for frontage road improvements to City Council for discussion. In addition, staff requested direction regarding right-of-way dedication to the City, outside of a formal plat, and whether these right-of-way dedications could be accepted administratively.

Regarding the proposed code revisions, City Council's discussion focused on limits that would trigger the requirement for frontage improvements, payment of fee in lieu of providing frontage improvements, and no-protest covenants regarding the formation of any future Local Improvement District (LID). Council provided suggestions regarding the limits and requirements which have been incorporated into the proposed code amendment presented here as shown in blue on the proposed code revisions.

One item suggested by Council was that the sun setting of the no-protest agreement for the formation of an LID after eight years if improvements have not been built. Staff researched the issue of sun setting a no-protest agreement through the Municipal Research and Services Center (MRSC). RCW 35.43.182 states that no-protest agreements are statutorily subject to a maximum duration of 10 years.

Staff is proposing, in order to be consistent with the above stated RCW code, that the revised code amendment state the effective term for the no-protest agreement be 10 years rather than the eight years as suggested by City Council.

The other suggested revision to the code by City Council as presented by staff was a change to one of the conditions allowing the Public Works Director to waive the requirements. City Council wanted text in (5)(i) changed to: if there are no existing sidewalks along the same side of the street within 2 adjacent lots or 100 feet whichever is less, rather than 200 feet as proposed by staff. This changed is also included in the attached proposed code revision.

In regards to the right-of-way dedication, there are essentially two mechanisms to gain public right-of-way:

1. **Dedication** of rights-of-way which function as an easement for the public use; and
2. Right-of-way acquired through fee simple title and executed through a **deed**, typically preferred for major thoroughfares and/or significant arterials.

As a matter of practice, the City has administratively accepted dedication of right-of-way. Council approves dedication in formal plats (subdivisions) as required by state law. Since current code and the proposed code do not specifically address these processes, staff sought confirmation from Council on whether it would like staff to continue the current practice. Acceptance of real property through deeds would continue to require Council approval. City Council did confirm at the July 14, 2014 briefing that staff should continue the current practice of administratively accepting dedication of right-of-way.

PROPOSED LAND USE CODE AMENDMENTS:

In brief the proposed code:

- Requires all development to dedicate, as needed, frontage right-of-way
- Requires all development to perform frontage improvements with exceptions considered only for single family and duplex residential units
- Defines four (4) exceptions to deviate from current frontage for single family and duplex units as:

- (i) There are no existing sidewalks along the same side of the street within 2 adjacent lots or 100 feet, which is less, of the property on either side;
 - (ii) Construction of frontage improvements will adversely impact critical areas that cannot be adequately mitigated in accordance with LSMC 14.88 or the State Environmental Policy Act pursuant to LSMC Title 16;
 - (iii) A safety issue is created by constructing the frontage improvements;
 - (iv) A public roadway improvement project is scheduled and fully funded for construction and said improvements include the adjacent site frontage.
- General statement on State and Federal law.
 - Identify Appeal section of code.

ATTACHMENTS:

- A. Frontage Road Improvement Code Amendment Schedule
- B. Current Lake Stevens Municipal Code Section 14.56.170
- C. Proposed Lake Stevens Municipal Code Section 14.56.170

ATTACHMENT A

City of Lake Stevens (8/15/14)

Frontage Road Development Improvement Code Amendment (LUA 2014-0057)

ACTIVITY	AUGUST	SEPTEMBER	OCTOBER	NOVEMBER	DECEMBER
Research	-----				
Draft Code Amendments	-----				
Draft Ordinances		-----			
Attorney Review		-----			
Commerce Review (Request Expedited Review- 15 days)	8/11/14				
Prepare & Issue SEPA (comment/appeal) 14 days	8/18/14				
Notice Planning Commission and City Council Public Hearing in EvH	8/19/14 & 8/29/14				
Planning Commission Briefing	8/20/14				
Planning Commission Public Hearing		<u>9/3/14</u>			
City Council Public Hearing, 1 st Reading		<u>9/22/14</u>			
City Council Public Hearing, 2nd & Final Reading			<u>10/13/14</u>		
Effective date			10/23/14 approx.		

ATTACHMENT B

CURRENT CODE

14.56.170 Right-of-Way Improvements and Dedication to Precede Development or Building.

(a) No land use or building permit shall be issued by the City unless or until the right-of-way improvements upon which the same abuts are deemed fully improved to the standards of the right-of-way classification as specified in Section [14.56.010](#) and the City's Transportation Plan and offered for dedication to the public.

(b) Resurfacing of an existing public street to its centerline shall not be required for a single-family or a single duplex development.

(c) Right-of-way improvements shall be completed as follows, except as provided in subsection (d) of this section:

(1) Major subdivisions and short subdivisions: prior to recording the final plat.

(2) Construction of a dwelling unit, business, commercial or industrial building within any 12-month period, which exceeds 50 percent of the assessed value of the existing building on the property: prior to occupancy.

(3) Development of a mobile home park or sites with multiple buildings under common ownership: prior to occupancy.

(4) Any change in the use classification of an existing building or structure on the property: prior to occupancy.

(d) The Public Works Director may deem subsection (a) of this section fulfilled under the below-listed circumstances. It shall be at the Public Works Director's discretion, based on knowledge of upcoming projects in the vicinity, safety issues, or sound engineering judgment, as to which method shall be allowed or not allowed. Improvements may be deemed fully installed:

(1) Where the rights-of-way are already improved to their classification standards and dedicated to the City.

(2) Where the City chooses to purchase rights-of-way and install the improvements. However, under no circumstances is the City obligated to do this.

(3) Where the applicant, understanding that the land use or building permit sought cannot be issued until the improvements are deemed installed by the Public Works Director, installs the improvements himself at his own cost and offers the rights-of-way to the public.

(4) Where the applicant has dedicated the rights-of-way to the public and provided a surety bond ensuring that the improvements shall be installed within one year. Said warranty bond shall meet the requirements of Chapter 14.16A.180 (Security Mechanisms).

(5) If subsections (d)(1) through (4) of this section are deemed infeasible by the Public Works Director: Where the applicant has dedicated the rights-of-way to the public and elected to pay to the City a fee in lieu of improvements. In such circumstances said monies would be maintained in an account to be used specifically for transportation improvements. The properties contributing to these improvements cannot be subject to any future local improvement district for those improvements being paid for.

(6) If subsections (d)(1) through (5) of this section are deemed infeasible by the Public Works Director: Where the applicant has dedicated the rights-of-way to the public, and provided a recorded covenant power of attorney to the City in support of a petition local improvement district (hereinafter referred to as "LID covenant") for construction of right-of-way improvements, together with all necessary appurtenances. Forms for the LID covenant shall be provided by the City and approved by the City Attorney. (Ord. 811, Sec. 57, 2010; Ord. 796, Sec. 19, 2009; Ord. 501, Sec. 12, 1995)

ATTACHMENT C

PROPOSED REVISED CODE

14.56.170 Right-of-Way Dedication and Frontage Improvements.

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

(a) Right-of-way width. The width of right-of-way dedication shall be determined in accordance with the roadway classifications defined in Chapter 14.56 LSMC, the Comprehensive Plan and the classification standards with the adopted Engineering Design and Development Standards (EDDS). Existing right-of-way widths matching or exceeding the current standards shall satisfy the width requirement. A reduction of right-of-way dedication width may be considered under the following conditions:

(1) Where critical areas or their buffers as defined in Chapter 14.88 LSMC exist within the proposed dedication area; or

(2) The dedication would deny reasonable economic use of the property under the standards of this Title. The applicant or property owner must demonstrate the following to receive a reduction in right-of-way width dedication requirements:

- (i) The basic allowed land uses cannot reasonably be accomplished; and
- (ii) A reduction in the size, scope, configuration, density or consideration of alternative designs as proposed will not accomplish the project as allowed under existing land use regulations; and
- (iii) In cases where the applicant has rejected alternatives to the project as proposed due to other constraints such as zoning or parcel size, the applicant must show there has been a reasonable attempt to remove or accommodate such constraints.

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

(b) Frontage Improvements Required. Frontage improvements are required to be installed along the abutting public street frontage of the property to be developed. Resurfacing an existing public street to its centerline shall not be required for single-family or duplex development.

(1) "Frontage improvements" used in this section as defined in the City's adopted EDDS refer to the construction, reconstruction or repair of the following facilities along public rights-of-way abutting a property being developed:

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

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

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

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

(i) An existing lot in an existing single-family subdivision, short plat, or binding site plan where the lots are fully developed and frontage improvements were constructed to the standards in effect at the time of final plat recording; or

(ii) A new single family residence on an existing lot or replacement of an existing single family residence where there are no frontage improvements meeting city standards constructed within 200 feet of the lot or improvements identified through an approved subdivision and potential exists for future development.

(4) The granting of an exception or waiver as outlined in subsection (3) or subsection (5) of this section does not waive the property owner's requirement to dedicate right-of-way as established in this section.

(5) The Public Works Director may waive or modify the requirement to construct frontage improvements for new development when the applicant or property owner demonstrates that at least one of the following conditions exist and the owner of the new development either executes a no-protest agreement to form a Local Improvement District or pays a fee in lieu of constructing frontage improvements as approved by the Public Works Director or designee. Said no-protest agreement shall have an effective term of 10 years from the time of the City's acceptance:

(i) There are no existing sidewalks along the same side of the street within 2 adjacent lots or 100 feet, which is less, of the property on either side;

(ii) Construction of frontage improvements will adversely impact critical areas that cannot be adequately mitigated in accordance with LSMC 14.88 or the State Environmental Policy Act pursuant to LSMC Title 16;

(iii) A safety issue is created by constructing the frontage improvements;

(iv) A public roadway improvement project is scheduled and fully funded for construction and said improvements include the adjacent site frontage.

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

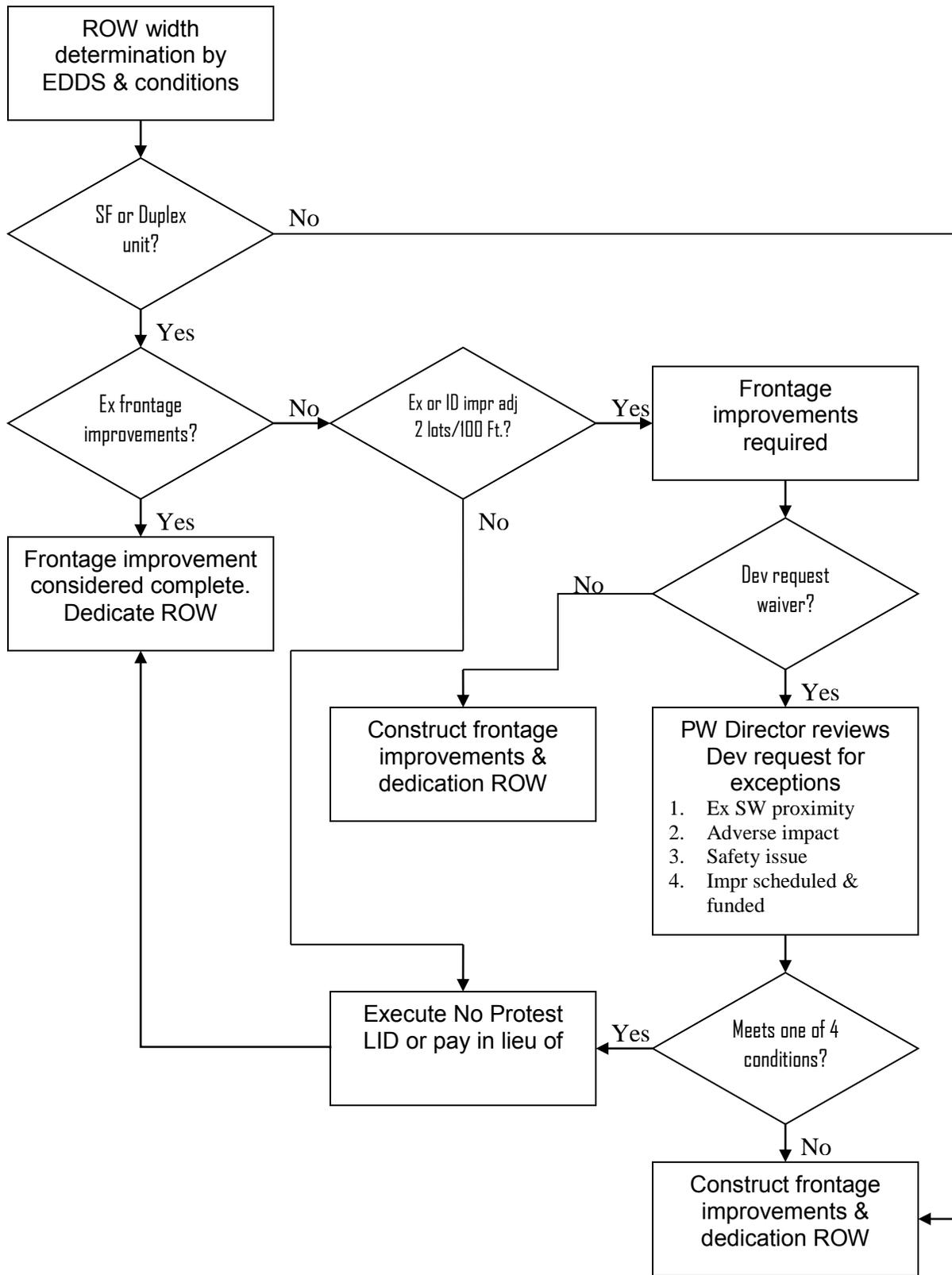
(c) Dedication of Right-of Way. Dedication of right-of-way is required to be executed prior to building permit issuance or final project approval. For Subdivisions, Short Subdivisions and Binding Site Plans the dedication shall be required on the final recording documents. For projects that are not part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

(d) Acceptance of Frontage Improvements. The Public Works Director or designee may approve an extension for the completion of the improvements for up to one year if the Public Works Director or designee receives a surety bond ensuring the timely completion of the improvements. Said surety bond shall meet the requirements set forth in Section 14.16A.180 (Security Mechanisms).

(e) State or Federal Law. Where an applicant demonstrates under applicable State or Federal law that the required dedication or improvements are unlawful, the Public Works Director or designee, to the extent the obligation is unlawful, shall not require the dedication or improvements required by this section as a condition of final acceptance or of building permit issuance.

(f) Appeal of Director Decision. Any appeal of the Director or designee's determination shall be processed using the appeal processes specified for the underlying application pursuant to LSMC14.16A.265.

LSMC 14.56.170 – Process Flow Chart



17. Pick 2 city facilities that you believe are the most important to Lake Stevens. (Multiple Choice - Multiple Response)

		Responses	
		Percent	Count
Community & Cultural Facilities (Community Center, Museum, etc)		18.18%	59
Municipal Buildings (City Hall, Police Station, Public Works Yard, etc)		11.36%	67
Parks, Open Spaces, Public Landscaping		45.45%	179
Roads & Sidewalks		25.00%	160
Public Art		0.00%	6
Totals		100%	471

