



PLANNING COMMISSION AGENDA

Public Hearing Date: November 6, 2013

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 October 2, 2013 Meeting Minutes**
- E. **PUBLIC HEARING**
 - 1. **2013 Comprehensive Plan Amendments (2013 Docket) and Code Housekeeping Amendments—Final Review and Recommendation (Karen Watkins and Russ Wright)**

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

PUBLIC HEARING FORMAT
 - 1. PC Chair Opens Public Hearing
 - 2. Staff Presentation
 - 3. Commission's questions for staff
 - 4. Proponent's comments
 - 5. Comments from the audience
 - 6. Proponent rebuttal comments
 - 7. Close public comments portion of hearing by motion
 - 8. Re-open public comment portion of hearing for additional comments (optional)
 - 9. Close Hearing by motion
 - 10. **COMMISSION ACTION BY MOTION—Recommendation to Council**
 - A. Approve
 - B. Deny
 - C. Continue
- F. **DISCUSSION ITEMS**
- G. **COMMISSIONER REPORTS**
- H. **PLANNING DIRECTOR'S 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 REGULAR MEETING MINUTES

Community Center
1808 Main Street, Lake Stevens
Wednesday, October 2, 2013

CALL TO ORDER: 7:00 pm by Vice-Chair Petershagen

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

MEMBERS ABSENT: Chair Janice Huxford and Linda Hoult

STAFF PRESENT: Principal Planner Karen Watkins, Senior Planner Russ Wright, and Planning/Public Works Coordinator Georgine Rosson

OTHERS PRESENT: None

Excused Absence: Commissioner Barnett motioned to excuse Chair Huxford and Commissioner Hoult, Commissioner Thurber second, motion passed 5-0-0-2.

Guest Business: None

Action Items:

Approval of Minutes from July 17, 2013: Commissioner Thurber motioned to approve minutes, Commissioner Matlack second, motion passed 5-0-0-2.

Discussion Items:

I-502 Marijuana Regulations – Principal Planner Karen Watkins and Senior Planner Russ Wright

Principal Planner Watkins began the presentation by stating the Washington State Liquor Control Board released revised draft regulations on September 4, 2013 that outline the rules for licensing the production, processing and sales of marijuana and marijuana products. These draft regulations incorporate recommendations from the memorandum issued by the federal government on August 29, 2013 outlining the federal government's guidance on marijuana enforcement. The guidance memorandum does not change federal law; but implies that marijuana businesses that abide by state regulations that conform to the federal enforcement priorities may not be subject to federal prosecution. Council approved Ordinance No. 900 enacting a six-month moratorium on August 21, 2013 prohibiting the establishment, permitting, licensing and operating, cultivation, production, and retail sales of marijuana and marijuana derivatives within the City of Lake Stevens, as the City does not have adequate regulations in place to govern marijuana facilities, land use permitting and licensing. A public hearing on the moratorium was held and no public comment was received. The Council upheld the moratorium and directed staff to create a work plan to establish regulations for marijuana

facilities. The process to establish permanent zoning regulations will require Planning Commission review, public hearing, and a recommendation to City Council. The final regulations will need to mirror state regulations and address federal enforcement priorities.

Planner Watkins proceeded to cover the work plan highlighting critical completion dates. Staff will endeavor to have permanent regulations in place by February 21, 2014, the date the current moratorium expires. If staff needs additional time to complete the work program and adopt permanent regulations, it may extend the moratorium subject to public notice and public hearing.

The Planning Commissioners had several questions for staff:

- Commissioner Davis asked about the progress other cities have made towards adopting permanent regulations. Senior Planner Wright responded that Mukilteo, Everett and Snohomish County are further along in the process, and staff may be able to use their regulations as models. Planner Wright thought that most cities will stick close to the regulations as set forth by the state.
- Commissioner Matlack asked if we have to allow a retail establishment, Planner Watkins responded that yes we do have to allow one retail establishment.
- Commissioner Barnet asked if there will be regulations controlling where on a property the marijuana is grown. Planner Watkins responded that usually it is grown in greenhouses, which are only allowed in certain zones. Planner Wright stated that the state might allow outside grow areas, but the city does not have any agricultural zones that would allow outdoor grow areas.
- Commissioner Barnet asked if there would be any permitting for the production or processing facilities. Planner Wright responded that they would have to get a business license just like any other business, and there will also be a permitting process through the state that these facilities will have to follow.
- Commissioner Davis and Commissioner Matlack asked specific questions about the location and size of the retail establishment. Planner Watkins responded the state has regulations regarding the size of the retail establishment, Planner Wright responded that there will be several factors affecting placement of a retail establishment, such as proximity to schools and playgrounds. Staff will develop a map showing possible locations for marijuana production, processing and retail facilities and have this available for the November meeting.
- Vice-Chair Petershagen asked if the city could impose a tax surcharge, or use tax on marijuana to cover the impact to the local community. Planner Wright responded that the state has imposed taxes at the production, processing and retail stages. Planner Wright believes the only tax revenue for the city would be the cities' portion of sales tax, just like any other business.

2013 Comprehensive Plan Park Plan Element Update – Senior Planner Russ Wright

Senior Planner Wright began the presentation by explaining the purpose behind the Park Plan update. By performing this update, the city will ensure that the Park Plan continues to address the recreational needs of the community and contains all of the elements recommended by the Recreation & Conservation Office (RCO), which enables the city to compete for grant funding for parks and recreation projects. The current level of service looks strictly at population, with 7.5 acres of parkland per 1,000 people. The city's

current model does not distinguish types of parks and the different functions provided. The Park Board has recommended a level of service that focuses on access to facilities and the quality of facilities and amenities available. Planner Wright discussed preliminary survey results, briefly covering each of the questions. One of the goals of the city, which was also evident in the survey results, is improving the amenities at the city's existing parks, and identifying new parkland in recently annexed areas of southern Lake Stevens. Staff will also look at ways to ensure continued park maintenance at our existing parks. The new park plan promotes trails and sidewalks, and open space, which were all park types strongly supported in the survey results. The school district has an indoor pool that they open at certain times to the public. Commissioner Matlack asked about the relationship between the city and the school district regarding the pool, and if the city contributes financially to the pool. Planner Wright responded he was not sure if the city financially supports the pool.

The revised goals and policies were reviewed next. This section of code has been revised and organized around common themes and redundancies removed. In addition, the revisions will reflect community preferences from the survey results. The city held two open houses, at different venues, to reach different city residents. There were several stakeholder groups represented at the last open house. The Park Plan update will be moving in concert with this year's docket, with implementation and capital facility review possibly deferred until next year.

The Planning Commissioners had comments/questions for staff:

- Commissioner Thurber commented that at times she has been appalled at the condition of some of our parks.
- Vice-Chair Petershagen asked if maintenance of parks falls under the Public Works department. Planner Wright responded that yes it does.
- Commissioner Davis asked about plans for development of Cavalero Park. Planner Wright responded that the County does have a master plan for this park. Mr. Wright stated the city and county would be coordinating to update the master plan.
- Vice-Chair Petershagen asked about who is responsible for maintenance at the city boat launch. Planner Wright responded he thought there is a joint agreement with Department of Fish & Wildlife. Mr. Petershagen mentioned the condition of the boat launch and other parks around the city. He believes the city needs to work toward having all parks under its control and maintained by the city. Planner Wright responded that creating interlocal agreements with other jurisdictions is part of the revised goals and policies, which will enable the city to define what various agencies will maintain.

Commissioner Reports:

Commissioner Matlack mentioned he went to a sewer utility meeting. Tonya Christofferson is the new director and Pam Stevens is a new commissioner. Progress is being made to combine the sewer district with the city. Mr. Matlack also mentioned the article in the paper regarding a skate park. Commissioner Barnet also saw the article and asked where is the land that, according to the article, has already been set aside for a skate park. Planner Wright responded that the city does not have any land set aside for this use, but the Rotary Club is working on this issue. Commissioner Barnet

mentioned the importance of having a walkway around the lake; Commissioner Thurber agreed, as well as finding a location for a skate park.

Planning Director's Report:

Principal Planner Watkins briefed commissioners on current planning events. The city held a business recruitment luncheon at the Washington Athletic Club in Seattle. It went very well, with a number of developers in attendance.

The 2015 Comp Plan update is under way. This will be a major update that will need to be completed by June 2015. Staff will be sharing a work plan with the commissioners in the next few months, and the commissioners will be very involved with the update. .

The update for Alliance for Housing Affordability is that all of the interlocal agreements have been signed except for City of Everett, which will be signed this week. The Alliance is planning to hire a staff person and is putting together a hiring committee. Planner Wright informed commissioners that the Snohomish County Planning Advisory Committee recently completed a housing analysis report that covers growth targets and how to implement countywide housing policies. This report tackles affordable housing and housing in general and will be a great help in setting housing goals.

The update on development is that staff is very busy. We currently have several housing plats in various stages of completion. Commissioner Davis asked about the increase in residential development and if commercial development will follow. Principal Planner Watkins responded that it is typical to see residential development proceed commercial, as the growth in residential will attract the commercial. Vice-Chair Petershagen asked if any reports showing this growth would be online. Principal Planner Watkins responded there is a portion of the permitting program that can be online, but the city has not taken the necessary steps at this time to put this information on the website. Staff is working on what the report will look like before it is made public. Planner Wright indicated staff does maintain a spreadsheet on the city's website detailing major development projects. Commissioner Thurber asked about the city's land use signs, and the size of the sign. Principal Planner Watkins responded that the intent of the signs is to prompt a phone call to the city, not meant for traffic to be able to read the signs as they drive by. The next Planning Commission meeting will be November 6th.

Adjourn. Commissioner Davis motioned to adjourn at 7:50 p.m., Commissioner Barnet second, motion passed. 5-0-0-2.

Gary Petershagen, Vice-Chair

Georgine Rosson, Planning/Public
Works Coordinator



Staff Report City of Lake Stevens Planning Commission

Planning Commission Public Hearing Date: **November 6, 2013**

Subject: **2013 Comprehensive Plan Amendments (2013 Docket) and Code Housekeeping Amendments – Final Review and Recommendation (LUA2013-0008)**

Contact Person: **Karen Watkins & Russ Wright**, Planning & Community Development Department
Via: **Rebecca Ableman, Planning Director**

SUMMARY: Attached are one City-proposed map correction and seven City-proposed Comprehensive Plan text amendments and Code Housekeeping amendments ratified by the City Council on July 8, 2013. Most of the amendments are normal updates related to the Docket, related to the recently adopted subarea plans, and general updates due to changes in state regulations or requirements. The Code Housekeeping amendments correct minor code errors and revisions found during code implementation and update code to be consistent with the GMA Comprehensive Plan.

BACKGROUND/HISTORY: Under the Growth Management Act, the City is allowed to amend the Comprehensive Plan and Future Land Use Map only once per year with a few exceptions. This process is called the "Docket." The Comprehensive Plan has a specified docket process to follow (pages 1-20 to 1-27). This year's docket has one map correction proposed by the City and seven text amendments proposed by the City (**Attachment A**) and Code Housekeeping Amendments (**Attachment B**). No private amendments were proposed.

The Planning Commission held a public hearing for recommendation to ratify the 2013 Docket on June 19, 2013. The 2013 Docket was ratified by the City Council on July 8, 2013.

The proposed Comprehensive Plan amendments were sent to the Washington Department of Commerce on October 1, 2013 for the required 60-day review by State agencies. Addendum No. 6 to the Integrated 2005 Comprehensive Plan and Environmental Impact Statement will be issued in November 2013.

RM-2 and RT-2 were placeholders to be used if the Downtown Framework Plan was adopted before finalizing the Docket; since this was not completed, these two items are not included in the final docket. In addition RT-8 was an open item to allow the City Council to add any additional items to the Docket. During review of the Park Plan, it was determined that park projects need to be added to Chapter 8 Capital Facilities Element, Table 8-1 Capital Improvements, 2012-2032.

The items on the ratified docket have been analyzed against the criteria to grant or deny an amendment. An analysis form for each proposed Comprehensive Plan map correction and text amendment is attached. Code Amendments do not require an analysis form. All Comprehensive Plan and code proposals meet all requirements for granting the proposed amendments.

ACTIONS REQUESTED OF PLANNING COMMISSION:

- A. The Planning Commission should hold a public hearing on November 6, 2013 for the proposed Comprehensive Plan amendments and the proposed Code Housekeeping Amendments.

- B. The Planning Commission should review each proposed Comprehensive Plan amendment against the six criteria listed in the Comprehensive Plan (pages 1- 26 to 1-27) to grant or deny a Plan amendment. The Planning Commission should make a recommendation on the Comprehensive Plan Amendments to the City Council.

For both City and privately-initiated amendments, the City shall take into consideration, but is not limited to, the following factors when considering approval of a proposed amendment to the Comprehensive Plan:

1. *The effect upon the physical, natural, economic, and/or social environments.*
2. *The compatibility with and impact on adjacent land uses and surrounding neighborhoods including whether the amendment would create pressure to change the land use designation of other properties in the vicinity.*
3. *The adequacy of and impact on public facilities and services, including utilities, roads, public transportation, parks, recreation, and schools.*
4. *The quantity and location of land planned for the proposed land use type and density.*
5. *The effect, if any, upon other aspects of the Comprehensive Plan.*

The City may amend the Comprehensive Plan only if it finds the amendment meets all of the following:

1. *The amendment must be consistent with the Growth Management Act and other applicable State laws;*
2. *The amendment must be consistent with the applicable County-wide Planning Policies;*
3. *The amendment must not be in conflict with the Community Vision or other goals, policies, and provisions of the Comprehensive Plan;*
4. *The amendment can be accommodated by all applicable public services and facilities, including transportation;*
5. *The amendment will change the development or use potential of a site or area without creating significant adverse impacts on existing sensitive land uses, businesses, or residents;*
6. *The amendment will result in long-term benefits to the community as a whole, and is in the best interest of the community.*

- C. The Planning Commission should review the Code Housekeeping Amendments and make a recommendation on the code amendments to the City Council.

The Code Housekeeping Amendments must meet the required decision criteria for a code amendment (LSMC 14.16C.075(f)):

Decision Criteria. In approving code amendments to this title, the City Council shall make the following findings:

- (1) *The amendment is consistent with the adopted Lake Stevens Comprehensive Plan;*
- (2) *The amendment is in compliance with the Growth Management Act; and*
- (3) *The amendment serves to advance the public health, safety and welfare.*

DISCUSSION: Staff will briefly walk through each amendment and ask for questions.

RECOMMENDATION: Staff has made recommendations on the analysis forms for the Comprehensive Plan Amendments. All Comprehensive Plan map and text amendments meet all the applicable decision

criteria to grant the proposed amendments. The Code Housekeeping Amendments do not require analysis forms.

Commissioners should make one recommendation for the Comprehensive Plan Amendments and a separate recommendation for the Code Housekeeping Amendments.

ATTACHMENTS:

- A. Comprehensive Plan Analysis Forms for One Map Correction and Seven Text Amendments
- B. Code Housekeeping Amendments



Staff Report City of Lake Stevens Planning Commission

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For both City and privately-initiated amendments, the City shall take into consideration, but is not limited to, the following factors when considering approval of a proposed amendment to the Comprehensive Plan:

1. *The effect upon the physical, natural, economic, and/or social environments.*
2. *The compatibility with and impact on adjacent land uses and surrounding neighborhoods including whether the amendment would create pressure to change the land use designation of other properties in the vicinity.*
3. *The adequacy of and impact on public facilities and services, including utilities, roads, public transportation, parks, recreation, and schools.*
4. *The quantity and location of land planned for the proposed land use type and density.*
5. *The effect, if any, upon other aspects of the Comprehensive Plan.*

The City may amend the Comprehensive Plan only if it finds the amendment meets all of the following:

1. *The amendment must be consistent with the Growth Management Act and other applicable State laws;*
2. *The amendment must be consistent with the applicable County-wide Planning Policies;*
3. *The amendment must not be in conflict with the Community Vision or other goals, policies, and provisions of the Comprehensive Plan;*
4. *The amendment can be accommodated by all applicable public services and facilities, including transportation;*
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RECOMMENDATION: Staff has made recommendations on the analysis forms for the Comprehensive Plan Amendments. All Comprehensive Plan map and text amendments meet all the applicable decision

criteria to grant the proposed amendments. The Code Housekeeping Amendments do not require analysis forms.

Commissioners should make one recommendation for the Comprehensive Plan Amendments and a separate recommendation for the Code Housekeeping Amendments.

ATTACHMENTS:

- A. Comprehensive Plan Analysis Forms for One Map Correction and Seven Text Amendments
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Comprehensive Plan Docket 2013 Map Amendment

Staff Summary for Grant or Denial M-1 20th Street SE Stormwater Detention Facility

<p>PROPERTY OWNER(S): Duane Smith & City of Lake Stevens</p> <p>CONTACT: Duane Smith / Mick Monken</p>	<p>PARCEL NUMBER(S)/ACREAGE/ PROPERTY LOCATION: 29061900301200/8.09 acres/Undeveloped, 10227 20th St SE, Lake Stevens 29061900302700/1.55 acres/Stormwater Detention Facility, East of parcel above, Lake Stevens</p>
<p>SUMMARY: The proposal is for a Map Correction to update land use and zoning designations for city and adjacent property resulting from right-of-way vacation / dedication near the city's stormwater detention facility on the north side of 20th Street SE and west of South Lake Stevens Road. No change in acreage of each zone and land use designation, but only in boundaries of zone and designation to allow sharing of an access road.</p>	
<p>DISCUSSION: The property owner of the larger parcel requested equal right-of-way vacation and dedication (5,409 sq.ft.) to enhance the parcel access. The vacation and dedication were approved by the City Council as Ordinance 896 on July 8, 2013. This map amendment is implementing the approved vacation and dedication. No change in the area of either parcel is proposed, but just a slight modification of the boundary; therefore, no associated rezone process is required for this map correction</p>	

LAND USE DESIGNATION	
<p>EXISTING: Mixed Use (MU) and Public/Semi-Public (P/SP)</p>	<p>PROPOSED: No change to designation, just a change in the boundaries between existing designations</p>

GRANTING OR DENIAL OF AMENDMENTS (Pgs 1-26 and 1-27, Dec 2012 Final Comprehensive Plan) *For both City and privately-initiated amendments, the City shall take into consideration, but is not limited to, the following factors when considering approval of a proposed amendment to the Comprehensive Plan:*

<p>1. The effect upon the physical, natural, economic, and/or social environments. No effect as only the boundary between the two land use designations is changing.</p>
<p>2. The compatibility with and impact on adjacent land uses and surrounding neighborhoods including whether the amendment would create pressure to change the land use designation of other properties in the vicinity. No change as only the boundary between the two land use designations is changing.</p>
<p>3. The adequacy of and impact on public facilities and services, including utilities, roads, public transportation, parks, recreation, and schools. Change in boundary between the two designations will have no impact.</p>
<p>4. The quantity and location of land planned for the proposed land use type and density. Change in boundary between the two land use designations, but no change in acreage to either parcel.</p>
<p>5. The effect, if any, upon other aspects of the Comprehensive Plan. None</p>

The City may amend the Comprehensive Plan only if it finds the amendment meets all of the following:

1. The amendment must be consistent with the Growth Management Act and other applicable State laws.	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO
2. The amendment must be consistent with the applicable County-wide Planning Policies.	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO
3. The amendment must not be in conflict with the Community Vision or other goals, policies, and provisions of the Comprehensive Plan.	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO
4. The amendment can be accommodated by all applicable public services and facilities, including transportation.	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO
5. The amendment will change the development or use potential of a site or area without creating significant adverse impacts on existing sensitive land uses, businesses or residents.	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO
6. The amendment will result in long-term benefits to the community as a whole, and is in the best interest of the community.	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO

ZONING – The Hearing Examiner will make a recommendation to Council on the rezone.

EXISTING: Mixed Use Neighborhood (MUN) and Public/Semi-Public (P/SP)	PROPOSED: No change to zoning, just a change in the boundaries between existing zones
-----------------------------------------------------------------------------	----------------------------------------------------------------------------------------------

GRANT OR DENIAL OF REZONE SHALL BE BASED ON THE FOLLOWING CRITERIA (LSMC 14.16C.090)

Consistent with the Lake Stevens Comprehensive Plan? Yes, no change to existing zones or parcel acreage, just the boundary between the two zones is changing.
In compliance with Growth Management Act? Yes, no change to existing zone or parcel acreage.
Advances public health, safety and welfare? Not applicable as it is only a change in the boundary between two existing zones.

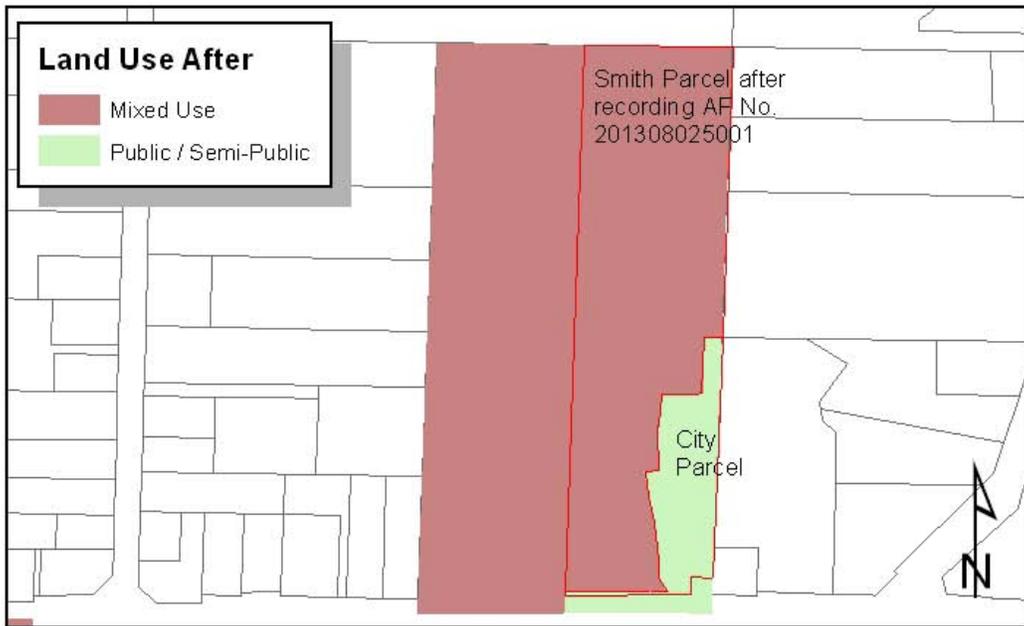
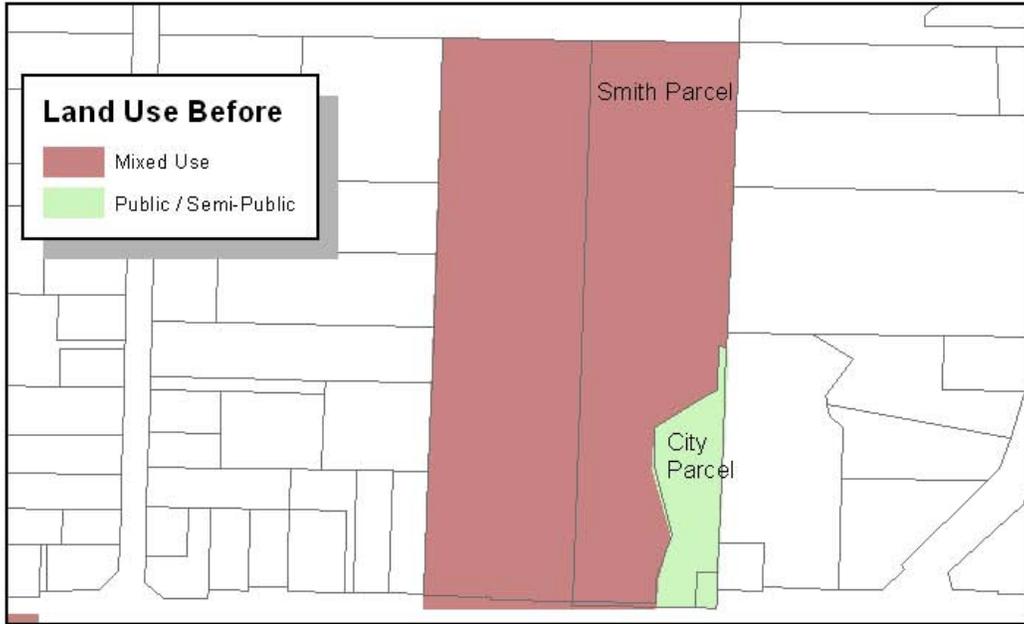
Staff recommends this proposal be GRANTED or DENIED based on the criteria in the Comprehensive Plan and LSMC.

The Planning Commission recommends this proposal be GRANTED or DENIED based on the criteria in the Comprehensive Plan and LSMC.

The City Council GRANTS or DENIES this proposal based on the criteria in the Comprehensive Plan and LSMC.

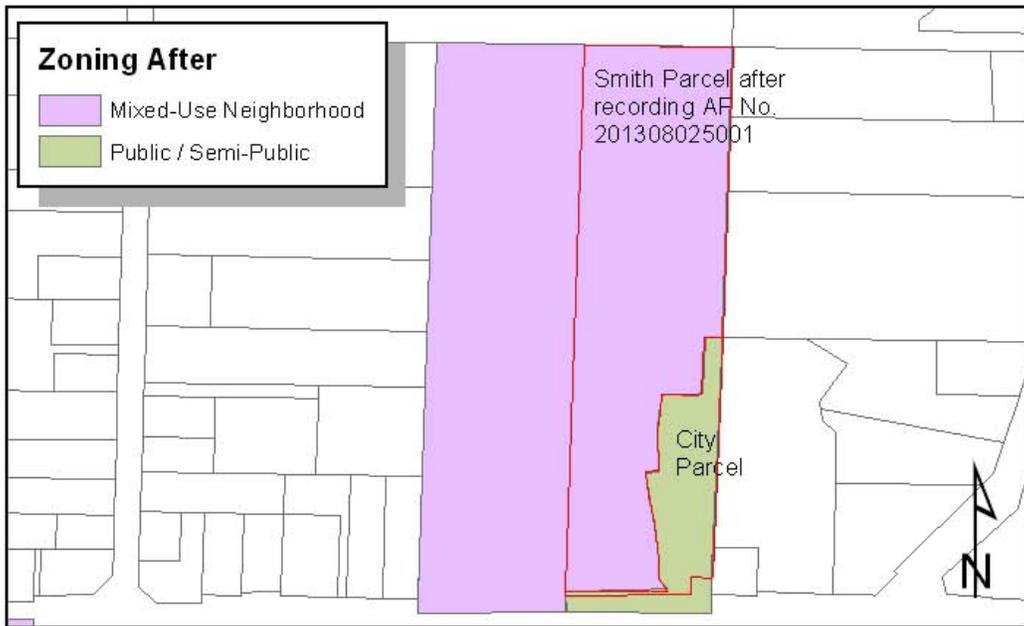


D. Smith / City of Lake Stevens Map Correction





D. Smith / City of Lake Stevens Map Correction





Comprehensive Plan Docket 2013 Text Amendment

Staff Summary for Grant or Denial T-1 Chapter 1 Introduction

LOCATION IN COMPREHENSIVE PLAN: Chapter 1, pages 1-7 to 1-9, and 1-29.
SUMMARY: The proposal is for text changes to the Comprehensive Plan as part of the 2013 Comprehensive Plan amendments. Two amendments are proposed in Chapter 1 Introduction.
DISCUSSION: The proposed amendments identify a general docket process rather than include yearly dates and reference the SEPA review for the 2013 Docket.

PROPOSED CHANGES:											
<i>Pages 1-7 to 1-9 – Simplify section by removing separate docket cycle public meeting schedules.</i>											
<i>Public Process for Docket Cycles</i>											
The <u>Annual</u> ((2007)) <u>Docket Cycles</u> included the following meetings for public participation during the adoption process for Plan amendments:											
<u>Annual</u> ((2007)) <u>Docket Ratification</u>											
<table style="width: 100%; border-collapse: collapse;"> <tr> <td style="border-right: 1px solid black; padding: 5px;">April 30 June 20</td> <td style="padding: 5px;">Planning Commission Meeting</td> </tr> <tr> <td style="border-right: 1px solid black; padding: 5px;">July 16 July 23</td> <td style="padding: 5px;">Planning Commission Hearing/Set Final Docket</td> </tr> <tr> <td style="border-right: 1px solid black; padding: 5px;"></td> <td style="padding: 5px;">City Council Workshop/<u>Briefing</u></td> </tr> <tr> <td style="border-right: 1px solid black; padding: 5px;"></td> <td style="padding: 5px;">City Council Ratification of Final Docket</td> </tr> </table>	April 30 June 20	Planning Commission Meeting	July 16 July 23	Planning Commission Hearing/Set Final Docket		City Council Workshop/ <u>Briefing</u>		City Council Ratification of Final Docket			
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<table style="width: 100%; border-collapse: collapse;"> <tr> <td style="border-right: 1px solid black; padding: 5px;">November 7</td> <td style="padding: 5px;">Planning Commission Public Hearing & Recommendation to City Council on <u>Adoption of Amendments</u></td> </tr> <tr> <td style="border-right: 1px solid black; padding: 5px;">December 3 December 5</td> <td style="padding: 5px;">City Council Workshop/<u>Briefing</u> ((Planning Commission Adopt Amendments)) <u>Hearing Examiner Public Hearing for Associated Rezone, if required</u></td> </tr> <tr> <td style="border-right: 1px solid black; padding: 5px;">December 10</td> <td style="padding: 5px;">City Council Public Hearing</td> </tr> <tr> <td style="border-right: 1px solid black; padding: 5px;">December 17</td> <td style="padding: 5px;">City Council Adoption of Amendments & <u>Rezoning</u></td> </tr> <tr> <td style="border-right: 1px solid black; padding: 5px;">December 31</td> <td style="padding: 5px;">Amendments Effective</td> </tr> </table>	November 7	Planning Commission Public Hearing & Recommendation to City Council on <u>Adoption of Amendments</u>	December 3 December 5	City Council Workshop/ <u>Briefing</u> ((Planning Commission Adopt Amendments)) <u>Hearing Examiner Public Hearing for Associated Rezone, if required</u>	December 10	City Council Public Hearing	December 17	City Council Adoption of Amendments & <u>Rezoning</u>	December 31	Amendments Effective	
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December 31	Amendments Effective										

((The 2008 Docket included the following meetings for public participation during the adoption process for Plan amendments:

2008 Docket Ratification

June 4	Planning Commission Meeting
July 2	Planning Commission Hearing/Set Final Docket
August 4	City Council Workshop
August 11	City Council Ratification of Final Docket

2008 Adoption of Amendments

October 1	Planning Commission Public Hearing
November 5	City Council Workshop
November 17	Planning Commission Adopt Amendments
November 24	City Council Public Hearing & Adoption of Amendments
December 8	Amendments Effective

The 2009 Docket included the following meetings for public participation during the adoption process for Plan amendments:

2009 Docket Ratification

March 4	Planning Commission Hearing/Set Final Docket
March 16	City Council Workshop
March 23	City Council Ratification of Final Docket

2009 Adoption of Amendments

May 4	City Council Workshop
May 6	Planning Commission Public Hearing
May 11	City Council Public Hearing & Adoption of Amendments
May 25	Amendments Effective

The 2010 Docket included the following meetings for public participation during the adoption process for Plan amendments:

2010 Docket Ratification

May 5	Planning Commission Hearing/Set Final Docket
May 24	City Council Ratification of Final Docket

2010 Adoption of Amendments

July 7	Planning Commission Public Hearing
July 19	City Council Workshop
July 26	City Council Public Hearing & Adoption of Amendments
August 9	Amendments Effective

The 2011 Docket included the following meetings for public participation during the adoption process for Plan amendments:

2011 Docket Ratification	
September 7	Planning Commission Hearing/Set Final Docket
September 26	City Council Ratification of Final Docket
2011 Adoption of Amendments	
October 24	City Council Briefing
November 2	Planning Commission Public Hearing
November 28	City Council Public Hearing & Adoption of Amendments
December 12	Amendments Effective

The 2012 Docket included the following meetings for public participation during the adoption process for Plan amendments:

2012 Docket Ratification	
September 5	Planning Commission Hearing/Set Final Docket
September 24	City Council Ratification of Final Docket
2012 Adoption of Amendments	
October 22	City Council Briefing
October 25	Hearing Examiner Public Hearing for Associated Rezone
November 7	Planning Commission Public Hearing
December 10	City Council Public Hearing & Adoption of Amendments & Rezone
December 24	Amendments Effective))

The Lake Stevens Center Subarea Plan and 20th Street SE Corridor Subarea Plan had separate and combined public participation processes. Each subarea plan includes a Public Process Summary as an appendix. The summary includes a list of public meetings, open houses, public hearings, document issuance dates, etc., held to elicit comments from the public on the Planned Actions, environmental impact statements, subarea plans, capital facilities plan, development regulations, design guidelines, and zoning map and land use map changes. Public comments and responses on the draft environmental impact statements are included in the Final EIS.

Page 1-29 – Add sentence to end of “Environmental Review” Section to reference SEPA Addendum No. 6.

B. Environmental Review

A complete environmental review can be found in *Appendix A* of the Comprehensive Plan. Comments on the environmental analysis were gathered at the same time the overall Plan was circulated for public review. Adjustments were made based on comments received. The result is a Comprehensive Plan that responds to environmental goals of the community and complies with the State Environmental Policy Act. An addendum to the Final Environmental Impact Statement for the 2007 Docket was issued on November 16, 2007 and is included in *Appendix B*. An addendum to the Final Environmental Impact Statement for the 2008 Docket was issued on October 10, 2008 and is included in *Appendix G*. A Determination of Nonsignificance and Adoption of Existing Environmental Documents for the 2009 Docket was issued on March 25, 2009 and is included in *Appendix H*. An addendum to the Final Environmental Impact Statement for the 2009 revisions to the Capital Facilities Plan with amendment of the 2009 City Budget was issued on October 12, 2009 and is included in *Appendix I*. A Determination of Nonsignificance and Adoption of Existing Environmental Documents for the 2010 Docket was issued on July 7, 2010 and is included in *Appendix J*. Addendum No. 4 to the Integrated 2005 Comprehensive Plan and Final Environmental Impact Statement for the 2011 Docket was issued on October 19, 2011 and is included in *Appendix K*. Addendum No. 5 to the Integrated 2005 Comprehensive Plan and Final Environmental Impact Statement for the 2012 Docket was issued on October 12, 2012 and Adoption of Existing Environmental Documents for the Lake Stevens School District Capital Facilities Plan 2012-2017 was issued on October 19, 2012 and are included in *Appendix L*. Addendum No. 6 to the Integrated 2005 Comprehensive Plan and Final Environmental Impact Statement for the 2013 Docket was issued on ~~October XX~~, 2013 and is included in *Appendix M*.

Draft and final environmental impact statements were issued for each subarea plan (20th Street SE Corridor and Lake Stevens Center) during the Subarea Planning Process. The documents included analysis of the subarea plans, planned actions, capital facilities plan, development regulations, design guidelines, zoning and land use map amendments, land use code amendments, and comprehensive plan amendments.

GRANTING OR DENIAL OF AMENDMENTS (Pgs 1-26 and 1-27, Dec 2012 Final Comprehensive Plan)

For both City and privately-initiated amendments, the City shall take into consideration, but is not limited to, the following factors when considering approval of a proposed amendment to the Comprehensive Plan:

- | |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p>1. The effect upon the physical, natural, economic, and/or social environments.
 The proposed amendments reference the docket process and associated environmental review, so will have no effect upon the physical, natural, economic, and/or social environments.</p> |
| <p>2. The compatibility with and impact on adjacent land uses and surrounding neighborhoods including whether the amendment would create pressure to change the land use designation of other properties in the vicinity.
 The proposed amendments reference the docket process and associated environmental review, so will have no impact to specific land uses or neighborhoods.</p> |
| <p>3. The adequacy of and impact on public facilities and services, including utilities, roads, public transportation, parks, recreation, and schools.
 The proposed amendments reference the docket process and associated environmental review, so will have no impact on public facilities and services.</p> |
| <p>4. The quantity and location of land planned for the proposed land use type and density.
 The proposed amendments reference the docket process and associated environmental review, so will have no effect on land use and density.</p> |
| <p>5. The effect, if any, upon other aspects of the Comprehensive Plan.
 The proposed amendments reference the docket process and associated environmental review, so will have no effect on other aspects of the Comprehensive Plan.</p> |

The City may amend the Comprehensive Plan only if it finds the amendment meets all of the following:

1. The amendment must be consistent with the Growth Management Act and other applicable State laws.	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO
2. The amendment must be consistent with the applicable County-wide Planning Policies.	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO
3. The amendment must not be in conflict with the Community Vision or other goals, policies, and provisions of the Comprehensive Plan.	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO
4. The amendment can be accommodated by all applicable public services and facilities, including transportation.	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO
5. The amendment will change the development or use potential of a site or area without creating significant adverse impacts on existing sensitive land uses, businesses or residents.	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO
6. The amendment will result in long-term benefits to the community as a whole, and is in the best interest of the community.	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO

Staff recommends this proposal be GRANTED or DENIED based on the criteria in the Comprehensive Plan.

The Planning Commission recommends this proposal be GRANTED or DENIED based on the criteria in the Comprehensive Plan.

The City Council GRANTS or DENIES this proposal based on the criteria in the Comprehensive Plan.



Comprehensive Plan Docket 2013 Text Amendment

Staff Summary for Grant or Denial T-3 Chapter 5 Parks and Recreation Element

LOCATION IN COMPREHENSIVE PLAN: Chapter 5, entire element.
SUMMARY: The proposal is for text changes to the Comprehensive Plan as part of the 2013 Comprehensive Plan amendments. One amendment to replace the entire chapter is proposed as part of the 2013 Docket.
DISCUSSION: The proposed amendment replaces the entire chapter and element with an updated Parks and Recreation Plan.

PROPOSED CHANGES: The entire chapter is replaced with the updated Parks and Recreation Plan as attached. Concurrently, Chapter 8 Table 8.1 Capital Facilities Plan is updated with a few park projects.

GRANTING OR DENIAL OF AMENDMENTS (Pgs 1-26 and 1-27, Dec 2012 Final Comprehensive Plan)

For both City and privately-initiated amendments, the City shall take into consideration, but is not limited to, the following factors when considering approval of a proposed amendment to the Comprehensive Plan:

<p>1. The effect upon the physical, natural, economic, and/or social environments. The updated Parks and Recreation Element will have beneficial effects upon the physical, natural, economic, and/or social environments.</p>
<p>2. The compatibility with and impact on adjacent land uses and surrounding neighborhoods including whether the amendment would create pressure to change the land use designation of other properties in the vicinity. The updated Parks and Recreation Element will have no direct impact to specific land uses or neighborhoods.</p>
<p>3. The adequacy of and impact on public facilities and services, including utilities, roads, public transportation, parks, recreation, and schools. The updated Parks and Recreation Element will have beneficial impacts to public park facilities and services and may require additional facilities and services.</p>
<p>4. The quantity and location of land planned for the proposed land use type and density. The updated Parks and Recreation Element will not have a major effect on land use type and density.</p>
<p>5. The effect, if any, upon other aspects of the Comprehensive Plan. The updated Parks and Recreation Element will have no effect on other aspects of the Comprehensive Plan.</p>

The City may amend the Comprehensive Plan only if it finds the amendment meets all of the following:

<p>1. The amendment must be consistent with the Growth Management Act and other applicable State laws.</p>	<p><input checked="" type="checkbox"/> YES <input type="checkbox"/> NO</p>
------------------------------------------------------------------------------------------------------------	-------------------------------------------------------------------------------

2. The amendment must be consistent with the applicable County-wide Planning Policies.	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO
3. The amendment must not be in conflict with the Community Vision or other goals, policies, and provisions of the Comprehensive Plan.	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO
4. The amendment can be accommodated by all applicable public services and facilities, including transportation.	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO
5. The amendment will change the development or use potential of a site or area without creating significant adverse impacts on existing sensitive land uses, businesses or residents.	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO
6. The amendment will result in long-term benefits to the community as a whole, and is in the best interest of the community.	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO

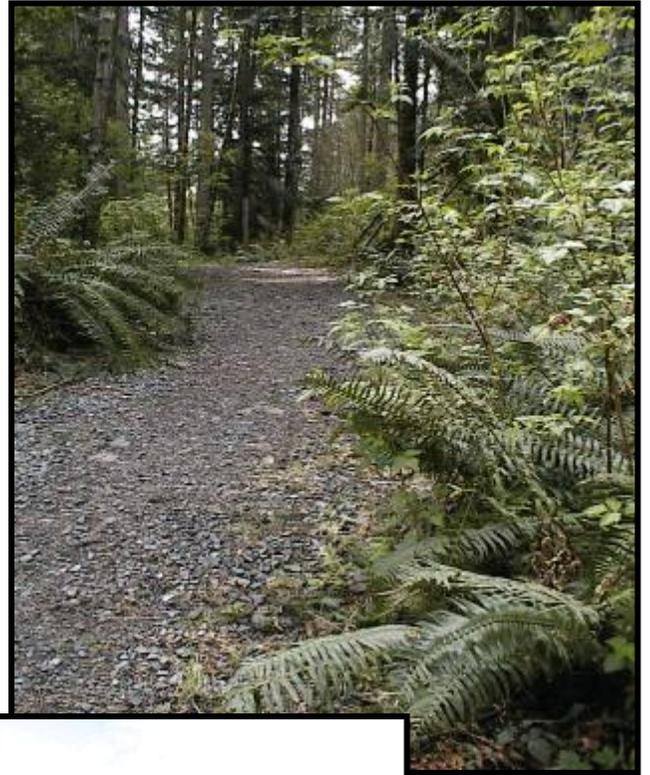
Staff recommends this proposal be GRANTED or DENIED based on the criteria in the Comprehensive Plan.

The Planning Commission recommends this proposal be GRANTED or DENIED based on the criteria in the Comprehensive Plan.

The City Council GRANTS or DENIES this proposal based on the criteria in the Comprehensive Plan.

DRAFT 10-31-13

Chapter 5: Parks, Recreation, & Open Space Element



DRAFT 10-31-13



Chapter 5 – Parks, Recreation and Open Space Element

CHAPTER 5: PARKS, RECREATION, AND OPEN SPACE ELEMENT



INTRODUCTION

Public parks, recreational facilities and open spaces improve the quality of life for community residents by providing areas for families and friends to socialize. Parks and open spaces create natural buffers between neighborhoods and create functional corridors for humans and wildlife throughout the urban environment.

The Parks, Recreation and Open Space Element of the Comprehensive Plan “Park Plan” establishes specific goals and policies that will help guide decision-making related to acquisition, development and improvement of facilities and lands. The Park Plan contains an inventory of the City's current parks, recreation facilities and open spaces; analyzes the City's ability to provide adequate parks, open space, and recreation services; sets service standards and guidelines; and identifies implementation strategies.

Regulatory/Policy Background

The Park Plan conforms to the Growth Management Act (GMA) (Chapter 36.70A RCW) and considers the planning criteria developed by the Washington State Recreation and Conservation Office (RCO).

The GMA includes several sections relating to parks, recreation, and open spaces:

- RCW 36.70A.020(9) establishes a planning goal to “Retain open space, enhance recreational opportunities, conserve fish and wildlife habitat, increase access to natural resource lands and water, and develop parks and recreation facilities.” Capital improvements are included within the definition of "Public Facilities."
- RCW 36.70A.030 (Mandatory Element). Cities may impose impact fees for the provision of Public Facilities (including publicly owned parks, open space and recreation facilities) (RCW 36.70A.040, RCW 82.02.050). Impact fees must be based on demands on existing facilities by new development, and additional improvements required to serve new development (RCW 82.02.090).



Chapter 5 – Parks, Recreation and Open Space Element

- RCW 36.70A.070(8) requires a park and recreation element, which is consistent with the capital facilities plan element as it relates to park and recreation facilities. Furthermore, this section states, “The element shall include: (a) Estimates of park and recreation demand for at least a ten-year period; (b) an evaluation of facilities and service needs; and (c) an evaluation of intergovernmental coordination opportunities to provide regional approaches for meeting park and recreational demand.”
- RCW 36.70A.150 states jurisdictions shall identify lands useful for public purposes and includes recreation.
- RCW 36.70A.160 requires jurisdictions to “identify open space corridors within and between urban growth areas. They shall include lands useful for recreation, wildlife habitat, trails, and connection of critical areas as defined in RCW 36.70A.030.”

The Park Plan includes the planning elements (listed below) as recommended by the RCO, which ensures continued eligibility for grant funds administered by that agency:

- Inventory,
- Public Involvement,
- Demand & Need Analysis,
- Goals & Objectives,
- Capital Improvement Program (six year plan for acquisition, development, renovation, & restoration projects), and
- Plan Adoption.

Facility Classifications, Characteristics and Inventory

There are many reasons for governments to provide parks, open space, recreational opportunities, cultural amenities, and trails for their citizens. Parks offer innumerable physical and psychological benefits by providing safe places for the community to exercise, recreate, meditate, and generally escape daily pressures. The City of Lake Stevens has a variety of parks ranging from small mini-parks serving a block or two to community parks designed to provide recreational opportunities to the City and beyond. In addition, special use and school parks, open spaces, and trails expand the variety of recreation areas available to the community. The inventory of parks, open spaces, and trails includes a mix of City and county facilities. Table 5.1 provides a brief description of the facilities, within or adjacent to the City of Lake Stevens, and describes the various park classifications; provides descriptions for each classification; and lists typical sizes, amenities and community service areas. Figure 5.1 illustrates the location of these same facilities and identifies prominent amenities associated with each facility. A detailed description of park types and individual parks and open spaces follows along with detailed maps of individual park classification types.



Chapter 5 – Parks, Recreation and Open Space Element

Table 5.1 – Park, Recreation & Open Space Classifications and Characteristics

Type	Typical Size	Description & Typical Amenities	Typical Area Served
Community Park	> 10 acres	Informal, formal, active, & passive recreation parks that serve a community with a mix of features (e.g., playgrounds, landscaping, picnic areas, trails, sports fields, structures, parking, special features, permanent restrooms, etc.)	Within 2.5 miles of residential areas
Neighborhood Park	≤ 10 acres	Informal, active, & passive recreation areas that serve adjacent residential neighborhoods that provide multi-use areas with a mix of playgrounds, landscaping, picnicking, trails, single or small sports fields, parking, restrooms, etc.	Within 1 mile of residential areas
Mini-Park	≤ 1 acre	Small public/private areas including playgrounds, landscaping, plazas, and picnic benches that serve the needs of the immediate neighborhood or commercial district	Within 1/2 mile of residential or commercial areas
School Parks	Varies	Playfields, playgrounds, sports & recreation facilities located at schools, distributed throughout the City, that may substitute for other park types and compliment the City's inventory	Varies
Special Use Parks & Facilities	Varies	Any public or private park or facility providing a unique experience or specific recreation need and/or commercial purpose distributed throughout the City	Varies
Trails & Pedestrian Facilities	Varies	Soft surface or paved trails, walking paths, sidewalks or multi-use trails for walking, hiking, and bicycling distributed throughout the City	1 multi-use trail w/in 1 mile of residential areas
Open Space	Varies	Low intensity and passive recreation areas such as Native Growth Protection Areas, greenbelts, or undeveloped areas distributed throughout the City	Varies, based on resource availability

Chapter 5 – Parks, Recreation and Open Space Element

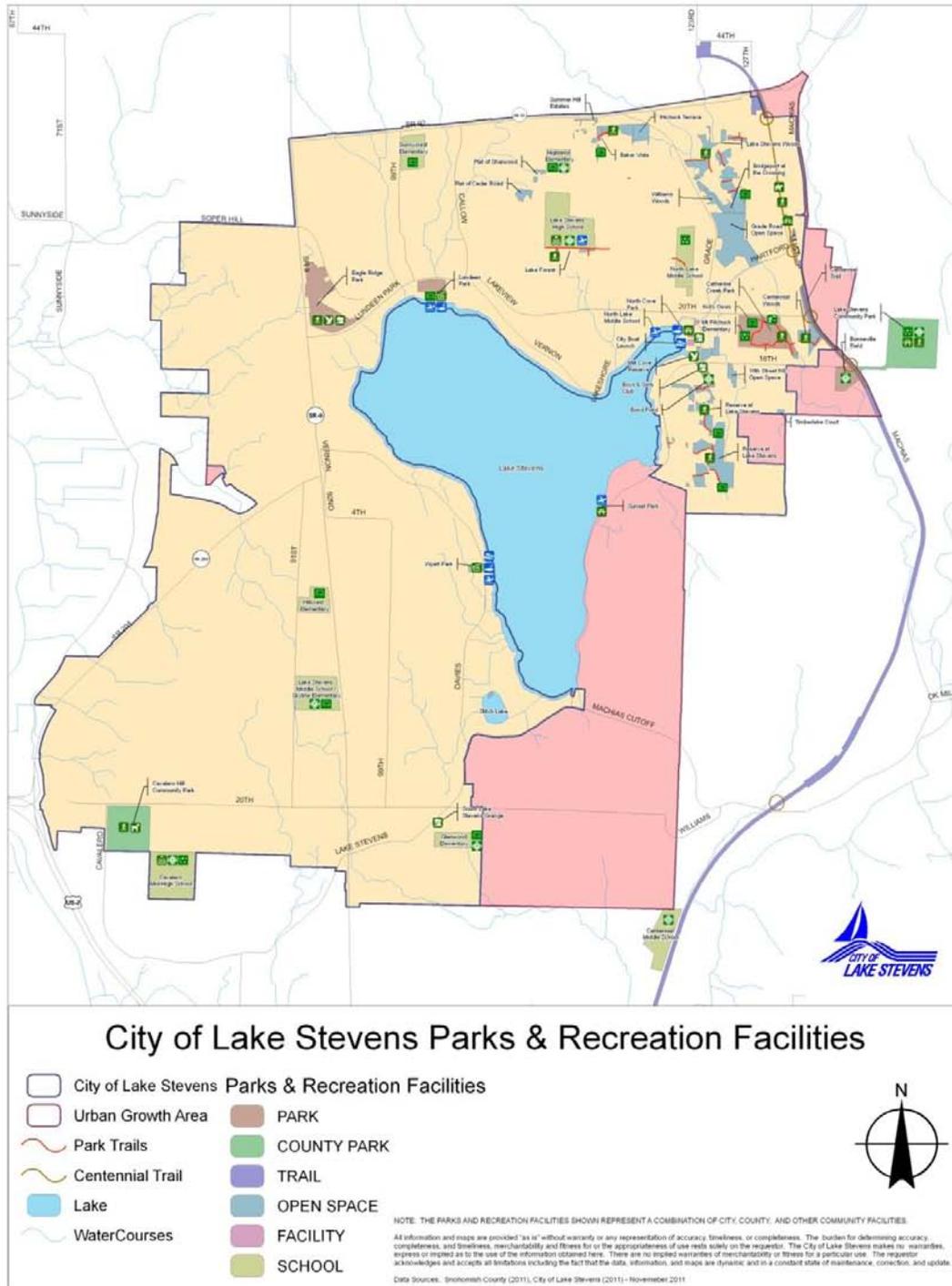


Figure 5.1 – Lake Stevens Parks & Recreation Facilities



Chapter 5 – Parks, Recreation and Open Space Element

Inventory of Facilities

The following section includes an inventory of the parks, open space tracts, recreational facilities, and cultural programs and facilities found within or near the City. The City has approximately 146 acres of public parks, 10 acres devoted to special uses, 122 acres of open space and approximately seven miles of the Centennial trail (adjacent to or within City limits) in addition to approximately five miles of park trails. The numbers include City and county facilities (mini-parks, neighborhood parks and community parks), special use parks, trails and open space (undeveloped property and Native Growth Protection Areas). In addition to the public facilities described, there are approximately 145 acres of private parks and open spaces and an additional three miles of private trails that compliment the City's inventory. Different homeowner's associations are responsible for these facilities created during the subdivision process for specific neighborhoods.

Community Parks

Community parks have the largest service area and attract citizens from across the community. A large size and variety of amenities characterize community parks. These parks provide a mix of informal, active, and passive recreation areas with permanent facilities. Community Parks are generally at least 10-acres, but must be large enough to provide room for multiple uses such as sports fields, a recreation center, and group-use shelters alongside large open areas and playgrounds. Community parks should provide easy vehicular and pedestrian access to park users from the street network, sidewalks and bike lanes with dedicated parking areas. Community parks may benefit from multijurisdictional cooperation for facility planning, development and maintenance.

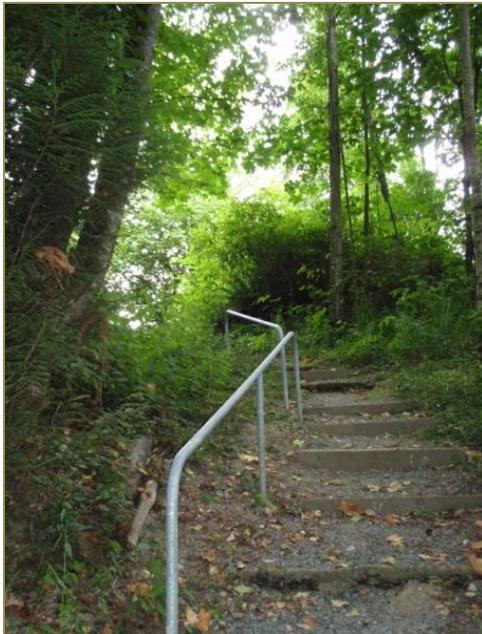
Cavalero Community Park – The park is located off 20th Street SE, in the southeastern part of the City. Because the park has a large undeveloped area and is located within the City of Lake Stevens, the City and Snohomish County are preparing to revise the master plan for this facility through a joint planning effort in the near future. Currently Cavalero has an off-leash dog area and undeveloped open space.





Chapter 5 – Parks, Recreation and Open Space Element

Eagle Ridge Park — City Council adopted the Eagle Ridge Park Master Plan in 2010. The plan includes a capital cost estimate and a schedule to implement the Master Plan in three phases over a 10-15 year period. The master plan includes details for park development and proposed amenities and recreational opportunities. The overall vision for the park is that of an ‘outdoor classroom’ with both passive and active recreational activities that embrace and enhance the natural beauty of this park. Eagle Ridge currently houses the Lake Stevens Senior Center, soft trails, and open spaces. This park is notable for its eagle habitat. The master plan for this park envisions picnic shelters; a community garden; amphitheater; interconnected trails and educational features such as an interpretive center, outdoor classrooms and interpretive signage. The plan promotes the use of Low Impact Development in design and construction.



Lake Stevens Community Athletic Park

LSC Park, east of the City limits, is a 43-acre Snohomish County park. This park provides the largest athletic complex near Lake Stevens with baseball/softball fields, soccer fields and basketball courts. LSC Park also includes a picnic shelter, playground, walking path, permanent restrooms and landscaping.





Chapter 5 – Parks, Recreation and Open Space Element

Table 5.2 – Community Park Inventory

Facility	Location	Owner	Acres	Picnic Shelter/Benches	Playground	Trail/Pathway	Basketball	Football/Soccer Fields	Softball/Baseball	View Corridor	Restrooms	Community Center	Open Space	Landscaping	Other
Cavalero Community Park	2032 79th Ave SE	Snohomish County	32.93			X				X			X		X
Eagle Ridge	2424 Soper Hill Road	City of Lake Stevens	28.20			X				X		X	X		X
Lake Stevens Community Park	1601 North Machias Rd	Snohomish County	43.24	X	X	X	X	X	X		X		X	X	
Total Acres			104.37												

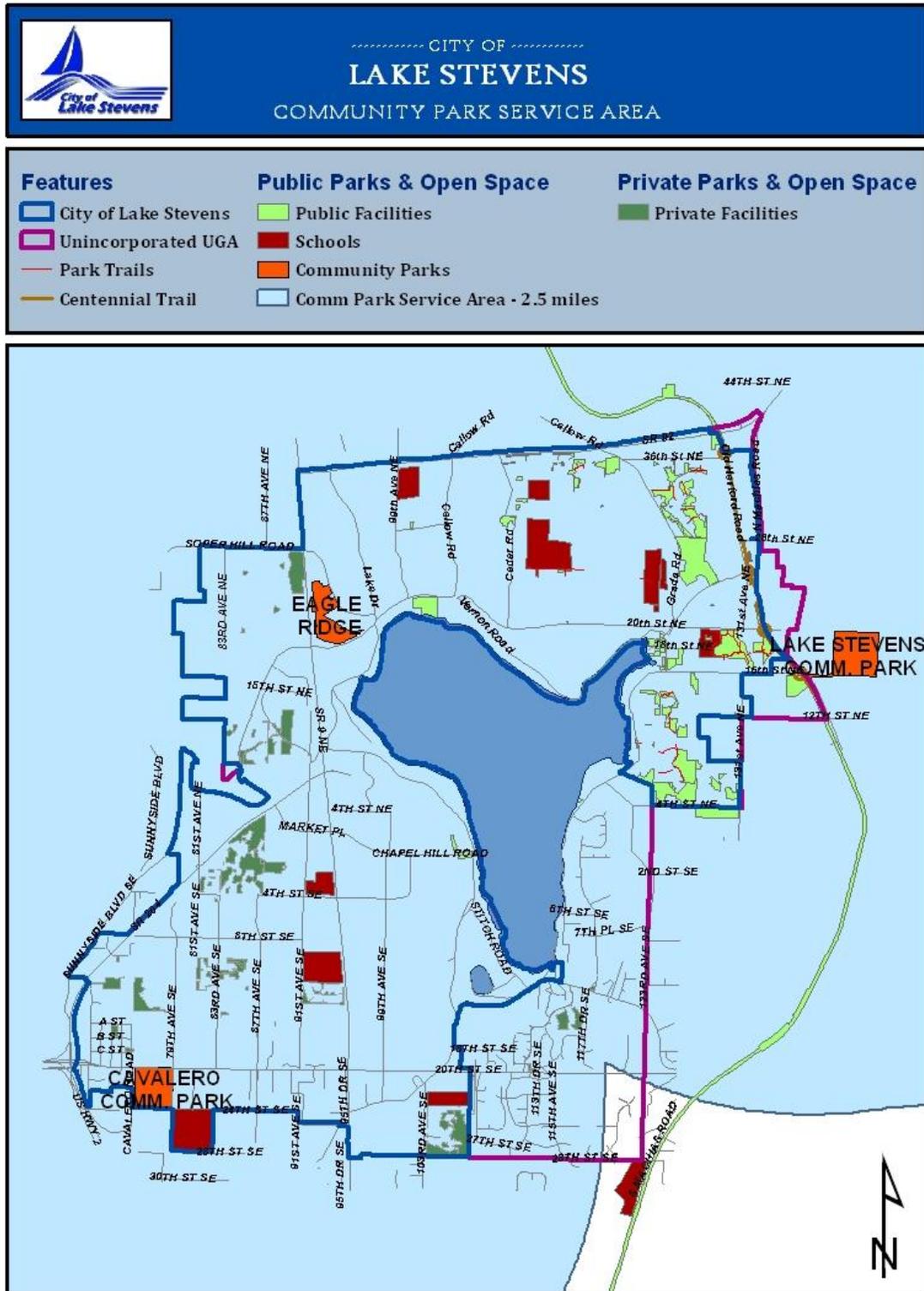
As shown in Table 5.2, Lake Stevens Community Park provides the widest variety of recreational and active amenities. However, once Eagle Ridge and Cavalero parks are completed, each park will diversify the overall profile for community-level parks and contribute a unique set of amenities. Planning efforts for these parks should build on the unique characteristics of the site and address underrepresented or community preferred recreational uses. Figure 5.2 illustrates the distribution of community parks within and adjacent to Lake Stevens. As shown, there is a small gap, in the service area, located in the southeastern border of the Urban Growth Area. This small gap creates a minor divergence from the service standard for community parks. This gap may need to be addressed in the future if opportunities arise to provide additional meaningful recreation lands in the vicinity. It is more important to assure that Eagle Ridge and Cavalero parks provide a mix of high-quality recreational amenities, as they develop.

Neighborhood parks

Neighborhood parks are the “backbone” of the City’s parks inventory. These parks offer common gathering sites for social interaction, physical activity and play to residents from contiguous neighborhoods or a larger service area depending on amenities provided. Neighborhood parks should be located in highly visible and centralized locations that provide convenient and safe access for vehicles, pedestrians and bicyclists. This park type often incorporates passive and active recreational opportunities as well as provides multi-purpose facilities. Neighborhood parks should include permanent restrooms and parking areas.



Chapter 5 – Parks, Recreation and Open Space Element





Chapter 5 – Parks, Recreation and Open Space Element

Catherine Creek Park – An eight-acre community park, which the City leases from the Lake Stevens School District. This park is located adjacent to Mount Pilchuck Elementary School, between 20th Street NE and 16th Street NE. The park is maintained primarily as a "natural" park with a network of trails, access to Catherine Creek, and picnic facilities. It also includes a unique disc golf course, installed and maintained by the community in 2000.



Centennial Woods Park — A 6.3 acre passive recreation park purchased in 1997 through the Snohomish County Conservation Futures grant program. This park includes trails through the site, which connect the Centennial Trail to Catherine Creek Park (with an eye on an eventual connection to downtown).

Lundeen Park – A nine-acre multi-use park located south of Lundeen Parkway at 99th Avenue NE. Facilities include a public pier, 500 feet of shoreline, swimming area, two basketball courts, a children's playground and a tot lot (Sarita's Playground), interpretive stations along a salmon-spawning creek, a caretaker's residence, public restrooms, a rinse-off shower, a covered picnic area, and 98 parking spaces. The Lake Stevens Chamber of Commerce has a Visitor Center at the park.





Chapter 5 – Parks, Recreation and Open Space Element

North Cove Park – A four-acre waterfront park located at the extreme northeast end of the lake. Access is available to downtown Lake Stevens, next to the City Hall complex. The park has a 250-foot municipal boardwalk/pier (interpretation, fishing & picnicking, but no boat access), picnic tables, and two horseshoe pits. Parking facilities are shared with the City Hall complex. The City is currently planning for future expansion and development of the park.



Wyatt County Park – A three-acre regional park, formerly known as Davies Beach, located four miles from downtown, across the lake, on Davies Road. Facilities include a public boat launch, a dock (for boats), a fishing pier, a swimming area, restrooms, picnic tables, and 80 parking spaces. This park is especially busy during summer weekends.





Chapter 5 – Parks, Recreation and Open Space Element

Table 5.3 – Neighborhood Park Inventory

Facility	Location	Owner	Acres	Picnic Shelter/Benches	Playground	Trail/Pathway	Basketball	Beach / Swimming	Dock	Boat Launch	View Corridor	Restrooms	Open Space	Landscaping	Other
Catherine Creek	12708 20th St NE	Lake Stevens School District	16.55	X		X							X		X
Centennial Woods	131st Dr NE	City of Lake Stevens	6.02			X							X		
Lundeen Park	10108 Lundeen Parkway	City of Lake Stevens	10.05	X	X		X	X	X		X	X		X	X
North Cove	Main St & North Lane	City of Lake Stevens	2.28	X		X			X		X			X	X
Wyatt Park	20 South Davies Rd	Snohomish County	2.48	X				X	X	X	X	X		X	X
Neighborhood Parks Total Acres			37.37												

As shown in Table 5.3, Lundeen Park provides the widest variety of amenities, notably beach access, picnic facilities and playgrounds. Both Centennial Woods and Catherine Creek provide good locations to expand nature trails and add permanent restrooms and parking areas. Many people consider North Cove Park the “heart of downtown”. This Park should undergo a master planning effort to complement the “Downtown Plan” when completed. All of the neighborhood parks could expand playground facilities and add small athletic components. North Cove and Lundeen parks should continue to promote and develop water-related activities.

Figure 5.3 illustrates the distribution of neighborhood-level parks within Lake Stevens. As shown, there are gaps in the services area in the southern and western part of the City. To provide equity of distribution, the City should concentrate on acquiring lands in the southern part of the City for additional neighborhood parks as opportunities arise. The gap in the western part of the City is smaller and not as crucial, as two large private parks and an informal trail network provides some recreational outlets for the neighborhoods west of SR-9.



Chapter 5 – Parks, Recreation and Open Space Element

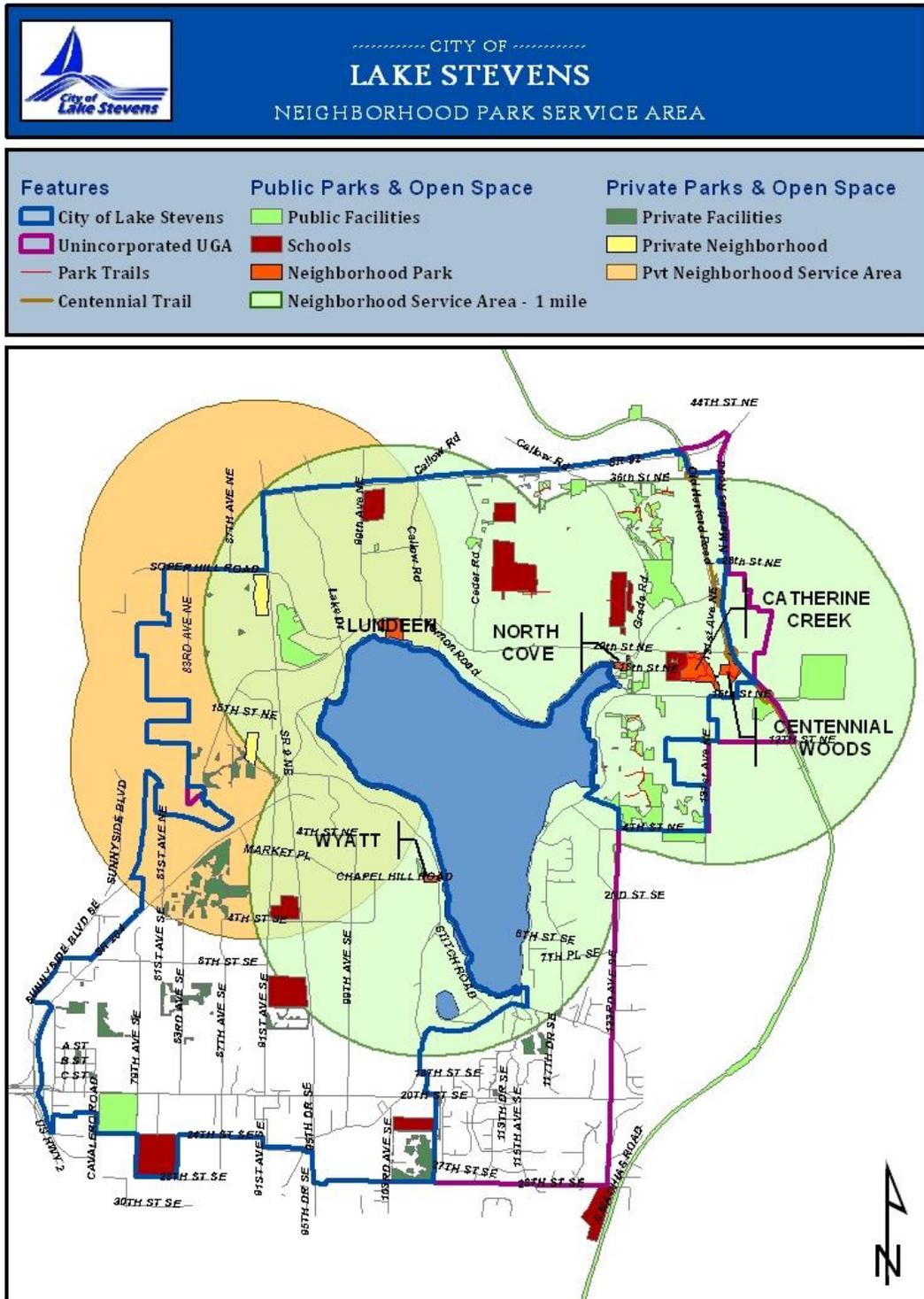


Figure 5.3 – Neighborhood Park Distribution



Chapter 5 – Parks, Recreation and Open Space Element

Mini-Parks

Mini-parks often referred to as “pocket parks” or “tot lots” are the smallest recreation sites within the park inventory. Many of these were created with neighborhood subdivisions. Mini-parks should be easily accessible to surrounding neighborhoods or within commercial centers. Ideally, mini-parks connect neighborhoods or commercial centers by paths, trails, sidewalks, bikeways, or greenways. Mini-parks may be public or private, but must provide small-scale recreation opportunities such as a small playground, picnic benches or landscaping. Mini-parks could also be designed as linear parks developed along trails and paths or as open plazas in commercial areas.

Kid's Oasis Playground – A 0.5-acre playground located on the grounds of Mt. Pilchuck Elementary School. This park was built in 1992 as a community volunteer project, with help from individuals, businesses, the City, and the Lake Stevens School District. The playground is a "fantasy-style" wooden castle. Parking is available in the school parking lot. Children and parents use the playground throughout the year.



North Lakeshore Swim Beach – A popular 0.5-acre waterfront park providing lake access for summertime swimmers on North Cove. This park is located approximately 0.2 miles west of downtown on North Lakeshore Drive. Facilities include 560 square feet of useable beach, a 600 square foot municipal swimming dock, a portable restroom, and 10 parking spaces.





Chapter 5 – Parks, Recreation and Open Space Element



Sunset Beach – This is a 0.25-acre, County-owned, waterfront park whose primary use is water access and picnicking. It is located 0.3 mile south of downtown on East Lake Stevens Road. Facilities include a public dock, picnic tables, and six parking spaces. This park is especially busy during the summer season.

Table 5.4 – Mini-Park Inventory

Facility	Location	Owner	Acres	Picnic Shelter/Benches	Playground	Trail/Pathway	Beach/Swimming	Softball/Baseball	Dock	View Corridor	Open Space	Landscaping
Mini-Park – Public												
Kids Oasis	12708 20th St NE	Lake Stevens School District	0.36		X							
North Lakeshore Swim Beach	North Lakeshore Dr	City of Lake Stevens	0.71				X		X	X		
Sunset Park	410 E Lake Stevens Rd	Snohomish County	0.60	X			X		X	X		X
Mini-Park – Created w/ Subdivisions Dedicated to the Public												
Semi-Public Mini-Parks			3.26		X	X					X	X
Mini-Park Parks Total Acres			4.93									

North Lakeshore and Sunset Park provide parallel amenities, while Kids Oasis provides the largest community playground, as shown in Table 5.4. In addition to the public mini-parks there are approximately 18 acres of private mini-parks. The City will continue to promote mini-parks in new neighborhoods and commercial areas as they develop, especially where gaps exist in the City, as shown in Figure 5.4.



Chapter 5 – Parks, Recreation and Open Space Element

School Parks

School parks constitute ancillary facilities, complimenting the community’s inventory. School parks often provide recreational needs not available at other parks or provide similar functions as other park types. For example, elementary playgrounds provide a similar benefit to residential areas commonly met by mini-parks or neighborhood parks; whereas, middle schools and high schools may provide community-level or special-use park functions depending on available amenities. Because schools are typically located within residential neighborhoods, they are easily accessible and evenly distributed throughout the community. Additionally, school campuses provide area for sports activities, informal recreation uses, and potentially special activities.

The Lake Stevens School District (LSSD) owns the largest percentage of formal recreational/athletic facilities in the City. Many of the facilities are open to the public on a regular basis. The Park Plan promotes policies, which will allow the City to participate in jointly developing and managing parks and recreational facilities with the LSSD and other providers of leisure services to ensure efficient and effective use of the community’s resources, avoiding redundant services and facilities.

Table 5.5 – School Parks Inventory (LSSD)

Facility	Location	Playground	Trail/Pathway	Basketball	Track	Tennis	Football/Soccer Fields	Softball/Baseball	Swimming Pool	Gymnasium	Open Space
Cavelero Mid-High	8220 24th St SE		X		X	X	X	X		X	X
Centennial Middle	3000 S Machias Rd			X	X	X		X		X	X
Glenwood Elementary	2221 103rd Ave SE	X					X	X		X	X
Highland Elementary	3220 113th Ave NE	X					X	X		X	X
Hillcrest Elementary	9315 4th St SE	X		X	X			X		X	X
Lake Stevens High	2602 115th Ave NE				X	X	X	X	X	X	
Lake Stevens Middle/ Skyline Elementary	1031 91st Ave SE	X	X	X	X			X		X	X
North Lake Middle	2226 123rd Ave NE		X		X		X	X		X	X
Pilchuck Elementary	12708 20th St NE	X	X				X	X		X	X
Sunnycrest Elementary	3411 99th Ave NE	X	X	X						X	X



Chapter 5 – Parks, Recreation and Open Space Element

As described in Table 5.5, the LSSD has six elementary schools – each has playground facilities and a mix of other amenities. There are three middle schools, one mid-high school and a single high school. Each school contains a different mix of athletic fields and play courts. The high school also houses a swimming pool, open to the public, which functions as a special use site.

Open Spaces and Natural Resources

Open spaces consist of undeveloped lands, passive recreation areas or Native Growth Protection Areas, both public and private. Open spaces allow residents to engage in low-intensity and passive recreation activities such as hiking and bird/wildlife watching, while protecting natural areas and resources. Typical amenities include soft trails, scenic views, boardwalks, interpretive signage and scenic views. Open space may provide habitat corridors for wildlife and links between neighborhoods for humans. Open spaces frequently buffer potentially incompatible land uses. Open space should be distributed throughout the City.

Currently, the land use code requires dedication of Native Growth Protection Areas on lands with critical areas such as wetlands, streams, and steep slopes during development. The City also requires the dedication or creation of open space as a condition of approval for some subdivisions and attached housing developments. These set asides form a large portion of the open space inventory for the City that must be managed cooperatively between the City, homeowners, homeowners' associations, other agencies and even non-profit land trusts.

The City has many natural resources with the primary resource being Lake Stevens, a 1,040-acre lake and its tributaries, which provide migration, spawning, and rearing habitat for resident and anadromous fish species. The City provides a variety of habitat niches for terrestrial and aquatic wildlife and birds, notably there are many Bald Eagles that live around the lake – the most famous pair named George and Martha live in Eagle Ridge Park. Public agencies own many of these open spaces; others are dedicated through the development process or as gifts from property owners. Generally, open spaces are located in critical areas and are retained in a natural state to protect the resource. In total, the City of Lake Stevens includes nearly 124 acres of public and semi-public open space and an additional 111 acres of privately held open space. Together these areas equal approximately four percent of the City. As previously noted, much of this property is within dedicated Native Growth Protection Areas. Open spaces with the potential for passive recreation uses are listed below.

Downtown Open Spaces – Approximately five acres of open space exist between 16th Street NE and 18th Street NE, in downtown Lake Stevens. This area could be developed into a natural classroom with interpretive information, and connected by trails, sidewalks, and boardwalks.



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Mill Cove Reserve Park – A one-acre passive recreation park purchased in 1997 through the Snohomish County Conservation Futures grant program. The wooded site is at the location of the historic Rucker Mill and contains wetlands and shorelands. From the site, one can see the pilings that supported the old mill over the lake. The City will continue to seek grant opportunities to finance trails, signage, and other passive recreation amenities.

Grade Road/Hartford Open Space – A 25-acre open space originally purchased as a potential municipal campus site located between Grade Road and Hartford Drive. The City has not officially incorporated this site into the open space inventory. However, this site has the potential for an additional natural area for fish and wildlife habitat protection and passive recreation. Appropriate development could include boardwalks and interpretive signage. Additionally, this site could be linked to other natural sites near downtown Lake Stevens.

Trails and Pedestrian Facilities

Soft surface and paved trails, walking paths, sidewalks and multi-use trails for walking, hiking, and bicycling make up the category of trails and pedestrian facilities. Paths and trails enhance connectivity between neighborhoods, parks, schools, transit facilities and commercial areas throughout the community and provide opportunities for alternative transportation. Recreational paths and trails can meander away from the road network, creating a focus on interacting with the natural or built environment. Sidewalks provide safe, direct routes between points along a road network.

Approximately five miles of public or semi-public trails exist in the City. Many of the shorter trails link road segments. Some of the newer subdivisions include soft trails within the outer portions of critical area buffers or as paths between different areas. One trail circumscribes the western and southern borders of the high school property. Two miles of trails meander through Catherine Creek Park. Gravel trails leading through Centennial Woods Park connect Catherine Creek Park to the Centennial Trail. There is also a network of informal trails in the power line corridor, located in the western portion of the City. Over time, the City should look for opportunities to enhance and connect these trails into an organized network throughout the City.

The Snohomish County Centennial Trail skirts the eastern City limits, 1.7 miles of which are within the City. Nearly seven miles of the Centennial Trails is adjacent to the City between Centennial Middle School and the Rhododendron Trail Head.



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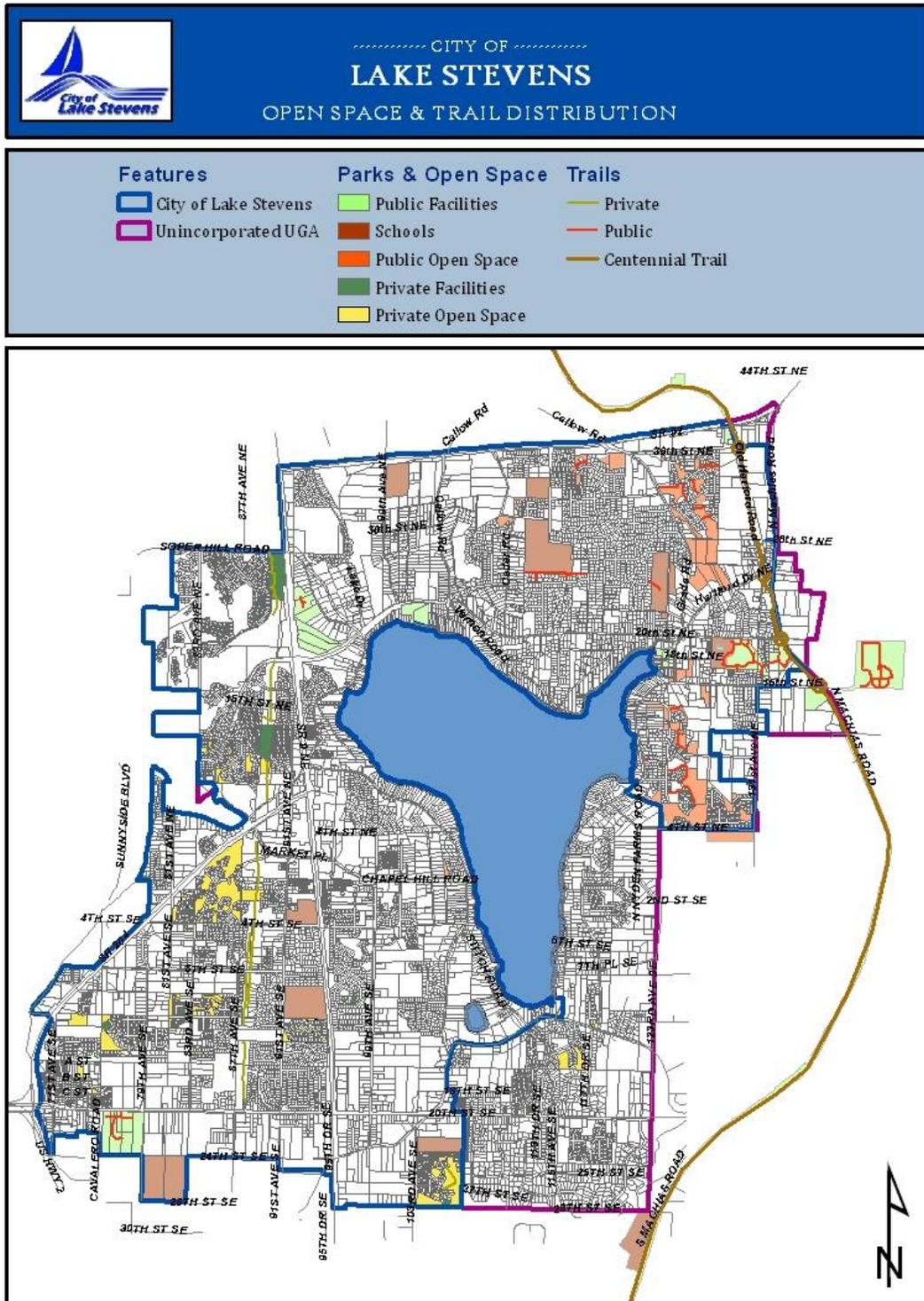


Figure 5.5 – Open Space and Trail Distribution



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The trail stretches between the City of Arlington to the north and the City of Snohomish to the south. The trail is planned to extend from the southern Snohomish/King County line to the northern Snohomish/ Skagit County line. The trail serves pedestrians, bicyclists, skaters, and equestrians.

Figure 5.5 provides an overview of public and private open spaces and trail locations within or near the City.

Special Use Parks & Facilities

Special use parks may be any park type or facility (private or public) with a specialized amenity that provides a unique experience, particular sport or activity and may provide a revenue income. Special use parks may include boat launches, cultural facilities, community centers, recreation centers/facilities or public art. Commercial enterprises geared toward the lake such as non-motorized uses or the Centennial Trail could compliment the City's inventory of special use facilities. The size of these facilities varies depending on the proposed use and available amenities. Special use parks should be distributed throughout the City. Because demand for special use facilities is generated from within and outside the City's limits, the City, County, and other recreation providers should cooperate on locating special use sites.

Bonneville Field Ball Park – A three-acre baseball field, which also provides informal trailhead parking for the Centennial Trail, is located at the intersection of 16th Street NE and Hartford-Machias Road. The Lake Stevens Junior Athletic Association operates this site. Facilities include a baseball diamond and approximately 35 parking spaces. The park is used primarily by organized little league teams during the summer.

City Boat Launch – A one-acre public boat launch and parking lot, with 30 spaces, is located on the eastern shore of North Cove. Access is from 17th Place NE, off Main Street. The Washington State Department of Fish and Wildlife owns this site and leases it to the City. Most users are boaters, anglers, and jet-skiers launching their watercraft. Use is heaviest on summer weekends.



Community Center – Within the City Hall complex is a 1,800 square foot meeting/activity hall with a small (<150 square foot) kitchen. The Center is used for public meetings, activities, and classes. The Center is available for rent by the public for specific activities.



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Grimm House – The historic Grimm House, associated with the Rucker Mill, is located next to the Historical Museum and serves as an adjunct to the museum. Through volunteer efforts, the house has been relocated and renovated.

Historic Sites – The potential for historic sites in Lake Stevens is excellent because of the City's rich past linked to logging and railroads, evident in remains around the lake. For example, the concrete footing of the water tower serving the Rucker Brothers' Saw Mill is still located in North Cove Park. There are also trestle remains from the mill operations, in the lake, dating back to the turn of the century.

Lake Stevens Historical Museum – Adjacent to the Lake Stevens branch of the Sno-Isle Regional Library is the 1,600 square foot Lake Stevens Historical museum. The museum houses permanent and rotating exhibits illuminating the town's history, the Society's office, and a 1,000-piece historical photograph collection. The Lake Stevens Historical Society, formed in 1982, operates this museum. The Lake Stevens Historical Society is a group of about 150 individuals dedicated to preserving community history through the collecting of information and artifacts and educating the public.

Lake Stevens Senior Center – The Lake Stevens Senior Center, located at Eagle Ridge Park, welcomes all older adults to share in fellowship, classes and social events in the Lake Stevens area. The Senior Center is in a 2,800 square feet building with a commercial kitchen, dining/multi-purpose room, barrier-free bathrooms, office space and additional class and meeting rooms.

Lochsloy Field – The Lake Stevens School District owns this 15-acre site, located north of SR-92, between Lake Stevens and Granite Falls. Facilities include a baseball diamond, numerous soccer fields and a large parking area. Organized league teams use the park primarily during the summer.

Sno-Isle Regional Library, Lake Stevens Branch – The City owns a 2,500 square foot building at 1804 Main Street that serves as a library. The Sno-Isle Libraries provide library services to the community here. The building's size limits the possibility of increasing the collection, adding computer access and increasing programming. Based on current activity levels and 2025 population projections for the Lake Stevens area, Sno-Isle Libraries estimates a need for a 15,000 square foot facility.





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Table 5.6 lists some well-known and popular special use sites and facilities.

Table 5.6 – Special Use Inventory

Facility	Location	Owner	Acres	Football/Soccer Fields	Softball/Baseball	Dock	Boat Launch	Swimming Pool	View Corridor	Other
Bonneville Field	1530 N Machias Road	Snohomish County	7.32		X					X
City Boat Launch	North Drive	WA Dept of Fish & Wildlife	0.89			X	X		X	X
Community Center/City Hall	1805 Main Street	City of Lake Stevens	0.58							X
Grimm House	1804 Main Street	City of Lake Stevens	0.60							X
Library / Historic Society	1804 Main Street	City of Lake Stevens	0.25							X
Lochsloy Field	6710 147th Ave NE	Lake Stevens School District	15.17	X	X					
Special Use Parks Total Acres			24.81							

Recreation Programs, Events and Special Providers

Aquafest – Lake Stevens’ annual City celebration usually held in July. It includes an aqua-run, children’s activities, fireworks, vendor booths and several parades.

Ironman Triathlon – Lake Stevens hosts an annual World Qualifying Triathlon event with competitors swimming, running and bicycling through Lake Stevens.

Lake Stevens Boys and Girls Club – A one-acre property located at the intersection of 16th Street NE and Main streets. Clubs, Inc., a non-profit organization composed of representatives of the Lake Stevens’ Lions Club and the Lake Stevens Junior Athletic Association (LSJAA), owns this property. The Boys and Girls Club includes a recently remodeled building, gymnasium and a small meeting room (50-60 person occupancy) available for rent. This room is available for no cost to service clubs and scout troops. The property also includes a baseball diamond (Bond field), used for youth team sports,



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and storage/concession area, operated and maintained by LSJAA, behind the gymnasium. Approximately 75 parking spaces are available on the property.

Lake Stevens Junior Athletic Association (LSJAA) – A non-profit youth organization, the LSJAA organizes seasonal teams for baseball, softball, soccer, football, and basketball. User fees fund LSJAA programs.

Lake Stevens School District – The LSSD offers evening and weekend classes in sports, hobbies, job skills, continuing education, and other recreational classes. The LSSD operates the indoor swimming pool. The LSSD Community Education program currently provides recreation and leisure service programming, such as summer youth recreation programs and adult programs in the fall, winter, and spring.

Rowing Clubs – Different rowing clubs use Lake Stevens frequently, hosting several large regattas on the lake, including the Washington State Games, and offer competitive rowing opportunities for juniors and adults.

Scouting, 4-H, Church Youth Programs, Other Special Interest Groups – All the scouting organizations are represented in Lake Stevens, as well as 4-H. Additionally, many of the churches have youth programs.

FUTURE NEEDS AND LEVELS OF SERVICE

Methodology and Public Process

The City has traditionally based its level of service for parks and recreation facilities on an overall population ratio. Under this model, using the 2012 population estimate of 29,104, the City provides approximately five acres of developed or planned parkland per 1,000 residents. Comparatively, this is within the level of service ranges provided by neighboring communities. As a first step to providing an adequate land supply, setting a broad population-based goal is acceptable. However, there are inherent problems with this method. The City and its UGA have a limited amount of large usable lands remaining. As the City's population grows, it is not likely that it can continue to acquire a larger inventory of new parkland. Secondly, a population-based model ignores access to different types of parks, special features and an equitable distribution throughout the community. Finally, this older method does not inform a jurisdiction on the City's satisfaction with individual facilities, the inventory as a whole or identify preferences for specific types of amenities.

The current needs assessment and proposed service standards seek to address the deficiencies of the previous model. First, the City developed a park classification system previously described in Table 5.1. Second, the City completed an updated inventory of public and private facilities. The inventory categorized the facility by its classification, included current acreage and identified specific amenities available at



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each location. Third, the City proposed new level of services standards and mapped the distribution of different park facilities throughout the community based on the defined levels of service. The maps include an overall park distribution and individual distribution of different park types to determine access to residential areas. Fourth, the City developed and distributed a parks and recreation survey. The survey contained questions related to demographics, access to facilities, facility use & preferences, community desires, satisfaction and potential funding sources. Staff distributed the survey by direct mailing to a random sample population, posted it on the City’s website and circulated at City events and meetings during the summer of 2013. Fifth, the Park and Recreation Planning Board held several regular meetings throughout the year and hosted two open houses, at different venues, to reach different City residents. The first open house included a presentation focusing on the current facility inventory and proposed changes to the level of service. The second open house was an informal “meet and greet” allowing Park Board members and staff to discuss parks and recreation issues directly with the public. Staff also briefed the Planning Commission and City Council about the project throughout 2013 at open public meetings. Finally, staff refined the earlier elements based on survey responses and comments from the community and City officials to develop the proposed model.

Level of Service Standards and Goals

The level of service standard (LOS) for park facilities are based on residential access and equitable distribution of facilities to different park types and trails community wide. The LOS standard for community parks is one park within 2.5 miles of residential areas. The LOS standard for neighborhood parks is one park within one mile of residential areas. The service goal for mini-parks (public and private) is one mini-park within 0.5 miles of residential areas. The LOS standard for multi-use trails is one trail within one mile of residential areas. The LOS standard for open space is five percent of the community. Within each facility, the City will strive to maintain a mix of amenities that reflect community use preferences as defined in the most current Lake Stevens Parks and Recreation Survey.

Needs Assessment

Survey respondents suggested that community and neighborhood level parks should receive the highest priorities. Some of the most popular uses included walking/hiking, picnicking, beach/dock use, and swimming. Some of the most desired improvements include walking, hiking and multi-use trails, picnic areas, public docks, a community garden, playgrounds, a skate park, and improved restrooms. Overall respondents claim to be somewhat satisfied with the facilities and amenities. The most common complaint was a perceived lack of amenities. Respondents identified the cost of park maintenance and land for additional access as major issues to be resolved. Popular funding sources include public and private partnerships and user fees.



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Through a process of applying the adopted parks and open space LOS standards, reviewing the current inventory and analyzing the 2013 Community Survey a clear picture of the City's needs for public park and recreation facilities emerges. Four main categories comprise the current needs assessment: Planning, Acquisition, Site Development and Improvements & Maintenance. Each element provides the basis for developing a capital improvement plan. Decision-makers should prioritize the selection of capital projects based on gaps in the service for different park types, distribution of amenities throughout the park network, community preferences, opportunities, and likelihood of partnerships with other jurisdictions or private groups.

Park Planning

To improve existing recreational facilities and design new facilities, the City needs to develop master plans for specific uses and existing parks, in addition to new facilities added to the inventory. Master plans should consider the distribution of existing inventoried facilities and identify locations for improving and developing preferred uses and amenities from the community survey. Specifically, new master plans should consider opportunities to add playgrounds, picnic areas, permanent restrooms and active recreation areas including the location of a permanent skate/BMX park. Additionally master plans should identify potential locations for additional trails and shoreline acquisition and development.

The following list includes a series of proposed planning efforts, based on responses from the community survey, to implement the Park Plan.

1. Coordinate with Snohomish County to plan park facilities jointly within or adjacent to the City. A specific example for a capital project would be developing a coordinated master plan for Cavalero Community Park. This project would meet the identified preference for development of community level parks. This site should include a more formal trail network and could continue to include an off-leash dog area. A master plan for Cavalero should provide a formal parking area, restrooms, playgrounds, scenic views, picnic areas, and consider the inclusion of some type of active recreation amenity.
2. Craft a master plan for trails emphasizing formalizing the power line trail system into a multi-use trail, developing a lakefront path within the public right-of-way along Lake Stevens that provides pedestrian access to the waterfront at various locations and creating trail links between the western and eastern portions of the City, ultimately linking to downtown and the Centennial trail. Survey respondents identified walking paths and multi-use trails as preferred uses consistently throughout the community survey.
3. Develop a master plan to improve North Cove Park that addresses the need for additional beach access, playgrounds, picnicking, restrooms, etc. – all of which are community-preferred improvements. A master plan for North Cove Park should parallel downtown planning efforts.



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4. Develop a master plan for non-motorized uses of the waterfront including swimming areas, beach use, rowing/paddling and public docks/piers. Improved shoreline access and a variety of water-related activities are important identified issues by residents. This project should be coordinated with a variety of user groups and stakeholders.
5. Prepare an open space plan for the various downtown shoreline, wetland, and riparian open spaces (e.g., Mill Cove Reserve, 16th and 18th Street wetlands and Grade Road open space) with an emphasis on low impact development, interpretative education and linkages. The community identified habitat protection and development of interpretive sites as an important goal for the community parks, recreation and open space system.
6. Produce a park wayfinding program, to identify the locations of parks and recreational facilities throughout the community. A wayfinding program would be crucial to providing a uniform image and highlighting existing and proposed site improvements.

Acquisition

Based on the distribution of park facilities and survey responses, the City should identify opportunities to acquire the following lands to meet the recreational needs of City residents. Decision-makers should include one or more of these potential acquisitions as placeholders on the capital program list to act on as opportunities are identified.

1. The City should identify locations for two new public neighborhood level parks in the southern part of the City, near 20th Street SE. Acquisitions should include one park on each side of SR-9 to ensure equity of distribution. It is advisable to provide one park on the northern side of 20th Street SE that can be accessed on foot or park from the numerous developments occurring in this area.
2. The City should identify a location for a public neighborhood level park in the central part of City - west of SR-9. As noted earlier, acquisition of public property in this vicinity is important, but is secondary to acquiring lands in the southern part of the City because of the two large private parks in this area.
3. The City should identify locations for additional shoreline properties on Lake Stevens. Shoreline acquisition should consider expansion of current properties, a balance distribution of access points on all sides of the lake, lands that can provide a mix of active and passive recreation activities and linear access tracts for trails, paths and view corridors.
4. Rights-of-way/easements for multi-use trails, pedestrian paths and sidewalks throughout the City with an emphasis on a lakefront locations, the power line corridor in the western part of the City and east/west connections to the Centennial Trail and downtown.



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Site Development

Some projects are ready for immediate implementation and construction. Decision-makers should give these projects a high-priority for inclusion on the capital project list. As the City completes other master plans, Council should consider adding these as future capital projects.

1. Complete construction of Eagle Ridge Master Plan's Phase 1 improvements (e.g., roofing garage and barn, vegetation maintenance, landscaping, community garden, trail development, interpretive signs, interpretation center, etc.) and start construction of Phase 2 improvements (e.g., restroom facilities and trailhead parking area, etc.).

Park Improvements / Maintenance

Several projects do not need significant planning, but will help implement community desires and preferences and should be included on the capital project list. Such projects involve maintenance, repairs or improvements to existing facilities. Many of these projects could be completed through cooperative efforts between the City and stakeholder groups. Specific examples for consideration as a capital project follow.

1. Repair existing soft trails at Catherine Creek Park and Centennial Woods. This may include clearing brush and installing new surface materials on trails. The City should endeavor to define trailheads and install location and wayfinding signage between the two sites. As appropriate, City staff could install additional amenities at these sites including formal seating areas and picnic facilities along with restroom facilities.
2. Coordinate with user groups to repair and improve the disc golf course in Catherine Creek Park.
3. Construct a pedestrian pathway between Downtown Lake Stevens and the Centennial Trail along Hartford Drive NE terminating at land dedicated to the City for creating a new trail connection. The project would include improvements along Hartford Drive NE such as directional signage, striping and other safety features. The new trailhead should include landscaping, a paved trail connection, signage and possibly a seating area. If space is available, the site could include parking spaces for one or two cars.
4. Coordinate with the Washington Department of Fish and Wildlife on necessary repairs and improvements to the City boat launch. Improvements may include repairs to the boat launch, parking area, and addition of non-motorized launch.

Capital Projects

An analysis of existing conditions and projected needs in the previous section highlighted the areas of concern and opportunities for Lake Stevens. The Capital Facilities Element contains a strategy for achievement of the City's goals in light of the



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existing conditions in the City and identified needs. The following list of different project types should be considered for inclusion in the Capital Facilities Element.

1. Master plan for Cavalero Community Park
2. Master plan for trails, paths and pedestrian facilities
3. Prepare an open space plan for the various downtown shoreline, wetland, and riparian open spaces
4. Purchase of rights-of-way/easements for multi-use trails, pedestrian paths and sidewalks in the power line corridor and around the lake
5. Identify locations for two new public neighborhood level parks in southern part of City, near 20th Street SE and purchase for future development
6. Identify additional shoreline properties for purchase as available
7. Complete construction of Phases 1 and 2 of the Eagle Ridge Master Plan
8. Repair existing soft trails at Catherine Creek Park and Centennial Woods.
9. Develop a trail connection from Downtown Lake Stevens to the Centennial Trail with a new trailhead at Hartford Rd

Financing

Parks and recreation facilities users do not necessarily recognize political boundaries; therefore, it is imperative that jurisdictions plan for and provide recreation facilities to meet the needs of the community jointly. Recognizing this fact also allows a more efficient system to be established using scarce tax dollars to provide for the recreational needs of regional populations. For example, it is more efficient to build a swimming pool between two jurisdictions where demand exists than to build two separate pools three blocks from each other simply because each City feels that tax dollars should be spent in individual communities. The City should continue to place emphasis on a balanced, cooperative approach to parks and recreation planning.

In accordance with the Revised Code of Washington 82.02.050 and 82.02.060, the City is to provide a balance between impact fees and other sources of public funds to meet its capital project needs. Revenues from property taxes, user fees (if imposed), sales taxes, real estate taxes, grants, and other revenue sources need to be used to pay the proportionate share of the growth-generated capital facilities costs. Therefore, the City's commitment to improving the parks system is not solely reliant on impact fees.

Impact Fees

Once an LOS is adopted, impact fees may be assessed under GMA to ensure that levels of services are maintained as the population grows. It is required that impact fees be based on the LOS in place at the time of development. It is in the City's interest



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to ensure impact fees are current as allowed under GMA based upon the level of service established in this element. The amount that could be charged new development would be determined through a separate fee study.

General Revenues

Unlimited General obligation bonds may be submitted to voters for park and recreation purposes. These bonds require approval by at least 60% of the resident voters during an election, which has a turnout of at least 40% of those who voted in the last state general election. The bond must be repaid from a special levy, which is not governed by the six percent statutory limitation on the property tax growth rate.

Grants

While the City has been successful in obtaining grants for parks, the lack of match has proved to be a constraint on obtaining even more grants. With a larger community, it is anticipated that the City's resources could be better leveraged with more and larger grants.

Special Revenue Funds

Conservation Futures: By state law, counties can elect to levy up to \$0.065 per \$1,000 of assess valuation for all County properties to acquire shoreline or other open space lands. In 1997, the City obtained conservation future funds to purchase about 21 acres of open space lands, contained in three parks.

Real Estate Excise Tax (REET): State law allows counties the option of imposing excise taxes on the sale of real estate. The tax may be imposed in \$0.25 per \$1,000 in sale value to be used to finance capital facility developments, including the acquisition and development of park and recreational facilities.

Foundations

As another source of revenue the establishment of a foundation is being explored. The Parks Board and Arts Commission have agreed to look at developing a non-profit 501C Foundation that would provide the ability for people to make tax-exempt contributions that directly support parks and art activities.

GOALS AND POLICIES

An analysis of existing park, recreation, and open space facilities along with community input provide the basis for establishing goals and policies within the Park Plan. The goals and policies provide guidelines and actions for achieving that Plan. Goals are



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broad intent statements that describe a desired outcome. Policies provide the framework for developing specific measurable actions.

Vision – Ensure that the City has abundant, high-quality parks & recreation areas that balance recreational activities and enjoyment of the natural environment for the community.

GOAL 5.1 PROVIDE A HIGH-QUALITY, DIVERSIFIED PARKS, RECREATION AND OPEN SPACE SYSTEM THAT PROVIDES RECREATIONAL AND CULTURAL OPPORTUNITIES FOR ALL AGES AND INTEREST GROUPS.

Policies

- 5.1.1 Provide a system of multi-purpose neighborhood and community parks, throughout the community, accessible to all residents that meet the following levels of service:
 - a. Neighborhood Parks – one park within a one-mile radius of all residential areas and
 - b. Community Parks – one park within a 2.5-mile radius of all residential areas.
- 5.1.2 Provide a park, recreation and open space system with activities for all age groups and abilities, equally distributed throughout the community, with an emphasis on youth-oriented activities.
- 5.1.3 Provide a balanced mix of active recreational facilities including but not limited to court and field activities, skateboard/BMX areas, and multi-use trails and passive recreations facilities including but not limited to hiking/walking, shoreline access, and picnicking accessible to the largest number of participants.
- 5.1.4 Promote balanced lake access for pedestrians and motorized and non-motorized watercraft so all segments of the population can enjoy the lake and have access to its recreational opportunities.
- 5.1.5 Encourage the inclusion of performing art facilities in public parks and recreation areas and incorporate visual arts into the design of park features, such as railings, benches, buildings and other amenities.
- 5.1.6 Support the use of indoor community spaces for arts and crafts, music, video, classroom instruction, meeting facilities and other spaces for all age groups on a year-round basis.
- 5.1.7 When appropriate and economically feasible, participate in the development of special interest recreational facilities.
- 5.1.8 Continue to participate in the annual Aquafest community celebration.
- 5.1.9 Identify recreational and cultural needs opportunities for special needs populations.



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- 5.1.10 Support the Lake Stevens Historical Society in their efforts to inventory significant historical and archaeological resources and to provide information to the community on its history.

GOAL 5.2 PROVIDE AN INTERCONNECTED SYSTEM OF HIGH-QUALITY, ACCESSIBLE TRAILS AND GREENWAY CORRIDORS THAT OFFER DIVERSE, HEALTHY OUTDOOR EXPERIENCES WITHIN A VARIETY OF LANDSCAPES AND NATURAL HABITATS, PUBLIC FACILITIES, LOCAL NEIGHBORHOODS, BUSINESS DISTRICTS AND REGIONAL TRAILS.

Policies

- 5.2.1 Provide a comprehensive network of multi-use trails for pedestrians, bicycles, and skating using alignments along the public rights-of-way, through public landholdings as well as across cooperating private properties, which link residential neighborhoods to community facilities, parks, special use areas, commercial areas and the waterfront that meets the following level of service: one trail within one mile of residential areas.
- 5.2.2 Provide for a comprehensive inter-City trail system linking the downtown area, schools, parks, and the Centennial Trail.
- 5.2.3 Establish a multi-use trail around the lake, choosing a route that best provides lake access and/or views.
- 5.2.4 Establish a north/south trail under the power lines as identified in the Lake Stevens Center and 20th Street SE Corridor subarea plans.
- 5.2.5 Establish an east/west sidewalk trail along 24th Street SE and South Lake Stevens Road that will eventually connect to the Centennial Trail as identified in the 20th Street SE Corridor subarea plan.
- 5.2.6 Establish, expand, and/or improve nature trails and boardwalks through open spaces with an emphasis on Eagle Ridge Park, Catherine Creek Park, Centennial Woods, Mill Cove Reserve, and the Grade Road Open Space.

GOAL 5.3 PRESERVE AND ENHANCE OPEN SPACE AND NATURAL RESOURCES AREAS INCLUDING FISH AND WILDLIFE HABITAT, MIGRATION CORRIDORS, NATURAL MEADOWS, AND WATER RESOURCES.

Policies

- 5.3.1 Preserve open space corridors and buffers to provide separation between natural areas and urban land uses with a goal of maintaining five percent of City as open space.
- 5.3.2 Plan, locate and manage park and recreation facilities so that they enhance wildlife habitat, minimize erosion, complement natural site features, and create linkages within the developed area.



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- 5.3.3 Balance the desire for public access and interpretive education with preservation of environmentally sensitive areas and other natural sites
- 5.3.4 Maintain and enforce leash laws and animal at-large laws to stem wildlife predation.
- 5.3.5 Preserve lake and other scenic views for the public when considering land use decisions and when siting park and recreation facilities.
- 5.3.6 Plan for an open space system that may include:
 - a. Natural or scenic areas,
 - b. Water bodies and drainage easements,
 - c. Public/private passive park and recreation sites,
 - d. Cultural, archaeological, geological and historical sites,
 - e. Large reserve tracts, private parks, common ground, and buffer areas from residential development,
 - f. Utility corridors, and
 - g. Trail corridors that may function as wildlife corridors

GOAL 5.4 MAXIMIZE PARK FACILITIES BY LEVERAGING, SHARING AND EFFICIENTLY USING RESOURCES.

Policies

- 5.4.1 Cooperatively plan for joint-use facilities, meeting and classrooms, athletic fields, and other facilities with the Lake Stevens School District, Lake Stevens Junior Athletic Association, Snohomish County Parks Department and other public or private providers of recreation services and facilities that are of mutual benefit to each agency and the users/participants in the City and its Urban Growth Area.
- 5.4.2 Create a comprehensive, balanced park, recreation, and open space system that integrates City facilities and services with resources available from the Lake Stevens School District, Snohomish County and other state, federal, and private park and recreational lands and facilities in a manner that will best serve and provide for area residents' interests.
- 5.4.3 Support continued cooperation between the City, non-profit organizations, the Lake Stevens School District, and other agencies for continuation and development of recreation programming for youths, senior citizens, and other segments of the population and to avoid duplication, improve facility quality and availability, which reduce costs, and represent area resident's interests through joint planning and development efforts.
- 5.4.4 Establish inter-local agreements between the City, County, School District and private non-profit organizations, and other agencies to provide for athletic facilities to serve the needs of the City and the Urban Growth Area.



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GOAL 5.5 MAINTAIN PARK FACILITIES TO MAXIMIZE LIFE OF THE FACILITIES AND TO PROVIDE AN ATTRACTIVE AND PLEASING ENVIRONMENT FOR USERS.

Policies

- 5.5.1 Design and develop facilities, which reduce overall facility maintenance and operation requirements and costs. Where appropriate, use low maintenance materials, settings or other value engineering considerations that reduce care and security requirements, and retain natural conditions and experiences.
- 5.5.2 Develop a maintenance management system to estimate and plan for life cycle maintenance in addition to replacement costs.
- 5.5.3 Provide operation and maintenance to insure safe, serviceable, and functional parks and facilities. Provide adequate funding to operate and maintain existing and new special use sites.
- 5.5.4 The City shall establish creative methods to efficiently expand park and trail maintenance services such as encouraging volunteer efforts, continued use of the State Department of Corrections crews, and mutual coordination with other local agencies.
- 5.5.5 Where appropriate, the City should initiate joint planning and operating programs with other public and private agencies to provide for special activities like shoreline access, aquatic facilities, marinas, and community festivals.
- 5.5.6 In the design of parks, encourage the use of materials and designs to reduce the occurrence and impacts of vandalism. Parks design which provides for easily surveillance of facilities by residents and by police can reduce the incidence. Use of materials such as graffiti resistant coatings can reduce the impacts.
- 5.5.7 Repair acts of vandalism immediately to discourage park property and City recreation facilities from becoming targets for further such acts.
- 5.5.8 Ensure that all park and recreation facilities owned and operated by the City comply with ADA accessibility requirements.
- 5.5.9 Establish a formal volunteer network as volunteerism is a significant source of energy and ideas. The City must continue to tap and improve existing opportunities to involve the community in its own programs. The City shall formalize a volunteer program that include "adopt a park," and "adopt a trail," and similar programs.

GOAL 5.6 THE CITY RECOGNIZES THAT LAND IS IN HIGH DEMAND AND THAT ACQUISITIONS MUST BE PURSUED AS QUICKLY AS POSSIBLE TO IMPLEMENT THE COMMUNITY'S VISION CONCURRENTLY WITH DEVELOPING AND IMPROVING EXISTING FACILITIES TO ACHIEVE A HIGH-QUALITY AND BALANCED PARK AND RECREATION SYSTEM.



Chapter 5 – Parks, Recreation and Open Space Element

Policies

- 5.6.1 Add capacity at existing parks by expanding or improving facilities to accommodate current and future populations and desired uses including walking/hiking trails, active recreation, and passive recreation.
- 5.6.2 Acquire additional shoreline lands for trails, public docks, waterfront fishing, wading, swimming, boating and other water related recreational activities.
- 5.6.3 Cooperate with public and private agencies, and with private landowners to set aside land and resources necessary to provide high-quality, convenient park and recreation facilities before the most suitable sites are lost to development.
- 5.6.4 Work with developers to identify additional parks, recreation and open space opportunities in redeveloping areas.
- 5.6.5 Prioritization for new park and recreation facilities shall take into consideration areas within the community, which are under-represented by parks, types of desired facilities not presently available, availability of properties appropriate for a particular type of park, and availability and opportunities for grants and other funding sources.
- 5.6.6 With a developer requirement of paying GMA based park mitigation fees, developers are still encouraged to install mini-parks voluntarily for the benefit of their developments, however such mini-parks shall not be credited against meeting the developer's mitigation obligation. The City has not defined an LOS for mini-parks, but encourages one park within a half-mile radius of all residential areas

GOAL 5.7 DEVELOP PARK AND TRAIL DESIGN STANDARDS.

Policies

- 5.7.1 Standardize facility design to ensure consistency and quality in the Lake Stevens park system, and establish a standard for trail signage including interpretive, safety, and regulatory signs.
- 5.7.2 Develop trail improvements to a design and development standard that facilitates maintenance, security, and other appropriate personnel, equipment, and vehicles and includes:
 - a. Trail systems with appropriate supporting trailhead improvements that include interpretive, directory and mileage signage as well as rules and regulations for trail use.
 - b. Provide site furnishings such as benches, bike racks, dog waste stations, and trash containers.
 - c. Locate trails in conjunction with park sites, schools, and other community facilities to increase local area access to the trail system and to take



Chapter 5 – Parks, Recreation and Open Space Element

- advantage of access to existing restrooms and drinking water thereby reducing duplication of supporting improvements.
- d. Design outdoor picnic areas, trails, playgrounds, courts, fields, parking lots, restrooms, and other active and supporting facilities to be accessible to individuals and organized groups of all physical capabilities, skill levels, age groups, income and activity interests.
- 5.7.4 Implement the provisions and requirements of the Americans with Disabilities Act (ADA) and other design and development standards that will improve park facility safety and security features for park users, department personnel, and the public-at-large.
- 5.7.5 Promote sustainable landscapes to increase the ecological functions of natural areas and utilize native vegetation in planted areas, where possible.
- 5.7.6 Choose durable products to promote human health in a safe environment and consider life-cycle analysis of material options. Incorporate green building technology including nontoxic materials and sustainable development practices. Select local products where feasible. Consider environmental as well as economic impacts

GOAL 5.8 INCREASE AWARENESS OF PARK AND RECREATION ACTIVITIES.

Policies

- 5.8.1 Promote the use of local parks through the media, Aquafest, other festivals and by providing information as to their availability such as publishing maps showing park locations and their available facilities.
- 5.8.2 Promote and provide volunteer opportunities.
- 5.8.3 Facilitate community involvement and stewardship.
- a. Continue and expand the volunteer work party program.
 - b. Continue and expand the Adopt-a-trail program.
 - c. Develop interlocal management agreements.
 - d. Encourage participation in community trail events.
 - e. Expand on existing relationships with schools, business and non-profit organizations.
- 5.8.4 Promote environmental protection as part of providing a successful park and recreation program by establishing a permanent celebration promoting Earth Day activities
- 5.8.5 Where appropriate, use adopt-a-park programs, neighborhood park watches, park police patrols, and other innovative programs that will increase safety and security awareness and visibility.



Chapter 5 – Parks, Recreation and Open Space Element

- 5.8.6 Provide historic and natural interpretation opportunities throughout the City's park system.
- 5.8.7 Promote commercial recreation opportunities along the Centennial Trail and on and near the lake.
- 5.8.8 Utilize interpretive materials to highlight features such as native flora and historic points of interest

GOAL 5.9 CREATE EFFECTIVE AND EFFICIENT METHODS OF ACQUIRING, DEVELOPING, OPERATING AND MAINTAINING FACILITIES AND PROGRAMS THAT ACCURATELY DISTRIBUTE COSTS AND BENEFITS TO PUBLIC AND PRIVATE INTERESTS.

Policies

- 5.9.1 Establish financing mechanisms to ensure that adequate parks, open space, and recreation facilities are available to the community.
- 5.9.2 Investigate innovative available methods or the financing of maintenance and operating needs in order to reduce costs, retain financial flexibility, match user benefits and interests, and increase facility services.
- 5.9.3 The City shall explore and where appropriate adopt a creative funding strategy which takes advantage of traditional sources, such as capital budgeting, grants, and developer contributions, but also non-traditional sources including, but not limited to volunteers, interlocal agreements, donations, foundations, interjurisdictional partnerships, and other appropriate mechanisms.
- 5.9.4 In developing the park system, encourage donations and dedications, conservation easements, innovative land use contractual agreements and other methods involving foundations, organizations, associations, trusts, developers, landowners, others from the private sector and neighboring and regional governments.
- 5.9.5 Allow fee stewardship programs to be established in conjunction with recognized land conservancies to maintain dedicated natural areas in lieu of permitting homeowner associations to assume such responsibilities (assuming the City does not wish to assume such responsibility).



Comprehensive Plan Docket 2013 Text Amendment

Staff Summary for Grant or Denial T-4 Chapter 6 Transportation Element

LOCATION IN COMPREHENSIVE PLAN: Chapter 6, pages 6-23 and 6-24, and pages 6-26 to 6-44.

SUMMARY: The proposal is for text changes to the Comprehensive Plan as part of the 2013 Comprehensive Plan amendments. Two amendments are proposed related to the street inventory table.

DISCUSSION: The proposed amendments repeal Goal 6.10 and associated policies and removes Table 6-1 Street Inventory from the Comprehensive Plan. The street inventory is not required to be included in the Comprehensive Plan and with the annexations, it has grown to be a long table. Goal 6.10 was related to updating the Street Inventory table after the Southwest Annexation.

PROPOSED CHANGES:

Page 6-23- 6-24 – repeal Goal 6.10 and associated policies related to Table 6-1 “Street Inventory” as Table 6-1 is not necessary to publish as part of the Comprehensive Plan.

GOAL 6.10 REPEALED IN 2013 DOCKET~~((UPDATE TRANSPORTATION ELEMENT OF THE COMPREHENSIVE PLAN TO VERIFY THE EXISTING ROAD INVENTORY AND UPDATE WITH NEW INVENTORY GENERATED FROM ANNEXED AREAS.~~

Policies

- ~~6.10.1 The City will perform a review of the existing Street Inventory in Table 6-1. Corrections and additions regarding the names and locations will be made to make the current.~~
- ~~6.10.2 Table 6-1 will be updated with the newly acquired roads from Snohomish County resulting from the Frontier Village, Soper Hill, Chapel Hill Fire District, and other annexations occurring before the next comprehensive plan docket cycle.~~
- ~~6.10.3 The City will perform a field evaluation to update and verify the classifications and conditions for all the roads in Table 6-1 in effort to obtain current and accurate information.))~~

Pages 6-26 to 6-44 – remove Table 6-1 Street Inventory.

GRANTING OR DENIAL OF AMENDMENTS (Pgs 1-26 and 1-27, Dec 2012 Final Comprehensive Plan)

For both City and privately-initiated amendments, the City shall take into consideration, but is not limited to, the following factors when considering approval of a proposed amendment to the Comprehensive Plan:

<p>1. The effect upon the physical, natural, economic, and/or social environments. The proposed amendments remove the street inventory and associated goal and policy to update the street inventory from the Comprehensive Plan and will have no effect upon the physical, natural, economic, and/or social environments.</p>
<p>2. The compatibility with and impact on adjacent land uses and surrounding neighborhoods including whether the amendment would create pressure to change the land use designation of other properties in the vicinity. The proposed amendments remove the street inventory and associated goal and policy to update the street inventory from the Comprehensive Plan and will have no impact to specific land uses or neighborhoods.</p>
<p>3. The adequacy of and impact on public facilities and services, including utilities, roads, public transportation, parks, recreation, and schools. The proposed amendments remove the street inventory and associated goal and policy to update the street inventory from the Comprehensive Plan and will have no impact on public facilities and services.</p>
<p>4. The quantity and location of land planned for the proposed land use type and density. The proposed amendments remove the street inventory and associated goal and policy to update the street inventory from the Comprehensive Plan and will have no effect on land use and density.</p>
<p>5. The effect, if any, upon other aspects of the Comprehensive Plan. The proposed amendments remove the street inventory and associated goal and policy to update the street inventory from the Comprehensive Plan and will have no effect on other aspects of the Comprehensive Plan.</p>

The City may amend the Comprehensive Plan only if it finds the amendment meets all of the following:

1. The amendment must be consistent with the Growth Management Act and other applicable State laws.	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO
2. The amendment must be consistent with the applicable County-wide Planning Policies.	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO
3. The amendment must not be in conflict with the Community Vision or other goals, policies, and provisions of the Comprehensive Plan.	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO
4. The amendment can be accommodated by all applicable public services and facilities, including transportation.	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO
5. The amendment will change the development or use potential of a site or area without creating significant adverse impacts on existing sensitive land uses, businesses or residents.	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO
6. The amendment will result in long-term benefits to the community as a whole, and is in the best interest of the community.	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO

Staff recommends this proposal be GRANTED or DENIED based on the criteria in the Comprehensive Plan.

The Planning Commission recommends this proposal be GRANTED or DENIED based on the criteria in the Comprehensive Plan.

The City Council GRANTS or DENIES this proposal based on the criteria in the Comprehensive Plan.



Comprehensive Plan Docket 2013 Text Amendment

Staff Summary for Grant or Denial T-5 Chapter 7 Utilities & Public Services & Facilities Element

LOCATION IN COMPREHENSIVE PLAN: Chapter 7, pages 7-10 and 7-22.

SUMMARY: The proposal is for text changes to the Comprehensive Plan as part of the 2013 Comprehensive Plan amendments. Two amendments are proposed in Chapter 7.

DISCUSSION: The proposed amendments update Figure 7.4 to show the Snohomish School District boundaries and update Utility Policy 7.3.6 to be consistent with amended underground utilities code adopted by the City Council earlier this year.

PROPOSED CHANGES:

Page 7-10 – update Figure 7.4 “Lake Stevens School District #4 Service Areas” with the Snohomish School District Boundaries and rename to “School District Service Areas” (see Figure below) .

Page 7-22 – update Utility Policy 7.3.6 for consistency with recently amended underground utilities code.

GOAL 7.3 PROCESS PERMITS FOR UTILITY FACILITIES IN A FAIR AND TIMELY MANNER AND IN ACCORD WITH THE DEVELOPMENT REGULATIONS WHICH ENCOURAGE PREDICTABILITY.

Policies

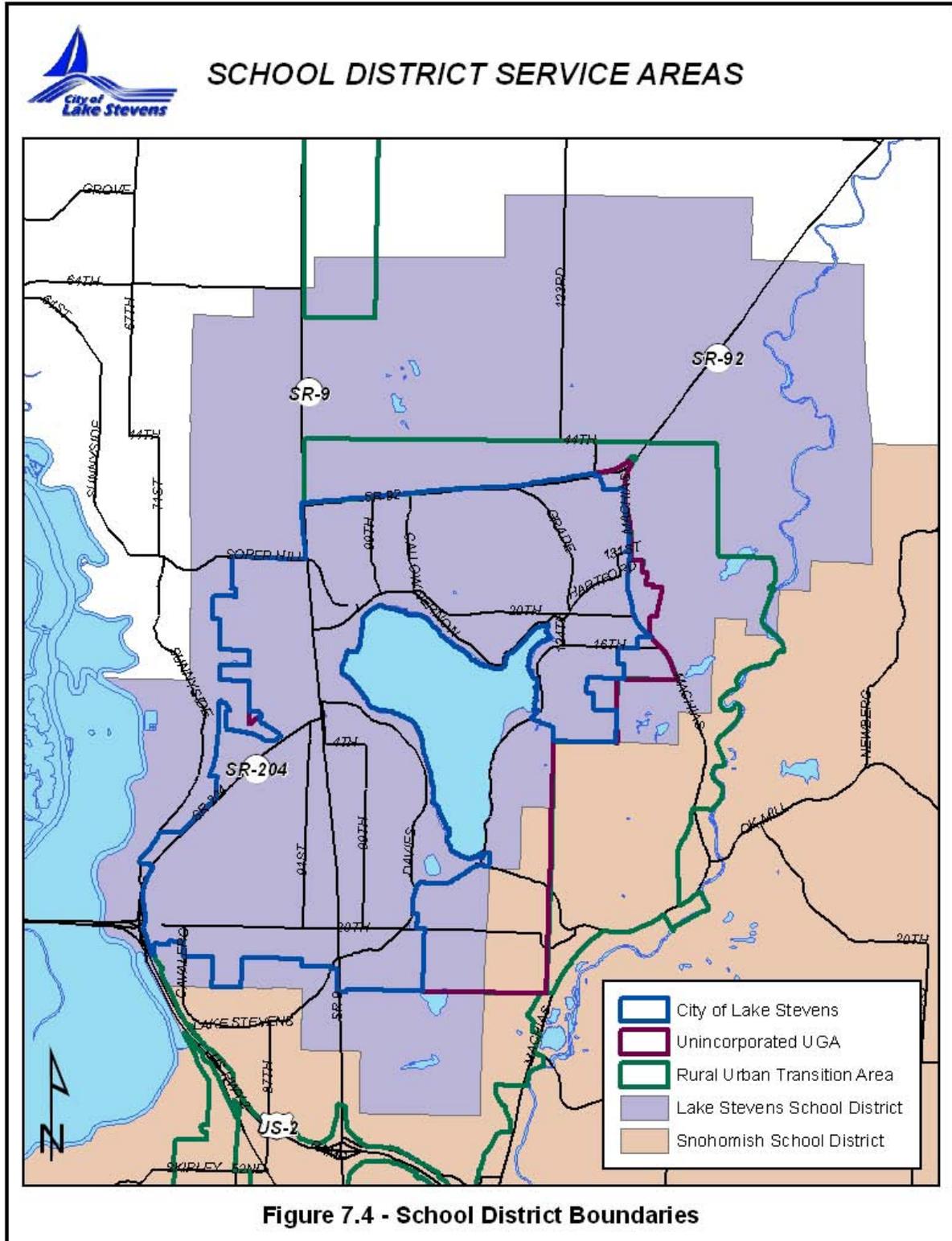
- 7.3.1 The City shall promote co-location of new public and private utility distribution facilities and coordination of construction timing to minimize construction-related disruptions and reduce the cost to the public of utility delivery.
- 7.3.2 The City will provide timely and effective notice to utilities to encourage coordination of public and private utility trenching activities for new construction and maintenance and repair of existing roads.
- 7.3.3 The City shall encourage provision of an efficient, cost effective and reliable utility service by ensuring land will be made available for the location of utility lines or other utilities.
- 7.3.4 The City will promote the extension of distribution lines to and within the urban growth area. Coordinate land use and facility planning to allow eventual siting and construction of any utility distribution lines within or adjacent to rights-of-way which are being dedicated or within roads which are being constructed or reconstructed.
- 7.3.5 The City shall review and amend existing regulations as necessary, including the critical areas ordinance, to allow maintenance, repair, installation and replacement of utilities.
- 7.3.6 The City will require underground utilities in all new developments, except:
 - (a) If the Public Works Director determines that an underground system cannot reasonably be installed according to accepted engineering practices or undergrounding would adversely impact services not adjacent to the proposed site;

- (b) For aboveground utility lines located along the following roadways:
 - (i) State Route 9,
 - (ii) State Route 92,
 - (iii) State Route 204,
 - (iv) Lundeen Parkway from SR 9 to Callow Road,
 - (v) 20th Street NE except between 118th Avenue NE and 127th Avenue NE,
 - (vi) Grade Road, and
 - (vii) 20th Street SE; or
- (c) Power lines carrying a voltage of 15 kV or more.

7.3.7 The City shall encourage system design practices intended to minimize the number and duration of interruptions to customer service.

7.3.8 The City will continue to work with the Lake Stevens Sewer District to review and amend existing regulations to provide commonality, consistency, predictability and concurrent levels of sewer permits and regulation.

7.3.9 The City will cooperatively develop new regulations, as required or needed to further the purposes and goals of the Unified Sewer Service and Annexation Agreement and area-wide systems of sewer service.



GRANTING OR DENIAL OF AMENDMENTS (Pgs 1-26 and 1-27, Dec 2012 Final Comprehensive Plan)

For both City and privately-initiated amendments, the City shall take into consideration, but is not limited to, the following factors when considering approval of a proposed amendment to the Comprehensive Plan:

<p>1. The effect upon the physical, natural, economic, and/or social environments. The proposed amendments update a figure and amend a utility policy for consistency with previously adopted code amendments, so will have no effect upon the physical, natural, economic, and/or social environments.</p>
<p>2. The compatibility with and impact on adjacent land uses and surrounding neighborhoods including whether the amendment would create pressure to change the land use designation of other properties in the vicinity. The proposed amendments update a figure and amend a utility policy for consistency with previously adopted code amendments, so will have no impact to specific land uses or neighborhoods.</p>
<p>The adequacy of and impact on public facilities and services, including utilities, roads, public The proposed amendments update a figure and amend a utility policy for consistency with previously adopted code amendments, so will have no impact on public facilities and services.</p>
<p>3. The quantity and location of land planned for the proposed land use type and density. The proposed amendments update a figure and amend a utility policy for consistency with previously adopted code amendments, so will have no effect on land use and density.</p>
<p>4. The effect, if any, upon other aspects of the Comprehensive Plan. The proposed amendments update a figure and amend a utility policy for consistency with previously adopted code amendments, so will have no effect on other aspects of the Comprehensive Plan.</p>

The City may amend the Comprehensive Plan only if it finds the amendment meets all of the following:

1. The amendment must be consistent with the Growth Management Act and other applicable State laws.	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO
2. The amendment must be consistent with the applicable County-wide Planning Policies.	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO
3. The amendment must not be in conflict with the Community Vision or other goals, policies, and provisions of the Comprehensive Plan.	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO
4. The amendment can be accommodated by all applicable public services and facilities, including transportation.	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO
5. The amendment will change the development or use potential of a site or area without creating significant adverse impacts on existing sensitive land uses, businesses or residents.	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO
6. The amendment will result in long-term benefits to the community as a whole, and is in the best interest of the community.	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO

Staff recommends this proposal be GRANTED or DENIED based on the criteria in the Comprehensive Plan.

The Planning Commission recommends this proposal be GRANTED or DENIED based on the criteria in the Comprehensive Plan.

The City Council GRANTS or DENIES this proposal based on the criteria in the Comprehensive Plan.



Comprehensive Plan Docket 2013 Text Amendment

Staff Summary for Grant or Denial T-6 Appendices

LOCATION IN COMPREHENSIVE PLAN: Appendices, add new Appendix M and replace Appendix F.
SUMMARY: The proposal is for text changes to the Comprehensive Plan as part of the 2013 Comprehensive Plan amendments. One appendix is proposed to be added and one proposed to be replaced with an updated version.
DISCUSSION: The proposed amendments are to add the SEPA review for the 2013 Docket as Appendix M and replace Appendix F with the latest STIP (Six-Year Transportation Improvement Plan).

PROPOSED CHANGES: Add as Appendix M the SEPA Addendum No. 6 (not attached as the document is over 50 pages). Replace Appendix F with the latest STIP attached to this analysis sheet.

GRANTING OR DENIAL OF AMENDMENTS (Pgs 1-26 and 1-27, Dec 2012 Final Comprehensive Plan)

For both City and privately-initiated amendments, the City shall take into consideration, but is not limited to, the following factors when considering approval of a proposed amendment to the Comprehensive Plan:

1. The effect upon the physical, natural, economic, and/or social environments. The proposed amendments to add the SEPA Addendum #6 as a new appendix and replace Appendix F with new STIP will have no effect upon the physical, natural, economic, and/or social environments.
2. The compatibility with and impact on adjacent land uses and surrounding neighborhoods including whether the amendment would create pressure to change the land use designation of other properties in the vicinity. The proposed amendments to add the SEPA Addendum #6 as a new appendix and replace Appendix F with new STIP will have no impact to specific land uses or neighborhoods.
3. The adequacy of and impact on public facilities and services, including utilities, roads, public transportation, parks, recreation, and schools. The proposed amendments to add the SEPA Addendum #6 as a new appendix and replace Appendix F with new STIP will have no impact on public facilities and services.
4. The quantity and location of land planned for the proposed land use type and density. The proposed amendments to add the SEPA Addendum #6 as a new appendix and replace Appendix F with new STIP will have no effect on land use and density.
5. The effect, if any, upon other aspects of the Comprehensive Plan. The proposed amendments to add the SEPA Addendum #6 as a new appendix and replace Appendix F with new STIP will have no effect on other aspects of the Comprehensive Plan.

The City may amend the Comprehensive Plan only if it finds the amendment meets all of the following:

1. The amendment must be consistent with the Growth Management Act and other applicable State laws.	X	YES	NO
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2. The amendment must be consistent with the applicable County-wide Planning Policies.	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO
3. The amendment must not be in conflict with the Community Vision or other goals, policies, and provisions of the Comprehensive Plan.	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO
4. The amendment can be accommodated by all applicable public services and facilities, including transportation.	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO
5. The amendment will change the development or use potential of a site or area without creating significant adverse impacts on existing sensitive land uses, businesses or residents.	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO
6. The amendment will result in long-term benefits to the community as a whole, and is in the best interest of the community.	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO

Staff recommends this proposal be GRANTED or DENIED based on the criteria in the Comprehensive Plan.

The Planning Commission recommends this proposal be GRANTED or DENIED based on the criteria in the Comprehensive Plan.

The City Council GRANTS or DENIES this proposal based on the criteria in the Comprehensive Plan.

APPENDIX M - NEW

SEPA Addendum No. 6

ADDENDUM NO. 6

TO THE CITY OF LAKE STEVENS INTEGRATED 2005 COMPREHENSIVE PLAN AND FINAL ENVIRONMENTAL IMPACT STATEMENT

**Adoption of One Land Use Map Correction and Text
Revisions to Chapter 1 Introduction, Chapter 5
Transportation Element, Chapter 6 Transportation Element,
Chapter 7 Utilities & Public Services & Facilities Element,
Chapter 8 Capital Facilities Element, Appendices, and
Covers, Footers and Table of Contents
With The 2013 Docket**

And

**2013 Code Housekeeping Amendments
Including One Zoning Map Correction**



Prepared in Compliance with
The Washington State Environmental Policy Act of 1971
Chapter 43.21C Revised Code of Washington
Chapter 197-11 Washington Administrative Code
Lake Stevens Municipal Code Title 16

Date of Issuance: October 29, 2013



October 29, 2013

Dear Reader and Interested Citizen:

Addendum No. 6 to the City of Lake Stevens Integrated 2005 Comprehensive Plan and Final Environmental Impact Statement (FEIS), issued July 17, 2006, has been prepared by the Department of Planning and Community Development.

This addendum provides additional environmental information for the proposed adoption of the following GMA Comprehensive Plan map and text amendments:

- Land Use Map – Map correction to minimally modify boundaries of a stormwater detention facility and neighboring property to share access;
- Chapter 1 Introduction – Remove detailed public process description for each Docket Cycle and include a general process, and add reference to appendix containing SEPA documents;
- Chapter 5 Parks and Recreation Element – Replace entire chapter;
- Chapter 6 Transportation Element – Remove Table 6-1 Street Inventory, and repeal Goal 6.10 and associated policies related to street inventory;
- Chapter 7 Utilities and Public Services and Facilities Element – Update Figure 7.4 to show Snohomish School District boundaries and update Utility Policy 7.3.6 to be consistent with amended underground utilities code;
- Chapter 8 Capital Facilities Element – Add joint planning with Snohomish County for Cavalero Hill Park to Table 8.1 Capital Improvements and placeholder for park projects to be identified by the Parks and Recreation Element; and
- Add Appendix M as SEPA Addendum No. 6, update Appendix F with current Six-Year Transportation Infrastructure Program (STIP) and update cover, footers and table of contents.

In addition, this addendum provides additional environmental information for the proposed adoption of 2013 Code Housekeeping Amendments to correct minor code errors and revisions found during code implementation and update code to be consistent with the GMA Comprehensive Plan:

- Chapter 5.16 Commercial Animal Rearing (Kennel) Regulations – change reference from “Planning Commission” to “Planning Director or designee” for who may revoke a permit;
- Chapter 14.04 General Provisions – remove list of administratively adopted documents and reference availability;
- Chapter 14.08 Basic Definitions and Interpretations – add, change or remove five definitions and move Section 14.08.020 to a new section in Chapter 14.36 Zoning Districts and Zoning Map;
- Chapter 14.16A Administration and Procedures – corrections, clarifications and updates in four sections;
- Chapter 14.16B Types of Land Use Review – minor modifications, corrections and additional specificity to seven sections;
- Chapter 14.16C Land Use Actions, Permits and Determinations – removals, corrections, and minor addition to three sections;

- Chapter 14.18 Subdivisions, Boundary Line Adjustments and Binding Site Plans – minor addition, modification and corrections to three sections;
- Chapter 14.36 Zoning Districts and Zoning Map – remove one reference to acetate maps and minor map correction to “Official Zoning Map”;
- Chapter 14.38 Subarea Plans – minor changes to one table and remove an exception for freestanding signage;
- Chapter 14.40 Permissible Uses – add footnotes and remove two use descriptions to Permissible Uses Table and update two sections;
- Chapter 14.44 Supplementary Use Regulations – clarify or correct six sections;
- Chapter 14.46 Innovative Housing Options Program – remove reference to demonstration program in one section;
- Chapter 14.48 Density and Dimensional Regulations – allow eaves to project into setback, update Density and Dimensional Table, and update four sections;
- Chapter 14.56 Streets and Sidewalks – minor amendments to ensure consistency between Land Use Regulations and Engineering Design and Development Standards in five sections;
- Chapter 14.68 Signs – minor corrections and clarifications to three sections;
- Chapter 14.76 Screening and Trees – minor clarification and correction to two sections;
- Chapter 14.88 Critical Areas – minor corrections to four sections;
- Chapter 14.110 Concurrency Management System – correct one code reference; and
- Placeholder for code corrections related to 2012 International Building Codes.

This addendum adds further information to the analysis contained in the FEIS. The document addresses the environmental information specifically related to proposed map and text revisions to the Comprehensive Plan and Code Housekeeping amendments; it does not identify detailed project impacts. Specific project actions will require further detailed environmental review as they are considered for implementation.

Review of the proposed amendments will occur at a Planning Commission public hearing on November 6, 2013 and City Council public hearing on December 9, 2013.

We invite you to comment on the proposed map, text and code revisions during the City review process. Comments regarding the proposed comprehensive plan and code housekeeping amendments may be submitted orally during each hearing or in writing any time prior to the hearing by sending them to City Hall, attn: Karen Watkins, PO Box 257, Lake Stevens, WA 98258, or by email at kwatkins@lakestevenswa.gov.

If you have any questions, please contact Karen Watkins at (425) 377-3221 or email above.

Sincerely,

Rebecca Ableman
Planning and Community Development Director

Fact Sheet

Proposed Non-Project Action:

The proposed non-project action is the adoption by the Lake Stevens City Council of one City-proposed map correction and seven City-proposed text revisions to the City of Lake Stevens Comprehensive Plan as part of the 2013 Docket: Chapter 1 Introduction, Chapter 5 Parks and Recreation Element, Chapter 6 Transportation Element, Chapter 7 Utilities and Public Services and Facilities Element, Chapter 8 Capital Facilities Element, and the Appendices. The GMA requirements contained in Chapter 36.70A RCW are applicable to these plans.

Description of Proposal:

The 2013 Docket contains one map correction and seven text revisions to the City of Lake Stevens Comprehensive Plan Amendments:

- Land Use Map – Map correction to minimally modify boundaries of a stormwater detention facility and neighboring property to share access;
- Chapter 1 Introduction – Remove detailed public process description for each Docket Cycle and include a general process, and add reference to appendix containing SEPA documents;
- Chapter 5 Parks and Recreation Element – Replace entire chapter;
- Chapter 6 Transportation Element – Remove Table 6-1 Street Inventory, and repeal Goal 6.10 and associated policies related to street inventory;
- Chapter 7 Utilities and Public Services and Facilities Element – Update Figure 7.4 to show Snohomish School District boundaries and update Utility Policy 7.3.6 to be consistent with amended underground utilities code;
- Chapter 8 Capital Facilities Element – Add joint planning with Snohomish County for Cavalero Hill Park and a placeholder for park projects to be identified by the Parks and Recreation Element to Table 8.1 Capital Improvements; and
- Add Appendix M as SEPA Addendum No. 6, update Appendix F with current Six-Year Transportation Infrastructure Program (STIP) and update cover, footers and table of contents.

The 2013 Code Housekeeping Amendments to correct minor code errors and revisions found during code implementation and update code to be consistent with the GMA Comprehensive Plan contains one map correction and text revisions to nineteen chapters of the City of Lake Stevens Municipal Code, all in Title 14 Land Use Regulations except one in Title 5 Animal Regulations:

- Chapter 5.16 Commercial Animal Rearing (Kennel) Regulations – change reference from “Planning Commission” to “Planning Director or designee” for who may revoke a permit;
- Chapter 14.04 General Provisions – remove list of administratively adopted documents and reference availability;
- Chapter 14.08 Basic Definitions and Interpretations – add, change or remove five definitions and move Section 14.08.020 to a new section in Chapter 14.36 Zoning Districts and Zoning Map;
- Chapter 14.16A Administration and Procedures – corrections, clarifications and updates in four sections;
- Chapter 14.16B Types of Land Use Review – minor modifications, corrections and additional specificity to seven sections;
- Chapter 14.16C Land Use Actions, Permits and Determinations – removals, corrections, and minor addition to three sections;

- Chapter 14.18 Subdivisions, Boundary Line Adjustments and Binding Site Plans – minor addition, modification and corrections to three sections;
- Chapter 14.36 Zoning Districts and Zoning Map – remove one reference to acetate maps and minor map correction to “Official Zoning Map”;
- Chapter 14.38 Subarea Plans – minor changes to one table and remove an exception for freestanding signage;
- Chapter 14.40 Permissible Uses – add footnotes and remove two use descriptions to Permissible Uses Table and update two sections;
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- Chapter 14.76 Screening and Trees – minor clarification and correction to two sections;
- Chapter 14.88 Critical Areas – minor corrections to four sections;
- Chapter 14.110 Concurrency Management System – correct one code reference; and
- Placeholder for code corrections related to 2012 International Building Codes.

RCW 36.70A.130 allows amendments to the Comprehensive Plan once per year with some exceptions. The current proposal is the 2013 Comprehensive Plan Docket with associated Code Housekeeping amendments.

Purpose of the FEIS Addendum:

The purpose of this addendum is to add information and analysis relating to the programmatic City action of adopting minor amendments to six chapters and the appendices of the Comprehensive Plan. This information expands upon previously identified significant impacts of the alternatives to the City’s Integrated 2005 Comprehensive Plan (July 2006) and FEIS (July 17, 2006), as addended, but does not substantially change the analysis. The City has already considered the impacts of the proposed programmatic actions analyzed in this Addendum in the FEIS document. No additional significant impacts beyond those identified in the FEIS are expected to occur. Revisions to the proposal may be considered during the public hearing process. To the extent that the existing environmental documents listed in this Addendum or other published documents have analyzed such changes, no additional programmatic action level environmental review will be required. This Addendum is being issued in accordance with WAC 197-11-625 and WAC 197-11-630. Additional changes to the proposal may be considered during the public hearing process. The following adopted environmental document meets the City of Lake Stevens’ environmental review needs for the current proposal: 2013 Comprehensive Plan Docket and Code Housekeeping Amendments.

Location of Proposal: City of Lake Stevens and Lake Stevens Urban Growth Area

**Proponent/
Lead Agency:** City of Lake Stevens, P.O. Box 257, Lake Stevens, WA 98258
(425) 377-3235

Required Approvals: Adoption of GMA Comprehensive Plan map and text amendments and Code Housekeeping amendments granted by Lake Stevens City Council

Circulation: This Addendum is being sent to all recipients of the previously issued Final EIS and other interested parties.

Comment: No comment period is required for this addendum.

Contact Person: Karen Watkins, Principal Planner
(425) 377-3221 or kwatkins@lakestevenswa.gov

Date of Issuance: October 29, 2013

Responsible Official: Signature _____
Rebecca Ableman, Planning & Community Development Director

Public Hearing: The Planning Commission will hold a public hearing on the proposed Comprehensive Plan map and text amendments and Code Housekeeping amendments on November 6, 2013. Following receipt of a recommendation from the Planning Commission, the City Council will also hold a public hearing on December 9, 2013 before taking final action.

Documents: The Integrated 2005 Comprehensive Plan and Final Environmental Impact Statement, as addended, and detailed information and analysis are available at the City Planning Department. Electronic copies may be requested from the contact above. The City website also has a copy of the current plan and FEIS at www.lakestevenswa.gov.

SEPA Distribution List

National Marine Fisheries Service
Natural Resource Conservation Service
NOAA Fisheries
NOAA NW Regional Office
U.S. Army Corps of Engineers
U.S. EPA
U.S. Fish and Wildlife Service
WA State Energy Office

Community Transit
Earth Share of WA
Pilchuck Audubon Society
Puget Sound Clean Air Agency
Puget Sound Energy
Puget Sound Water Quality Action Team
Regional Transit Authority
Waste Management NW

City of Everett Public Works
City of Marysville
Greater Lake Stevens Chamber of Commerce
Lake Stevens Historical Society
Lake Stevens Journal
Lake Stevens Library
Marysville School District
Muckleshoot Indian Tribe
Snohomish County Council
Snohomish County Executive
Snohomish County Parks & Recreation
Snohomish County Public Works
Snohomish County School District
Stillaguamish Tribe

Anderson Hunter
Master Builders Association
Snohomish County Camano Assoc. of Realtors

Seattle Post Intelligencer
The Arlington Times
The Everett Herald
The Seattle Times

Leland Adams
Joyce Bell
Steve Brooks
Jennifer D'Avis-Pederson

Carl Johnson
Bill Ostrowski
Chris Redosivich
Karen Reichenberg
Roger Schollenberger
Marlene Sweet
Terry Van Wyck
George Wood
Kelley Wrigg

Purpose of the Proposal

The Proposed Action is the adoption of the 2013 Docket including one city-initiated map correction and seven text amendments to the City of Lake Stevens GMA Comprehensive Plan in accordance with the requirements of the Growth Management Act (GMA) and Code Housekeeping amendments. Statutory requirements of GMA allow amendments to a Comprehensive Plan “no more frequently than once per year” (RCW 36.70A.130(2)(a)) except when in specific circumstances.

SEPA Procedures and Public Involvement

Purpose of the Addendum

The purpose of this Addendum is to add analyses and information about a proposal, but does not substantially change the analysis of significant impacts and alternatives in the existing environmental document (WAC 197-11-600(4)(c)). The proposed revision does not introduce new significant impacts from those identified in the FEIS. The City of Lake Stevens is issuing this addendum to the FEIS for the purpose of supplying additional information about the proposals and their impacts beyond those contained in the FEIS. This Addendum should assist the public and agency decision-makers in considering the granting or denial of the proposed map and text amendments to the Comprehensive Plan and Code Housekeeping amendments.

Programmatic Analysis

This Addendum is for the 2013 Comprehensive Plan Docket and Code Housekeeping Amendments. The adoption of comprehensive plans, or other long-range planning activities, is classified by SEPA as a non-project (i.e., programmatic) action. A non-project action is defined as an action that is broader than a single site-specific project, and involves decisions on policies, plans or programs. A SEPA document for a non-project proposal does not require site-specific analyses; instead the Addendum discusses additional analysis and information appropriate to the scope of the non-project proposal and to the level of planning for the proposal (WAC 197-11-442).

Phased Review

SEPA encourages the use of phased environmental review to focus on issues that are ready for decision, and to exclude from consideration issues already decided or not yet ready for decision-making (WAC 197-11-060 (5)). Phased review is appropriate where the sequence of a proposal is from a programmatic document, such as an EIS addressing a comprehensive plan, to other documents that are narrower in scope, such as for a site-specific, project-level analysis. The City of Lake Stevens is using phased review, as authorized by SEPA, in its environmental review of growth management planning actions. The analysis in this Addendum will be used to review the environmental impacts of the proposed Comprehensive Plan Amendment proposals and Code Housekeeping Amendments.

Public Comment

No comment period is required for the Addendum. The following public participation is scheduled as part of the 2013 Docket to gain public input:

- Planning Commission Public Hearing – November 6, 2013
- City Council Public Hearing – December 9, 2013

Proposed Action, Alternatives, and Objectives

Proposed Action

The proposed action is the granting or denial of one map correction and seven text amendments to the City of Lake Stevens Comprehensive Plan and Code Housekeeping amendments. The proposed amendments are provided below using strikeouts and underlines for the text amendments. Each chapter amendments will be treated as a separate alternative because each proposal is reviewed individually and a determination is made on the granting or denial of each proposal by the Planning Commission and City Council. The Code Housekeeping Amendments will be reviewed as one although any proposed amendments may be removed from the ordinance by the City Council.

Objectives of the Proposal

The principal objective of the proposed map and text amendments is to update the Comprehensive Plan based on new information and to correct minor code errors and revisions found during code implementation and update code to be consistent with the Comprehensive Plan.

Matrix of Impacts and Mitigation Measures

In order to retain consistency in the description and analysis of impacts, this Addendum is using a similar matrix of impacts. Only additional information or analysis not covered in the FEIS matrix, but required for the Comprehensive Plan map and text amendments and Code Housekeeping amendments, is included on the attached matrix.

This is a summary of the proposed amendments to the City of Lake Stevens Comprehensive Plan for the 2013 Docket and Code Housekeeping Amendments. During the review and discussion of these amendments, there could be minor revisions or additions before final adoption by the City Council.

MAP CORRECTION

2013 City-Initiated Land Use Map Amendment Request #M-1, which corrects the Official Land Use Map (Figure 4.1 Land Use Map) by amending the boundaries for the land use designation of “P/SP” on Parcel No. 29061900302700 (XXXXX 20th Street SE, Lake Stevens) and land use designation of “MU” on Parcel No. 29061900301200 (10227 20th Street SE, Lake Stevens) due to equal acreage of dedication and vacation changing boundaries only and not changing total acreage in each designation and set forth as shown in map and record of survey. The boundary change is a map correction and does not require a concurrent site-specific rezone, but does include a concurrent Official Zoning Map correction.

TEXT AMENDMENTS

2013 City-Initiated Text Amendment Request #T-1 (Chapter 1 Introduction) which updates the section entitled “Public Process for Docket Cycles” on pages 1-7 through 1-9 for the 2013 amendments so simplify the section and remove the separate docket cycle public meeting tables; and updates the Environmental Review section with the 2013 environmental process on page 1-29, of the Comprehensive Plan:

Pages 1-7 to 1-9 – Simplify section by removing separate docket cycle public meeting schedules. Public Process for Docket Cycles

The Annual((2007)) Docket Cycles included the following meetings for public participation during the adoption process for Plan amendments:

<u>Annual((2007)) Docket Ratification</u>	
((April 30	Planning Commission Meeting
June 20	Planning Commission Hearing/Set Final Docket
July 16	City Council Workshop/ <u>Briefing</u>
July 23))	City Council Ratification of Final Docket
<u>Annual((2007)) Adoption of Amendments</u>	
((November 7	Planning Commission Public Hearing <u>& Recommendation to City Council on Adoption of Amendments</u>
December 3	City Council Workshop/ <u>Briefing</u>
December 5	((Planning Commission Adopt Amendments)) <u>Hearing Examiner Public Hearing for Associated Rezone, if required</u>
December 10	City Council Public Hearing
December 17	City Council Adoption of Amendments <u>& Rezones</u>
December 31))	Amendments Effective

~~((The 2008 Docket included the following meetings for public participation during the adoption process for Plan amendments:~~

<u>2008 Docket Ratification</u>	
June 4	Planning Commission Meeting
July 2	Planning Commission Hearing/Set Final Docket
August 4	City Council Workshop
August 11	City Council Ratification of Final Docket
<u>2008 Adoption of Amendments</u>	

October 1	Planning Commission Public Hearing
November 5	City Council Workshop
November 17	Planning Commission Adopt Amendments
November 24	City Council Public Hearing & Adoption of Amendments
December 8	Amendments Effective

The 2009 Docket included the following meetings for public participation during the adoption process for Plan amendments:

2009 Docket Ratification

March 4	Planning Commission Hearing/Set Final Docket
March 16	City Council Workshop
March 23	City Council Ratification of Final Docket

2009 Adoption of Amendments

May 4	City Council Workshop
May 6	Planning Commission Public Hearing
May 11	City Council Public Hearing & Adoption of Amendments
May 25	Amendments Effective

The 2010 Docket included the following meetings for public participation during the adoption process for Plan amendments:

2010 Docket Ratification

May 5	Planning Commission Hearing/Set Final Docket
May 24	City Council Ratification of Final Docket

2010 Adoption of Amendments

July 7	Planning Commission Public Hearing
July 19	City Council Workshop
July 26	City Council Public Hearing & Adoption of Amendments
August 9	Amendments Effective

The 2011 Docket included the following meetings for public participation during the adoption process for Plan amendments:

2011 Docket Ratification

September 7	Planning Commission Hearing/Set Final Docket
September 26	City Council Ratification of Final Docket

2011 Adoption of Amendments

October 24	City Council Briefing
November 2	Planning Commission Public Hearing
November 28	City Council Public Hearing & Adoption of Amendments
December 12	Amendments Effective

The 2012 Docket included the following meetings for public participation during the adoption process for Plan amendments:

2012 Docket Ratification

September 5	Planning Commission Hearing/Set Final Docket
September 24	City Council Ratification of Final Docket

2012 Adoption of Amendments

October 22	City Council Briefing
October 25	Hearing Examiner Public Hearing for Associated Rezone
November 7	Planning Commission Public Hearing
December 10	City Council Public Hearing & Adoption of Amendments & Rezone
December 24	Amendments Effective))

The Lake Stevens Center Subarea Plan and 20th Street SE Corridor Subarea Plan had separate and combined public participation processes. Each subarea plan includes a Public Process Summary as an appendix. The summary includes a list of public meetings, open houses, public hearings, document issuance dates, etc., held to elicit comments from the public on the Planned Actions, environmental impact statements, subarea plans, capital facilities plan, development regulations, design guidelines, and zoning map and land use map changes. Public comments and responses on the draft environmental impact statements are included in the Final EIS.

Page 1-29 – Add sentence to end of “Environmental Review” Section to reference SEPA Addendum No. 6.

B. Environmental Review

A complete environmental review can be found in **Appendix A** of the Comprehensive Plan. Comments on the environmental analysis were gathered at the same time the overall Plan was circulated for public review. Adjustments were made based on comments received. The result is a Comprehensive Plan that responds to environmental goals of the community and complies with the State Environmental Policy Act. An addendum to the Final Environmental Impact Statement for the 2007 Docket was issued on November 16, 2007 and is included in **Appendix B**. An addendum to the Final Environmental Impact Statement for the 2008 Docket was issued on October 10, 2008 and is included in **Appendix G**. A Determination of Nonsignificance and Adoption of Existing Environmental Documents for the 2009 Docket was issued on March 25, 2009 and is included in **Appendix H**. An addendum to the Final Environmental Impact Statement for the 2009 revisions to the Capital Facilities Plan with amendment of the 2009 City Budget was issued on October 12, 2009 and is included in **Appendix I**. A Determination of Nonsignificance and Adoption of Existing Environmental Documents for the 2010 Docket was issued on July 7, 2010 and is included in **Appendix J**. Addendum No. 4 to the Integrated 2005 Comprehensive Plan and Final Environmental Impact Statement for the 2011 Docket was issued on October 19, 2011 and is included in **Appendix K**. Addendum No. 5 to the Integrated 2005 Comprehensive Plan and Final Environmental Impact Statement for the 2012 Docket was issued on October 12, 2012 and Adoption of Existing Environmental Documents for the Lake Stevens School District Capital Facilities Plan 2012-2017 was issued on October 19, 2012 and are included in **Appendix L**. Addendum No. 6 to the Integrated 2005 Comprehensive Plan and Final Environmental Impact Statement for the 2013 Docket was issued on October 29, 2013 and is included in **Appendix M**.

Draft and final environmental impact statements were issued for each subarea plan (20th Street SE Corridor and Lake Stevens Center) during the Subarea Planning Process. The documents included analysis of the subarea plans, planned actions, capital facilities plan, development regulations, design guidelines, zoning and land use map amendments, land use code amendments, and comprehensive plan amendments.

2013 City-Initiated Text Amendment Request #T-3 (Chapter 5 Parks and Recreation Element), which replaces the entire chapter with the updated Parks and Recreation Plan, of the Comprehensive Plan by adopting the amended Chapter as attached in **Exhibit A**.

2013 City-Initiated Text Amendment Request #T-4 (Chapter 6 Transportation Element), which amends the chapter by repealing Goal 6-10 on pages 6-23 to 6-24 related to Table 6-1 Street Inventory and removing Table 6-1 “Street Inventory” on pages 6-26 to 6-44, of the Comprehensive Plan by adopting the amendments below:

Page 6-23- 6-24 – repeal Goal 6.10 and associated policies related to Table 6-1 “Street Inventory” as Table 6-1 is not necessary to publish as part of the Comprehensive Plan.

GOAL 6.10 ~~REPEALED IN 2013 DOCKET((UPDATE TRANSPORTATION ELEMENT OF THE COMPREHENSIVE PLAN TO VERIFY THE EXISTING ROAD INVENTORY AND UPDATE WITH NEW INVENTORY GENERATED FROM ANNEXED AREAS.~~

Policies

- ~~6.10.1 — The City will perform a review of the existing Street Inventory in Table 6-1. Corrections and additions regarding the names and locations will be made to make the current.~~
- ~~6.10.2 — Table 6-1 will be updated with the newly acquired roads from Snohomish County resulting from the Frontier Village, Soper Hill, Chapel Hill Fire District, and other annexations occurring before the next comprehensive plan docket cycle.~~
- ~~6.10.3 — The City will perform a field evaluation to update and verify the classifications and conditions for all the roads in Table 6-1 in effort to obtain current and accurate information.))~~

Pages 6-26 to 6-44 – remove Table 6-1 Street Inventory.

2013 City-Initiated Text Amendment Request #T-5 (Chapter 7 Utilities & Public Services & Facilities Element), which updates the Figure 7.4 “Lake Stevens School District #4 Service Area” by adding the Snohomish School District boundaries on Page 7-10 and updates the Policy 7.3.6 to be consistent with the recently adopted amended underground utilities code (Ordinance No. 888) on page 7-22 of the Comprehensive Plan by adopting the amendments below:

Page 7-10 – update Figure 7.4 “Lake Stevens School District #4 Service Areas” with the Snohomish School District Boundaries and rename to “School District Service Areas”.

Page 7-22 – update Utility Policy 7.3.6 for consistency with recently amended underground utilities code.

GOAL 7.3 PROCESS PERMITS FOR UTILITY FACILITIES IN A FAIR AND TIMELY MANNER AND IN ACCORD WITH THE DEVELOPMENT REGULATIONS WHICH ENCOURAGE PREDICTABILITY.

Policies

- 7.3.1 The City shall promote co-location of new public and private utility distribution facilities and coordination of construction timing to minimize construction-related disruptions and reduce the cost to the public of utility delivery.
- 7.3.2 The City will provide timely and effective notice to utilities to encourage coordination of public and private utility trenching activities for new construction and maintenance and repair of existing roads.
- 7.3.3 The City shall encourage provision of an efficient, cost effective and reliable utility service by ensuring land will be made available for the location of utility lines or other utilities.
- 7.3.4 The City will promote the extension of distribution lines to and within the urban growth area. Coordinate land use and facility planning to allow eventual siting and construction of any utility distribution lines within or adjacent to rights-of-way which are being dedicated or within roads which are being constructed or reconstructed.
- 7.3.5 The City shall review and amend existing regulations as necessary, including the critical areas ordinance, to allow maintenance, repair, installation and replacement of utilities.
- 7.3.6 The City will require underground utilities in all new developments, except:
- (a) If the Public Works Director determines that an underground system cannot reasonably be installed according to accepted engineering practices or undergrounding would adversely impact services not adjacent to the proposed site;
 - (b) For aboveground utility lines located along the following roadways:
 - (i) State Route 9,
 - (ii) State Route 92,
 - (iii) State Route 204,
 - (iv) Lundeen Parkway from SR 9 to Callow Road,

- (v) 20th Street NE except between 118th Avenue NE and 127th Avenue NE,
- (vi) Grade Road, and
- (vii) 20th Street SE; or
- (c) Power lines carrying a voltage of 15 kV or more.

- 7.3.7 The City shall encourage system design practices intended to minimize the number and duration of interruptions to customer service.
- 7.3.8 The City will continue to work with the Lake Stevens Sewer District to review and amend existing regulations to provide commonality, consistency, predictability and concurrent levels of sewer permits and regulation.
- 7.3.9 The City will cooperatively develop new regulations, as required or needed to further the purposes and goals of the Unified Sewer Service and Annexation Agreement and area-wide systems of sewer service.

2013 City-Initiated Text Amendment Request #T-6 (Appendices), to add a new Appendix M with the SEPA Addendum No. 6 of the Integrated 2005 Comprehensive Plan and Environmental Impact Statement and update Appendix F with the current Six-Year Transportation Improvement Program.

2013 City-Initiated Text Amendment Request #T-7 (Cover, Footers and Table of Contents), to update the Cover, Footers and Table of Contents, of the Comprehensive Plan, by adopting the amendments required after making amendments.

2013 City-Initiated Text Amendment Request #T-8 (Chapter 8 Capital Facilities Element), to update Table -1 Capital Improvements, 2012 – 2032 for Parks, of the Comprehensive Plan, by adopting the amendments below:

PROJECT			COST	YEAR/S	Local	State/Fed	Mitigation	Dev Imp
Table 8-1 – Capital Improvements, 2012 – 2032								
PARKS								
Eagle Ridge Park Master Plan Improvements – Phase I			159,000	2015			X	X
<u>Joint Planning with Snohomish County for Cavalero Hill Park</u>			<u>5,000</u>	<u>2014-2015</u>			<u>X</u>	
<u>PLACEHOLDER: Projects from updated Parks & Recreation Element</u>								

CODE HOUSEKEEPING AMENDMENTS

5.16.080 Permit May be Denied or Revoked.

A. No person who has been convicted of cruelty to animals shall be issued a permit to operate a commercial animal-rearing site. Any such permit which has been issued will be automatically revoked upon proof of conviction of the holder for cruelty to animals.

B. The Planning Director or designee(~~Commission~~) may revoke any permit under this chapter if the person holding the permit refuses or fails to comply with the ordinance codified in this title, or any law governing the protection and keeping of animals, or if the person holding a permit has withheld or falsified any information on the application for such permit. Such revocation of permit shall not affect the permit holder’s liability to prosecution under this title.

14.04.120 Adoption of Supporting Administrative Guidelines.

(a) City departments may administratively adopt guidelines, standards, reference materials, forms, or other documents that aid the public, applicant, staff, or decision-maker in interpreting and administering this document.

(b) ~~((The titles of))~~ Those documents administratively adopted per subsection (a) of this section shall be on file with the Planning and Community Development Department. ~~((and shall include the following documents:~~

~~(1) Information required with applications;~~

~~(2) Guide of Landscaping (Administrative Policy No. 1995-3);~~

~~(3) Residential Development Handbook for Snohomish County Communities;~~

~~(4) Transportation Impact Analysis Guidelines (TIAG) (Administrative Policy No. 1995-5);~~

~~(5) Streets and Sidewalks Design Standards Deviations Procedures (Administrative Policy No. 2006-01);~~

~~(6) SEPA Exemption Threshold Levels for Grading Activities (Administrative Policy No. 2008-06);~~

~~(7) Lot Line Consolidation (Administrative Policy No. 2009-1);~~

~~(8) State Department of Ecology's 2005 Stormwater Management Manual for Western Washington, as amended by Sections 1-6 of Appendix 1 of the NPDES Phase II Municipal Stormwater Permit; and~~

~~(9) Engineering Design and Development Standards (EDDS).~~

~~(c) A copy of all administrative guidelines adopted pursuant to this section shall be on file with the Planning Department permit counter and may be inspected by interested parties during regular business hours of the department.)~~

LSMC Section 14.08.010 entitled "Definitions of Basic Terms" is amended

- *Access Tract.* A privately-owned tract of land used primarily for ingress/egress for four or fewer dwelling units~~((one or more lots))~~.
- *Road, Private.* A privately maintained easement or parcel created to provide vehicle access from a public road to one or more lots or units.
- *Impervious Surface.* A hard surface area which either prevents or retards the entry of water into the soil mantle as it entered under natural conditions prior to development, and/or a hard surface area which causes water to run off the surface in greater quantities or at an increased rate of flow from the flow present under natural conditions prior to development. Common impervious surfaces include, but are not limited to, roofs, walkways, patios, driveways, parking lots, storage areas, areas which are paved, graveled or made of packed or oiled earthen materials, or other surfaces which similarly impede the natural infiltration of surface and stormwater. Open, uncovered retention/detention facilities shall not be considered as impervious surfaces for the purpose of this chapter.
- deleting the definitions for "Year Round Driving Surface" and "Vehicular Access Easement or Tract".

14.36.120~~((14.08.020))~~ Lots Divided by District Lines.

(a) Whenever a single lot one acre or less in size is located within two or more different zoning districts, the district regulations applicable to the district within which the larger portion of the lot lies shall apply to the entire lot.

(b) Whenever a single lot greater than one acre in size is located within two or more different zoning districts, each portion of that lot shall be subject to all the regulations applicable to the district in which it is located.

14.16A.130 Construction Plan Review.

(a) The purpose of this section is to establish procedures for reviewing site construction plans for site improvements. Site construction drawings are engineering documents that are required for improvements to a particular site.

(b) Public Works Construction Plan Approval.

(1) Upon receipt of approval of a land use permit or preliminary subdivision, the applicant is required to apply for construction plan approval relating to following elements: on-site and off-site stormwater management, erosion control measures, public road and frontage improvements, dedication or deeding of right-of-way, street trees and other required landscaping elements, utilities, and any other improvement related to the development.

(2) The application for construction plan approval shall include a completed construction plan review~~((master))~~ application form, plans and materials as outlined in the construction plan submittal checklist~~((master use application and related checklists))~~, and fee as set by Council resolution.

(3) The applicant is required to obtain approvals from the Postmaster and utility purveyors.

(4) Following approval of the construction plans and prior to any site work, the applicant shall schedule a pre-construction meeting with the Public Works Department. All contractors, subcontractors and utility

representatives are to meet to discuss any issues related to the construction activity and minimizing impacts to the neighborhood and nearby facilities.

(5) Pursuant to Section [14.16A.180\(b\)](#), the Public Works Director may require a performance security to be in place before construction activities are commenced.

(c) Public Improvements Required Before Occupancy or Final Plat. Final plat approval or certificate of occupancy shall not be granted unless the required public improvements have been installed and accepted by the Public Works Department or the subdivider has provided a completion security pursuant to Section [14.16A.180\(c\)](#) to ensure that all of these requirements will be fulfilled within not more than 12 months after final plat approval or until half of the dwelling units within the plat or phase are issued building permits, whichever comes first.

Replacement trees to be located on public property must be planted prior to final plat approval. Replacement trees to be located on a private lot must be installed prior to issuing a final inspection or certificate of occupancy for that lot.

(d) Dedication of Public Stormwater Facilities. Stormwater facilities shall be dedicated to the City at the completion of development. Private and commercial stormwater facilities remain the responsibility of the property owner(s).

(e) Maintenance of Dedicated Facilities Until Acceptance. Facilities intended to be dedicated to the City shall be maintained by the owner until such time as the dedication is accepted by the City.

(f) Protection Against Defects.

(1) Whenever public improvements are to be dedicated to the City, the developer shall post a maintenance bond or other sufficient surety pursuant to Section [14.16A.180\(d\)](#) to guarantee that the developer will correct all defects in such facilities or improvements that occur within two years after the acceptance of dedication of the improvements.

(2) An architect or engineer retained by the developer shall certify to the City that all facilities and improvements to be dedicated to the City have been constructed in accordance with the requirements of this chapter. This certification shall be a condition precedent to acceptance by the City of the offer of dedication of such facilities or improvements.

(3) For purposes of this section, the term “defects” refers to any condition that requires repairs over and above the normal amount of maintenance required for a particular improvement.

(g) Authorizing Use and/or Occupancy Before Completion of Development Under Land Use Permits. When weather conditions or other factors beyond the control of the permittee (exclusive of financial hardship) make it unreasonable for the permittee to comply with all of the requirements of the permit (exclusive of subdivision approvals), the Planning Director may authorize the commencement of the intended use or the occupancy of buildings, if the permit recipient provides a performance bond or other security to ensure that all of these requirements will be fulfilled within a reasonable period (not to exceed 12 months) and if the Building Official finds that such occupancy will not result in a safety or health hazard.

Table 14.16A-I: Classification of Permits and Decisions

Type of Review	Land Use Actions and Permits	Recommendation By	Public Hearing Prior to Decision	Permit-Issuing Authority	Administrative Appeal Body & Hearing
TYPE I Administrative without Public Notice	<ul style="list-style-type: none"> • Administrative Design Review • Administrative Modifications • Boundary Line Adjustments • Change of Use • Code Interpretations • Events • Floodplain 	None	None	Department director or designee	Hearing Examiner, except shoreline permits to State Shoreline Hearings Board, & Open Record

	Development Permits <ul style="list-style-type: none"> • Grading Permit • Home Occupations • Master Sign Program • Reasonable Use Exceptions • Shoreline Exemptions • Signs • Temporary Uses 				
TYPE II Administrative with Public Notice	<ul style="list-style-type: none"> • Administrative Conditional Use (formerly Special Use) • Binding Site Plans • Planned Action Certification • SEPA Review (early or when not combined with another permit or required for a Type I permit) • Shoreline Substantial Developments • Short Plats – <u>Preliminary or Final</u> • Short Plat Alterations • Short Plat Vacations • Site Plan Reviews 	None	None	Planning Director or designee	Hearing Examiner, except shoreline permits to State Shoreline Hearings Board, & Open Record
TYPE III Quasi-Judicial, Hearing Examiner	<ul style="list-style-type: none"> • Conditional Uses • Preliminary Plats • Shoreline Conditional Uses • Shoreline Variances • Variances 	Design Review Board (if required)	Open Record	Hearing Examiner	Superior Court, except shoreline permits to State Shoreline Hearings Board, & Closed Record
TYPE IV Quasi-Judicial, City Council with Hearing Examiner Recommendation	<ul style="list-style-type: none"> • Essential Public Facilities • Planned Neighborhood Developments • Rezone - Site-Specific Zoning Map 	Hearing Examiner with Open Record Hearing	Closed Record	City Council	None, appeal to Superior Court

	Amendments • Secure Community Transition Facilities				
TYPE V Quasi-Judicial, City Council	• Final Plats* • Plat Alterations • Plat Vacations • Right-of-Way Vacations	Design Review Board (if required)	Open Record *Public meeting only for Final Plats	City Council	None, appeal to Superior Court
TYPE VI Legislative, City Council with Planning Commission Recommendation	• Comprehensive Plan Amendments, Map & Text • Development Agreements • Land Use Code Amendments • Rezones - Area-Wide Zoning Map Amendments	Planning Commission with Open Record Hearing	Open ((Closed)) Record	City Council	Growth Management Hearings Board & Closed Record

14.16A.225 Noticing Requirements.

(a) Mailed Notices and Postcard Notices.

(1) Mailings shall include a mailed notice or postcard notice to owners of real property within 300 feet of the project site, or 20 property owners (whichever results in more property owners being noticed), including the project name and number and the following information. Mailings may provide a website address where detailed information is available for viewing. Mailings shall include the following information or Internet addresses to the following information:

- (i) The date of application and the date of the notice of application;
- (ii) A description of the proposed project action and a list of the project permits included in the application and, if applicable, a list of any studies requested under RCW [36.70B.070](#);
- (iii) The identification of other permits not included in the application, to the extent known by the City;
- (iv) The identification of existing environmental documents that evaluate the proposed project, and, if not otherwise stated on the document providing notice of application, the location where the application and any studies can be reviewed;
- (v) A statement of the limits of the public comment period;
- (vi) A statement of the right of any person to comment on the application, receive notice of and participate in any hearings, request a hearing, if applicable, request a copy of the decision once made, and any appeal rights;
- (vii) The date, time, place and type of meeting or hearing, if applicable and if it is scheduled at the date of notice of the application;
- (viii) A statement of the preliminary determination of consistency, if one has been made at the time of notice, and of those development regulations that will be used for project mitigation;
- (ix) A map depicting the boundaries of the project site and, when applicable, a site map showing the proposal or website address where maps can be viewed;
- (x) A statement announcing the City’s goal of complying with the intent of the Americans with Disabilities Act, announcing accessibility, offer of assistance to persons with special needs, and availability of TDD services;
- (xi) Any other information determined appropriate by the City, such as the City’s threshold determination, if complete at the time of issuance of the notice of application.

(2) Mailings will be sent to adjacent jurisdictions if the proposed development is within one-quarter mile of the jurisdiction's boundary; the State Department of Transportation if the proposed development is adjacent to a state highway; and to all other agencies with jurisdiction.

(3) Mailings shall also include the mailed or emailed notice of application or postcard notice including at least the information required in subsection (a)(1) of this section to each person who has requested such notice.

(4) No proceeding of any procedure established in this chapter shall be found to be invalid for failure to provide mailed notice as required in this section as long as the other methods of notice have met their respective requirements and there was a good faith attempt to comply with the mailed notice requirements.

(5) The records of the Snohomish County Assessor's Office or title company shall be used for determining the property owner of record. Addresses for a mailed notice required by this code shall be obtained from the Snohomish County real property tax records.

(6) All public notices shall be deemed to have been provided or received on the date the notice is deposited in the mail or personally delivered, whichever occurs first.

(b) Posted Notices.

(1) On-Site Posting. At least one public notice board shall be posted on the site on each public right-of-way fronting on the site. The sign shall be erected in a manner that is accessible and easy to read by the general public. The Planning Director shall establish standards for size, color, layout, design, wording and placement of the notice boards, which generally shall consist of the items listed in subsection (a)(1) of this section. The Department of Planning and Community Development will provide prepared signs for on-site posting to the applicant. The applicant is responsible for posting the on-site notice and submitting a signed affidavit of on-site posting with a photo of each on-site notice.

(2) Public Posting. A public notice shall also be posted on the official notice board at City Hall.

(3) Special Posting for Major Land Use Actions. In addition to the general notice requirements set forth in subsections (a) and (b)(1) of this section, major land use actions shall comply with the following extraordinary signage requirements (see Section 14.16B.315(d)(3)):

(i) Sign Size and Placement. Each sign shall be ~~two~~~~(four)~~ feet by ~~two and a half~~~~(eight)~~ feet in size, placed no closer than five feet from the right-of-way, visible from each public street on which the subject property has frontage, and placed outside the sight distance triangle.

(ii) Content of Notice. Signs shall be prepared using templates or attachable letters. Hand lettered signs are not acceptable. The required sign shall include:

- a. The title "Notice of Land Use Application";
- b. A graphic or written description of the site boundaries;
- c. Type of action/application (preliminary plat, etc.);
- d. The date of public hearing;
- e. The name and telephone number of the Department of Planning and Community Development;
- f. City of Lake Stevens logo;
- g. Other information as the Planning Director may determine to be necessary to adequately notify the public of the pending land use application.

(iii) Responsibility for Installation and Removal.

- a. The applicant shall be solely responsible for the construction, installation, and removal of the sign(s) and the associated costs.
- b. The sign(s) shall be erected at least 10 days prior to the public hearing. The applicant shall sign an affidavit, stating that the sign(s) were installed and the date and posting of property. Photos of each sign shall also be submitted with the affidavit.
- c. The sign(s) shall be removed immediately following final action by the Hearing Examiner.
- d. If the sign is removed prior to the final action, the applicant is responsible for immediate replacement of the sign.

(c) Responsibility for Notice. The Planning Director is responsible for providing published legal notices, mailed notices, and posted notices at City Hall. The applicant is responsible for complying with on-site posted notice requirements.

14.16A.250 Expiration of Approvals and Approved Permits.

(a) Land use approvals/permits other than subdivisions or shoreline permits shall expire automatically within one year after the issuance of such permits, if:

(1) The use authorized by such permits has not commenced, in circumstances where no substantial construction, excavation or demolition is necessary before commencement of such use; or

(2) Less than 10 percent of the total cost of all construction, excavation or demolition of the approved development has been completed.

(b) Land use permits other than subdivisions shall also expire automatically if construction, grading or excavation is commenced but such work is discontinued for a period of one year.

(c) Shoreline Development Permits. Construction activities shall be commenced or, where no construction activities are involved, the use or activity shall be commenced within two years of the effective date of a substantial development permit. However, the City may authorize a single extension for a period not to exceed one year based on reasonable factors, if a request for extension has been filed before the expiration date and notice of the proposed extension is given to parties of record on the substantial development permit and to the Department of Ecology. [RCW [90.58.143](#)(2)]

(d) For land use permits other than preliminary short subdivisions, subdivisions and sign permits:

(1) The Planning Director may grant one six-month extension to a permit upon showing proper justification, if:

- (i) The extension is requested at least 30 calendar days before the permit expires;
- (ii) The permittee has proceeded with due diligence and in good faith; and
- (iii) The zoning designation of the property has not changed.

(2) Proper justification consists of one or more of the following conditions:

- (i) Economic hardship;
- (ii) Change of ownership;
- (iii) Unanticipated construction and/or site design problems;
- (iv) Other circumstances beyond the control of the applicant and determined acceptable by the

appropriate department director.

(e) Preliminary short subdivision and subdivision approvals shall expire automatically if, within five years after the issuance of such approvals:

(1) The final plat or short plat has not been submitted to the City for approval; or

(2) An extension has not been granted. The Planning Director may approve a single one-year original extension to the approval, if:

- (i) The request was delivered in writing to the Planning Department at least 30 calendar days prior to the approval's expiration and meets one of the proper justifications listed in subsection (d)(2) of this section;
- (ii) The permittee has proceeded with due diligence and in good faith to complete the plat; and
- (iii) Conditions have not changed so substantially as to warrant a new application.

(f) Additional Extension of Original Approvals for Preliminary Short Subdivisions, Preliminary Subdivisions, Conditional Use Permits, Special Use Permits, Zoning Permits, and Site Plans.

(1) After requesting and receiving the original~~(normal)~~ permit extension provided in subsection (d) or (e) of this section, a permittee or his or her successors may request of the Planning Director ~~((60 days))~~ six months prior to expiration of permit extension a ~~((one-time,))~~ one- or two-year extension as provided in subsections (f)(3) and (4) of this section for an extension above the original extension request in subsection (e), provided all other requirements of this section are met including:

- (i) Filing with the Planning Director a sworn and notarized declaration that substantial work has not commenced as a result of adverse market conditions and an inability of the applicant to secure financing;
- (ii) Paying applicable permit extension fees;
- (iii) Paying all outstanding invoices for work performed on the permit review; and
- (iv) There are no substantial changes in the approved plans or specifications.

(2) The total combined time period for any preliminary short subdivision or preliminary subdivision may be extended by the Planning Department under Section [14.16A.250](#) and shall not exceed a total extension of ~~((three))~~ two years for a total of seven years approval; except for approvals dated on or before December 31, 2007 shall not exceed a total extension of five years by requesting additional one-or two-year extensions. The total combined time period for any conditional use permit, special use permit, zoning permit, or site plan may be extended by the department under Section [14.16A.250](#) and shall not exceed a total extension of one and a half years.

(3) The one-year original extension of preliminary short subdivisions and preliminary subdivisions established in subsection (e) of this section may be further extended by up to an additional four years for original approvals prior to December 31, 2007 and up to an additional two years for original approvals prior to March 31, 2010. Associated permit approvals before December 31, 2014~~((March 31, 2010))~~, including construction plans,

clearing and grading permits, rezones, right-of-way construction, sidewalk and street deviations, and building permits shall be automatically extended for the same period subject to subsection (f)(~~2~~(5)) of this section.

(4) The six-month extension of conditional use permits, special use permits, zoning permits, and site plans established in subsection (d) of this section may be further extended by up to an additional one year for original approvals prior to March 31, 2010. Associated permit approvals before March 31, 2010, including construction plans, clearing and grading permits, rezones, right-of-way construction, sidewalk and street deviations, and building permits shall be automatically extended for the same period subject to section (f)(5) of this section.

(5) Related shoreline development permit time requirements may not be extended past the allowed limits in WAC [173-27-090](#) and RCW [90.58.143](#).

(6) Permits are vested to the codes in effect at the time of original approval.

(g) Construction Plan Approvals.

(1) Construction plans for projects reviewed under the development code shall be approved for a period of 60 months from the date the City signs the plans or until expiration of the preliminary plat, preliminary short plat, binding site plan, conditional use permit, or site plan approval. If the construction plan is not connected to another permit, it shall expire in one year with one six-month extension allowed.

(2) The City may grant an extension of up to 12 months, if substantial progress has been made by the applicant to complete construction of the approved project. Extensions shall be considered on a case-by-case basis by the Public Works Director or designee and will require a letter to be submitted to the City requesting the extension at least 30 calendar days prior to the approval's expiration. Said letter shall demonstrate that the project has made substantial construction progress, the reason for the extension request, and an estimated timeline for completion of construction.

(3) When the approval period or any extension thereof expires, the City's approval of the construction plans shall be deemed automatically withdrawn. In order to receive further consideration by the City after such expiration and automatic withdrawal, construction plans must be re-submitted and must comply with the current code requirements.

(h) Once the time period and any extensions have expired, approval/permit shall terminate and the application is void and deemed withdrawn.

14.16B.205 Purpose.

A Type II review is an administrative review and decision by the appropriate department. These are applications which are categorically exempt from review under the State Environmental Policy Act (SEPA), a separate SEPA review, or permits for which environmental review has been completed in connection with another application. Public notification is provided at the application and decision stages of application review. Appeals of Type II decisions are made to the Hearing Examiner, except shoreline permit appeals are made to the State Shoreline Hearings Board. Type II reviews are exempt from the procedures of Section [14.16A.230](#), Time Frames for Review. The purpose of this part is to provide the necessary steps for permit approvals requiring Type II review.

14.16B.325 Public Meetings.

A public meeting shall be required for Type III applications except variances pursuant to Section [14.16A.260](#)(~~290~~). Staff may require the applicant to participate in the meeting to inform citizens about the proposal. If a public meeting is planned, it shall be held as early in the review process as possible for Type III applications. Notice of the public meeting shall be provided in the same manner as required for the notice of application. The public meeting notice will be combined with the notice of application whenever possible.

14.16B.350 Hearing Examiner Decision.

(a) The Hearing Examiner shall approve a project or approve with modifications if the applicant has demonstrated that the proposal complies with the applicable decision criteria of this title. The applicant carries the burden of proof and must demonstrate that a preponderance of the evidence supports the conclusion that the application merits approval or approval with modifications. In all other cases, the Hearing Examiner shall deny the application.

(b) If the Hearing Examiner requires a modification which results in a different proposal not reasonably foreseeable from the description of the proposal contained in the public notice provided pursuant to Section [14.16B.340](#), the Hearing Examiner shall conduct a new hearing on the modified proposal.

(c) The Hearing Examiner may include conditions to ensure a proposal conforms to the relevant decision criteria.

(d) The Hearing Examiner shall within 14 days following the close of the record distribute a written report supporting the decision. The report shall contain the following:

- (1) The decision of the Hearing Examiner;
- (2) Any conditions included as part of the decision;
- (3) Findings of fact upon which the decision, including any conditions, was based and the conclusions derived from those facts; and
- (4) A statement explaining the process to appeal the decision of the Hearing Examiner to the Superior Court ~~((City Council))~~.

(e) Reconsideration Period. Any person who presented or commented at the hearing may file a written request with the Hearing Examiner for reconsideration within 10 business days of the date of the Hearing Examiner's decision. The request shall explicitly set forth alleged errors of procedure or fact. Comments shall be requested from affected parties of record and reviewing City departments on the petition for reconsideration. Comments shall be received within 14 days. The Hearing Examiner shall act within 14 days after the filing of the request for reconsideration by denying the request, issuing a revised decision, or calling for an additional public hearing.

- (1) The grounds for reconsideration shall be limited to the following:
 - (i) The Hearing Examiner exceeded his or her jurisdiction;
 - (ii) The Hearing Examiner failed to follow the applicable procedure in reaching his or her decision;
 - (iii) The Hearing Examiner committed an error of law or misinterpreted the applicable city regulation, ordinance or other state law or regulation;
 - (iv) The Hearing Examiner's findings, conclusions and/or conditions are not supported by the record; and/or
 - (v) Newly discovered evidence alleged to be material to the Hearing Examiner's decision which could not reasonably have been produced prior to the Hearing Examiner's decision.

(2) Requests for reconsideration may use the additional grounds that changes to the application proposed by the applicant are in response to deficiencies identified in the decision.

14.16B.505 Purpose.

A Type V process is a quasi-judicial review and decision made by the City Council. Staff makes a recommendation to the City Council. Depending on the application, staff may conduct a public meeting to obtain public input. The City Council shall hold a public hearing on the application prior to making a decision; except for Final Plats, only a public meeting is held by the Council. Public notification is provided at the application, public hearing, and decision stages of application review. There is no opportunity for an administrative appeal. Appeals of City Council decisions are made to Snohomish County Superior Court. The purpose of this part is to provide the necessary steps for permit approvals requiring Type V review.

14.16B.525 Public Meetings.

A public meeting is required for all Type V applications pursuant to Section [14.16A.260](#). Staff may require the applicant to participate in the meeting to inform citizens about the proposal. If a public meeting is planned, it shall be held as early in the review process as possible for Type V applications. Notice of the public meeting shall be provided in the same manner as required for notice of the application. The public meeting notice will be combined with the notice of application whenever possible. Council Action for a Final Plat is a public meeting rather than a public hearing.

14.16B.540 Notice of City Council Public Hearing.

(a) Public notice of the date of the City Council public hearing, or for Final Plats a public meeting, at which the City Council will consider the application shall be published in a newspaper of general circulation. The public hearing shall be scheduled no sooner than ~~((14))~~10 days following the date of publication of the notice. If a determination of significance was issued by the SEPA responsible official, the notice of staff recommendation shall state whether an EIS or supplemental EIS was prepared or whether existing environmental documents were adopted. The notice of the City Council meeting shall also include the notice of the availability of the staff recommendation.

(b) The Planning Director shall mail or email notice of the City Council public hearing or public meeting, the SEPA determination, and the notice of the availability of staff recommendation to all parties of record.

14.16B.545 City Council Decision.

(a) Within five days of a decision, the Planning Director shall transmit to the City Council a copy of the department file on the application including all written comments received prior to the City Council meeting and

information reviewed by or relied upon by staff. The file shall also include information to verify that the requirements for notice to the public (notice of application, notice of public hearing, and notice of SEPA determination) have been met.

(b) Any person may participate in the City Council public hearing, or public meeting for Final Plats, on staff recommendation by submitting written comments to the Department of Planning and Community Development prior to the hearing or by submitting written comments or making oral comments at the hearing.

(c) The City Council shall, at the open record public hearing or public meeting, consider and take final action on each Type V application. The final action may take place in the same meeting as the public hearing or public meeting, if any.

(d) The City Council shall either:

- (1) Approve the application;
- (2) Approve the application with modifications;
- (3) Remand the application to staff for an additional review limited to specific issues identified by the Council; or

(4) Deny the application.

(e) Decision.

(1) Conditions. The City Council may, based on the record, include conditions in any decision approving or approving with modifications an application, in order to ensure conformance with the approval criteria specified in the code or process under which the application was made.

(2) Findings of Fact. The City Council shall include findings of fact and conclusions derived from those facts which support the decision of the Council, including any conditions, in the decision approving or approving with modifications the application. The City Council may by reference adopt some or all of the findings and conclusions recommended by staff.

14.16B.630 Notice of Public Hearing.

(a) When the Planning Commission or City Council has scheduled a public hearing on a Type VI proposal, notice of the public hearing shall be provided 10 days prior to the scheduled hearing date in the manner set forth in subsection (b) of this section.

(b) Notice of Public Hearing.

Type VI Action or Permit	Mail	Post	Publish
Comprehensive Plan Amendment - Map & Text	X	X	X
Development Agreements			X
Land Use Code Amendments			X
Rezone - Area-Wide Zoning Map Amendment		X	X

(c) Published Notice. When required, the applicable department director shall publish a notice twice in a newspaper of general circulation in the City. The notice shall contain the following information:

- (1) The name of the applicant, and if applicable, the project name;
- (2) If the application involves specific property, the street address of the subject property, a description in nonlegal terms sufficient to identify its location, and a vicinity map indicating the subject property or website address where maps can be viewed;
- (3) A brief description of the action or approval requested;
- (4) The date, time, and place of the public hearing;
- (5) Summarize the nature and character of the proposed change;
- (6) If the proposed amendment involves a change in zoning district classification, reasonably identify the property whose classification would be affected by the amendment;
- (7) State that the full text of the amendment can be obtained from the Department of Planning and Community Development(~~(-Services)~~);

(8) State that substantial changes in the proposed amendment may be made following the public hearing;
and

(9) A statement of the right of any person to participate in the public hearing.

(d) Mailed Notices and Postcard Notices. Mailings shall be completed pursuant to Section [14.16A.225](#) with the additional specifications:

(1) For minor map amendments, notices shall be mailed to the record owners for tax purposes of all properties whose zoning classification is proposed to be changed, as well as the owners of all properties which are within 300 feet of the property proposed to be rezoned, or 20 property owners (whichever is greater).

(2) For major map amendments, notice over and above that specified in this section may be provided at the discretion of the Department of Planning and Community Development, as deemed necessary to ensure ample opportunity for citizens and property owners to become aware of the upcoming hearing.

(3) Notice of the public hearing, containing the same information set forth in subsection (c) of this section, shall be mailed to each owner of real property within 300 feet of any boundary of the subject property, or 20 property owners (whichever is greater).

(e) Posted Notices.

(1) All posted notices shall be completed pursuant to Section [14.16A.225](#).

(2) For minor map amendments, at least one public notice board shall be posted on the site on public right-of-way within the property proposed to be rezoned.

(3) For major map amendments, a minimum of three public notice boards shall be posted on public right-of-way.

(4) The following Type VI application is a major land use action: area-wide zoning map amendment. In addition to the general notice requirements, a major land use action shall comply with the extraordinary signage requirements in Section [14.16A.225\(b\)\(3\)](#).

(f) Alternative Means of Notification. In the case of the following actions initiated by the City, which affect large areas of the City, the Planning Director may elect to use alternative means of public notification in addition to the newspaper publication required by RCW [35A.63.070](#) or the mail and posting provisions above, provided such notification is likely to achieve equal or greater actual public notification:

(1) Adoption or amendment of a neighborhood or other area-wide community plan; or

(2) Area-wide zoning map amendments.

14.16C.050 Design Review.

(a) The Design Review Board is created to review and make urban design decisions that will promote visual quality throughout the City. The purpose of design review includes but is not limited to the following:

(1) To encourage and promote aesthetically pleasing and functional neighborhood and commercial developments for the citizens of Lake Stevens by establishing design review standards and guidelines including site layout, landscaping, parking and preferred architectural features;

(2) To implement the City's Comprehensive Plan policies and supplement the City's land use regulations, promote high-quality urban design and development, supplement land use regulation, promote a coordinated development of the unbuilt areas, improve walkability, lessen traffic congestion, provide light and air, prevent the overcrowding of land, and conserve and restore natural beauty and other natural resources;

(3) To encourage originality, flexibility, and innovation in site planning and development, including the architecture, landscaping and graphic design of proposed developments in relation to the City or subarea as a whole;

(4) To encourage low impact development (LID) by conservation and use of existing natural site features in order to integrate small-scale stormwater controls and to prevent measurable harm to natural aquatic systems from commercial, residential or industrial development sites by maintaining a more hydrologically functional landscape;

(5) To encourage green building practices in order to reduce the use of natural resources, create healthier living environments, and minimize the negative impacts of development on local, regional, and global ecosystems;

(6) To encourage creative, attractive and harmonious developments and to promote the orderliness of community growth, the protection and enhancement of property values for the community as a whole and as they relate to each other, the minimization of discordant and unsightly surroundings, the need for harmonious and high quality of design and other environmental and aesthetic considerations which generally enhance rather than detract from community standards and values for the comfort and prosperity of the community and the preservation of its natural beauty and other natural resources which are of proper and necessary concern of local government, and to promote and enhance construction and maintenance practices that will tend to prevent visual impairment and enhance environmental and aesthetic quality for the community as a whole;

(7) To aid in assuring that structures, signs and other improvements are properly related to their sites and the surrounding sites and structures, with due regard to the aesthetic qualities of the natural terrain and landscaping, and that proper attention is given to exterior appearances of structures, signs and other improvements;

(8) To protect and enhance the City's community vision for living and working and thus support and stimulate business and industry and promote the desirability of investment and occupancy in business and other properties;

(9) To stabilize and improve property values to help provide an adequate tax base to the City to enable it to provide required services to its citizens;

(10) To foster civic pride and community spirit by reason of the City's favorable environment and thus promote and protect the health, safety and welfare of the City and its citizens; and

(11) To ensure compatibility between new and existing developments.

(b) The City Council shall adopt design guidelines or standards by ordinance.

(1) City of Lake Stevens Design Guidelines (Residential Development Handbook for Snohomish County Communities) were readopted on April 17, 1995, for use within City limits, excluding subareas.

(2) Subarea Design Guidelines were adopted in September 2012 as an exhibit of the Lake Stevens Center Subarea Plan and 20th Street SE Corridor Subarea Plan. To assure an attractive, pedestrian-friendly environment, all development occurring within either subarea shall comply with these design guidelines which are attached to the subarea plans. If design guidelines appear to conflict with another provision of this title, the design guidelines shall prevail.

(c) Design Review Board. Review of permit applications for conformance with the development design guidelines shall be done by the Design Review Board in public meetings, as set forth in Section [14.16A.260](#).

(d) Projects requiring design review that meet the limitations in Section [14.16C.020\(d\)](#) shall follow the procedures established in Chapter [14.16B](#) for a Type I permit process as an administrative design review. All other projects requiring design review shall follow the procedures in subsection (e) of this section.

(e) Procedure.

(1) Pre-Application Meeting. If design review is required, a pre-application meeting with the City is highly recommended prior to submittal of a formal application.

(2) Design Review Submittal Requirements. Seven color, hard copies and one electronic copy are required for each submittal for review by the Design Review Board.

(i) Buildings and Site Development Plans. The following information and materials shall be submitted to the City for review under this chapter:

a. A completed application.

b. Site plan at an engineering scale from one inch equals 20 feet to one inch equals 50 feet,

showing:

1. Location of all proposed structures and any existing structures to be retained or incorporated into the development.

2. Location of building setback lines.

3. Proposed pedestrian and vehicular circulation including driveways, access points, sidewalks and pedestrian pathways.

4. Parking lot layout, design and, if applicable, loading areas.

5. Public improvements including sidewalks, curbs, gutters, etc.

6. Location of existing trees and vegetation to be retained.

c. Building material samples and color chips.

d. Plans and section drawings depicting the relationship of the proposed project to abutting properties and buildings.

e. Building elevations and/or perspective renderings drawn to scale and indicating the exterior color and material composition (including mechanical equipment and screening).

f. Roof plan including the location of mechanical equipment.

g. A lighting plan, if required, adequate to determine the location, character, height and style of fixtures and the amount and impacts of spillover on adjacent properties.

h. A brief narrative description of the design elements or objectives of the proposal and discussion of the project's relationship to surrounding properties.

(ii) Landscape Plans. The following information and materials shall be submitted to the City for review under this chapter:

a. A completed application.

b. Site plan at an engineering scale from one inch equals 20 feet to one inch equals 50 feet, showing:

1. Location of all proposed structures and any existing structures to be retained or incorporated into the development.
2. Proposed pedestrian and vehicular circulation including driveways, access points, sidewalks and pedestrian pathways.
3. Parking lot layout, design and loading areas if applicable.
4. Public improvements including sidewalks, curbs, gutters, etc.
5. Location and size of existing trees and vegetation to be retained.
6. Plans and section drawings depicting the relationship of the proposed project to abutting properties and buildings.
7. Landscape plan showing the location of proposed plant materials, including a plant schedule identifying plants by common and scientific names, spacing, size at time of planting, size at maturity, location of any existing vegetation and trees to be retained, and special notes.
8. Photographs of proposed plant material.
9. Plans showing proposed grading/topography, drawn to the same scale as the landscape plan.

(iii) Sign Plans. The following information and materials shall be submitted to the City for review under this chapter:

- a. A completed application.
- b. A site plan, drawn to scale, showing the location of the building upon which the sign will be installed, surrounding buildings, and adjacent streets.
- c. A drawing showing the size, shape and exact location of the proposed sign(s). For wall or building-mounted signs, the drawing shall portray the proposed sign's relationship to any existing or proposed signs located on the same facade or common building wall. Drawings must be to scale or contain dimensions indicating the size of the sign and the length and height of the appropriate building surface.
- d. Dimensions, area (in square feet), and style of letters/symbols of the proposed signs.
- e. A colored illustration of the proposed signs.
- f. Sign materials (wood, plastic, metal, etc.) and color samples.

(iv) The Director may require the submission of such other information determined to be appropriate and necessary for a proper review of the requested action.

(3) Recommendation. A staff report of findings, conclusions and recommendations shall be forwarded to the ~~((Planning Commission and))~~ Design Review Board before a public meeting. The conclusions and recommendations shall indicate how the recommendations carry out the goals, policies, plans and requirements of the development design guidelines. The findings shall be referenced to contested issues of fact, and the conclusions shall be referenced to specific provisions of the development design guidelines and review criteria incorporated therein, together with reasons and precedents relied upon to support the same. The conclusions shall make reference to the effect of the decision upon the Comprehensive Plan, as well as the effect of both approval and denial on property in the vicinity, on business or commercial aspects, if relevant, and on the general public. The decision shall be based upon a consideration of the whole record of the application.

(f) Conformance with Design Guidelines or Standards.

(1) Structures within the following zones are subject to the design guidelines or standards adopted per subsection (b) of this section, except when the project meets the limitations in Section [14.16C.020](#)(d) or when the development is located within an adopted subarea plan and is required to meet the adopted subarea design guidelines:

- (i) Central Business District (except Class 1.100 or 1.200 uses);
- (ii) Mixed Use (except Class 1.100 or 1.200 uses);
- (iii) Neighborhood Commercial (except Class 1.100 or 1.200 uses);
- (iv) Local Business (except Class 1.100 or 1.200 uses);
- (v) Planned Business District;
- (vi) Sub-Regional Commercial;
- ~~((vii) Commercial Recreation;))~~
- (vii(~~(†)~~)) High Urban Residential;
- ~~((viii(~~(†)~~)) Multi-Family Residential;~~
- (ix) Light Industrial;
- (x(~~(†)~~)) General Industrial; or

(xi(i)) Public/Semi-Public.

(2) Structures are subject to the design guidelines or standards adopted per subsection (b) of this section when developed under specified regulations listed below, except when the project meets the limitations in Section [14.16C.020](#)(d):

- (i) Planned neighborhood developments (Section 14.16C.080);
- (ii) Planned residential developments (Section 14.44.020); and
- (iii) Innovative Housing Options (~~(Demonstration)~~)Program (Chapter 14.46).

(3) No building or land use permit shall be issued for structures or uses which do not conform to the applicable guidelines or standards, except as allowed under subsection (f)(4) of this section.

(4) A building or land use permit may be issued for a structure or use that does not comply with subsections (f)(1), (2) or (3) of this section, if any one of the following findings can be made by the permit-issuing authority:

- (i) The structure is of a temporary nature which, in all likelihood, will be replaced by a permanent structure within a reasonable time frame.
- (ii) The structure is minor to the overall use of the property and will not be noticeably visible from a public right-of-way.
- (iii) The structure will not be visible from an existing, planned, or proposed public right-of-way.
- (iv) The structure is pre-existing with proposed changes to portions of the facade that are not visible from public rights-of-way.

14.16C.075 Land Use Code Amendments.

(a) The purpose of this section is to allow amendments to this title.

(b) Procedure. A land use code amendment shall be reviewed in the manner and following the procedures established in Chapters [14.16A](#) and [14.16B](#) for a Type VI review.

(c) Initiation of Amendments.

(1) Amendments to this title may be initiated by the City Council, the Planning Commission, or the City administration.

(2) Any other person may also petition the Planning Department to amend this title. The petition shall be filed with the Department of Planning and Community Development (~~(Services)~~) and shall include:

- (i) The name, address, and phone number of the applicant;
- (ii) A strikeout/underlined version of the existing code showing proposed changes; and
- (iii) Articulation of the specific objective(s) of any proposed text amendments.

(d) Upon receipt of a petition, the Planning Director shall either:

(1) Determine if the proposed code amendments meet the decision criteria in subsection (f) of this section; or

(2) Forward the petition to the Council for a determination on whether to accept and review the petition. The Council may summarily deny the petition or refer it to the Planning Commission for a recommendation.

(e) Amendments to following are not required for review before the Planning Commission:

- (1) Chapter [14.60](#) (Utilities).
- (2) Chapter [14.80](#) (Building and Construction).
- (3) Chapter [14.84](#) (Fire Code).

(f) Decision Criteria. In approving code amendments to this title, the City Council shall make the following findings:

- (1) The amendment is consistent with the adopted Lake Stevens Comprehensive Plan;
- (2) The amendment is in compliance with the Growth Management Act; and
- (3) The amendment serves to advance the public health, safety and welfare.

(g) No ordinance that amends any of the provisions of this title may be adopted until a public hearing has been held on such ordinance.

(h) Approval. All amendments shall be approved by ordinance of the Lake Stevens City Council.

14.16C.090 Rezones - Official Zoning Map Amendments.

(a) The purpose of this section is to set forth criteria for amendments to the Official Zoning Map, adopted pursuant to Section [14.36.100](#).

(b) Types of Rezones and Map Amendments. Rezones are either site-specific or area-wide. Map amendments are considered major if they rezone five or more tracts of land in separate ownership or any parcel of land, regardless of the number of lots or owners, in excess of 50 acres. All other map amendments are minor.

(1) Site-specific rezones are rezones of a particular property(ies) which conform to the Comprehensive Plan or an adopted subarea plan.

(2) Area-wide rezones are rezones which require a Comprehensive Plan amendment, include a large area, or the adoption of a new or substantially revised neighborhood or area-wide zoning map amendment.

(c) Procedure. A site-specific rezone shall be reviewed in the manner and following the procedures established in Chapters [14.16A](#) and [14.16B](#) for a Type IV review. An area-wide rezone shall be reviewed in the manner and following the procedures for a Type VI review and require a concurrent amendment to the Comprehensive Plan.

(d) Initiation of Amendments.

(1) Amendments to the Official Zoning Map may be initiated by the City Council, the Planning Commission, or the City Administration.

(2) Any other person may also petition the Planning Department to amend the Official Zoning Map. The petition shall be filed with the Department of Planning and Community Development (~~(Services)~~) and shall include:

(i) The name, address, and phone number of the applicant;

(ii) A description of all land proposed to be rezoned including a map highlighting the specific parcels; and

(iii) A rationale for the proposed map changes.

(e) Upon receipt of a petition, the Planning Director will determine if the proposed zoning map amendments meet the decision criteria in subsection (g) of this section and shall either:

(1) Refer the proposed amendment to the Hearing Examiner for a site-specific rezone for a recommendation to Council(~~Determine if the proposed zoning map amendments meet the decision criteria in subsection (g) of this section~~); or

(2) Refer the proposed amendment to the Planning Commission for an areawide rezone for a recommendation to Council.

(f) Special Application Requirements for Site-Specific Rezones.

(1) No application shall be filed or accepted for filing which on its face will not comply with the Lake Stevens Comprehensive Plan or an adopted subarea plan.

(2) No application without signatures of owners representing 75 percent of the area proposed for rezone shall be filed or accepted for filing.

(g) Decision Criteria. The following factors are to be taken into account by the Planning Commission, Hearing Examiner and the City Council when considering a map amendment:

(1) The amendment complies with the Comprehensive Plan Land Use Map, policies, and provisions and adopted subarea plans;

(2) The amendment is in compliance with the Growth Management Act;

(3) The amendment serves to advance the public health, safety and welfare;

(4) The amendment is warranted because of changed circumstances, a mistake, or because of a need for additional property in the proposed zoning district;

(5) The subject property is suitable for development in general conformance with zoning standards under the proposed zoning district;

(6) The amendment will not be materially detrimental to uses or property in the immediate vicinity of the subject property;

(7) Adequate public facilities and services are likely to be available to serve the development allowed by the proposed zone;

(8) The probable adverse environmental impacts of the types of development allowed by the proposed zone can be mitigated, taking into account all applicable regulations, or the unmitigated impacts are acceptable;

(9) The amendment complies with all other applicable criteria and standards in this title; and

(10) If the proposal is located within an adopted subarea plan:

(i) The rezone is to a zoning designation allowed within the applicable subarea; and

(ii) The rezone does not increase the established intensities adopted as part of the planned action ordinance or mitigates increased or additional impacts by supplementing, amending or addending the applicable planned action draft and final environmental impact statement.

(h) Approval. All amendments shall be approved by ordinance by the Lake Stevens City Council.

(i) Withdrawal. Any application for a site-specific rezone may be withdrawn upon the written request of any one of the property owners who signed the application, if the remaining owners do not own 75 percent of the area.

(j) Reapplication after Denial without Prejudice. After the Council's final action denying a rezone, no further rezone action involving substantially the same property shall be requested for at least one year. If the Council finds that extraordinary circumstances exist, or that the request might deserve approval in the near future, but not at the

present time, then the rezone may be denied without prejudice. In such a case, if the rezone request is reactivated in writing by the applicant within six months, and is reheard within nine months of the date of the original action, then the original case file and number shall be used and the rezone fee shall be waived.

(k) Review or Revocation of Approval. Rezones and any concurrent or subsequent approvals issued pursuant to this chapter may be reviewed or revoked in accordance with Section [14.16A.255](#).

14.18.045 Endorsements on Short and Long Subdivision Plats.

All subdivision plats shall contain the following endorsements, specific language of which is to be made available by the Planning Director: certificate of subdivision approval, certificate of approval of public improvements, certificate of ownership and dedication, certificate of survey and accuracy, certificate of City Treasurer, City Council Approval (for long subdivisions only), Snohomish County Treasurer's certificate, and recording certificate.

14.18.070 Boundary Line Adjustments.

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

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

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

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

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

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

(g) When a BLA is recorded subsequent to a record of survey for the same property, the recording number of the record of survey shall be noted on the BLA map.

14.18.175 Recording with County Auditor.

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

(b) Immediately after recording, copies of the recorded binding site plan~~((BLA))~~ documents shall be provided to the City. The BLA shall not take effect until recorded with the Snohomish County Auditor and copies returned to the City.

14.36.100 Official Zoning Map.

(a) There shall be a map known and designated as the Official Zoning Map, which shall show the boundaries of all zoning districts within the City's planning jurisdiction. ~~((This map shall be drawn on acetate or other durable material from which prints can be made, shall be dated, and shall be kept in the Planning Department.))~~

(b) The Official Zoning Map dated May 11, 2009, is adopted and incorporated herein by reference. Amendments to this map shall be made and posted in accordance with Section [14.16C.090](#).

(c) Should the Official Zoning Map be lost, destroyed, or damaged, the Planning Director may have a new map created~~((drawn on acetate or other durable material from which prints can be made))~~. No further Council authorization or action is required so long as no district boundaries are changed in this process.

14.38.040 Dimensional Regulations.

Table 14.38-I Dimensional Regulations

Zone	Minimum Lot Size	Building Setback (from lot (property) line, tract or easement) (ft) ¹³		Min. Landscape Buffer (ft) ⁷	Min. First Floor Height (ft)	Max. Height (ft) ^{9, 10}
		Front	Side/Rear			
Commercial Zones						
BD	NA	5	10 ^{4,5}	5	12	55
CD	NA	5	10 ^{4,5}	5	15	55
NB	NA	5	10 ^{4,5}	5	15	35
Mixed Use Zones						
MS	NA	5 ¹	0 ^{4,5,6}	5	15	55
MUN	NA	10 ^{2,3}	10 ^{5,6}	5	15 ⁸	45
Residential Zones						
HUR ¹¹	3,600 sq. ft. ¹²	10 ^{2,3}	5 ⁵	5	NA	45
UR	7,500 sq. ft. ¹²	20 ³	5	NA	NA	35

Notes:

1. The minimum required setback is five feet and the maximum allowed setback is 10 feet in the MS district.
2. The minimum required setback is 10 feet and the maximum allowed setback is 20 feet.
3. Porches, covered entries, or pedestrian-oriented spaces may project up to five feet into front yard setbacks in residential districts.
4. Districts that allow commercial uses shall maintain a 10-foot, Type B screen when adjacent to residential zones, per Section [14.76.040\(a\)](#).
5. Structures 35 feet or taller next to single-family districts must be stepped back five feet for every floor over 35 feet per Figure 14.38-II.



Figure 14.38-II illustrates stepping back the upper stories of a structure, adapted from the Everett Municipal Code.

6. Attached housing units or attached commercial structures built on separate lots can be built to the common property line. The outside setback for attached structures abutting a right-of-way, separate detached structures, or a different zone shall be 10 feet.

7. Landscape buffers will be comprised of a Type C screen per Section [14.76.040\(a\)](#) along property lines; however, the City may waive the landscape buffer when adjacent properties share parking, access, or other common features that make intensive landscaping impractical. In addition, perimeter landscape buffer along property lines of adjacent high-density single-family lots is not required; however, screening different developments from neighboring properties will provide separation, vegetation and define each development. The front landscaping buffer does not apply in the MS district.

8. The first floor height of residential structures in the MUN district, without an attached retail/service component, not facing a public right-of-way may be reduced to industry standard.

9. If a project includes a parking structure or affordable housing FAR bonus, as described in Section [14.38.050\(b\)](#), the City will also allow an overall height increase of 10 feet above maximum height.

10. The City will consider an increase in maximum height up to 80 feet with a conditional use permit per Section [14.16C.045](#).

11. Maximum impervious surface for parcels in the HUR district is 65 percent.

12. When developed as a planned residential development (Section [14.44.020](#)) the per unit lot size may be reduced to 3,000 square feet for HUR district and 6,000 square feet for the UR district in return for the dedication of additional open space at the ratio of 400 square feet per dwelling unit.

13. Eaves and other minor architectural features may project into the required setback up to 18 inches.

14.38.100 Signs.

(a) Purpose and Application. Ensure that signage provides effective advertising and identification with appropriate design, scale, and placement. Developments within the subareas are subject to the sign regulations found in Chapter [14.68](#) and applicable design guidelines, except when this chapter modifies the standard municipal code requirements.

(b) Allowed Signs.

- (1) Changeable text signs per Section [14.68.084](#).
- (2) Freestanding signs.
- (3) Informational/directional signs.
- (4) Projecting/suspended signs.
- (5) Residential signs per Section [14.68.090](#).
- (6) Signs excluded from regulation per Section [14.68.020](#).
- (7) Temporary signs per Section [14.68.030](#).
- (8) Wall signs.

- (9) Window signs.
- (c) Prohibited Signs.
 - (1) Animated or flashing signs, except as allowed in Section [14.68.120](#).
 - (2) Off-site signs, except as allowed by Section [14.68.030](#) and subsection (f) of this section.
 - (3) Portable signs.
 - (4) Roof signs.
 - (5) Signs which are located on or extend over public rights-of-way.
 - (6) Temporary signs except as allowed by Section [14.68.030](#).
- (d) Projecting/Suspended Signs, Wall Signs, and Window Signs.
 - (1) Table 14.38-IV establishes the dimensional and quantitative requirements for projecting/suspended signs, wall signs, and window signs.
 - (2) Projecting/Suspended Signs.
 - (i) Projecting signs shall not extend more than five feet from a building facade;
 - (ii) Suspended signs are limited to approximately two inches in thickness and may not extend beyond the structure to which it is attached;
 - (iii) Projecting/suspended signs must provide a minimum of eight feet of clearance from the ground to the bottom of the sign; and
 - (iv) A minimum spacing of 20 feet between signs must separate projecting/suspended signs.
 - (3) Wall Signs.
 - (i) Wall signs shall be generally located in the storefront area above the main entrance along primary facades and beneath the roofline or cornices on secondary facades;
 - (ii) Second story signs shall be generally located directly above or below windows, but not higher than the belt course between the next story or below the roofline or cornices, as illustrated in Figure 14.38-IV;
 - (iii) Wall signs shall be generally centered between defined architectural elements and may not extend beyond defined architectural features;
 - (iv) Wall signs may be located on building focal points, if the sign does not extend beyond defined architectural features;
 - (v) Wall signs shall not project more than 10 inches from the building;
 - (vi) Wall signage may be located on awnings and marquees or similar structures only when the design of the building facade prohibits wall signs on the storefront facade and the signage does not extend beyond defined architectural features; and
 - (vii) The wall sign area calculation is defined in Table 14.38-IV and the maximum area will be based on the size of the associated gross business area, as follows:
 - a. Five thousand gross square feet or less: 32 square feet;
 - b. Five thousand one to 15,000 gross square feet: 96 square feet; and
 - c. Over 15,001 gross square feet: 192 square feet.
 - (viii) Sign area is not transferable.



Figure 14.38-IV Signage Placement Diagram from Mill Creek Town Center Design Guidelines

Table 14.38-IV Sign Standards

Sign Type ¹		BD	CD ²	NB	MS ²	MUN ²
Projecting/Suspended	Sign Area	NA	10 sq. ft. max. and no more than 5 ft. in width		6 sq. ft. max. and no more than 3 ft. in width	
	Maximum Number	NA	1 projecting or suspended sign per main facade or leasable frontage			
Wall³	Sign Area	Main: 10% of building facade Secondary: 5% of building facade	Main: 15% of building facade Secondary: 10% of building facade		Main: 10% of building facade Secondary: 5% of building facade	
	Maximum Number	1 per facade 2 facades may have signs	1 per facade ⁴ 3 facades may have signs		1 per facade 2 facades may have signs	
Window⁵	Sign Area	10% percent of window area	20% percent of window area		10% percent of window area	

Notes:

1. Each leased space or building frontage may have one projecting sign or one suspended sign, but not both.
 2. Residential signage shall conform to Section [14.68.090](#).
 3. Wall sign calculation: the facade area (first 12 feet of the building height) multiplied by the total facade length or leasable frontage for multi-tenant buildings (example: [12 x 30 = 360] [360 x 15% = 54 sq. ft.]). The sign calculation for second story signage would be the leasable frontage multiplied by the height of the story (example: [12 x 20 = 240] [240 x 15% = 36 sq. ft.]).
 4. Building over 15,000 gross square feet, with a primary facade length over 100 linear feet, may have two signs along the primary facade for the primary businesses and one sign per enclosed secondary business. Sign area for all signs will be included in the maximum sign area.
 5. Commercial signage for businesses on third stories and above would be limited to window signs.
- (e) Freestanding Signs.
- (1) Table 14.38-V establishes the dimensional and quantitative requirements for freestanding signs including monument and pole/pylon signs.
 - (2) Freestanding signs shall be located no closer than five feet to public rights-of-way or access easements measured from the face of the sign to the back of the ROW or easement.
 - (3) No signs shall obstruct sight distance at street intersections or driveways per Section [14.68.120\(d\)](#).
 - (4) The height of freestanding signs shall be measured from the average ground level at the sign's base.
 - (5) Freestanding signs must provide an architectural base, with a minimum height of 12 inches.
 - (6) Each freestanding sign shall provide a landscaped area around the base of the sign per the following:
 - (i) One and one-quarter square feet of landscaping per one square foot of sign area with a minimum area of 50 square feet and a minimum width of five feet measured from the outside of the curb or the edge of the landscape bed;
 - (ii) The landscape area and sign base shall be protected from vehicles by a six-inch curb, if adjacent to drive aisles or parking areas;
 - (iii) The landscape area must include a mix of shrubs, perennials and/or annual flowers, and other standard landscape material; and
 - (iv) The landscape area may include other materials and components such as brick or concrete bases, planter boxes, pole covers, decorative framing, and accent lighting.

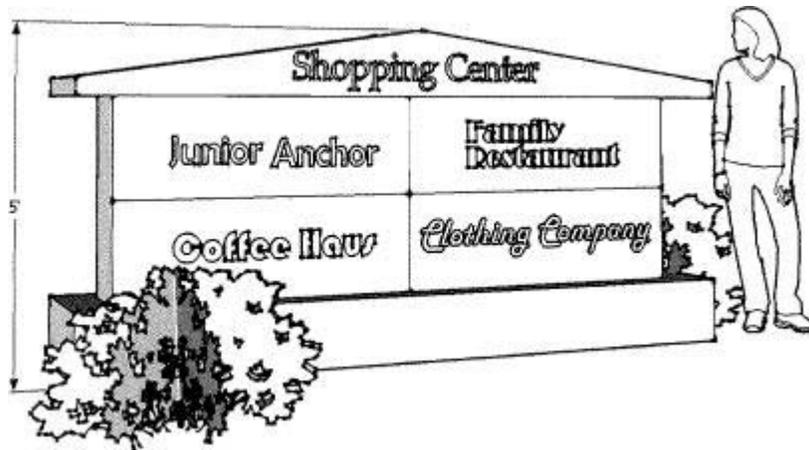


Figure 14.38-V Monument Sign

Table 14.38-V Freestanding Sign Standards

Sign Type		CD	NC	BD	MS	MUN
Monument	Sign Area ¹ (sq. ft.)	75	50	50	50	25
	Sign Height	15 ft.	10 ft.	10 ft.	5 ft.	5 ft.
	Number ^{2,3,4}	1	1	1	1	1
Pole/Pylon ⁵	Sign Area ¹ (sq. ft.)	100	NA	NA	100	NA
	Sign Height	20 ft.			20 ft.	
	Number	1			1	

Notes:

1. For freestanding signs with multiple faces, only the sign area of a single face is calculated per Section [14.68.040](#).
2. Each site with commercial uses may install one freestanding identification sign or multi-tenant identification sign per site.
3. Commercial centers with more than one frontage may install two identification and/or multi-tenant identification signs with one freestanding sign along the primary frontage and a second sign along the secondary frontage, with a minimum separation of 100 feet between the signs, including separation of off-site and highway-oriented signs. Freestanding signs located along secondary frontages must be reduced by 25 percent in sign area and height.
4. Any detached structure greater than 5,000 square feet in gross area, occupied by a single business, located on a defined building pad, within a commercial center over five acres may have an additional freestanding sign not exceeding 25 square feet in area and having a maximum height of five feet.
5. Pole/pylon signs are limited to highway-oriented sign requirements pursuant to subsection (f) of this section.
 - (f) Off-Site Signage.
 - (1) The provisions contained in this section recognize the need for certain businesses located within the Commercial district, Business district and Main Street district, in proximity to state highways (SR-9 and SR-204) and/or major arterials, but with limited visibility to install off-site signs.
 - (2) The City shall review the need for off-site signage against the following criteria:
 - (i) The business(es) is located more than 100 feet from the right-of-way, measured from the nearest point to the edge of right-of-way;
 - (ii) The business(es) shall demonstrate that on-site signs cannot adequately convey the location and identity of the business(es) because of poor visibility or traffic patterns unique to its location;
 - (iii) The off-site sign does not create adverse impacts to surrounding businesses, pedestrians, or motorists including, but not limited to, glare and sight obstructions;

(iv) The sign is not out of scale or character with allowed signs for nearby uses and employs distinct architectural features associated with the primary building or complex;

(v) The advertising structure does not detract from the goals, objectives, and policies of the subarea plan; and

(vi) The applicant has provided a recorded easement or expressed written permission, including maintenance provisions, from the property owner of the premises where the off-site sign is to be located.

(3) Content of Off-Site Signage.

(i) The off-site sign contains a message area that identifies the complex by name or district and may contain its address;

(ii) The off-site sign identifies one or more businesses in the complex or district by name and may include corporate logos; and

(iii) The off-site sign contains directional information, such as exit number, route information (e.g., next left), and may contain directional arrows.

(iv) The off-site sign may not include promotional information for individual businesses or display or support temporary signs, banners, pennants, etc.

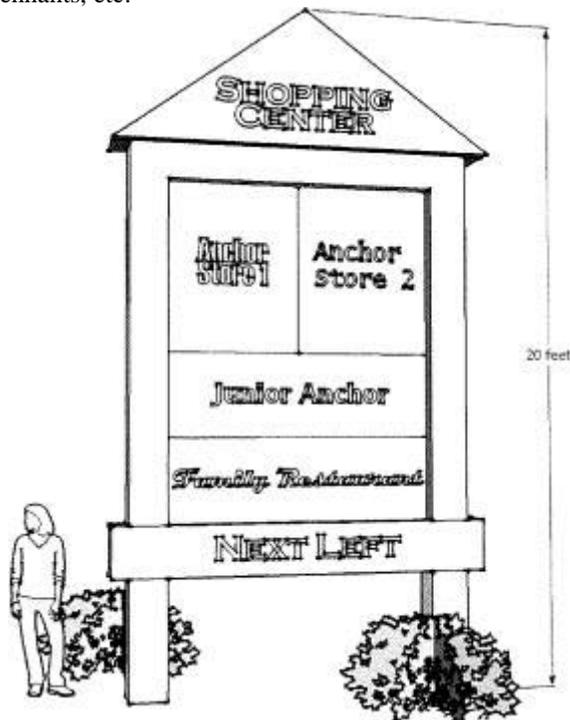


Figure 14.38-VI Off-Site Sign

(g) Informational/directional signs mean signs within a commercial or business park development that convey information; indicate the name of a particular use, such as “pharmacy” or “lumber”; and provide direction to specific uses such as “drive-through” or “exit,” but do not contain specific advertising, except for building directories.

(1) Attached signs are limited to a maximum of two percent of the building facade or leased storefront area.

(2) Freestanding signs are limited to a maximum of four square feet (~~except restaurant menu signs, which are limited to a maximum of 12 square feet~~).

(3) Building directories are limited to a maximum of 10 square feet for the purpose of identifying upper floor tenants or first floor tenants that do not have outside building frontage adjacent to the entrance for such businesses.

(4) Primary restaurant menu signs are limited to a maximum of 32 square feet and secondary menu signs are limited to a maximum of 12 square feet. Only one menu sign of each type is allowed per business. Menu signs are subject to the design requirements for freestanding signs.

(h) Sign Modifications. To provide flexibility, the City will consider modifications to the sign regulations for signs that display outstanding design elements per the requirements of Section [14.68.124](#).

(i) Legal Nonconforming Signs.

(1) All legally existing signs at the time of the adoption of the ordinance codified in this chapter that are not in compliance with the requirements of this chapter are nonconforming signs. The burden of establishing a sign's legal status, under this chapter, is the responsibility of the sign or business owner.

(2) Legal nonconforming signs are subject to the requirements of Section [14.68.150](#) (Nonconforming Signs).

(3) Violations. Any violation of this chapter shall terminate immediately the right to maintain a legal nonconforming sign.

LSMC Section 14.40.010, Table 14.40-I, entitled "Table of Permissible Uses by Zones" is amended by:

- Add footnote #21 to "PA" in CBD column for Use Description "9.100"
- Add footnote to the table to read as follows:
—²¹ Only allowed in the Central Business District on properties north of 20th Street NE.
- Add footnote #22 to Use Description "15.340 Sewage/septic sludge recycling"
- Add footnote to the table to read as follows:
—²² Only allowed as an Essential Public Facility pursuant to Section 14.16C.060.
- Remove Use Descriptions "32.000 Land Clearing, Logging in Conformance with Chapter 14.88" & "33.000 Respective Uses Permissible in Respective Sensitive Areas as Per Chapter 14.88)

14.40.020 Use of the Designations P, A, C in Table of Permissible Uses.

(a) The Table of Permissible Uses (Table 14.40-I) sets forth which uses are permitted in which zones. The letter "P" means the use is permitted or allowed in the indicated zone district subject to all code requirements of this title. The letter "A" means the use requires an administrative conditional use permit, and the letter "C" means the use requires a conditional use permit. No letter means that use is not permitted in the indicated zone district.

(b) When used in connection with residential uses (use classification 1.000), the designation "PAC" means that such developments of less than five dwelling units are a permitted use when code requirements are met, developments of five or more but less than 13 dwelling units need an administrative conditional use permit, and developments of 13 or more dwelling units require a conditional use permit.

(c) When used in connection with nonresidential uses, the designation "PA" means that such developments are permitted if the lot to be developed is less than one acre in size and require an administrative conditional use permit if the lot is one acre or larger in area;((;)) and the designation "PC" means that such developments are permitted if the lot to be developed is less than one acre in size and re quire a((an administrative conditional or))conditional use permit is required if the lot is one acre or larger in area.

14.40.040 Permissible and Prohibited Uses.

(a) The presumption established by this title is that all legitimate uses of land are addressed within the Table of Permissible Uses, and are either allowed or not allowed thereby. But because the list of permissible uses set forth at the end of this chapter cannot be all inclusive, those uses that are listed shall be interpreted liberally to include other uses that have similar impacts to the listed uses.

(b) Without limiting the generality of the foregoing provisions, the following uses are specifically prohibited in all districts:

(1) Any use that involves the manufacture, handling, sale, distribution, or storage of any highly combustible or explosive materials in violation of the City's fire prevention code.

(2) Stockyards, slaughterhouses, rendering plants.

(3) Use of a travel trailer, motor home, or other recreational vehicle as a permanent residence.

Recreational vehicles may be used as a temporary guest residence for up to two weeks without a permit, or up to three months within any one consecutive year upon approval by the Planning Director. Situations that do not comply with this subsection on the effective date of the ordinance codified in this title are required to conform within one year.

(4) Use of a motor vehicle parked on a lot as a structure in which, out of which, or from which any goods are sold or stored, any services are performed, or other business is conducted. This prohibition does not apply to temporary public services, such as bookmobiles, blood donation centers, public service information, etc., or temporary food vendors allowed pursuant to Sections [14.44.400](#) and [14.44.410](#) (situations that do not comply with this subsection on the effective date of the ordinance codified in this title are required to conform within 30 days).

(5) Medical cannabis (marijuana) collective gardens and medical cannabis (marijuana) dispensaries, as those terms are defined or described in this code and/or under state law, are prohibited in all zoning districts of the City of Lake Stevens.

(6) Sewage/septic sludge recycling except when approved as an Essential Public Facility pursuant to 14.16C.060.

14.44.020 Planned Residential Developments.

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

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

(b) The gross density of a PRD shall not exceed the allowable density specified in Section [14.48.010](#).

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

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

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

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

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

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

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

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

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

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

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

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

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

(e) The design of a PRD, including site layout, landscaping, public facilities (e.g., storm drainage, parks, streets, etc.) and building design shall be subject to Design Review Board (DRB) approval and shall meet the City's adopted Development Design Guidelines. In lieu of the DRB approving each SFR structure, the applicant may propose project-specific design guidelines, in which case the DRB may approve the guidelines, to be implemented administratively by the Department of Planning and Community Development. Where authority is granted by the DRB to staff to review individual single-family residential structures, the DRB shall be the arbiter between the applicant and staff.

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

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

(h) When creating a PRD, the applicant must improve 10 percent of the site with common amenities, in addition to the open space requirements(~~(Sections 14.52.010 and 14.52.030))~~). The amenities can include, but are

not limited to, additional usable open space area, landscaped entries into the project (in addition to the standard roadway dedication and landscaping requirements), landscape islands in the center of roads, special treatment of roads (such as concrete pavers), protection of significant clusters of trees, or other amenities as may be appropriate. Common amenities do not include protected critical areas and their buffers, unless passive recreation is provided within the buffer areas. In such case, credit for trails will be given at a rate of 10 square feet for each lineal foot of trail, 10 square feet for each park bench and five square feet for each interpretive sign. Park space will be given credit towards meeting this requirement only when it meets the criteria for dedication contained in Chapter [14.120](#).

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

14.44.075 Farm Animals.

~~((a))~~) Farm animals are permitted in residential zoning districts, provided the following standards are met:

~~(a((4)))~~ The keeping of animals complies with the animal regulations contained in Title [5](#) of the Lake Stevens Municipal Code.

~~(b((2)))~~ ~~((Except as provided for below, f))~~ Farm animals may be kept only on lots of two and one-half acres or larger ~~except~~(-

~~(3--S))~~ small farm animals such as rabbits, fowl, and household pets (including pot-belly pigs) may be kept on residential lots of any size, provided they are kept in a manner so as not to constitute a nuisance pursuant to Chapter [9.60](#) (Nuisances).

~~(c((4)))~~ Farm animals may be kept only for the personal use, whether it be for recreational, personal enjoyment, social and educational purposes or food production. Keeping of animals for commercial purposes is prohibited in residential zones, except where specifically allowed pursuant to Table 14.40-I.

~~(d((5)))~~ Farm animals must be kept a minimum of 50 feet from any stream buffer or wetland buffer.

LSMC Section 14.44.085 entitled “Motor Vehicle Sales in the Central Business District” is repealed as it is moved to a footnote in Table 14.40-I.

14.44.110 Restrictions and Requirements.

All clearing, grading, filling, and excavation, regardless of whether or not a permit is required, is subject to the following requirements:

(a) No clearing, grading, filling, or excavation is allowed in a ~~((n environmentally sensitive))~~ critical area and its buffers where such activities are prohibited by Chapter [14.88](#).

(b) For single-family and duplex lots, no grading shall be allowed which results in the impervious surface area of the lot to exceed 40 percent of the total lot area. If the lot has 40 percent or more impervious surface area prior to grading, no additional impervious surface area is allowed.

(c) No clearing, grading, filling, or excavation, except that necessary for essential repairs of permitted private structures or construction of public infrastructure or facilities, is permitted outward from the shores of Lake Stevens.

(d) Adequate temporary erosion and sedimentation control (TESC) measures shall be approved and installed per Chapter [14.64](#) (Floodways, Floodplains, Drainage, and Erosion) prior to any disturbance of soils.

(e) All disturbed areas shall be hydro-seeded and mulched, sodded, or otherwise protected within 48 hours of disturbance.

(f) All potentially impacted ~~((environmentally sensitive))~~ critical areas and their buffers shall be delimited with a construction limits fence prior to any disturbance of the soil.

(g) The applicant shall present to the City a valid NPDES permit, where required, prior to any disturbance of soil.

(h) Environmental review of grading associated with site development may be done concurrently with the environmental review of the project (e.g., preliminary plat, land use permit, or building permit), allowing for grading for public improvements to be permitted by approval of the construction drawings. However, the application shall specifically state that grading is a part of the application, and the permit shall specifically state what grading is permitted, or the grading shall not be considered permitted.

(i) During the below listed dates all grading and clearing shall be phased as follows:

(1) For grading activity not associated with a plat, between October 1st and March 31st no more than one-fourth acre, or 50 cubic yards of soil, whichever represents the least amount of soil, may be moved or graded at any one time before that portion of the project is closed up per subsection (d) of this section.

(2) Between October 1st and March 31st, grading of individual building lots in a plat shall be phased, with no more than 10 lots being graded in a plat at any one time. Before additional lots can be graded, the previously graded lots shall be hydro-seeded and mulched, sodded, or otherwise protected.

(j) Clearing activities of 10,000 square feet or more in any twelve month period shall comply with the retention and protection of large tree requirements as contained in Section [14.76.120](#). Replacement trees shall be located in such a manner they will not be disturbed when the site develops in the future. In addition, no more than 10 percent of significant trees or 50 percent of all trees on a site may be removed unless and until it is done as part of a plan which has received the appropriate land use permit(s) from the City. The applicant shall include a conceptual plan showing how the protected trees will be able to be retained at the time of site development.

14.44.240 Smoke and Air Pollution.

(a) Any 4.000 classification use that emits any “air contaminant” as defined in Regulations 1, 2, or 3 of the Puget Sound Clean Air (~~(Pollution Control)~~) Agency shall comply with applicable state standards concerning air pollution, as set forth in Regulations 1, 2, or 3 of the Puget Sound Clean Air (~~(Pollution Control)~~) Agency.

(b) No Planning Director approval, administrative conditional use, or conditional use permit may be issued with respect to any development covered by subsection (a) of this section until the Puget Sound Clean Air (~~(Pollution Control)~~) Agency has certified to the permit-issuing authority that the appropriate state permits have been received by the developer, or that the developer will be eligible to receive such permits and that the development is otherwise in compliance with applicable air pollution laws.

14.44.330 Location of Parking in (~~Two-Family and~~) Multifamily Structures.

For multifamily (Class 1.300) uses, in no instance shall street level parking areas be allowed within 25 feet of a public right-of-way unless it is substantially shielded from public view.

14.46.020 Application.

Applications for an innovative housing (~~(demonstration)~~) project shall be made on forms provided by the City, shall be available for public review for a minimum of two weeks prior to the neighborhood meeting, and shall include the following materials:

(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.

14.48.040 Building Setback Requirements.

- (a) Table 14.48-I sets forth the minimum building and freestanding sign setbacks required from lot lines, ultimate street rights-of-way and street centerlines.
 - (1) If the ultimate street right-of-way line is readily determinable (by reference to the Comprehensive Plan Transportation Plan, a recorded map, set irons, adopted plan, or other means), the setback shall be measured from the ultimate right-of-way line. If it is not so determinable, the setback shall be measured from the actual street centerline.
 - (2) As used in this section, the term “lot (~~(boundary)~~)line, tract or easement” refers to all easements and lot boundaries other than those that abut streets. Setbacks from access easements and access tracts are considered lot (~~(boundary)~~)line setbacks.
 - (3) As used in this section, the term “building” includes any substantial structure which by nature of its size, scale, dimensions, bulk, or use tends to constitute a visual obstruction or generate activity similar to that usually associated with a building. It also includes any element that is substantially a part of the building, such as (~~(eaves,)~~)bay windows and chimneys, and not a mere appendage, such as a flagpole. Without limiting the generality of the foregoing, for the purpose of determining setbacks the following structures are to be considered buildings:
 - (i) Gas pumps and overhead canopies or roofs;
 - (ii) Fences and hedges taller than 42 inches.
 - (4) Eaves and other minor architectural features may project into the required setback up to 18 inches.
- (b) Whenever a lot in a residential district abuts a nonresidential district, and its required setback is greater than that of the nonresidential lot, the nonresidentially zoned lot shall observe the more restrictive setback. Where a lot zoned General or Light Industrial shares a boundary with a residentially zoned lot, the setback for the industrial property along that common boundary shall be 30 feet.
- (c) In the High Urban Residential District, one five-foot interior side yard setback of a lot may be reduced to a zero feet for portions of the house that shares a common wall with the home on the adjacent lot. Portions of a house which do not share a common wall must be set back a minimum of five feet. The Fire and Building Codes have special building requirements which must be met when setbacks are less than five feet.
- (d) All docks and other permissible overwater structures shall be set back pursuant to the Shoreline Master Program, Chapter 4, Section C.3. For the purposes of this section each property line extending into the lake shall be construed as extending at the same angle as the property line on shore.

14.48.050 Exceptions to Building Setback Requirements.

- (a) The following modifications to the setback requirements identified in Section [14.48.040](#) shall be allowed:
 - (1) In the Suburban Residential and Waterfront Residential districts only, where the high point of the roof or any appurtenance of an accessory building exceeds 12 feet in height, the accessory building shall be set back from the rear lot (~~(boundary)~~)lines, tracts or easements an additional one foot for every foot of height exceeding 12 feet.
 - (2) In single-family residential zones, accessory structures may be located within the exterior side yard of a corner lot, provided the accessory structure meets the following conditions:
 - (i) The gross floor area of all accessory structures within the reduced setback area does not exceed 200(~~(+70)~~) square feet.
 - (ii) The height of the accessory structure does not exceed eight feet.
 - (iii) The accessory structure is screened to a minimum height of six feet with an opaque fence or densely planted vegetation.
 - (iv) The accessory structure respects the minimum front yard setback and shall be no closer to the front property line than that of the principal house.
 - (v) The accessory structure is located no closer than 10 feet to the exterior side property line.

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

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

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

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

Table 14.48-I: Density and Dimensional Standards

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

¹ ((*)¹) See Section 14.48.040(a)(1) for use of centerline.

² ((**))² See Section 14.48.100 for use of five acres or square feet requirements.

³ Eaves and other minor architectural features may project into the required setback up to 18 inches.

⁴ If property is located on Lake Stevens or Catherine Creek or has wetlands, please refer to the required setbacks in the Shoreline Master Program and Chapter 14.88 Critical Areas.

14.48.070 Cluster Subdivisions.

(a) In any single-family residential subdivision or short subdivision of six lots or more, a developer may create lots that are smaller than those required by Section [14.48.010](#) if such developer complies with the provisions of this section and if the lots so created are not smaller than the minimums set forth in Table 14.48-I.

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

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

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

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

(d) The provisions of this section may only be used if the usable open space set aside in a subdivision comprises at least 10,000 square feet of space that satisfies the definition of usable open space (~~set forth in Section 14.52.030 and if such usable open space is otherwise in compliance with the provisions of Chapter 14.52~~).

(e) The setback requirements of Sections [14.48.040](#) and [14.48.050](#) shall apply in cluster subdivisions.

14.56.080 Street Width, Sidewalk, and Drainage Requirements in Subdivisions.

(a) Streets are intended to serve several functions. These functions vary depending on the classification of the street: (1) to carry motor vehicle traffic, provide on-street parking; (2) to provide for safe and convenient pedestrian and nonmotorized travel; and (3) to aid in managing stormwater. The requirements outlined in this chapter are intended to ensure these objectives are met.

(b) All existing and planned streets which the City deems necessary for the completion of the City’s transportation system are shown and classified in the City’s Transportation Element of the Comprehensive Plan. However, the list of planned streets is nonexhaustive and other streets may be proposed by a permit applicant.

(c) Any permit application shall be reviewed for conformance with the Transportation Plan. If a planned street is shown to run through or adjacent to a property proposed for development, the proposal must include roadway dedication and improvements which are generally in conformance to the plan, and meet the development standards identified in this chapter.

~~((d) All public streets shall be constructed in accordance with the currently adopted version of the Engineering Design and Development Standards for the City of Lake Stevens, except as modifications may be allowed for traffic calming purposes in compliance with the requirements contained in Section [14.56.260](#).)~~

~~(d)((e))~~ Whenever convenient access from a subdivision to adjacent schools, parks or other public facilities is not provided through the dedication and improvement of streets pursuant to this chapter, the developer may be required to include an unobstructed easement of at least 10 feet in width and construct a pathway to provide such access.

14.56.100 Dead End Streets/Cul-de-Sacs.

(a) Dead-end streets shall be avoided. Cul-de-sacs may be used only when conditions warrant their use;

(1) Whenever a dead end street serves four or more units, or

(2) Extends more than 150 feet from edge of the intersecting right-of-way to the farthest extent of the road.

(b) When allowed under subsection (a) of this section, all permanent dead-end streets (as opposed to temporary dead-end streets; see Section 14.56.060(d)) shall be developed as cul-de-sacs in accordance with the standards set forth in subsection (d) of this section.

(c) Except where no other practicable alternative is available, such streets may not extend more than 500 feet (measured to the center of the turnaround).

(d) The right-of-way of a cul-de-sac shall have a radius of 50 feet. The radius of the paved portion of the turnaround (measured to the face of the curb) shall be 40 feet, with curb, gutter, ~~((landscape strip,))~~ sidewalk and utility strip within the remaining 10 feet.

(e) The city will consider the use of alternative turnarounds described in the EDDs on a case by case basis for private tracts and easements.

14.56.130 Construction Standards and Specifications.

All public streets, sidewalks, curbs and gutters and other improvements shall be constructed in accordance with the current of the Engineering Design and Development Standards (EDDs) for the City of Lake Stevens. All such facilities shall be completed in accordance with these standards except for deviations as provided for in Section 14.56.135 and modifications allowed for traffic calming purposes in compliance with the requirements contained in Section 14.56.260. In cases where there is a conflict between the EDDs and municipal code, the municipal code shall be the controlling

~~document. ((Construction and design standards and specifications for streets, sidewalks, and curbs and gutters are contained in the currently adopted version of the Engineering Design and Development Standards for the City of Lake Stevens, and all such facilities shall be completed in accordance with these standards except for deviations as provided for in Section [14.56.135](#).)~~

14.56.135 Deviations to Construction Standards and Specifications.

Deviations to the Engineering Design and Development Standards may be granted by the Public Works Director when situations arise where alternatives to the standards may better accommodate existing conditions, overcome adverse topography or allow for more cost-effective solutions without adversely affecting safety, operations, maintenance or aesthetics pursuant to subsection (c) of this section.

(a) Unless otherwise specified in this title, deviations may only be granted for standards and specifications that relate to and implement Sections [14.56.080](#)(d) and (e), Table 14.56-I (except right-of-way type and standards for state highway), and Sections [14.56.100](#)(b) and (d).

(b) Deviations shall be processed in accordance with the Engineering Design and Development Standards~~((administrative guideline specified in Section [14.04.120](#)(b)(10))~~)).

(c) Requests for deviation shall, at a minimum, comply with the following criteria:

(1) The deviation will achieve the intended result of the standards with a comparable or superior design and quality of improvement;

(2) The deviation will not adversely affect safety or operations;

(3) The deviation will not adversely affect maintenance and related costs;

(4) The deviation will not adversely affect the environment; and

(5) The deviation will not adversely affect aesthetic appearance.

(d) An annual report of deviation requests shall be submitted to the City Council.

14.56.160 Residential Public Streets and Private Roads.

(a) Except as otherwise provided in this section, all lots created after the effective date of the ordinance codified in this section shall abut a public street at least to the extent necessary to comply with the access requirement set forth in Section [14.56.030](#) (Access to Lots). For purposes of this section, the term “public street” includes a preexisting public street as well as a street created by the subdivider that meets the public street standards of this title and is dedicated for public use. The recordation of a plat shall constitute an offer of dedication of such street.

(b) Private roads shall not be allowed in major subdivided developments.

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

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

(e) Shared driveways shall meet the requirements of minimum total easement width and minimum paved surface width as described in subsection (d) of this section. Because shared driveways have two easements, the total easement width shall include both easements. No shared driveway may provide access to more than two dwelling units.

(f) Private access roads and or tracts will be allowed in multi-family developments with a minimum tract/road width of 30-feet and a minimum paved surface of 24-feet.

14.68.020 Signs Excluded From Regulation.

The following signs are exempt from regulation under this title:

(a) Signs not exceeding four square feet in area that are customarily associated with residential use. Examples include names of residents, addresses, no parking, no trespassing, beware of dog and security signs.

(b) Signs erected by or on behalf of or pursuant to the authorization of a city, county, school district, state or federal governmental body, for public purposes including legal notices, identification and informational signs, and traffic, directional, or regulatory signs.

(c) Official signs of a noncommercial nature erected by public utilities.

(d) Flags, pennants, or insignia of any governmental or nonprofit organization when not displayed in connection with a commercial promotion or as an advertising device.

(e) Integral decorative or architectural features of buildings or works of art, so long as such features or works do not contain business identification, trademarks, moving parts, or lights, or are not displayed in connection with a commercial promotion or as an advertising device.

(f) Signs directing and guiding pedestrian and/or automobile traffic on private property that do not exceed four square feet each and that bear no advertising matter.

(g) School and church: bulletin boards, identification signs, and directional signs that do not exceed one per abutting street and 16 square feet in area per side and that are not internally illuminated.

(h) Signs painted on or otherwise permanently attached to currently licensed motor vehicles that are not primarily used as signs.

(i) Signs proclaiming religious, political, or other noncommercial messages that do not exceed one sign per abutting street and 16 square feet in area and that are not internally illuminated.

(j) Names of buildings, commemorative plaques or tablets, and similar noncommercial signs when carved into stone, concrete, or similar material, or made of bronze, aluminum, or other permanent-type construction, made an integral part of the structure, and projecting no more than two inches from the wall (when installed on a building), or at grade (when installed on the ground).

(k) Public information stations such as kiosks, bulletin boards, or similar devices used to convey community information.

14.68.110 Sign Illumination and Signs Containing Lights.

(a) No sign within 150 feet of a residential zone may be illuminated between the hours of midnight and 6:00 a.m., unless an opaque screen which effectively blocks view of the sign from the residential zone is located between the residential zone and the sign.

(b) Lighting directed toward a sign shall be shielded so that it illuminates only the face of the sign and does not shine directly into a public right-of-way, adjacent properties, or into the sky.

(c) Internally illuminated signs are allowed only within Commercial, Industrial and Public/Semi-Public Zone districts. This prohibition does not apply to the following:

(1) Signs that do not exceed two square feet in area and that convey the message that a business enterprise is open or closed or that a place of lodging does or does not have a vacancy;

(2) Neon signs less than nine square feet and/or mounted to be seen through a window and meeting all other requirements of this chapter;

(3) Signs for churches, synagogues and temples (use class 5.200), except that changeable text signs may not be internally illuminated pursuant to Section 14.68.((049))084(b).

(d) No sign or illuminated tubing or strings of lights may contain flashing or intermittent lights or lights of changing degrees of intensity. This prohibition does not apply to temporary signs erected in connection with the observance of holidays.

14.68.130 Maintenance of Signs.

(a) All signs and structural components shall be kept in a state of good repair.

(b) If a sign advertises an entity, service, or goods or other activity that is no longer available on the site, that sign shall be considered abandoned and shall, within 30 days after such abandonment, be removed by the sign owner, owner of the property where the sign is located, or other party having control over such sign.

(c) If the message portion of a sign is removed, leaving only the supporting "shell" of a sign or the supporting braces, anchors, or similar components, the owner of the sign or the owner of the property where the sign is located or other person having control over such sign shall, within 30 days of the removal of the message portion of the sign, either replace the entire message portion of the sign or remove the remaining components of the sign. This subsection shall not be construed to alter the effect of Section 14.68.((075))150(c), which prohibits the replacement of a nonconforming sign, nor shall this subsection be construed to prevent the changing of the message of a sign.

14.76.090 Additional Screening Requirements.

(a) Due to the potential for adverse impacts between the following noncompatible uses, a 30-foot wide landscaped screen shall be maintained between State Route 204, State Route 92 and/or State Route 9 and all residential and industrial uses.

(b) The screen shall have a height of at least 30 feet at maturity. It is intended to exclude all visual and noise contact between uses in all seasons of the year. The use of existing significant trees which are not prone to windthrow within the screen is strongly encouraged.

(c) The Planning Director may approve reduced buffer widths to prevent denial of all reasonable use of property.

14.76.120 Retention and Protection of Large Trees.

(a) Every development shall retain all existing significant trees and significant stands of trees unless the retention of such trees would unreasonably burden the development or in the opinion of the planning director cause a significant safety problem. The applicant for a land use permit or preliminary subdivision approval shall, with the application, submit an assessment prepared by a certified arborist, which makes recommendations for protection of trees consistent with this chapter.

(b) The retention of significant trees and significant stands of trees unreasonably burdens a development if the desired location of improvements on a lot or the proposed activities on a lot would have to be substantially altered and such alteration would work an unreasonable hardship upon the developer.

(c) Where significant trees and significant stands of trees are removed because their retention would unreasonably burden a development, a tree survey shall be provided, showing size, type, and location of all significant trees and stands of trees. Prior to removal, the developer shall coordinate with the City which trees are to be protected.

(d) Any unprotected significant trees removed shall be replaced with one-gallon-sized native species at a ratio of 3:1. During plat and home construction the developer shall provide adequate protection of retained and replacement trees from damage.

(e) If it is physically impractical to replant all replacement trees on-site, then the applicant shall mitigate the loss of trees by either planting trees on public property within the City as approved by the planning director, and/or paying a mitigation fee into the City's tree mitigation in-lieu fund. This fee shall be set forth in the City's fee resolution, and equal the cost of purchasing and planting the trees.

(f) Prior to any clearing activities, the city shall map and inventory all trees identified for protection. If any of the protected trees are removed or damaged to the extent that their ability to survive is seriously threatened, without the City's prior written consent, the loss shall be remedied pursuant to Section [14.28.040\(c\)](#).

(g) Replacement trees approved to be installed on public property shall be planted prior to recordation of a final plat, or issuance of a building permit, whichever comes first.

(h) Replacement trees approved to be installed on residential lots shall be planted prior to issuance of a certificate of occupancy for that lot.

(i) If space that would otherwise be devoted to parking cannot be so used because of the requirements of subsections (a) or (b) of this section, and, as a result, the parking requirements set forth in Chapter [14.72](#) cannot be satisfied, the number of required spaces may be reduced by the number of spaces lost because of the provisions of subsections (a) and (b) of this section, up to a maximum of 15 percent of the required spaces.

(j) Whenever construction, clearing or grading activities occur on a site in which trees are required to be protected pursuant to this title, the following measures shall be taken to ensure said protection:

(1) Prior to commencing any site work, the applicant shall submit a plan to the Department of Planning and Community Development which identifies types and locations of barriers that will be placed around protected trees to aid in the avoidance of accidental damage to the trees. No site work will commence prior to the City inspecting and approving the location and installation of the barriers.

(2) No fill, excavation or other subsurface disturbance, operating, stacking or storing of equipment, or compacting of earth may be undertaken within the drip line of any of the protected trees, and no impervious surface may be located within 12 1/2 feet (measured from the center of the trunk) of any tree 18 inches in diameter or more. A drip line is defined as a perimeter formed by the points farthest away from the trunk of a tree where precipitation falling from the branches of that tree lands on the ground.

(3) Where vehicular/equipment access is required within the drip line of a tree, the soil, and incidentally the tree's roots, shall be protected with 10 inches of woodchips and/or plywood placed over the path of the vehicle to limit soil compaction and subsequent root damage. Before any vehicles may travel through the protected area, the developer shall submit an affidavit from a certified arborist that that measures installed are sufficient to protect the tree(s) in question.

(4) Stumps of trees to be removed within one-half of the radius of the critical root zone (CRZ), which is defined as CRZ equals one foot radius for every one inch of the tree's diameter, shall not be excavated but may be ground down to below the ground surface.

(5) Unwanted vegetation within the CRZ of a protected tree shall be removed by hand.

(6) Backfilling into a CRZ of a protected trees shall be done only with the written approval of a certified arborist. Only well drained soil with sufficient air space (sandy soils) are permitted.

(7) Upon completion of site clearing, protected trees may be pruned for deadwood, low hanging limbs and proper balance under the supervision of a certified arborist. Trees may be cabled and braced as recommended by the arborist.

14.88.010 Purpose and Intent.

The purpose of this chapter is to designate, classify, and protect the critical areas of the Lake Stevens community by establishing regulations and standards for development and use of properties which contain or adjoin critical areas for

protection of the public health, safety, and welfare. The purpose and intent of this chapter is also to ensure that there is no net loss of the acreage or functions and values of critical areas regulated by this chapter.

(a) A project proponent shall make all reasonable efforts to avoid and minimize impacts to critical areas and buffers in the following sequential order of preference:

(1) Avoiding impacts altogether by not taking a certain action or parts of an action; or

(2) When avoidance is not possible, minimizing impacts by limiting the degree or magnitude of the action and its implementation, using appropriate technology, or by taking affirmative steps, such as project redesign, relocations, or timing, to avoid or reduce impacts and mitigating for the affected functions and values of the critical area; and

(3) Reducing or eliminating impacts over time by preservation and maintenance operations during the life of the action.

(4) Compensating for unavoidable impacts by replacing, enhancing or providing substitute resources or environments.

(b) Protect the public from personal injury, loss of life, or property damage due to flooding, erosion, landslides, seismic events, or soil subsidence.

(c) Protect against publicly financed expenditures due to the misuse of critical areas which cause:

(1) Unnecessary maintenance and replacement of public facilities;

(2) Publicly funded mitigation of avoidable impacts;

(3) Cost for public emergency rescue and relief operations where the causes are avoidable;

(4) Degradation of the natural environment.

(d) Protect aquatic resources.

(e) Protect unique, fragile, and valuable elements of the environment, including wildlife and its habitat.

(f) Alert appraisers, assessors, owners, potential buyers, or lessees to the development limitations of ~~critical~~critical (~~environmentally sensitive~~) areas.

(g) Provide City officials with sufficient information to adequately protect critical areas when approving, conditioning, or denying public or private development proposals.

(h) Give guidance to the development of Comprehensive Plan policies in regard to the natural systems and environment of the Lake Stevens Watershed.

(i) Provide property owners and developers with succinct information regarding the City's requirements for property development.

14.88.310 Demonstration of Denial of All Reasonable Economic Uses.

In order to conduct a regulated activity in a critical area where the applicant is claiming that denial of authorization of such an activity would deny all reasonable economic uses of the property, the applicant must demonstrate that such is the case. If a regulated activity is allowed within a critical area it must minimize impacts per the "requirements" sections, below. If the Planning and Community Development Director determines that alteration of a critical area is necessary and unavoidable, written findings addressing each of the items listed in this subsection shall be placed in the official project file. Demonstration of denial of all reasonable economic uses shall be accomplished as follows:

(a) An applicant must demonstrate that denial of the permit would impose an extraordinary hardship on the part of the applicant brought about by circumstances peculiar to the subject property.

(b) For water-dependent activities, unavoidable and necessary impact can be demonstrated where there are no practicable alternatives which would not involve a wetland or which would not have less adverse impact on a wetland, and would not have other significant adverse environmental consequences.

(c) Where nonwater-dependent activities are proposed, it shall be presumed that adverse impacts are avoidable. This presumption may be rebutted upon a demonstration that:

(1) The basic project purpose cannot reasonably be accomplished utilizing one or more other sites in the general region that would avoid, or result in less, adverse impact on regulated (~~environmentally sensitive~~)critical areas; and

(2) A reduction in the size, scope, configuration, or density of the project as proposed and all alternative designs of the project as proposed that would avoid, or result in less, adverse impact on an (~~environmentally sensitive~~)critical area or its buffer will not accomplish the basic purpose of the project; and

(3) In cases where the applicant has rejected alternatives to the project as proposed due to constraints such as zoning, deficiencies of infrastructure, or parcel size, the applicant has made reasonable attempt to remove or accommodate such constraints.

14.88.320 Allowance of Regulated Use in a Critical Area Where Denial of All Economic Use is Demonstrated.

If an applicant for an activity or development proposal demonstrates to the satisfaction of the Planning and Community Development Director that application of these standards would deny all reasonable economic use of the

property as provided by Section [14.88.220](#), development, as may be conditioned, shall be allowed if the applicant also demonstrates all of the following to the satisfaction of the Director:

- (a) If proposed in a wetland, stream, creek, river, lake or other surface water, that the proposed project is water-dependent or requires access to the wetland as a central element of its basic function; or
- (b) If proposed in a critical area not listed in subsection (a) of this section, that it is not water-dependent but has no practicable alternative; and
- (c) That no reasonable use with less impact on the critical area and its buffer is possible (e.g., agriculture, aquaculture, transfer or sale of development rights or credits, sale of open space easements, etc.);
- (d) That there is no feasible on-site alternative to the proposed activities, including reduction in density, phasing of project implementation, change in timing of activities, revision of road and lot layout, and/or related site planning considerations, that would allow a reasonable economic use with less adverse impacts to the critical area and its buffer;
- (e) That the proposed activities will result in minimum feasible alteration or impairment to the functional characteristics of the critical area and its existing contours, vegetation, fish and wildlife resources, hydrological, and geologic conditions;
- (f) That disturbance of the critical area has been minimized by locating any necessary alteration in buffers to the extent possible;
- (g) That the proposed activities will not jeopardize the continued existence of endangered, threatened, or sensitive species as listed by the Federal Government or the State of Washington. An applicant is required to confirm with the State of Washington that special conditions or recommendations are not required for candidate or monitor species;
- (h) That the proposed activities will not cause significant degradation of groundwater or surface water quality;
- (i) That the proposed activities comply with all State, local and Federal laws, including those related to sediment control, pollution control, floodplain restrictions, and on-site wastewater disposal;
- (j) That any and all alterations to (~~environmentally sensitive~~) critical areas and their buffers will be adequately mitigated;
- (k) That there will be no damage to nearby public or private property and no threat to the health or safety of people on or off the property;
- (l) That the inability to derive reasonable economic use of the property is not the result of actions by the applicant in segregating or dividing the property and creating the undevelopable condition after the effective date of this chapter; and
- (m) That deliberate measures have been taken to minimize the impacts. Minimizing impacts shall include but not be limited to:
 - (1) Limiting the degree or magnitude of the prohibited activity;
 - (2) Limiting the implementation of the prohibited activity;
 - (3) Using appropriate and best available technology;
 - (4) Taking affirmative steps to avoid or reduce impacts;
 - (5) Sensitive site design and siting of facilities and construction staging areas away from critical areas and their buffers;
 - (6) Involving resource agencies early in site planning;
 - (7) Providing protective measures such as siltation curtains, hay bales and other siltation prevention measures; and
 - (8) Scheduling the prohibited activity to avoid interference with wildlife and fisheries rearing, resting, nesting or spawning activities.

14.88.400 Classification.

Fish and wildlife conservation areas include:

- (a) Lands containing priority habitats and species, including plant and/or animal species listed on Federal or State threatened or endangered species lists.
- (b) Naturally occurring ponds under 20 acres and their submerged aquatic beds that provide fish or wildlife habitat. These do not include ponds deliberately designed and created from dry sites such as canals, detention facilities, wastewater treatment facilities, farm ponds, temporary construction ponds (of less than three years duration), and landscape amenities. However, naturally occurring ponds may include those artificial ponds intentionally created from dry areas in order to mitigate conversion of ponds, if permitted by a regulatory authority.
- (c) Waters of the State, as defined in WAC Title [222](#), Forest Practices Rules and Regulations. Waters of the State shall be classified using the system in WAC [222-16-030](#). In classifying waters of the State as fish and wildlife habitats the following shall be used:
 - (1) Species are present which are endangered, threatened or sensitive;
 - (2) Existing surrounding land uses are incompatible with salmonid and other game fish habitat;
 - (3) Presence and size of riparian ecosystem;
 - (4) Existing water rights.

(d) Lakes, ponds, and streams planted with game fish (defined at RCW [77.\(\(09\)\)08.020](#)), including those planted under the auspices of Federal, State, local, or tribal programs, or which support priority fish species as identified by the Department of Fish and Wildlife.

(e) State natural area preserves and natural resource conservation areas.

(f) Habitats or species of local importance. Such habitats or species may be locally listed per the process elucidated in Section [14.88.415](#).

(g) Streams shall be classified according to the stream type system as provided in WAC [222-16-030](#), Stream Classification System, as amended.

(1) Type S Stream. Those streams, within their ordinary high water mark, as inventoried as shorelines of the State under Chapter [90.58](#) RCW and the rules promulgated pursuant thereto.

(2) Type F Stream. Those stream segments within the ordinary high water mark that are not Type S streams, and which are demonstrated or provisionally presumed to be used by fish. Stream segments which have a width of two feet or greater at the ordinary high water mark and have a gradient of 16 percent or less for basins less than or equal to 50 acres in size, or have a gradient of 20 percent or less for basins greater than 50 acres in size, are provisionally presumed to be used by fish. A provisional presumption of fish use may be refuted at the discretion of the Planning and Community Development Director where any of the following conditions are met:

(i) It is demonstrated to the satisfaction of the City that the stream segment in question is upstream of a complete, permanent, natural fish passage barrier, above which no stream section exhibits perennial flow;

(ii) It is demonstrated to the satisfaction of the City that the stream segment in question has confirmed, long-term, naturally occurring water quality parameters incapable of supporting fish;

(iii) Sufficient information about a geomorphic region is available to support a departure from the characteristics described above for the presumption of fish use, as determined in consultation with the Washington Department of Fish and Wildlife, the Department of Ecology, affected tribes, or others;

(iv) The Washington Department of Fish and Wildlife has issued a hydraulic project approval, pursuant to RCW [77.55.100](#), which includes a determination that the stream segment in question is not used by fish;

(v) No fish are discovered in the stream segment in question during a stream survey conducted according to the protocol provided in the Washington Forest Practices Board Manual, Section 13, Guidelines for Determining Fish Use for the Purpose of Typing waters under WAC [222-16-031](#); provided, that no unnatural fish passage barriers have been present downstream of said stream segment over a period of at least two years.

(3) Type Np Stream. Those stream segments within the ordinary high water mark that are perennial and are not Type S or Type F streams. However, for the purpose of classification, Type Np streams include intermittent dry portions of the channel below the uppermost point of perennial flow. If the uppermost point of perennial flow cannot be identified with simple, nontechnical observations (see Washington Forest Practices Board Manual, Section 23), then said point shall be determined by a qualified professional selected or approved by the City.

(4) Type Ns Stream. Those stream segments within the ordinary high water mark that are not Type S, Type F, or Type Np streams. These include seasonal streams in which surface flow is not present for at least some portion of a year of normal rainfall that are not located downstream from any Type Np stream segment.

14.88.930 Designation Process.

(a) Critical area sending or receiving districts are considered overlay zones allowed per Section [14.\(\(36.070\)\)88.920](#), Qualifications for designation of land as a Critical Area Sending and Receiving Districts. Designation as a critical area sending or receiving district is the equivalent of a rezone and shall be accomplished by the same process, as specified in Section [14.16C.090](#).

(b) Underlying land use and zoning designations may be changed by the legislative authority granted to the City through its normal Comprehensive Plan amendment or rezoning procedures. However, the land will retain the critical area sending district designation until that designation is specifically removed.

(c) Land designated as a critical area sending or receiving district shall be shown as an overlay district on the Official Zoning Map. The map shall be modified upon each designation or revocation.

(d) Designation or revocation as a critical area sending or receiving district shall be recorded with the Snohomish County Recorder's Office and shall run with the land.

14.110.120 Appeals.

Appeals of requirements imposed pursuant to the chapter shall be governed by the appeal provisions of Chapter [14.16A.265\(\(20\)\)](#).

The Official Zoning Map is corrected by amending the boundaries for the land use designation of "P/SP" on Parcel No. 29061900302700 (XXXXX 20th Street SE, Lake Stevens) and land use designation of "MU" on Parcel No. 29061900301200 (10227 20th Street SE, Lake Stevens) due to equal acreage of dedication and vacation changing boundaries only and not changing total acreage in each designation. The boundary change is a map correction and does

not require a site-specific rezone.

. Matrix of Impacts and Mitigation Measures for . 2013 Comprehensive Plan Docket Amendments and Code Housekeeping Amendments

Environmental Topic	Distinguishing Impacts of the Alternatives
Earth, Air Quality, Water Quality, Plants and Animals	Comprehensive Plan map and text amendments and code housekeeping amendments will have no impact on these environmental resources.
Noise	Comprehensive Plan map and text amendments and code housekeeping amendments will have no impact on noise.
Land Use	Comprehensive Plan map and text amendments and code housekeeping amendments will have no impact on these land use.
Relationship to Plans and Policies	Comprehensive Plan map and text amendments and code housekeeping amendments will have no impact on the overall Plan and Policies and are consistent with GMA and each other.
Population and Employment	Comprehensive Plan map and text amendments and code housekeeping amendments will have no impact on population and employment.
Housing	Comprehensive Plan map and text amendments and code housekeeping amendments will have no impact on housing.
Cultural Resources	Comprehensive Plan map and text amendments and code housekeeping amendments will have no specific impact on cultural resources.
Transportation	Comprehensive Plan map and text amendments and code housekeeping amendments will have no specific impact on transportation facilities.
Parks and Recreation; Fire, Police and Court Services; Libraries and Schools	The updated Parks and Recreation Element and associated projects added to the Capital Facilities Plan will benefit the city's park network and residents; however, the addition of other Comprehensive map and text amendments and code housekeeping amendments will not affect the overall provision of these services.
Water Supply; Sanitary Sewer; Storm Sewer; Solid Waste; Utilities (Electricity, Natural Gas, Telecommunications, Electromagnetic Fields)	Comprehensive Plan map and text amendments and code housekeeping amendments will have no impact on demand on utilities and public services and facilities.

EXHIBIT A

Parks and Recreation Element

APPENDIX F REPLACEMENT

STIP 2014-2032

Revision: 05/14/2013

Proj ID #	ROAD	FROM	TO	COST	Description	Local	State/Fed	Mitigation	Dev Imp	TOTAL Project			LOCAL	GRANT
										Design	ROW	Constr		
1(1)	91st Ave NE/SR 204 - RTP	SR 204	200' north	337,000	Widen southbound outside lane to provide for a dedicated right turn lane	X	X	X	X	33,700	10,000	293,300	134,800	202,200
1(2)	91st Ave NE/SR 204 - RTP	SR 204	300' south	454,100	Widen north bound outside lane to provide for a dedicated right turn lane	X	X	X	X	45,410	20,000	388,690	181,640	272,460
2(2)	91st Ave SE	20th St SE	4th St SE	4,770,000	Widen to a three lane section with non-motorized improvements and pedestrian improvements that include sidewalk segments and curb separated walking paved shoulder areas along the east side of the roadway	X	X	X	X	477,000	300,000	3,993,000	715,500	4,054,500
2(3)	91st Ave SE	20th St SE	24th St SE	1,950,000	New connector roadway to 24th St SE				X	195,000	100,000	1,655,000	1,950,000	-
8(4)	99th Ave NE	Market	4th St NE	1,170,000	Enhance Streetscape with improvement with non-motorized enhancements and circulation improvements with a possible roundabout intersection at 4th NE	X	X	X	X	117,000	40,000	1,013,000	292,500	877,500
14(A)	4th St NE	91st Ave NE	SR 204	7,578,460	New internal connector and circulation roadway. Will require a new break in access on to SR 204. Intersection would be a right turn only.				X	757,846	500,000	6,320,614	7,578,460	-
14(7)	99th Ave SE	20th St SE	4th St SE	4,763,800	Widen to a three lane section with non-motorized improvements and pedestrian improvements that include sidewalk segments and curb separated walking paved shoulder areas along the east side of the roadway	X	X	X	X	476,380	200,000	4,087,420	1,905,520	2,858,280
14(8)	99th Ave SE	20th St SE	Lake Stevens Rd	5,507,800	Widen to a three lane section with non-motorized improvements and pedestrian improvements that include sidewalk segments and curb separated walking paved shoulder areas along the east side of the roadway				X	550,780		4,957,020	5,507,800	-
D(1A)	20th St NE & Main Intersection	Intersection		1,112,004	Widening to provide turn pockets or possible roundabout improvements	X	X	X	X	111,200		1,000,804	556,002	556,002
D(1B)	Grade Road	20th St NE	SR 92	15,607,836	Widen to a three lane section with non-motorized improvements and pedestrian improvements that include sidewalk segments and curb separated walking paved shoulder areas along the west side of the roadway	X	X	X	X	1,560,784	1,000,000	13,047,052	7,803,918	7,803,918
12(5)	91st Ave NE - Intersection	Vernon Rd	-	200,000	Minor widening and possible mini-roundabout to improve safety and circulation	X			X	20,000		180,000	200,000	-
15(2)	Lundeen/Vernon - Intersection	Vernon Rd	-	400,000	Channelization enhancement to improvement safety and circulation. May restrict through movement for east-east crossing (Vernon)	X			X	40,000		360,000	400,000	-
15(1)	Vernon Road	91st Ave NE	SR 9	935,000	Minor widening to provide for turn movement and improved pedestrian movement	X			X	93,500		841,500	935,000	-
D(1C)	SR 92 & Grade Rd RAB	Intersection		4,105,221	Roundabout intersection improvement with gateway treatment	X	X	X	X	410,522		3,694,699	1,026,305	3,078,916
										8,681,028	6,051,64	87,370,148	50,243,537	31,822,904

City of Lake Stevens Start year: 2014
Transportation Improvement Program (2014 - 2019)

Revision: 05/14/2013

Proj ID#	ROAD	FROM	TO	COST	Description	Local	State/Fed	Mitigation	Dev Imp	TOTAL Project			LOCAL	GRANT
										Design	ROW	Constr		
2(1)	SR 9/4th NE - Intersection	4th St NE	-	3,000,000	Improve egress WB alignment right turn onto SR 9 and add a new right turn ingress for EB onto 4th St NE. Additional improvement is the construction of a new alignment N-S Village Way Road (SR9d).	X	X	X	X	623,183	642,500	1,734,317	300,000	2,700,000
3	90th Ave NE Connector	SR 204	Vernon	1,140,000	Construction of a new roadway segment that would allow for right in-right out movement for SR 204. Roadway would be developer driven.			X	X	114,000	200,000	826,000	1,140,000	-
7(4)	91st Ave NE	SR 204	Vernon	351,000	Upgrade roadway to create a pedestrian friendly downtown style streetscape.	X		X	X	35,100	20,000	295,900	351,000	-
W 2	SR 92 and Lake Dr Re-channelization	Intersection		200,000	State driven safety project to reduce vehicle conflicts.			X		30,000		170,000		200,000
7(1)	20th St SE - Segment 1	83rd Ave SE	91st Ave SE	4,843,380	Widening of existing two lane to four lane, providing non-motorized travel area with pedestrian sidewalks and improved drainage and lighting.	X	X	X	X	520,902	850,311	3,472,167	1,695,183	3,148,197
7(3)	20th St SE - Segment 2	79th Ave SE	83rd Ave SE	3,970,366	Widening of existing two lane to four lane, providing non-motorized travel area with pedestrian sidewalks and improved drainage and lighting.	X		X	X	397,838	921,922	2,650,606	1,389,528	2,580,738
7(5)	20th St SE - Segment 3	73rd Ave SE	79th Ave SE	2,770,169	Widening of existing two lane to four lane, providing non-motorized travel area with pedestrian sidewalks and improved drainage and lighting.	X	X	X	X	345,853	118,821	2,305,495	959,559	1,800,610
7(6)	20th St SE - Segment 4	US 2	73rd Ave SE	2,599,205	Widening of existing two lane to four lane, providing non-motorized travel area with pedestrian sidewalks and improved drainage and lighting.	X	X	X	X	294,930	341,610	1,962,665	909,722	1,689,483
6(1)	24th St SE/73rd SE - Intersection	73rd Ave SE	-	800,000	Construction of a new intersection to provide internal vehicle and non-motorized circulation adjacent to 20th Street SE. Construction is developer driven.			X	X	80,000	50,000	670,000	800,000	-
6(2)	24th St SE	73rd Ave SE	79th Ave SE	3,653,000	Construction of a new roadway segment to provide internal vehicle and non-motorized circulation adjacent to 20th Street SE. Construction is developer driven.			X	X	365,300	200,000	3,087,700	3,653,000	-
6(3)	24th St SE/79th SE - Intersection	79th Ave SE	-	800,000	Construction of a new intersection to provide internal vehicle and non-motorized circulation adjacent to 20th Street SE. Construction is developer driven.			X	X	80,000	50,000	670,000	800,000	-
6(4)	24th St SE	83rd Ave SE	87th Ave SE	5,278,000	Construction of a new roadway segment to provide internal vehicle and non-motorized circulation adjacent to 20th Street SE. Construction is developer driven.			X	X	527,800	200,000	4,550,200	5,278,000	-
6(5)	24th St SE/83rd SE - Intersection	83rd Ave SE	-	800,000	Construction of a new intersection to provide internal vehicle and non-motorized circulation adjacent to 20th Street SE. Construction is developer driven.			X	X	80,000	50,000	670,000	800,000	-
6(6)	24th St SE	SR 9	91st Ave SE	2,970,000	Construction of a new roadway segment to provide internal vehicle and non-motorized circulation adjacent to 20th Street SE. Construction is developer driven.			X	X	297,000	200,000	2,473,000	2,970,000	-



Comprehensive Plan Docket 2013 Text Amendment

Staff Summary for Grant or Denial T-7 Update Dates & Table of Contents

LOCATION IN COMPREHENSIVE PLAN: Cover, footers, and table of contents.
SUMMARY: The proposal is for text changes to the Comprehensive Plan as part of the 2013 Comprehensive Plan amendments by updating the dates on the title page, header and footers and updating the table of contents.
DISCUSSION: The proposed amendments update the cover, footers, and table of contents with the adopted comprehensive amendments and the date of "Dec 2013".

PROPOSED CHANGES: The amendments are to update the cover and footers with the date of adoption, "Dec 2013", and update the table of contents.

GRANTING OR DENIAL OF AMENDMENTS (Pgs 1-26 and 1-27, Dec 2012 Final Comprehensive Plan)

For both City and privately-initiated amendments, the City shall take into consideration, but is not limited to, the following factors when considering approval of a proposed amendment to the Comprehensive Plan:

<p>1. The effect upon the physical, natural, economic, and/or social environments. The proposed amendments to update the cover and footers with the date of adoption and update the table of contents will have no effect upon the physical, natural, economic, and/or social environments.</p>
<p>2. The compatibility with and impact on adjacent land uses and surrounding neighborhoods including whether the amendment would create pressure to change the land use designation of other properties in the vicinity. The proposed amendments to update the cover and footers with the date of adoption and update the table of contents will have no impact to specific land uses or neighborhoods.</p>
<p>3. The adequacy of and impact on public facilities and services, including utilities, roads, public transportation, parks, recreation, and schools. The proposed amendments to update the cover and footers with the date of adoption and update the table of contents will have no impact on public facilities and services.</p>
<p>4. The quantity and location of land planned for the proposed land use type and density. The proposed amendments to update the cover and footers with the date of adoption and update the table of contents will have no effect on land use and density.</p>
<p>5. The effect, if any, upon other aspects of the Comprehensive Plan. The proposed amendments to update the cover and footers with the date of adoption and update the table of contents will have no effect on other aspects of the Comprehensive Plan.</p>

The City may amend the Comprehensive Plan only if it finds the amendment meets all of the following:

1. The amendment must be consistent with the Growth Management Act and other applicable State laws.	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO
2. The amendment must be consistent with the applicable County-wide Planning Policies.	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO

3. The amendment must not be in conflict with the Community Vision or other goals, policies, and provisions of the Comprehensive Plan.	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO
4. The amendment can be accommodated by all applicable public services and facilities, including transportation.	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO
5. The amendment will change the development or use potential of a site or area without creating significant adverse impacts on existing sensitive land uses, businesses or residents.	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO
6. The amendment will result in long-term benefits to the community as a whole, and is in the best interest of the community.	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO

Staff recommends this proposal be GRANTED or DENIED based on the criteria in the Comprehensive Plan.

The Planning Commission recommends this proposal be GRANTED or DENIED based on the criteria in the Comprehensive Plan.

The City Council GRANTS or DENIES this proposal based on the criteria in the Comprehensive Plan.



Comprehensive Plan Docket 2013 Text Amendment

Staff Summary for Grant or Denial T-8 Chapter 8 Capital Facilities Element

LOCATION IN COMPREHENSIVE PLAN: Chapter 8, page 8-37, Parks section.
SUMMARY: The proposal is for text changes to the Comprehensive Plan as part of the 2013 Comprehensive Plan amendments. Addition to the Capital Facilities for Parks in Table 8-1 are proposed..
DISCUSSION: The proposed amendments add a Joint Planning Project with Snohomish County for Cavalero Hill Park to the Capital Facilities Plan, 2012-2013 under Parks and also add additional projects related to the update Parks and Recreation Plan.

PROPOSED CHANGES: Add capital projects under Parks:

PROJECT	COST	YEAR/S	Local	State/Fed	Mitigation	Dev Imp
Table 8-1 – Capital Improvements, 2012 – 2032						
<u>FACILITIES</u>						
City Hall/Civic Center	20,000,000	2015	X			
Table 8-1 – Capital Improvements, 2012 – 2032						
<u>PARKS</u>						
Eagle Ridge Park Master Plan Improvements – Phase I	159,000	2015			X	X
Joint Planning with Snohomish County for Cavalero Hill Park		2014-2015				
PLACEHOLDER: Projects from updated Parks & Recreation Element						

GRANTING OR DENIAL OF AMENDMENTS (Pgs 1-26 and 1-27, Dec 2012 Final Comprehensive Plan)
<i>For both City and privately-initiated amendments, the City shall take into consideration, but is not limited to, the following factors when considering approval of a proposed amendment to the Comprehensive Plan:</i>
<ol style="list-style-type: none"> 1. The effect upon the physical, natural, economic, and/or social environments. The proposed amendments to add park projects to the capital facilities plan will have no effect upon

the physical, natural, economic, and/or social environments.
<p>2. The compatibility with and impact on adjacent land uses and surrounding neighborhoods including whether the amendment would create pressure to change the land use designation of other properties in the vicinity. The proposed amendment to add park projects to the capital facilities plan will have no impact to specific land uses or neighborhoods.</p>
<p>3. The adequacy of and impact on public facilities and services, including utilities, roads, public transportation, parks, recreation, and schools. The proposed amendment to add park projects to the capital facilities plan will have a positive impact on future public park facilities and services.</p>
<p>4. The quantity and location of land planned for the proposed land use type and density. The proposed amendment to add park projects to the capital facilities plan will have no effect on land use and density.</p>
<p>5. The effect, if any, upon other aspects of the Comprehensive Plan. The proposed amendment to add park projects to the capital facilities plan will have no effect on other aspects of the Comprehensive Plan.</p>

The City may amend the Comprehensive Plan only if it finds the amendment meets all of the following:

1. The amendment must be consistent with the Growth Management Act and other applicable State laws.	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO
2. The amendment must be consistent with the applicable County-wide Planning Policies.	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO
3. The amendment must not be in conflict with the Community Vision or other goals, policies, and provisions of the Comprehensive Plan.	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO
4. The amendment can be accommodated by all applicable public services and facilities, including transportation.	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO
5. The amendment will change the development or use potential of a site or area without creating significant adverse impacts on existing sensitive land uses, businesses or residents.	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO
6. The amendment will result in long-term benefits to the community as a whole, and is in the best interest of the community.	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO

Staff recommends this proposal be GRANTED or DENIED based on the criteria in the Comprehensive Plan.

The Planning Commission recommends this proposal be GRANTED or DENIED based on the criteria in the Comprehensive Plan.

The City Council GRANTS or DENIES this proposal based on the criteria in the Comprehensive Plan.

CODE HOUSEKEEPING AMENDMENTS

5.16.080 Permit May be Denied or Revoked.

A. No person who has been convicted of cruelty to animals shall be issued a permit to operate a commercial animal-rearing site. Any such permit which has been issued will be automatically revoked upon proof of conviction of the holder for cruelty to animals.

B. The Planning Director or designee~~((Commission))~~ may revoke any permit under this chapter if the person holding the permit refuses or fails to comply with the ordinance codified in this title, or any law governing the protection and keeping of animals, or if the person holding a permit has withheld or falsified any information on the application for such permit. Such revocation of permit shall not affect the permit holder's liability to prosecution under this title.

14.04.120 Adoption of Supporting Administrative Guidelines.

(a) City departments may administratively adopt guidelines, standards, reference materials, forms, or other documents that aid the public, applicant, staff, or decision-maker in interpreting and administering this document.

(b) ~~((The titles of))~~ Those documents administratively adopted per subsection (a) of this section shall be on file with the Planning and Community Development Department. ~~((and shall include the following documents:~~

~~(1) Information required with applications;~~

~~(2) Guide of Landscaping (Administrative Policy No. 1995-3);~~

~~(3) Residential Development Handbook for Snohomish County Communities;~~

~~(4) Transportation Impact Analysis Guidelines (TIAG) (Administrative Policy No. 1995-5);~~

~~(5) Streets and Sidewalks Design Standards Deviations Procedures (Administrative Policy No. 2006-01);~~

~~(6) SEPA Exemption Threshold Levels for Grading Activities (Administrative Policy No. 2008-06);~~

~~(7) Lot Line Consolidation (Administrative Policy No. 2009-1);~~

~~(8) State Department of Ecology's 2005 Stormwater Management Manual for Western Washington, as amended by Sections 1-6 of Appendix 1 of the NPDES Phase II Municipal Stormwater Permit; and~~

~~(9) Engineering Design and Development Standards (EDDS).~~

~~(e) A copy of all administrative guidelines adopted pursuant to this section shall be on file with the Planning Department permit counter and may be inspected by interested parties during regular business hours of the department.)~~

LSMC Section 14.08.010 entitled "Definitions of Basic Terms" is amended

- *Access Tract.* A privately-owned tract of land used primarily for ingress/egress for four or fewer dwelling units~~((one or more lots))~~.
- *Road, Private.* A privately maintained easement or parcel created to provide vehicle access from a public road to one or more lots or units.
- *Impervious Surface.* A hard surface area which either prevents or retards the entry of water into the soil mantle as it entered under natural conditions prior to development, and/or a hard surface area which causes water to run off the surface in greater quantities or at an increased rate of flow from the flow present under natural conditions prior to development. Common impervious surfaces include, but are not limited to, roofs, walkways, patios, driveways, parking lots, storage areas, areas which are paved, graveled or made of packed or oiled earthen materials, or other surfaces which similarly impede the natural infiltration of surface and stormwater. Open, uncovered retention/detention facilities shall not be considered as impervious surfaces for the purpose of this chapter.
- deleting the definitions for "Year Round Driving Surface" and "Vehicular Access Easement or Tract".

14.36.120((14.08.020)) Lots Divided by District Lines.

(a) Whenever a single lot one acre or less in size is located within two or more different zoning districts, the district regulations applicable to the district within which the larger portion of the lot lies shall apply to the entire lot.

(b) Whenever a single lot greater than one acre in size is located within two or more different zoning districts, each portion of that lot shall be subject to all the regulations applicable to the district in which it is located.

14.16A.130 Construction Plan Review.

(a) The purpose of this section is to establish procedures for reviewing site construction plans for site improvements. Site construction drawings are engineering documents that are required for improvements to a particular site.

(b) Public Works Construction Plan Approval.

(1) Upon receipt of approval of a land use permit or preliminary subdivision, the applicant is required to apply for construction plan approval relating to following elements: on-site and off-site stormwater management, erosion control measures, public road and frontage improvements, dedication or deeding of right-of-way, street trees and other required landscaping elements, utilities, and any other improvement related to the development.

(2) The application for construction plan approval shall include a completed construction plan review (~~master~~) application form, plans and materials as outlined in the construction plan submittal checklist (~~master use application and related checklists~~), and fee as set by Council resolution.

(3) The applicant is required to obtain approvals from the Postmaster and utility purveyors.

(4) Following approval of the construction plans and prior to any site work, the applicant shall schedule a pre-construction meeting with the Public Works Department. All contractors, subcontractors and utility representatives are to meet to discuss any issues related to the construction activity and minimizing impacts to the neighborhood and nearby facilities.

(5) Pursuant to Section 14.16A.180(b), the Public Works Director may require a performance security to be in place before construction activities are commenced.

(c) Public Improvements Required Before Occupancy or Final Plat. Final plat approval or certificate of occupancy shall not be granted unless the required public improvements have been installed and accepted by the Public Works Department or the subdivider has provided a completion security pursuant to Section 14.16A.180(c) to ensure that all of these requirements will be fulfilled within not more than 12 months after final plat approval or until half of the dwelling units within the plat or phase are issued building permits, whichever comes first.

Replacement trees to be located on public property must be planted prior to final plat approval. Replacement trees to be located on a private lot must be installed prior to issuing a final inspection or certificate of occupancy for that lot.

(d) Dedication of Public Stormwater Facilities. Stormwater facilities shall be dedicated to the City at the completion of development. Private and commercial stormwater facilities remain the responsibility of the property owner(s).

(e) Maintenance of Dedicated Facilities Until Acceptance. Facilities intended to be dedicated to the City shall be maintained by the owner until such time as the dedication is accepted by the City.

(f) Protection Against Defects.

(1) Whenever public improvements are to be dedicated to the City, the developer shall post a maintenance bond or other sufficient surety pursuant to Section 14.16A.180(d) to guarantee that the developer will correct all defects in such facilities or improvements that occur within two years after the acceptance of dedication of the improvements.

(2) An architect or engineer retained by the developer shall certify to the City that all facilities and improvements to be dedicated to the City have been constructed in accordance with the requirements of this chapter. This certification shall be a condition precedent to acceptance by the City of the offer of dedication of such facilities or improvements.

(3) For purposes of this section, the term “defects” refers to any condition that requires repairs over and above the normal amount of maintenance required for a particular improvement.

(g) Authorizing Use and/or Occupancy Before Completion of Development Under Land Use Permits. When weather conditions or other factors beyond the control of the permittee (exclusive of financial hardship) make it unreasonable for the permittee to comply with all of the requirements of the permit (exclusive of subdivision approvals), the Planning Director may authorize the commencement of the intended use or the occupancy of buildings, if the permit recipient provides a performance bond or other security to ensure that all of these requirements will be fulfilled within a reasonable period (not to exceed 12 months) and if the Building Official finds that such occupancy will not result in a safety or health hazard.

Table 14.16A-I: Classification of Permits and Decisions

Type of Review	Land Use Actions and Permits	Recommendation By	Public Hearing	Permit-Issuing	Administrative Appeal Body &
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			Prior to Decision	Authority	Hearing
TYPE I Administrative without Public Notice	<ul style="list-style-type: none"> • Administrative Design Review • Administrative Modifications • Boundary Line Adjustments • Change of Use • Code Interpretations • Events • Floodplain Development Permits • Grading Permit • Home Occupations • Master Sign Program • Reasonable Use Exceptions • Shoreline Exemptions • Signs • Temporary Uses 	None	None	Department director or designee	Hearing Examiner, except shoreline permits to State Shoreline Hearings Board, & Open Record
TYPE II Administrative with Public Notice	<ul style="list-style-type: none"> • Administrative Conditional Use (formerly Special Use) • Binding Site Plans • Planned Action Certification • SEPA Review (early or when not combined with another permit or required for a Type I permit) • Shoreline Substantial Developments • Short Plats – <u>Preliminary or Final</u> • Short Plat Alterations • Short Plat Vacations • Site Plan Reviews 	None	None	Planning Director or designee	Hearing Examiner, except shoreline permits to State Shoreline Hearings Board, & Open Record
TYPE III Quasi-Judicial,	<ul style="list-style-type: none"> • Conditional Uses 	Design Review Board (if required)	Open Record	Hearing Examiner	Superior Court, except shoreline

Hearing Examiner	<ul style="list-style-type: none"> • Preliminary Plats • Shoreline Conditional Uses • Shoreline Variances • Variances 				permits to State Shoreline Hearings Board, & Closed Record
TYPE IV Quasi-Judicial, City Council with Hearing Examiner Recommendation	<ul style="list-style-type: none"> • Essential Public Facilities • Planned Neighborhood Developments • Rezone - Site-Specific Zoning Map Amendments • Secure Community Transition Facilities 	Hearing Examiner with Open Record Hearing	Closed Record	City Council	None, appeal to Superior Court
TYPE V Quasi-Judicial, City Council	<ul style="list-style-type: none"> • Final Plats* • Plat Alterations • Plat Vacations • Right-of-Way Vacations 	Design Review Board (if required)	Open Record *Public meeting only for Final Plats	City Council	None, appeal to Superior Court
TYPE VI Legislative, City Council with Planning Commission Recommendation	<ul style="list-style-type: none"> • Comprehensive Plan Amendments, Map & Text • Development Agreements • Land Use Code Amendments • Rezones - Area-Wide Zoning Map Amendments 	Planning Commission with Open Record Hearing	Open ((Closed)) Record	City Council	Growth Management Hearings Board & Closed Record

14.16A.225 Noticing Requirements.

(a) Mailed Notices and Postcard Notices.

(1) Mailings shall include a mailed notice or postcard notice to owners of real property within 300 feet of the project site, or 20 property owners (whichever results in more property owners being noticed), including the project name and number and the following information. Mailings may provide a website address where detailed information is available for viewing. Mailings shall include the following information or Internet addresses to the following information:

- (i) The date of application and the date of the notice of application;
- (ii) A description of the proposed project action and a list of the project permits included in the application and, if applicable, a list of any studies requested under RCW [36.70B.070](#);
- (iii) The identification of other permits not included in the application, to the extent known by the City;
- (iv) The identification of existing environmental documents that evaluate the proposed project, and, if not otherwise stated on the document providing notice of application, the location where the application and any studies can be reviewed;
- (v) A statement of the limits of the public comment period;

- (vi) A statement of the right of any person to comment on the application, receive notice of and participate in any hearings, request a hearing, if applicable, request a copy of the decision once made, and any appeal rights;
- (vii) The date, time, place and type of meeting or hearing, if applicable and if it is scheduled at the date of notice of the application;
- (viii) A statement of the preliminary determination of consistency, if one has been made at the time of notice, and of those development regulations that will be used for project mitigation;
- (ix) A map depicting the boundaries of the project site and, when applicable, a site map showing the proposal or website address where maps can be viewed;
- (x) A statement announcing the City's goal of complying with the intent of the Americans with Disabilities Act, announcing accessibility, offer of assistance to persons with special needs, and availability of TDD services;
- (xi) Any other information determined appropriate by the City, such as the City's threshold determination, if complete at the time of issuance of the notice of application.

(2) Mailings will be sent to adjacent jurisdictions if the proposed development is within one-quarter mile of the jurisdiction's boundary; the State Department of Transportation if the proposed development is adjacent to a state highway; and to all other agencies with jurisdiction.

(3) Mailings shall also include the mailed or emailed notice of application or postcard notice including at least the information required in subsection (a)(1) of this section to each person who has requested such notice.

(4) No proceeding of any procedure established in this chapter shall be found to be invalid for failure to provide mailed notice as required in this section as long as the other methods of notice have met their respective requirements and there was a good faith attempt to comply with the mailed notice requirements.

(5) The records of the Snohomish County Assessor's Office or title company shall be used for determining the property owner of record. Addresses for a mailed notice required by this code shall be obtained from the Snohomish County real property tax records.

(6) All public notices shall be deemed to have been provided or received on the date the notice is deposited in the mail or personally delivered, whichever occurs first.

(b) Posted Notices.

(1) On-Site Posting. At least one public notice board shall be posted on the site on each public right-of-way fronting on the site. The sign shall be erected in a manner that is accessible and easy to read by the general public. The Planning Director shall establish standards for size, color, layout, design, wording and placement of the notice boards, which generally shall consist of the items listed in subsection (a)(1) of this section. The Department of Planning and Community Development will provide prepared signs for on-site posting to the applicant. The applicant is responsible for posting the on-site notice and submitting a signed affidavit of on-site posting with a photo of each on-site notice.

(2) Public Posting. A public notice shall also be posted on the official notice board at City Hall.

(3) Special Posting for Major Land Use Actions. In addition to the general notice requirements set forth in subsections (a) and (b)(1) of this section, major land use actions shall comply with the following extraordinary signage requirements (see Section 14.16B.315(d)(3)):

(i) Sign Size and Placement. Each sign shall be ~~two~~(~~four~~) feet by ~~two and a half~~(~~eight~~) feet in size, placed no closer than five feet from the right-of-way, visible from each public street on which the subject property has frontage, and placed outside the sight distance triangle.

(ii) Content of Notice. Signs shall be prepared using templates or attachable letters. Hand lettered signs are not acceptable. The required sign shall include:

- a. The title "Notice of Land Use Application";
 - b. A graphic or written description of the site boundaries;
 - c. Type of action/application (preliminary plat, etc.);
 - d. The date of public hearing;
 - e. The name and telephone number of the Department of Planning and Community Development;
 - f. City of Lake Stevens logo;
 - g. Other information as the Planning Director may determine to be necessary to adequately notify the public of the pending land use application.
- (iii) Responsibility for Installation and Removal.

- a. The applicant shall be solely responsible for the construction, installation, and removal of the sign(s) and the associated costs.
- b. The sign(s) shall be erected at least 10 days prior to the public hearing. The applicant shall sign an affidavit, stating that the sign(s) were installed and the date and posting of property. Photos of each sign shall also be submitted with the affidavit.
- c. The sign(s) shall be removed immediately following final action by the Hearing Examiner.
- d. If the sign is removed prior to the final action, the applicant is responsible for immediate replacement of the sign.

(c) Responsibility for Notice. The Planning Director is responsible for providing published legal notices, mailed notices, and posted notices at City Hall. The applicant is responsible for complying with on-site posted notice requirements.

14.16A.250 Expiration of Approvals and Approved Permits.

(a) Land use approvals/permits other than subdivisions or shoreline permits shall expire automatically within one year after the issuance of such permits, if:

- (1) The use authorized by such permits has not commenced, in circumstances where no substantial construction, excavation or demolition is necessary before commencement of such use; or
- (2) Less than 10 percent of the total cost of all construction, excavation or demolition of the approved development has been completed.

(b) Land use permits other than subdivisions shall also expire automatically if construction, grading or excavation is commenced but such work is discontinued for a period of one year.

(c) Shoreline Development Permits. Construction activities shall be commenced or, where no construction activities are involved, the use or activity shall be commenced within two years of the effective date of a substantial development permit. However, the City may authorize a single extension for a period not to exceed one year based on reasonable factors, if a request for extension has been filed before the expiration date and notice of the proposed extension is given to parties of record on the substantial development permit and to the Department of Ecology.

[RCW [90.58.143](#)(2)]

(d) For land use permits other than preliminary short subdivisions, subdivisions and sign permits:

(1) The Planning Director may grant one six-month extension to a permit upon showing proper justification, if:

- (i) The extension is requested at least 30 calendar days before the permit expires;
- (ii) The permittee has proceeded with due diligence and in good faith; and
- (iii) The zoning designation of the property has not changed.

(2) Proper justification consists of one or more of the following conditions:

- (i) Economic hardship;
- (ii) Change of ownership;
- (iii) Unanticipated construction and/or site design problems;
- (iv) Other circumstances beyond the control of the applicant and determined acceptable by the

appropriate department director.

(e) Preliminary short subdivision and subdivision approvals shall expire automatically if, within five years after the issuance of such approvals:

- (1) The final plat or short plat has not been submitted to the City for approval; or
- (2) An extension has not been granted. The Planning Director may approve a single one-year original

extension to the approval, if:

- (i) The request was delivered in writing to the Planning Department at least 30 calendar days prior to the approval's expiration and meets one of the proper justifications listed in subsection (d)(2) of this section;
- (ii) The permittee has proceeded with due diligence and in good faith to complete the plat; and
- (iii) Conditions have not changed so substantially as to warrant a new application.

(f) Additional Extension of Original Approvals for Preliminary Short Subdivisions, Preliminary Subdivisions, Conditional Use Permits, Special Use Permits, Zoning Permits, and Site Plans.

(1) After requesting and receiving the original(~~normal~~) permit extension provided in subsection (d) or (e) of this section, a permittee or his or her successors may request of the Planning Director (~~(60 days)~~) six months prior to expiration of permit extension a (~~(one time,)~~)one- or two-year extension as provided in subsections (f)(3) and (4) of this section for an extension above the original extension request in subsection (e), provided all other requirements of this section are met including:

- (i) Filing with the Planning Director a sworn and notarized declaration that substantial work has not commenced as a result of adverse market conditions and an inability of the applicant to secure financing;
 - (ii) Paying applicable permit extension fees;
 - (iii) Paying all outstanding invoices for work performed on the permit review; and
 - (iv) There are no substantial changes in the approved plans or specifications.
- (2) The total combined time period for any preliminary short subdivision or preliminary subdivision may be extended by the Planning Department under Section [14.16A.250](#) and shall not exceed a total extension of ~~((three))~~two years for a total of seven years approval; except for approvals dated on or before December 31, 2007 shall not exceed a total extension of five years by requesting additional one-or two-year extensions. The total combined time period for any conditional use permit, special use permit, zoning permit, or site plan may be extended by the department under Section [14.16A.250](#) and shall not exceed a total extension of one and a half years.
- (3) The one-year original extension of preliminary short subdivisions and preliminary subdivisions established in subsection (e) of this section may be further extended by up to an additional four years for original approvals prior to December 31, 2007 and up to an additional two years for original approvals prior to March 31, 2010. Associated permit approvals before December 31, 2014~~((March 31, 2010))~~, including construction plans, clearing and grading permits, rezones, right-of-way construction, sidewalk and street deviations, and building permits shall be automatically extended for the same period subject to subsection (f)~~(2((5)))~~ of this section.
- (4) The six-month extension of conditional use permits, special use permits, zoning permits, and site plans established in subsection (d) of this section may be further extended by up to an additional one year for original approvals prior to March 31, 2010. Associated permit approvals before March 31, 2010, including construction plans, clearing and grading permits, rezones, right-of-way construction, sidewalk and street deviations, and building permits shall be automatically extended for the same period subject to section (f)(5) of this section.
- (5) Related shoreline development permit time requirements may not be extended past the allowed limits in WAC [173-27-090](#) and RCW [90.58.143](#).
- (6) Permits are vested to the codes in effect at the time of original approval.
- (g) Construction Plan Approvals.
- (1) Construction plans for projects reviewed under the development code shall be approved for a period of 60 months from the date the City signs the plans or until expiration of the preliminary plat, preliminary short plat, binding site plan, conditional use permit, or site plan approval. If the construction plan is not connected to another permit, it shall expire in one year with one six-month extension allowed.
- (2) The City may grant an extension of up to 12 months, if substantial progress has been made by the applicant to complete construction of the approved project. Extensions shall be considered on a case-by-case basis by the Public Works Director or designee and will require a letter to be submitted to the City requesting the extension at least 30 calendar days prior to the approval's expiration. Said letter shall demonstrate that the project has made substantial construction progress, the reason for the extension request, and an estimated timeline for completion of construction.
- (3) When the approval period or any extension thereof expires, the City's approval of the construction plans shall be deemed automatically withdrawn. In order to receive further consideration by the City after such expiration and automatic withdrawal, construction plans must be re-submitted and must comply with the current code requirements.
- (h) Once the time period and any extensions have expired, approval/permit shall terminate and the application is void and deemed withdrawn.

14.16B.205 Purpose.

A Type II review is an administrative review and decision by the appropriate department. These are applications which are categorically exempt from review under the State Environmental Policy Act (SEPA), a separate SEPA review, or permits for which environmental review has been completed in connection with another application. Public notification is provided at the application and decision stages of application review. Appeals of Type II decisions are made to the Hearing Examiner, except shoreline permit appeals are made to the State Shoreline Hearings Board. Type II reviews are exempt from the procedures of Section [14.16A.230](#), Time Frames for Review. The purpose of this part is to provide the necessary steps for permit approvals requiring Type II review.

14.16B.325 Public Meetings.

A public meeting shall be required for Type III applications except variances pursuant to Section [14.16A.260](#)~~((290))~~. Staff may require the applicant to participate in the meeting to inform citizens about the

proposal. If a public meeting is planned, it shall be held as early in the review process as possible for Type III applications. Notice of the public meeting shall be provided in the same manner as required for the notice of application. The public meeting notice will be combined with the notice of application whenever possible.

14.16B.350 Hearing Examiner Decision.

(a) The Hearing Examiner shall approve a project or approve with modifications if the applicant has demonstrated that the proposal complies with the applicable decision criteria of this title. The applicant carries the burden of proof and must demonstrate that a preponderance of the evidence supports the conclusion that the application merits approval or approval with modifications. In all other cases, the Hearing Examiner shall deny the application.

(b) If the Hearing Examiner requires a modification which results in a different proposal not reasonably foreseeable from the description of the proposal contained in the public notice provided pursuant to Section [14.16B.340](#), the Hearing Examiner shall conduct a new hearing on the modified proposal.

(c) The Hearing Examiner may include conditions to ensure a proposal conforms to the relevant decision criteria.

(d) The Hearing Examiner shall within 14 days following the close of the record distribute a written report supporting the decision. The report shall contain the following:

- (1) The decision of the Hearing Examiner;
- (2) Any conditions included as part of the decision;
- (3) Findings of fact upon which the decision, including any conditions, was based and the conclusions derived from those facts; and
- (4) A statement explaining the process to appeal the decision of the Hearing Examiner to the Superior Court~~((City Council))~~.

(e) Reconsideration Period. Any person who presented or commented at the hearing may file a written request with the Hearing Examiner for reconsideration within 10 business days of the date of the Hearing Examiner's decision. The request shall explicitly set forth alleged errors of procedure or fact. Comments shall be requested from affected parties of record and reviewing City departments on the petition for reconsideration. Comments shall be received within 14 days. The Hearing Examiner shall act within 14 days after the filing of the request for reconsideration by denying the request, issuing a revised decision, or calling for an additional public hearing.

- (1) The grounds for reconsideration shall be limited to the following:
 - (i) The Hearing Examiner exceeded his or her jurisdiction;
 - (ii) The Hearing Examiner failed to follow the applicable procedure in reaching his or her decision;
 - (iii) The Hearing Examiner committed an error of law or misinterpreted the applicable city regulation, ordinance or other state law or regulation;
 - (iv) The Hearing Examiner's findings, conclusions and/or conditions are not supported by the record; and/or
 - (v) Newly discovered evidence alleged to be material to the Hearing Examiner's decision which could not reasonably have been produced prior to the Hearing Examiner's decision.

(2) Requests for reconsideration may use the additional grounds that changes to the application proposed by the applicant are in response to deficiencies identified in the decision.

14.16B.505 Purpose.

A Type V process is a quasi-judicial review and decision made by the City Council. Staff makes a recommendation to the City Council. Depending on the application, staff may conduct a public meeting to obtain public input. The City Council shall hold a public hearing on the application prior to making a decision; except for Final Plats, only a public meeting is held by the Council. Public notification is provided at the application, public hearing, and decision stages of application review. There is no opportunity for an administrative appeal. Appeals of City Council decisions are made to Snohomish County Superior Court. The purpose of this part is to provide the necessary steps for permit approvals requiring Type V review.

14.16B.525 Public Meetings.

A public meeting is required for all Type V applications pursuant to Section [14.16A.260](#). Staff may require the applicant to participate in the meeting to inform citizens about the proposal. If a public meeting is planned, it shall be held as early in the review process as possible for Type V applications. Notice of the public meeting shall be provided in the same manner as required for notice of the application. The public meeting notice will be combined

with the notice of application whenever possible. Council Action for a Final Plat is a public meeting rather than a public hearing.

14.16B.540 Notice of City Council Public Hearing.

(a) Public notice of the date of the City Council public hearing, or for Final Plats a public meeting, at which the City Council will consider the application shall be published in a newspaper of general circulation. The public hearing shall be scheduled no sooner than ((44))10 days following the date of publication of the notice. If a determination of significance was issued by the SEPA responsible official, the notice of staff recommendation shall state whether an EIS or supplemental EIS was prepared or whether existing environmental documents were adopted. The notice of the City Council meeting shall also include the notice of the availability of the staff recommendation.

(b) The Planning Director shall mail or email notice of the City Council public hearing or public meeting, the SEPA determination, and the notice of the availability of staff recommendation to all parties of record.

14.16B.545 City Council Decision.

(a) Within five days of a decision, the Planning Director shall transmit to the City Council a copy of the department file on the application including all written comments received prior to the City Council meeting and information reviewed by or relied upon by staff. The file shall also include information to verify that the requirements for notice to the public (notice of application, notice of public hearing, and notice of SEPA determination) have been met.

(b) Any person may participate in the City Council public hearing, or public meeting for Final Plats, on staff recommendation by submitting written comments to the Department of Planning and Community Development prior to the hearing or by submitting written comments or making oral comments at the hearing.

(c) The City Council shall, at the open record public hearing or public meeting, consider and take final action on each Type V application. The final action may take place in the same meeting as the public hearing or public meeting, if any.

(d) The City Council shall either:

- (1) Approve the application;
- (2) Approve the application with modifications;
- (3) Remand the application to staff for an additional review limited to specific issues identified by the

Council; or

- (4) Deny the application.

(e) Decision.

(1) Conditions. The City Council may, based on the record, include conditions in any decision approving or approving with modifications an application, in order to ensure conformance with the approval criteria specified in the code or process under which the application was made.

(2) Findings of Fact. The City Council shall include findings of fact and conclusions derived from those facts which support the decision of the Council, including any conditions, in the decision approving or approving with modifications the application. The City Council may by reference adopt some or all of the findings and conclusions recommended by staff.

14.16B.630 Notice of Public Hearing.

(a) When the Planning Commission or City Council has scheduled a public hearing on a Type VI proposal, notice of the public hearing shall be provided 10 days prior to the scheduled hearing date in the manner set forth in subsection (b) of this section.

(b) Notice of Public Hearing.

Type VI Action or Permit	Mail	Post	Publish
Comprehensive Plan Amendment - Map & Text	X	X	X
Development Agreements			X
Land Use Code Amendments			X

Rezone - Area-Wide Zoning Map Amendment		X	X
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(c) Published Notice. When required, the applicable department director shall publish a notice twice in a newspaper of general circulation in the City. The notice shall contain the following information:

- (1) The name of the applicant, and if applicable, the project name;
- (2) If the application involves specific property, the street address of the subject property, a description in nonlegal terms sufficient to identify its location, and a vicinity map indicating the subject property or website address where maps can be viewed;
- (3) A brief description of the action or approval requested;
- (4) The date, time, and place of the public hearing;
- (5) Summarize the nature and character of the proposed change;
- (6) If the proposed amendment involves a change in zoning district classification, reasonably identify the property whose classification would be affected by the amendment;
- (7) State that the full text of the amendment can be obtained from the Department of Planning and Community Development(~~(-Services)~~);
- (8) State that substantial changes in the proposed amendment may be made following the public hearing; and
- (9) A statement of the right of any person to participate in the public hearing.

(d) Mailed Notices and Postcard Notices. Mailings shall be completed pursuant to Section [14.16A.225](#) with the additional specifications:

- (1) For minor map amendments, notices shall be mailed to the record owners for tax purposes of all properties whose zoning classification is proposed to be changed, as well as the owners of all properties which are within 300 feet of the property proposed to be rezoned, or 20 property owners (whichever is greater).
- (2) For major map amendments, notice over and above that specified in this section may be provided at the discretion of the Department of Planning and Community Development, as deemed necessary to ensure ample opportunity for citizens and property owners to become aware of the upcoming hearing.
- (3) Notice of the public hearing, containing the same information set forth in subsection (c) of this section, shall be mailed to each owner of real property within 300 feet of any boundary of the subject property, or 20 property owners (whichever is greater).

(e) Posted Notices.

- (1) All posted notices shall be completed pursuant to Section [14.16A.225](#).
- (2) For minor map amendments, at least one public notice board shall be posted on the site on public right-of-way within the property proposed to be rezoned.
- (3) For major map amendments, a minimum of three public notice boards shall be posted on public right-of-way.
- (4) The following Type VI application is a major land use action: area-wide zoning map amendment. In addition to the general notice requirements, a major land use action shall comply with the extraordinary signage requirements in Section [14.16A.225\(b\)\(3\)](#).

(f) Alternative Means of Notification. In the case of the following actions initiated by the City, which affect large areas of the City, the Planning Director may elect to use alternative means of public notification in addition to the newspaper publication required by RCW [35A.63.070](#) or the mail and posting provisions above, provided such notification is likely to achieve equal or greater actual public notification:

- (1) Adoption or amendment of a neighborhood or other area-wide community plan; or
- (2) Area-wide zoning map amendments.

14.16C.050 Design Review.

(a) The Design Review Board is created to review and make urban design decisions that will promote visual quality throughout the City. The purpose of design review includes but is not limited to the following:

- (1) To encourage and promote aesthetically pleasing and functional neighborhood and commercial developments for the citizens of Lake Stevens by establishing design review standards and guidelines including site layout, landscaping, parking and preferred architectural features;
- (2) To implement the City's Comprehensive Plan policies and supplement the City's land use regulations, promote high-quality urban design and development, supplement land use regulation, promote a

coordinated development of the unbuilt areas, improve walkability, lessen traffic congestion, provide light and air, prevent the overcrowding of land, and conserve and restore natural beauty and other natural resources;

(3) To encourage originality, flexibility, and innovation in site planning and development, including the architecture, landscaping and graphic design of proposed developments in relation to the City or subarea as a whole;

(4) To encourage low impact development (LID) by conservation and use of existing natural site features in order to integrate small-scale stormwater controls and to prevent measurable harm to natural aquatic systems from commercial, residential or industrial development sites by maintaining a more hydrologically functional landscape;

(5) To encourage green building practices in order to reduce the use of natural resources, create healthier living environments, and minimize the negative impacts of development on local, regional, and global ecosystems;

(6) To encourage creative, attractive and harmonious developments and to promote the orderliness of community growth, the protection and enhancement of property values for the community as a whole and as they relate to each other, the minimization of discordant and unsightly surroundings, the need for harmonious and high quality of design and other environmental and aesthetic considerations which generally enhance rather than detract from community standards and values for the comfort and prosperity of the community and the preservation of its natural beauty and other natural resources which are of proper and necessary concern of local government, and to promote and enhance construction and maintenance practices that will tend to prevent visual impairment and enhance environmental and aesthetic quality for the community as a whole;

(7) To aid in assuring that structures, signs and other improvements are properly related to their sites and the surrounding sites and structures, with due regard to the aesthetic qualities of the natural terrain and landscaping, and that proper attention is given to exterior appearances of structures, signs and other improvements;

(8) To protect and enhance the City's community vision for living and working and thus support and stimulate business and industry and promote the desirability of investment and occupancy in business and other properties;

(9) To stabilize and improve property values to help provide an adequate tax base to the City to enable it to provide required services to its citizens;

(10) To foster civic pride and community spirit by reason of the City's favorable environment and thus promote and protect the health, safety and welfare of the City and its citizens; and

(11) To ensure compatibility between new and existing developments.

(b) The City Council shall adopt design guidelines or standards by ordinance.

(1) City of Lake Stevens Design Guidelines (Residential Development Handbook for Snohomish County Communities) were readopted on April 17, 1995, for use within City limits, excluding subareas.

(2) Subarea Design Guidelines were adopted in September 2012 as an exhibit of the Lake Stevens Center Subarea Plan and 20th Street SE Corridor Subarea Plan. To assure an attractive, pedestrian-friendly environment, all development occurring within either subarea shall comply with these design guidelines which are attached to the subarea plans. If design guidelines appear to conflict with another provision of this title, the design guidelines shall prevail.

(c) Design Review Board. Review of permit applications for conformance with the development design guidelines shall be done by the Design Review Board in public meetings, as set forth in Section [14.16A.260](#).

(d) Projects requiring design review that meet the limitations in Section [14.16C.020](#)(d) shall follow the procedures established in Chapter [14.16B](#) for a Type I permit process as an administrative design review. All other projects requiring design review shall follow the procedures in subsection (e) of this section.

(e) Procedure.

(1) Pre-Application Meeting. If design review is required, a pre-application meeting with the City is highly recommended prior to submittal of a formal application.

(2) Design Review Submittal Requirements. Seven color, hard copies and one electronic copy are required for each submittal for review by the Design Review Board.

(i) Buildings and Site Development Plans. The following information and materials shall be submitted to the City for review under this chapter:

a. A completed application.

b. Site plan at an engineering scale from one inch equals 20 feet to one inch equals 50 feet,

showing:

1. Location of all proposed structures and any existing structures to be retained or

incorporated into the development.

2. Location of building setback lines.

3. Proposed pedestrian and vehicular circulation including driveways, access points, sidewalks and pedestrian pathways.
4. Parking lot layout, design and, if applicable, loading areas.
5. Public improvements including sidewalks, curbs, gutters, etc.
6. Location of existing trees and vegetation to be retained.
- c. Building material samples and color chips.
- d. Plans and section drawings depicting the relationship of the proposed project to abutting properties and buildings.
- e. Building elevations and/or perspective renderings drawn to scale and indicating the exterior color and material composition (including mechanical equipment and screening).
- f. Roof plan including the location of mechanical equipment.
- g. A lighting plan, if required, adequate to determine the location, character, height and style of fixtures and the amount and impacts of spillover on adjacent properties.
- h. A brief narrative description of the design elements or objectives of the proposal and discussion of the project's relationship to surrounding properties.

(ii) Landscape Plans. The following information and materials shall be submitted to the City for review under this chapter:

- a. A completed application.
- b. Site plan at an engineering scale from one inch equals 20 feet to one inch equals 50 feet, showing:

1. Location of all proposed structures and any existing structures to be retained or incorporated into the development.
2. Proposed pedestrian and vehicular circulation including driveways, access points, sidewalks and pedestrian pathways.
3. Parking lot layout, design and loading areas if applicable.
4. Public improvements including sidewalks, curbs, gutters, etc.
5. Location and size of existing trees and vegetation to be retained.
6. Plans and section drawings depicting the relationship of the proposed project to abutting properties and buildings.
7. Landscape plan showing the location of proposed plant materials, including a plant schedule identifying plants by common and scientific names, spacing, size at time of planting, size at maturity, location of any existing vegetation and trees to be retained, and special notes.
8. Photographs of proposed plant material.
9. Plans showing proposed grading/topography, drawn to the same scale as the landscape plan.

(iii) Sign Plans. The following information and materials shall be submitted to the City for review under this chapter:

- a. A completed application.
- b. A site plan, drawn to scale, showing the location of the building upon which the sign will be installed, surrounding buildings, and adjacent streets.
- c. A drawing showing the size, shape and exact location of the proposed sign(s). For wall or building-mounted signs, the drawing shall portray the proposed sign's relationship to any existing or proposed signs located on the same facade or common building wall. Drawings must be to scale or contain dimensions indicating the size of the sign and the length and height of the appropriate building surface.
- d. Dimensions, area (in square feet), and style of letters/symbols of the proposed signs.
- e. A colored illustration of the proposed signs.
- f. Sign materials (wood, plastic, metal, etc.) and color samples.

(iv) The Director may require the submission of such other information determined to be appropriate and necessary for a proper review of the requested action.

(3) Recommendation. A staff report of findings, conclusions and recommendations shall be forwarded to the ((Planning Commission and-))Design Review Board before a public meeting. The conclusions and recommendations shall indicate how the recommendations carry out the goals, policies, plans and requirements of the development design guidelines. The findings shall be referenced to contested issues of fact, and the conclusions shall be referenced to specific provisions of the development design guidelines and review criteria incorporated therein, together with reasons and precedents relied upon to support the same. The conclusions shall make reference

to the effect of the decision upon the Comprehensive Plan, as well as the effect of both approval and denial on property in the vicinity, on business or commercial aspects, if relevant, and on the general public. The decision shall be based upon a consideration of the whole record of the application.

(f) Conformance with Design Guidelines or Standards.

(1) Structures within the following zones are subject to the design guidelines or standards adopted per subsection (b) of this section, except when the project meets the limitations in Section [14.16C.020](#)(d) or when the development is located within an adopted subarea plan and is required to meet the adopted subarea design guidelines:

- (i) Central Business District (except Class 1.100 or 1.200 uses);
- (ii) Mixed Use (except Class 1.100 or 1.200 uses);
- (iii) Neighborhood Commercial (except Class 1.100 or 1.200 uses);
- (iv) Local Business (except Class 1.100 or 1.200 uses);
- (v) Planned Business District;
- (vi) Sub-Regional Commercial;
- ~~((vii) Commercial Recreation;))~~
- (vii(~~+~~)) High Urban Residential;
- ~~(viii(~~+~~)) Multi-Family Residential;~~
- (ix) Light Industrial;
- (x(~~+~~)) General Industrial; or
- (xi(~~+~~)) Public/Semi-Public.

(2) Structures are subject to the design guidelines or standards adopted per subsection (b) of this section when developed under specified regulations listed below, except when the project meets the limitations in Section [14.16C.020](#)(d):

- (i) Planned neighborhood developments (Section 14.16C.080);
- (ii) Planned residential developments (Section 14.44.020); and
- (iii) Innovative Housing Options (~~(Demonstration)~~)Program (Chapter 14.46).

(3) No building or land use permit shall be issued for structures or uses which do not conform to the applicable guidelines or standards, except as allowed under subsection (f)(4) of this section.

(4) A building or land use permit may be issued for a structure or use that does not comply with subsections (f)(1), (2) or (3) of this section, if any one of the following findings can be made by the permit-issuing authority:

- (i) The structure is of a temporary nature which, in all likelihood, will be replaced by a permanent structure within a reasonable time frame.
- (ii) The structure is minor to the overall use of the property and will not be noticeably visible from a public right-of-way.
- (iii) The structure will not be visible from an existing, planned, or proposed public right-of-way.
- (iv) The structure is pre-existing with proposed changes to portions of the facade that are not visible from public rights-of-way.

14.16C.075 Land Use Code Amendments.

(a) The purpose of this section is to allow amendments to this title.

(b) Procedure. A land use code amendment shall be reviewed in the manner and following the procedures established in Chapters [14.16A](#) and [14.16B](#) for a Type VI review.

(c) Initiation of Amendments.

(1) Amendments to this title may be initiated by the City Council, the Planning Commission, or the City administration.

(2) Any other person may also petition the Planning Department to amend this title. The petition shall be filed with the Department of Planning and Community Development (~~(Services)~~) and shall include:

- (i) The name, address, and phone number of the applicant;
- (ii) A strikeout/underlined version of the existing code showing proposed changes; and
- (iii) Articulation of the specific objective(s) of any proposed text amendments.

(d) Upon receipt of a petition, the Planning Director shall either:

(1) Determine if the proposed code amendments meet the decision criteria in subsection (f) of this section; or

(2) Forward the petition to the Council for a determination on whether to accept and review the petition. The Council may summarily deny the petition or refer it to the Planning Commission for a recommendation.

(e) Amendments to following are not required for review before the Planning Commission:

- (1) Chapter [14.60](#) (Utilities).
- (2) Chapter [14.80](#) (Building and Construction).
- (3) Chapter [14.84](#) (Fire Code).

(f) Decision Criteria. In approving code amendments to this title, the City Council shall make the following findings:

- (1) The amendment is consistent with the adopted Lake Stevens Comprehensive Plan;
- (2) The amendment is in compliance with the Growth Management Act; and
- (3) The amendment serves to advance the public health, safety and welfare.

(g) No ordinance that amends any of the provisions of this title may be adopted until a public hearing has been held on such ordinance.

(h) Approval. All amendments shall be approved by ordinance of the Lake Stevens City Council.

14.16C.090 Rezones - Official Zoning Map Amendments.

(a) The purpose of this section is to set forth criteria for amendments to the Official Zoning Map, adopted pursuant to Section [14.36.100](#).

(b) Types of Rezones and Map Amendments. Rezones are either site-specific or area-wide. Map amendments are considered major if they rezone five or more tracts of land in separate ownership or any parcel of land, regardless of the number of lots or owners, in excess of 50 acres. All other map amendments are minor.

(1) Site-specific rezones are rezones of a particular property(ies) which conform to the Comprehensive Plan or an adopted subarea plan.

(2) Area-wide rezones are rezones which require a Comprehensive Plan amendment, include a large area, or the adoption of a new or substantially revised neighborhood or area-wide zoning map amendment.

(c) Procedure. A site-specific rezone shall be reviewed in the manner and following the procedures established in Chapters [14.16A](#) and [14.16B](#) for a Type IV review. An area-wide rezone shall be reviewed in the manner and following the procedures for a Type VI review and require a concurrent amendment to the Comprehensive Plan.

(d) Initiation of Amendments.

(1) Amendments to the Official Zoning Map may be initiated by the City Council, the Planning Commission, or the City Administration.

(2) Any other person may also petition the Planning Department to amend the Official Zoning Map. The petition shall be filed with the Department of Planning and Community Development (~~(Services-)~~) and shall include:

- (i) The name, address, and phone number of the applicant;
- (ii) A description of all land proposed to be rezoned including a map highlighting the specific parcels; and
- (iii) A rationale for the proposed map changes.

(e) Upon receipt of a petition, the Planning Director will determine if the proposed zoning map amendments meet the decision criteria in subsection (g) of this section and shall either:

(1) Refer the proposed amendment to the Hearing Examiner for a site-specific rezone for a recommendation to Council(~~(Determine if the proposed zoning map amendments meet the decision criteria in subsection (g) of this section)~~); or

(2) Refer the proposed amendment to the Planning Commission for an areawide rezone for a recommendation to Council.

(f) Special Application Requirements for Site-Specific Rezones.

(1) No application shall be filed or accepted for filing which on its face will not comply with the Lake Stevens Comprehensive Plan or an adopted subarea plan.

(2) No application without signatures of owners representing 75 percent of the area proposed for rezone shall be filed or accepted for filing.

(g) Decision Criteria. The following factors are to be taken into account by the Planning Commission, Hearing Examiner and the City Council when considering a map amendment:

- (1) The amendment complies with the Comprehensive Plan Land Use Map, policies, and provisions and adopted subarea plans;
- (2) The amendment is in compliance with the Growth Management Act;
- (3) The amendment serves to advance the public health, safety and welfare;

- (4) The amendment is warranted because of changed circumstances, a mistake, or because of a need for additional property in the proposed zoning district;
 - (5) The subject property is suitable for development in general conformance with zoning standards under the proposed zoning district;
 - (6) The amendment will not be materially detrimental to uses or property in the immediate vicinity of the subject property;
 - (7) Adequate public facilities and services are likely to be available to serve the development allowed by the proposed zone;
 - (8) The probable adverse environmental impacts of the types of development allowed by the proposed zone can be mitigated, taking into account all applicable regulations, or the unmitigated impacts are acceptable;
 - (9) The amendment complies with all other applicable criteria and standards in this title; and
 - (10) If the proposal is located within an adopted subarea plan:
 - (i) The rezone is to a zoning designation allowed within the applicable subarea; and
 - (ii) The rezone does not increase the established intensities adopted as part of the planned action ordinance or mitigates increased or additional impacts by supplementing, amending or adding the applicable planned action draft and final environmental impact statement.
- (h) Approval. All amendments shall be approved by ordinance by the Lake Stevens City Council.
- (i) Withdrawal. Any application for a site-specific rezone may be withdrawn upon the written request of any one of the property owners who signed the application, if the remaining owners do not own 75 percent of the area.
- (j) Reapplication after Denial without Prejudice. After the Council's final action denying a rezone, no further rezone action involving substantially the same property shall be requested for at least one year. If the Council finds that extraordinary circumstances exist, or that the request might deserve approval in the near future, but not at the present time, then the rezone may be denied without prejudice. In such a case, if the rezone request is reactivated in writing by the applicant within six months, and is reheard within nine months of the date of the original action, then the original case file and number shall be used and the rezone fee shall be waived.
- (k) Review or Revocation of Approval. Rezones and any concurrent or subsequent approvals issued pursuant to this chapter may be reviewed or revoked in accordance with Section [14.16A.255](#).

14.18.045 Endorsements on Short and Long Subdivision Plats.

All subdivision plats shall contain the following endorsements, specific language of which is to be made available by the Planning Director: certificate of subdivision approval, certificate of approval of public improvements, certificate of ownership and dedication, certificate of survey and accuracy, certificate of City Treasurer, City Council Approval (for long subdivisions only), Snohomish County Treasurer's certificate, and recording certificate.

14.18.070 Boundary Line Adjustments.

- (a) Minor lot line adjustments are exempt from the subdivision regulations. Minor lot line adjustments to existing legal lots are permitted when no new lots are created through the process and the adjusted lots either meet all requirements of this title and other City regulations. In the case of existing legal nonconforming lots, the adjustment shall not create a new or greater nonconformity with respect to any City regulations.
- (b) Application for a boundary line adjustment (BLA) is made by submitting to the Planning Director a land use development (~~master permit~~) application, with a survey of the subject property showing existing and proposed lot lines, before and after legal descriptions, owner's certificate, surveyor's certificate, and Planning Director's approval certificate.
- (c) To finalize an approved boundary line adjustment, it shall be recorded with the Snohomish County Auditor's Office no later than one year after final approval has been issued by the Planning Director or the application and approval shall lapse and a new application must be submitted.
- (d) Recording fees and applicable state fees shall be paid by the applicant. Immediately after recording, copies of the recorded BLA documents shall be provided to the City. The BLA shall not take effect until recorded with the Snohomish County Auditor and copies returned to the City.
- (e) The department may grant up to a one-year extension of a BLA for good cause, if a written request for extension, including a description of reason for request, is submitted to the Planning Director at least two weeks before approval lapses.

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

(g) When a BLA is recorded subsequent to a record of survey for the same property, the recording number of the record of survey shall be noted on the BLA map.

14.18.175 Recording with County Auditor.

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

(b) Immediately after recording, copies of the recorded binding site plan(~~BLA~~) documents shall be provided to the City. The BLA shall not take effect until recorded with the Snohomish County Auditor and copies returned to the City.

14.36.100 Official Zoning Map.

(a) There shall be a map known and designated as the Official Zoning Map, which shall show the boundaries of all zoning districts within the City’s planning jurisdiction. (~~This map shall be drawn on acetate or other durable material from which prints can be made, shall be dated, and shall be kept in the Planning Department.~~)

(b) The Official Zoning Map dated May 11, 2009, is adopted and incorporated herein by reference. Amendments to this map shall be made and posted in accordance with Section [14.16C.090](#).

(c) Should the Official Zoning Map be lost, destroyed, or damaged, the Planning Director may have a new map created(~~drawn on acetate or other durable material from which prints can be made~~). No further Council authorization or action is required so long as no district boundaries are changed in this process.

14.38.040 Dimensional Regulations.

Table 14.38-I Dimensional Regulations

Zone	Minimum Lot Size	Building Setback (from lot (property) line, tract or easement) (ft) ¹³		Min. Landscape Buffer (ft) ⁷	Min. First Floor Height (ft)	Max. Height (ft) ^{9, 10}
		Front	Side/Rear			
Commercial Zones						
BD	NA	5	10 ^{4,5}	5	12	55
CD	NA	5	10 ^{4,5}	5	15	55
NB	NA	5	10 ^{4,5}	5	15	35
Mixed Use Zones						
MS	NA	5 ¹	0 ^{4,5,6}	5	15	55
MUN	NA	10 ^{2,3}	10 ^{5,6}	5	15 ⁸	45
Residential Zones						
HUR ¹¹	3,600 sq. ft. ¹²	10 ^{2,3}	5 ⁵	5	NA	45

UR	7,500 sq. ft. ¹²	20 ³	5	NA	NA	35
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Notes:

1. The minimum required setback is five feet and the maximum allowed setback is 10 feet in the MS district.
2. The minimum required setback is 10 feet and the maximum allowed setback is 20 feet.
3. Porches, covered entries, or pedestrian-oriented spaces may project up to five feet into front yard setbacks in residential districts.
4. Districts that allow commercial uses shall maintain a 10-foot, Type B screen when adjacent to residential zones, per Section [14.76.040\(a\)](#).
5. Structures 35 feet or taller next to single-family districts must be stepped back five feet for every floor over 35 feet per Figure 14.38-II.

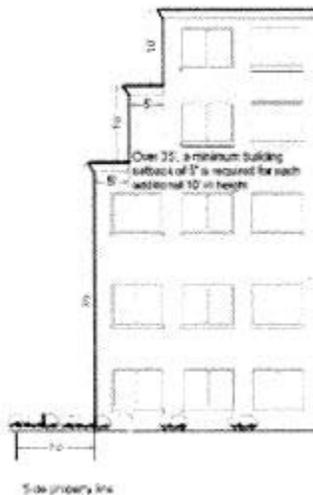


Figure 14.38-II illustrates stepping back the upper stories of a structure, adapted from the Everett Municipal Code.

6. Attached housing units or attached commercial structures built on separate lots can be built to the common property line. The outside setback for attached structures abutting a right-of-way, separate detached structures, or a different zone shall be 10 feet.
7. Landscape buffers will be comprised of a Type C screen per Section [14.76.040\(a\)](#) along property lines; however, the City may waive the landscape buffer when adjacent properties share parking, access, or other common features that make intensive landscaping impractical. In addition, perimeter landscape buffer along property lines of adjacent high-density single-family lots is not required; however, screening different developments from neighboring properties will provide separation, vegetation and define each development. The front landscaping buffer does not apply in the MS district.
8. The first floor height of residential structures in the MUN district, without an attached retail/service component, not facing a public right-of-way may be reduced to industry standard.
9. If a project includes a parking structure or affordable housing FAR bonus, as described in Section [14.38.050\(b\)](#), the City will also allow an overall height increase of 10 feet above maximum height.
10. The City will consider an increase in maximum height up to 80 feet with a conditional use permit per Section [14.16C.045](#).
11. Maximum impervious surface for parcels in the HUR district is 65 percent.
12. When developed as a planned residential development (Section 14.44.020) the per unit lot size may be reduced to 3,000 square feet for HUR district and 6,000 square feet for the UR district in return for the dedication of additional open space at the ratio of 400 square feet per dwelling unit.
13. Eaves and other minor architectural features may project into the required setback up to 18 inches.

14.38.100 Signs.

(a) Purpose and Application. Ensure that signage provides effective advertising and identification with appropriate design, scale, and placement. Developments within the subareas are subject to the sign regulations found in Chapter [14.68](#) and applicable design guidelines, except when this chapter modifies the standard municipal code requirements.

(b) Allowed Signs.

- (1) Changeable text signs per Section [14.68.084](#).
- (2) Freestanding signs.
- (3) Informational/directional signs.
- (4) Projecting/suspended signs.
- (5) Residential signs per Section [14.68.090](#).
- (6) Signs excluded from regulation per Section [14.68.020](#).
- (7) Temporary signs per Section [14.68.030](#).
- (8) Wall signs.
- (9) Window signs.

(c) Prohibited Signs.

- (1) Animated or flashing signs, except as allowed in Section [14.68.120](#).
- (2) Off-site signs, except as allowed by Section [14.68.030](#) and subsection (f) of this section.
- (3) Portable signs.
- (4) Roof signs.
- (5) Signs which are located on or extend over public rights-of-way.
- (6) Temporary signs except as allowed by Section [14.68.030](#).

(d) Projecting/Suspended Signs, Wall Signs, and Window Signs.

- (1) Table 14.38-IV establishes the dimensional and quantitative requirements for projecting/suspended signs, wall signs, and window signs.
- (2) Projecting/Suspended Signs.
 - (i) Projecting signs shall not extend more than five feet from a building facade;
 - (ii) Suspended signs are limited to approximately two inches in thickness and may not extend beyond the structure to which it is attached;
 - (iii) Projecting/suspended signs must provide a minimum of eight feet of clearance from the ground to the bottom of the sign; and
 - (iv) A minimum spacing of 20 feet between signs must separate projecting/suspended signs.
- (3) Wall Signs.
 - (i) Wall signs shall be generally located in the storefront area above the main entrance along primary facades and beneath the roofline or cornices on secondary facades;
 - (ii) Second story signs shall be generally located directly above or below windows, but not higher than the belt course between the next story or below the roofline or cornices, as illustrated in Figure 14.38-IV;
 - (iii) Wall signs shall be generally centered between defined architectural elements and may not extend beyond defined architectural features;
 - (iv) Wall signs may be located on building focal points, if the sign does not extend beyond defined architectural features;
 - (v) Wall signs shall not project more than 10 inches from the building;
 - (vi) Wall signage may be located on awnings and marquees or similar structures only when the design of the building facade prohibits wall signs on the storefront facade and the signage does not extend beyond defined architectural features; and
 - (vii) The wall sign area calculation is defined in Table 14.38-IV and the maximum area will be based on the size of the associated gross business area, as follows:
 - a. Five thousand gross square feet or less: 32 square feet;
 - b. Five thousand one to 15,000 gross square feet: 96 square feet; and
 - c. Over 15,001 gross square feet: 192 square feet.
 - (viii) Sign area is not transferable.



Figure 14.38-IV Signage Placement Diagram from Mill Creek Town Center Design Guidelines

Table 14.38-IV Sign Standards

Sign Type ¹		BD	CD ²	NB	MS ²	MUN ²
Projecting/Suspended	Sign Area	NA	10 sq. ft. max. and no more than 5 ft. in width	6 sq. ft. max. and no more than 3 ft. in width		
	Maximum Number	NA	1 projecting or suspended sign per main facade or leasable frontage			
Wall³	Sign Area	Main: 10% of building facade Secondary: 5% of building facade	Main: 15% of building facade Secondary: 10% of building facade	Main: 10% of building facade Secondary: 5% of building facade		
	Maximum Number	1 per facade 2 facades may have signs	1 per facade ⁴ 3 facades may have signs	1 per facade 2 facades may have signs		
Window⁵	Sign Area	10% percent of window area	20% percent of window area	10% percent of window area		

Notes:

1. Each leased space or building frontage may have one projecting sign or one suspended sign, but not both.
 2. Residential signage shall conform to Section [14.68.090](#).
 3. Wall sign calculation: the facade area (first 12 feet of the building height) multiplied by the total facade length or leasable frontage for multi-tenant buildings (example: [12 x 360] [360 x 15% = 54 sq. ft.]). The sign calculation for second story signage would be the leasable frontage multiplied by the height of the story (example: [12 x 20 = 240] [240 x 15% = 36 sq. ft.]).
 4. Building over 15,000 gross square feet, with a primary facade length over 100 linear feet, may have two signs along the primary facade for the primary businesses and one sign per enclosed secondary business. Sign area for all signs will be included in the maximum sign area.
 5. Commercial signage for businesses on third stories and above would be limited to window signs.
- (e) Freestanding Signs.

- (1) Table 14.38-V establishes the dimensional and quantitative requirements for freestanding signs including monument and pole/pylon signs.
- (2) Freestanding signs shall be located no closer than five feet to public rights-of-way or access easements measured from the face of the sign to the back of the ROW or easement.
- (3) No signs shall obstruct sight distance at street intersections or driveways per Section [14.68.120\(d\)](#).
- (4) The height of freestanding signs shall be measured from the average ground level at the sign's base.
- (5) Freestanding signs must provide an architectural base, with a minimum height of 12 inches.
- (6) Each freestanding sign shall provide a landscaped area around the base of the sign per the following:
 - (i) One and one-quarter square feet of landscaping per one square foot of sign area with a minimum area of 50 square feet and a minimum width of five feet measured from the outside of the curb or the edge of the landscape bed;
 - (ii) The landscape area and sign base shall be protected from vehicles by a six-inch curb, if adjacent to drive aisles or parking areas;
 - (iii) The landscape area must include a mix of shrubs, perennials and/or annual flowers, and other standard landscape material; and
 - (iv) The landscape area may include other materials and components such as brick or concrete bases, planter boxes, pole covers, decorative framing, and accent lighting.

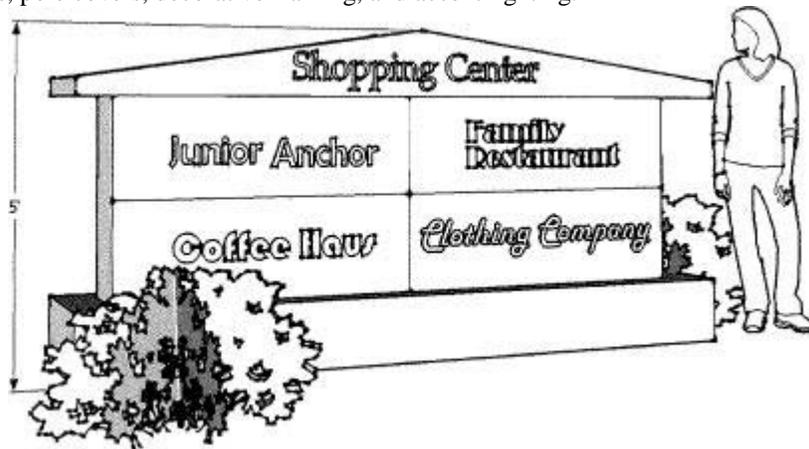


Figure 14.38-V Monument Sign

Table 14.38-V Freestanding Sign Standards

Sign Type		CD	NC	BD	MS	MUN
Monument	Sign Area ¹ (sq. ft.)	75	50	50	50	25
	Sign Height	15 ft.	10 ft.	10 ft.	5 ft.	5 ft.
	Number ^{2,3,4}	1	1	1	1	1
Pole/Pylon ⁵	Sign Area ¹ (sq. ft.)	100	NA	NA	100	NA
	Sign Height	20 ft.			20 ft.	
	Number	1			1	

Notes:

1. For freestanding signs with multiple faces, only the sign area of a single face is calculated per Section [14.68.040](#).
2. Each site with commercial uses may install one freestanding identification sign or multi-tenant identification sign per site.
3. Commercial centers with more than one frontage may install two identification and/or multi-tenant identification signs with one freestanding sign along the primary frontage and a second sign along the secondary

frontage, with a minimum separation of 100 feet between the signs, including separation of off-site and highway-oriented signs. Freestanding signs located along secondary frontages must be reduced by 25 percent in sign area and height.

4. Any detached structure greater than 5,000 square feet in gross area, occupied by a single business, located on a defined building pad, within a commercial center over five acres may have an additional freestanding sign not exceeding 25 square feet in area and having a maximum height of five feet.

5. Pole/pylon signs are limited to highway-oriented sign requirements pursuant to subsection (f) of this section.

(f) Off-Site Signage.

(1) The provisions contained in this section recognize the need for certain businesses located within the Commercial district, Business district and Main Street district, in proximity to state highways (SR-9 and SR-204) and/or major arterials, but with limited visibility to install off-site signs.

(2) The City shall review the need for off-site signage against the following criteria:

(i) The business(es) is located more than 100 feet from the right-of-way, measured from the nearest point to the edge of right-of-way;

(ii) The business(es) shall demonstrate that on-site signs cannot adequately convey the location and identity of the business(es) because of poor visibility or traffic patterns unique to its location;

(iii) The off-site sign does not create adverse impacts to surrounding businesses, pedestrians, or motorists including, but not limited to, glare and sight obstructions;

(iv) The sign is not out of scale or character with allowed signs for nearby uses and employs distinct architectural features associated with the primary building or complex;

(v) The advertising structure does not detract from the goals, objectives, and policies of the subarea plan; and

(vi) The applicant has provided a recorded easement or expressed written permission, including maintenance provisions, from the property owner of the premises where the off-site sign is to be located.

(3) Content of Off-Site Signage.

(i) The off-site sign contains a message area that identifies the complex by name or district and may contain its address;

(ii) The off-site sign identifies one or more businesses in the complex or district by name and may include corporate logos; and

(iii) The off-site sign contains directional information, such as exit number, route information (e.g., next left), and may contain directional arrows.

(iv) The off-site sign may not include promotional information for individual businesses or display or support temporary signs, banners, pennants, etc.

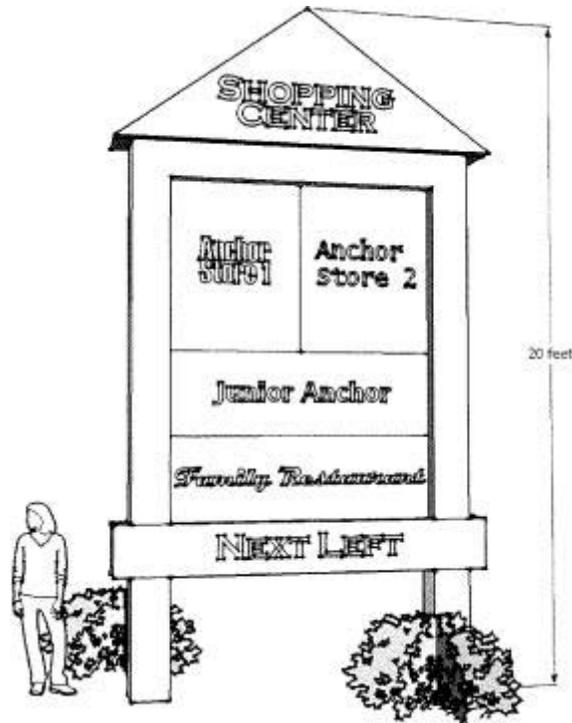


Figure 14.38-VI Off-Site Sign

(g) Informational/directional signs mean signs within a commercial or business park development that convey information; indicate the name of a particular use, such as “pharmacy” or “lumber”; and provide direction to specific uses such as “drive-through” or “exit,” but do not contain specific advertising, except for building directories.

(1) Attached signs are limited to a maximum of two percent of the building facade or leased storefront area.

(2) Freestanding signs are limited to a maximum of four square feet (~~except restaurant menu signs, which are limited to a maximum of 12 square feet~~).

(3) Building directories are limited to a maximum of 10 square feet for the purpose of identifying upper floor tenants or first floor tenants that do not have outside building frontage adjacent to the entrance for such businesses.

(4) Primary restaurant menu signs are limited to a maximum of 32 square feet and secondary menu signs are limited to a maximum of 12 square feet. Only one menu sign of each type is allowed per business. Menu signs are subject to the design requirements for freestanding signs.

(h) Sign Modifications. To provide flexibility, the City will consider modifications to the sign regulations for signs that display outstanding design elements per the requirements of Section [14.68.124](#).

(i) Legal Nonconforming Signs.

(1) All legally existing signs at the time of the adoption of the ordinance codified in this chapter that are not in compliance with the requirements of this chapter are nonconforming signs. The burden of establishing a sign’s legal status, under this chapter, is the responsibility of the sign or business owner.

(2) Legal nonconforming signs are subject to the requirements of Section [14.68.150](#) (Nonconforming Signs).

(3) Violations. Any violation of this chapter shall terminate immediately the right to maintain a legal nonconforming sign.

LSMC Section 14.40.010, Table 14.40-I, entitled “Table of Permissible Uses by Zones” is amended by:

- Add footnote #21 to “PA” in CBD column for Use Description “9.100”

- Add footnote to the table to read as follows:

—²¹ Only allowed in the Central Business District on properties north of 20th Street NE.

- Add footnote #22 to Use Description “15.340 Sewage/septic sludge recycling”

- Add footnote to the table to read as follows:

—²² Only allowed as an Essential Public Facility pursuant to Section 14.16C.060.

- Remove Use Descriptions “32.000 Land Clearing, Logging in Conformance with Chapter 14.88” & “33.000 Respective Uses Permissible in Respective Sensitive Areas as Per Chapter 14.88)

14.40.020 Use of the Designations P, A, C in Table of Permissible Uses.

(a) The Table of Permissible Uses (Table 14.40-I) sets forth which uses are permitted in which zones. The letter “P” means the use is permitted or allowed in the indicated zone district subject to all code requirements of this title. The letter “A” means the use requires an administrative conditional use permit, and the letter “C” means the use requires a conditional use permit. No letter means that use is not permitted in the indicated zone district.

(b) When used in connection with residential uses (use classification 1.000), the designation “PAC” means that such developments of less than five dwelling units are a permitted use when code requirements are met, developments of five or more but less than 13 dwelling units need an administrative conditional use permit, and developments of 13 or more dwelling units require a conditional use permit.

(c) When used in connection with nonresidential uses, the designation “PA” means that such developments are permitted if the lot to be developed is less than one acre in size and require an administrative conditional use permit if the lot is one acre or larger in area;(;) and the designation “PC” means that such developments are permitted if the lot to be developed is less than one acre in size and require a (~~(an administrative conditional or)~~) conditional use permit is required if the lot is one acre or larger in area.

14.40.040 Permissible and Prohibited Uses.

(a) The presumption established by this title is that all legitimate uses of land are addressed within the Table of Permissible Uses, and are either allowed or not allowed thereby. But because the list of permissible uses set forth at the end of this chapter cannot be all inclusive, those uses that are listed shall be interpreted liberally to include other uses that have similar impacts to the listed uses.

(b) Without limiting the generality of the foregoing provisions, the following uses are specifically prohibited in all districts:

- (1) Any use that involves the manufacture, handling, sale, distribution, or storage of any highly combustible or explosive materials in violation of the City’s fire prevention code.
- (2) Stockyards, slaughterhouses, rendering plants.
- (3) Use of a travel trailer, motor home, or other recreational vehicle as a permanent residence.

Recreational vehicles may be used as a temporary guest residence for up to two weeks without a permit, or up to three months within any one consecutive year upon approval by the Planning Director. Situations that do not comply with this subsection on the effective date of the ordinance codified in this title are required to conform within one year.

(4) Use of a motor vehicle parked on a lot as a structure in which, out of which, or from which any goods are sold or stored, any services are performed, or other business is conducted. This prohibition does not apply to temporary public services, such as bookmobiles, blood donation centers, public service information, etc., or temporary food vendors allowed pursuant to Sections [14.44.400](#) and [14.44.410](#) (situations that do not comply with this subsection on the effective date of the ordinance codified in this title are required to conform within 30 days).

(5) Medical cannabis (marijuana) collective gardens and medical cannabis (marijuana) dispensaries, as those terms are defined or described in this code and/or under state law, are prohibited in all zoning districts of the City of Lake Stevens.

(6) Sewage/septic sludge recycling except when approved as an Essential Public Facility pursuant to 14.16C.060.

14.44.020 Planned Residential Developments.

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

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

(b) The gross density of a PRD shall not exceed the allowable density specified in Section [14.48.010](#).

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

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

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

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

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

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

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

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

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

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

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

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

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

(e) The design of a PRD, including site layout, landscaping, public facilities (e.g., storm drainage, parks, streets, etc.) and building design shall be subject to Design Review Board (DRB) approval and shall meet the City's adopted Development Design Guidelines. In lieu of the DRB approving each SFR structure, the applicant may propose project-specific design guidelines, in which case the DRB may approve the guidelines, to be implemented administratively by the Department of Planning and Community Development. Where authority is granted by the DRB to staff to review individual single-family residential structures, the DRB shall be the arbiter between the applicant and staff.

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

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

(h) When creating a PRD, the applicant must improve 10 percent of the site with common amenities, in addition to the open space requirements(~~(Sections 14.52.010 and 14.52.030)~~). The amenities can include, but are not limited to, additional usable open space area, landscaped entries into the project (in addition to the standard roadway dedication and landscaping requirements), landscape islands in the center of roads, special treatment of roads (such as concrete pavers), protection of significant clusters of trees, or other amenities as may be appropriate. Common amenities do not include protected critical areas and their buffers, unless passive recreation is provided within the buffer areas. In such case, credit for trails will be given at a rate of 10 square feet for each lineal foot of trail, 10 square feet for each park bench and five square feet for each interpretive sign. Park space will be given credit towards meeting this requirement only when it meets the criteria for dedication contained in Chapter [14.120](#).

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

14.44.075 Farm Animals.

~~((a))~~ Farm animals are permitted in residential zoning districts, provided the following standards are met:

~~(a(1))~~ The keeping of animals complies with the animal regulations contained in Title [5](#) of the Lake Stevens Municipal Code.

~~(b)((2))~~ ~~((Except as provided for below, f))~~ Farm animals may be kept only on lots of two and one-half acres or larger ~~except~~(-

~~(3)–S))~~ small farm animals such as rabbits, fowl, and household pets (including pot-belly pigs) may be kept on residential lots of any size, provided they are kept in a manner so as not to constitute a nuisance pursuant to Chapter [9.60](#) (Nuisances).

~~(c)((4))~~ Farm animals may be kept only for the personal use, whether it be for recreational, personal enjoyment, social and educational purposes or food production. Keeping of animals for commercial purposes is prohibited in residential zones, except where specifically allowed pursuant to Table 14.40-I.

~~(d)((5))~~ Farm animals must be kept a minimum of 50 feet from any stream buffer or wetland buffer.

LSMC Section 14.44.085 entitled “Motor Vehicle Sales in the Central Business District” is repealed as it is moved to a footnote in Table 14.40-I.

14.44.110 Restrictions and Requirements.

All clearing, grading, filling, and excavation, regardless of whether or not a permit is required, is subject to the following requirements:

(a) No clearing, grading, filling, or excavation is allowed in a ~~(n environmentally sensitive))~~ critical area and its buffers where such activities are prohibited by Chapter [14.88](#).

(b) For single-family and duplex lots, no grading shall be allowed which results in the impervious surface area of the lot to exceed 40 percent of the total lot area. If the lot has 40 percent or more impervious surface area prior to grading, no additional impervious surface area is allowed.

(c) No clearing, grading, filling, or excavation, except that necessary for essential repairs of permitted private structures or construction of public infrastructure or facilities, is permitted outward from the shores of Lake Stevens.

(d) Adequate temporary erosion and sedimentation control (TESC) measures shall be approved and installed per Chapter [14.64](#) (Floodways, Floodplains, Drainage, and Erosion) prior to any disturbance of soils.

(e) All disturbed areas shall be hydro-seeded and mulched, sodded, or otherwise protected within 48 hours of disturbance.

(f) All potentially impacted ~~((environmentally sensitive))~~ critical areas and their buffers shall be delimited with a construction limits fence prior to any disturbance of the soil.

(g) The applicant shall present to the City a valid NPDES permit, where required, prior to any disturbance of soil.

(h) Environmental review of grading associated with site development may be done concurrently with the environmental review of the project (e.g., preliminary plat, land use permit, or building permit), allowing for grading for public improvements to be permitted by approval of the construction drawings. However, the application shall specifically state that grading is a part of the application, and the permit shall specifically state what grading is permitted, or the grading shall not be considered permitted.

(i) During the below listed dates all grading and clearing shall be phased as follows:

(1) For grading activity not associated with a plat, between October 1st and March 31st no more than one-fourth acre, or 50 cubic yards of soil, whichever represents the least amount of soil, may be moved or graded at any one time before that portion of the project is closed up per subsection (d) of this section.

(2) Between October 1st and March 31st, grading of individual building lots in a plat shall be phased, with no more than 10 lots being graded in a plat at any one time. Before additional lots can be graded, the previously graded lots shall be hydro-seeded and mulched, sodded, or otherwise protected.

(j) Clearing activities of 10,000 square feet or more in any twelve month period shall comply with the retention and protection of large tree requirements as contained in Section [14.76.120](#). Replacement trees shall be located in such a manner they will not be disturbed when the site develops in the future. In addition, no more than 10 percent of significant trees or 50 percent of all trees on a site may be removed unless and until it is done as part of a plan which has received the appropriate land use permit(s) from the City. The applicant shall include a conceptual plan showing how the protected trees will be able to be retained at the time of site development.

14.44.240 Smoke and Air Pollution.

(a) Any 4.000 classification use that emits any “air contaminant” as defined in Regulations 1, 2, or 3 of the Puget Sound Clean Air ~~((Pollution Control))~~ Agency shall comply with applicable state standards concerning air pollution, as set forth in Regulations 1, 2, or 3 of the Puget Sound Clean Air ~~((Pollution Control))~~ Agency.

(b) No Planning Director approval, administrative conditional use, or conditional use permit may be issued with respect to any development covered by subsection (a) of this section until the Puget Sound Clean Air (~~Pollution Control~~) Agency has certified to the permit-issuing authority that the appropriate state permits have been received by the developer, or that the developer will be eligible to receive such permits and that the development is otherwise in compliance with applicable air pollution laws.

14.44.330 Location of Parking in (~~Two-Family and~~) Multifamily Structures.

For multifamily (Class 1.300) uses, in no instance shall street level parking areas be allowed within 25 feet of a public right-of-way unless it is substantially shielded from public view.

14.46.020 Application.

Applications for an innovative housing (~~demonstration~~) project shall be made on forms provided by the City, shall be available for public review for a minimum of two weeks prior to the neighborhood meeting, and shall include the following materials:

(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.

14.48.040 Building Setback Requirements.

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

(1) If the ultimate street right-of-way line is readily determinable (by reference to the Comprehensive Plan Transportation Plan, a recorded map, set irons, adopted plan, or other means), the setback shall be measured

from the ultimate right-of-way line. If it is not so determinable, the setback shall be measured from the actual street centerline.

(2) As used in this section, the term “lot (~~(boundary)~~)line, tract or easement” refers to all easements and lot boundaries other than those that abut streets. Setbacks from access easements and access tracts are considered lot (~~(boundary)~~)line setbacks.

(3) As used in this section, the term “building” includes any substantial structure which by nature of its size, scale, dimensions, bulk, or use tends to constitute a visual obstruction or generate activity similar to that usually associated with a building. It also includes any element that is substantially a part of the building, such as (~~(eaves,)~~)bay windows and chimneys, and not a mere appendage, such as a flagpole. Without limiting the generality of the foregoing, for the purpose of determining setbacks the following structures are to be considered buildings:

- (i) Gas pumps and overhead canopies or roofs;
- (ii) Fences and hedges taller than 42 inches.

(4) Eaves and other minor architectural features may project into the required setback up to 18 inches.

(b) Whenever a lot in a residential district abuts a nonresidential district, and its required setback is greater than that of the nonresidential lot, the nonresidentially zoned lot shall observe the more restrictive setback. Where a lot zoned General or Light Industrial shares a boundary with a residentially zoned lot, the setback for the industrial property along that common boundary shall be 30 feet.

(c) In the High Urban Residential District, one five-foot interior side yard setback of a lot may be reduced to a zero feet for portions of the house that shares a common wall with the home on the adjacent lot. Portions of a house which do not share a common wall must be set back a minimum of five feet. The Fire and Building Codes have special building requirements which must be met when setbacks are less than five feet.

(d) All docks and other permissible overwater structures shall be set back pursuant to the Shoreline Master Program, Chapter 4, Section C.3. For the purposes of this section each property line extending into the lake shall be construed as extending at the same angle as the property line on shore.

14.48.050 Exceptions to Building Setback Requirements.

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

(1) In the Suburban Residential and Waterfront Residential districts only, where the high point of the roof or any appurtenance of an accessory building exceeds 12 feet in height, the accessory building shall be set back from the rear lot (~~(boundary)~~)lines, tracts or easements an additional one foot for every foot of height exceeding 12 feet.

(2) In single-family residential zones, accessory structures may be located within the exterior side yard of a corner lot, provided the accessory structure meets the following conditions:

- (i) The gross floor area of all accessory structures within the reduced setback area does not exceed 200(~~170~~) square feet.
- (ii) The height of the accessory structure does not exceed eight feet.
- (iii) The accessory structure is screened to a minimum height of six feet with an opaque fence or densely planted vegetation.
- (iv) The accessory structure respects the minimum front yard setback and shall be no closer to the front property line than that of the principal house.
- (v) The accessory structure is located no closer than 10 feet to the exterior side property line.

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

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

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

(e) In all residential zones, fences which do not exceed six feet in height may be located along property lines which do not abut a public right-of-way. No fence may exceed 42 inches in height within the front yard setback abutting a public right-of-way or within 10 feet of an exterior side yard right-of-way. On exterior side yards, the area between the fence and sidewalk shall be maintained by the property owner. Where fences are built or hedges are maintained on top of or within five feet of a retaining wall on the uphill side, the retaining wall and fence or hedge shall be measured as one structure for the purposes of determining setback requirements. The height shall be the

vertical distance measured from the mean elevation of the finished grade around the perimeter of the retaining wall to the highest point of the hedge or fence.

Table 14.48-I: Density and Dimensional Standards

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

((*)¹ See Section 14.48.040(a)(1) for use of centerline.

((**))² See Section 14.48.100 for use of five acres or square feet requirements.

³ Eaves and other minor architectural features may project into the required setback up to 18 inches.

⁴ If property is located on Lake Stevens or Catherine Creek or has wetlands, please refer to the required setbacks in the Shoreline Master Program and Chapter 14.88 Critical Areas.

14.48.070 Cluster Subdivisions.

- (a) In any single-family residential subdivision or short subdivision of six lots or more, a developer may create lots that are smaller than those required by Section [14.48.010](#) if such developer complies with the provisions of this section and if the lots so created are not smaller than the minimums set forth in Table 14.48-I.
- (b) The intent of this section is to authorize the developer to decrease lot sizes and leave the land “saved” by so doing as usable open space, thereby lowering development costs and increasing the amenity of the project without increasing the density beyond what would be permissible if the land were subdivided into the size of lots required by Section [14.48.010](#).
- (c) The amount of usable open space that must be set aside shall be determined by:
- (1) Subtracting from the standard square footage requirement set forth in Section [14.48.010](#) the amount of square footage of each lot that is smaller than that standard;
 - (2) Adding together the results obtained in subsection (c)(1) of this section for each lot.
- (d) The provisions of this section may only be used if the usable open space set aside in a subdivision comprises at least 10,000 square feet of space that satisfies the definition of usable open space (~~set forth in Section 14.52.030 and if such usable open space is otherwise in compliance with the provisions of Chapter 14.52~~).
- (e) The setback requirements of Sections [14.48.040](#) and [14.48.050](#) shall apply in cluster subdivisions.

14.56.080 Street Width, Sidewalk, and Drainage Requirements in Subdivisions.

- (a) Streets are intended to serve several functions. These functions vary depending on the classification of the street: (1) to carry motor vehicle traffic, provide on-street parking; (2) to provide for safe and convenient pedestrian and nonmotorized travel; and (3) to aid in managing stormwater. The requirements outlined in this chapter are intended to ensure these objectives are met.
- (b) All existing and planned streets which the City deems necessary for the completion of the City’s transportation system are shown and classified in the City’s Transportation Element of the Comprehensive Plan. However, the list of planned streets is nonexhaustive and other streets may be proposed by a permit applicant.
- (c) Any permit application shall be reviewed for conformance with the Transportation Plan. If a planned street is shown to run through or adjacent to a property proposed for development, the proposal must include roadway dedication and improvements which are generally in conformance to the plan, and meet the development standards identified in this chapter.
- ~~((d) All public streets shall be constructed in accordance with the currently adopted version of the Engineering Design and Development Standards for the City of Lake Stevens, except as modifications may be allowed for traffic calming purposes in compliance with the requirements contained in Section [14.56.260](#).)~~
- ~~(d)((e))~~ Whenever convenient access from a subdivision to adjacent schools, parks or other public facilities is not provided through the dedication and improvement of streets pursuant to this chapter, the developer may be required to include an unobstructed easement of at least 10 feet in width and construct a pathway to provide such access.

14.56.100 Dead End Streets/Cul-de-Sacs.

- (a) Dead-end streets shall be avoided. Cul-de-sacs may be used only when conditions warrant their use:
- (1) Whenever a dead end street serves four or more units, or
 - (2) Extends more than 150 feet from edge of the intersecting right-of-way to the farthest extent of the road.
- (b) When allowed under subsection (a) of this section, all permanent dead-end streets (as opposed to temporary dead-end streets; see Section 14.56.060(d)) shall be developed as cul-de-sacs in accordance with the standards set forth in subsection (d) of this section.
- (c) Except where no other practicable alternative is available, such streets may not extend more than 500 feet (measured to the center of the turnaround).
- (d) The right-of-way of a cul-de-sac shall have a radius of 50 feet. The radius of the paved portion of the turnaround (measured to the face of the curb) shall be 40 feet, with curb, gutter, ~~(landscape strip,)~~ sidewalk and utility strip within the remaining 10 feet.
- (e) The city will consider the use of alternative turnarounds described in the EDDs on a case by case basis for private tracts and easements.

14.56.130 Construction Standards and Specifications.

All public streets, sidewalks, curbs and gutters and other improvements shall be constructed in accordance with the current of the Engineering Design and Development Standards (EDDs) for the City of Lake Stevens. All such

facilities shall be completed in accordance with these standards except for deviations as provided for in Section 14.56.135 and modifications allowed for traffic calming purposes in compliance with the requirements contained in Section 14.56.260. In cases where there is a conflict between the EDDS and municipal code, the municipal code shall be the controlling document. ((Construction and design standards and specifications for streets, sidewalks, and curbs and gutters are contained in the currently adopted version of the Engineering Design and Development Standards for the City of Lake Stevens, and all such facilities shall be completed in accordance with these standards except for deviations as provided for in Section 14.56.135.))

14.56.135 Deviations to Construction Standards and Specifications.

Deviations to the Engineering Design and Development Standards may be granted by the Public Works Director when situations arise where alternatives to the standards may better accommodate existing conditions, overcome adverse topography or allow for more cost-effective solutions without adversely affecting safety, operations, maintenance or aesthetics pursuant to subsection (c) of this section.

(a) Unless otherwise specified in this title, deviations may only be granted for standards and specifications that relate to and implement Sections [14.56.080](#)(d) and (e), Table 14.56-I (except right-of-way type and standards for state highway), and Sections [14.56.100](#)(b) and (d).

(b) Deviations shall be processed in accordance with the Engineering Design and Development Standards~~((administrative guideline specified in Section [14.04.120](#)(b)(10)))~~.

(c) Requests for deviation shall, at a minimum, comply with the following criteria:

- (1) The deviation will achieve the intended result of the standards with a comparable or superior design and quality of improvement;
- (2) The deviation will not adversely affect safety or operations;
- (3) The deviation will not adversely affect maintenance and related costs;
- (4) The deviation will not adversely affect the environment; and
- (5) The deviation will not adversely affect aesthetic appearance.

(d) An annual report of deviation requests shall be submitted to the City Council.

14.56.160 Residential Public Streets and Private Roads.

(a) Except as otherwise provided in this section, all lots created after the effective date of the ordinance codified in this section shall abut a public street at least to the extent necessary to comply with the access requirement set forth in Section [14.56.030](#) (Access to Lots). For purposes of this section, the term “public street” includes a preexisting public street as well as a street created by the subdivider that meets the public street standards of this title and is dedicated for public use. The recordation of a plat shall constitute an offer of dedication of such street.

(b) Private roads shall not be allowed in major subdivided developments.

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

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

(e) Shared driveways shall meet the requirements of minimum total easement width and minimum paved surface width as described in subsection (d) of this section. Because shared driveways have two easements, the total easement width shall include both easements. No shared driveway may provide access to more than two dwelling units.

(f) Private access roads and or tracts will be allowed in multi-family developments with a minimum tract/road width of 30-feet and a minimum paved surface of 24-feet.

14.68.020 Signs Excluded From Regulation.

The following signs are exempt from regulation under this title:

- (a) Signs not exceeding four square feet in area that are customarily associated with residential use. Examples include names of residents, addresses, no parking, no trespassing, beware of dog and security signs.
- (b) Signs erected by or on behalf of or pursuant to the authorization of a city, county, school district, state or federal governmental body, for public purposes including legal notices, identification and informational signs, and traffic, directional, or regulatory signs.
- (c) Official signs of a noncommercial nature erected by public utilities.
- (d) Flags, pennants, or insignia of any governmental or nonprofit organization when not displayed in connection with a commercial promotion or as an advertising device.
- (e) Integral decorative or architectural features of buildings or works of art, so long as such features or works do not contain business identification, trademarks, moving parts, or lights, or are not displayed in connection with a commercial promotion or as an advertising device.
- (f) Signs directing and guiding pedestrian and/or automobile traffic on private property that do not exceed four square feet each and that bear no advertising matter.
- (g) School and church: bulletin boards, identification signs, and directional signs that do not exceed one per abutting street and 16 square feet in area per side and that are not internally illuminated.
- (h) Signs painted on or otherwise permanently attached to currently licensed motor vehicles that are not primarily used as signs.
- (i) Signs proclaiming religious, political, or other noncommercial messages that do not exceed one sign per abutting street and 16 square feet in area and that are not internally illuminated.
- (j) Names of buildings, commemorative plaques or tablets, and similar noncommercial signs when carved into stone, concrete, or similar material, or made of bronze, aluminum, or other permanent-type construction, made an integral part of the structure, and projecting no more than two inches from the wall (when installed on a building), or at grade (when installed on the ground).
- (k) Public information stations such as kiosks, bulletin boards, or similar devices used to convey community information.

14.68.110 Sign Illumination and Signs Containing Lights.

- (a) No sign within 150 feet of a residential zone may be illuminated between the hours of midnight and 6:00 a.m., unless an opaque screen which effectively blocks view of the sign from the residential zone is located between the residential zone and the sign.
- (b) Lighting directed toward a sign shall be shielded so that it illuminates only the face of the sign and does not shine directly into a public right-of-way, adjacent properties, or into the sky.
- (c) Internally illuminated signs are allowed only within Commercial, Industrial and Public/Semi-Public Zone districts. This prohibition does not apply to the following:
 - (1) Signs that do not exceed two square feet in area and that convey the message that a business enterprise is open or closed or that a place of lodging does or does not have a vacancy;
 - (2) Neon signs less than nine square feet and/or mounted to be seen through a window and meeting all other requirements of this chapter;
 - (3) Signs for churches, synagogues and temples (use class 5.200), except that changeable text signs may not be internally illuminated pursuant to Section ~~14.68.(049)~~084(b).
- (d) No sign or illuminated tubing or strings of lights may contain flashing or intermittent lights or lights of changing degrees of intensity. This prohibition does not apply to temporary signs erected in connection with the observance of holidays.

14.68.130 Maintenance of Signs.

- (a) All signs and structural components shall be kept in a state of good repair.
- (b) If a sign advertises an entity, service, or goods or other activity that is no longer available on the site, that sign shall be considered abandoned and shall, within 30 days after such abandonment, be removed by the sign owner, owner of the property where the sign is located, or other party having control over such sign.
- (c) If the message portion of a sign is removed, leaving only the supporting “shell” of a sign or the supporting braces, anchors, or similar components, the owner of the sign or the owner of the property where the sign is located or other person having control over such sign shall, within 30 days of the removal of the message portion of the sign, either replace the entire message portion of the sign or remove the remaining components of the sign. This subsection shall not be construed to alter the effect of Section ~~14.68.(075)~~150(c), which prohibits the replacement of a nonconforming sign, nor shall this subsection be construed to prevent the changing of the message of a sign.

14.76.090 Additional Screening Requirements.

(a) Due to the potential for adverse impacts between the following noncompatible uses, a 30-foot wide landscaped screen shall be maintained between State Route 204, State Route 92 and/or State Route 9 and all residential and industrial uses.

(b) The screen shall have a height of at least 30 feet at maturity. It is intended to exclude all visual and noise contact between uses in all seasons of the year. The use of existing significant trees which are not prone to windthrow within the screen is strongly encouraged.

(c) The Planning Director may approve reduced buffer widths to prevent denial of all reasonable use of property.

14.76.120 Retention and Protection of Large Trees.

(a) Every development shall retain all existing significant trees and significant stands of trees unless the retention of such trees would unreasonably burden the development or in the opinion of the planning director cause a significant safety problem. The applicant for a land use permit or preliminary subdivision approval shall, with the application, submit an assessment prepared by a certified arborist, which makes recommendations for protection of trees consistent with this chapter.

(b) The retention of significant trees and significant stands of trees unreasonably burdens a development if the desired location of improvements on a lot or the proposed activities on a lot would have to be substantially altered and such alteration would work an unreasonable hardship upon the developer.

(c) Where significant trees and significant stands of trees are removed because their retention would unreasonably burden a development, a tree survey shall be provided, showing size, type, and location of all significant trees and stands of trees. Prior to removal, the developer shall coordinate with the City which trees are to be protected.

(d) Any unprotected significant trees removed shall be replaced with one-gallon-sized native species at a ratio of 3:1. During plat and home construction the developer shall provide adequate protection of retained and replacement trees from damage.

(e) If it is physically impractical to replant all replacement trees on-site, then the applicant shall mitigate the loss of trees by either planting trees on public property within the City as approved by the planning director, and/or paying a mitigation fee into the City's tree mitigation in-lieu fund. This fee shall be set forth in the City's fee resolution, and equal the cost of purchasing and planting the trees.

(f) Prior to any clearing activities, the city shall map and inventory all trees identified for protection. If any of the protected trees are removed or damaged to the extent that their ability to survive is seriously threatened, without the City's prior written consent, the loss shall be remedied pursuant to Section [14.28.040\(c\)](#).

(g) Replacement trees approved to be installed on public property shall be planted prior to recordation of a final plat, or issuance of a building permit, whichever comes first.

(h) Replacement trees approved to be installed on residential lots shall be planted prior to issuance of a certificate of occupancy for that lot.

(i) If space that would otherwise be devoted to parking cannot be so used because of the requirements of subsections (a) or (b) of this section, and, as a result, the parking requirements set forth in Chapter [14.72](#) cannot be satisfied, the number of required spaces may be reduced by the number of spaces lost because of the provisions of subsections (a) and (b) of this section, up to a maximum of 15 percent of the required spaces.

(j) Whenever construction, clearing or grading activities occur on a site in which trees are required to be protected pursuant to this title, the following measures shall be taken to ensure said protection:

(1) Prior to commencing any site work, the applicant shall submit a plan to the Department of Planning and Community Development which identifies types and locations of barriers that will be place around protected trees to aid in the avoidance of accidental damage to the trees. No site work will commence prior to the City inspecting and approving the location and installation of the barriers.

(2) No fill, excavation or other subsurface disturbance, operating, stacking or storing of equipment, or compacting of earth may be undertaken within the drip line of any of the protected trees, and no impervious surface may be located within 12 1/2 feet (measured from the center of the trunk) of any tree 18 inches in diameter or more. A drip line is defined as a perimeter formed by the points farthest away from the trunk of a tree where precipitation falling from the branches of that tree lands on the ground.

(3) Where vehicular/equipment access is required within the drip line of a tree, the soil, and incidentally the tree's roots, shall be protected with 10 inches of woodchips and/or plywood placed over the path of the vehicle to limit soil compaction and subsequent root damage. Before any vehicles may travel through the protected area, the

developer shall submit an affidavit from a certified arborist that that measures installed are sufficient to protect the tree(s) in question.

(4) Stumps of trees to be removed within one-half of the radius of the critical root zone (CRZ), which is defined as CRZ equals one foot radius for every one inch of the tree's diameter, shall not be excavated but may be ground down to below the ground surface.

(5) Unwanted vegetation within the CRZ of a protected tree shall be removed by hand.

(6) Backfilling into a CRZ of a protected trees shall be done only with the written approval of a certified arborist. Only well drained soil with sufficient air space (sandy soils) are permitted.

(7) Upon completion of site clearing, protected trees may be pruned for deadwood, low hanging limbs and proper balance under the supervision of a certified arborist. Trees may be cabled and braced as recommended by the arborist.

14.88.010 Purpose and Intent.

The purpose of this chapter is to designate, classify, and protect the critical areas of the Lake Stevens community by establishing regulations and standards for development and use of properties which contain or adjoin critical areas for protection of the public health, safety, and welfare. The purpose and intent of this chapter is also to ensure that there is no net loss of the acreage or functions and values of critical areas regulated by this chapter.

(a) A project proponent shall make all reasonable efforts to avoid and minimize impacts to critical areas and buffers in the following sequential order of preference:

(1) Avoiding impacts altogether by not taking a certain action or parts of an action; or

(2) When avoidance is not possible, minimizing impacts by limiting the degree or magnitude of the action and its implementation, using appropriate technology, or by taking affirmative steps, such as project redesign, relocations, or timing, to avoid or reduce impacts and mitigating for the affected functions and values of the critical area; and

(3) Reducing or eliminating impacts over time by preservation and maintenance operations during the life of the action.

(4) Compensating for unavoidable impacts by replacing, enhancing or providing substitute resources or environments.

(b) Protect the public from personal injury, loss of life, or property damage due to flooding, erosion, landslides, seismic events, or soil subsidence.

(c) Protect against publicly financed expenditures due to the misuse of critical areas which cause:

(1) Unnecessary maintenance and replacement of public facilities;

(2) Publicly funded mitigation of avoidable impacts;

(3) Cost for public emergency rescue and relief operations where the causes are avoidable;

(4) Degradation of the natural environment.

(d) Protect aquatic resources.

(e) Protect unique, fragile, and valuable elements of the environment, including wildlife and its habitat.

(f) Alert appraisers, assessors, owners, potential buyers, or lessees to the development limitations of ~~critical((environmentally sensitive))~~ areas.

(g) Provide City officials with sufficient information to adequately protect critical areas when approving, conditioning, or denying public or private development proposals.

(h) Give guidance to the development of Comprehensive Plan policies in regard to the natural systems and environment of the Lake Stevens Watershed.

(i) Provide property owners and developers with succinct information regarding the City's requirements for property development.

14.88.310 Demonstration of Denial of All Reasonable Economic Uses.

In order to conduct a regulated activity in a critical area where the applicant is claiming that denial of authorization of such an activity would deny all reasonable economic uses of the property, the applicant must demonstrate that such is the case. If a regulated activity is allowed within a critical area it must minimize impacts per the "requirements" sections, below. If the Planning and Community Development Director determines that alteration of a critical area is necessary and unavoidable, written findings addressing each of the items listed in this subsection shall be placed in the official project file. Demonstration of denial of all reasonable economic uses shall be accomplished as follows:

(a) An applicant must demonstrate that denial of the permit would impose an extraordinary hardship on the part of the applicant brought about by circumstances peculiar to the subject property.

(b) For water-dependent activities, unavoidable and necessary impact can be demonstrated where there are no practicable alternatives which would not involve a wetland or which would not have less adverse impact on a wetland, and would not have other significant adverse environmental consequences.

(c) Where nonwater-dependent activities are proposed, it shall be presumed that adverse impacts are avoidable. This presumption may be rebutted upon a demonstration that:

(1) The basic project purpose cannot reasonably be accomplished utilizing one or more other sites in the general region that would avoid, or result in less, adverse impact on regulated (~~environmentally sensitive~~)critical areas; and

(2) A reduction in the size, scope, configuration, or density of the project as proposed and all alternative designs of the project as proposed that would avoid, or result in less, adverse impact on an (~~environmentally sensitive~~)critical area or its buffer will not accomplish the basic purpose of the project; and

(3) In cases where the applicant has rejected alternatives to the project as proposed due to constraints such as zoning, deficiencies of infrastructure, or parcel size, the applicant has made reasonable attempt to remove or accommodate such constraints.

14.88.320 Allowance of Regulated Use in a Critical Area Where Denial of All Economic Use is Demonstrated.

If an applicant for an activity or development proposal demonstrates to the satisfaction of the Planning and Community Development Director that application of these standards would deny all reasonable economic use of the property as provided by Section [14.88.220](#), development, as may be conditioned, shall be allowed if the applicant also demonstrates all of the following to the satisfaction of the Director:

(a) If proposed in a wetland, stream, creek, river, lake or other surface water, that the proposed project is water-dependent or requires access to the wetland as a central element of its basic function; or

(b) If proposed in a critical area not listed in subsection (a) of this section, that it is not water-dependent but has no practicable alternative; and

(c) That no reasonable use with less impact on the critical area and its buffer is possible (e.g., agriculture, aquaculture, transfer or sale of development rights or credits, sale of open space easements, etc.);

(d) That there is no feasible on-site alternative to the proposed activities, including reduction in density, phasing of project implementation, change in timing of activities, revision of road and lot layout, and/or related site planning considerations, that would allow a reasonable economic use with less adverse impacts to the critical area and its buffer;

(e) That the proposed activities will result in minimum feasible alteration or impairment to the functional characteristics of the critical area and its existing contours, vegetation, fish and wildlife resources, hydrological, and geologic conditions;

(f) That disturbance of the critical area has been minimized by locating any necessary alteration in buffers to the extent possible;

(g) That the proposed activities will not jeopardize the continued existence of endangered, threatened, or sensitive species as listed by the Federal Government or the State of Washington. An applicant is required to confirm with the State of Washington that special conditions or recommendations are not required for candidate or monitor species;

(h) That the proposed activities will not cause significant degradation of groundwater or surface water quality;

(i) That the proposed activities comply with all State, local and Federal laws, including those related to sediment control, pollution control, floodplain restrictions, and on-site wastewater disposal;

(j) That any and all alterations to (~~environmentally sensitive~~)critical areas and their buffers will be adequately mitigated;

(k) That there will be no damage to nearby public or private property and no threat to the health or safety of people on or off the property;

(l) That the inability to derive reasonable economic use of the property is not the result of actions by the applicant in segregating or dividing the property and creating the undevelopable condition after the effective date of this chapter; and

(m) That deliberate measures have been taken to minimize the impacts. Minimizing impacts shall include but not be limited to:

(1) Limiting the degree or magnitude of the prohibited activity;

(2) Limiting the implementation of the prohibited activity;

(3) Using appropriate and best available technology;

(4) Taking affirmative steps to avoid or reduce impacts;

- (5) Sensitive site design and siting of facilities and construction staging areas away from critical areas and their buffers;
- (6) Involving resource agencies early in site planning;
- (7) Providing protective measures such as siltation curtains, hay bales and other siltation prevention measures; and
- (8) Scheduling the prohibited activity to avoid interference with wildlife and fisheries rearing, resting, nesting or spawning activities.

14.88.400 Classification.

Fish and wildlife conservation areas include:

- (a) Lands containing priority habitats and species, including plant and/or animal species listed on Federal or State threatened or endangered species lists.
- (b) Naturally occurring ponds under 20 acres and their submerged aquatic beds that provide fish or wildlife habitat. These do not include ponds deliberately designed and created from dry sites such as canals, detention facilities, waste-water treatment facilities, farm ponds, temporary construction ponds (of less than three years duration), and landscape amenities. However, naturally occurring ponds may include those artificial ponds intentionally created from dry areas in order to mitigate conversion of ponds, if permitted by a regulatory authority.
- (c) Waters of the State, as defined in WAC [222](#), Forest Practices Rules and Regulations. Waters of the State shall be classified using the system in WAC [222-16-030](#). In classifying waters of the State as fish and wildlife habitats the following shall be used:
 - (1) Species are present which are endangered, threatened or sensitive;
 - (2) Existing surrounding land uses are incompatible with salmonid and other game fish habitat;
 - (3) Presence and size of riparian ecosystem;
 - (4) Existing water rights.
- (d) Lakes, ponds, and streams planted with game fish (defined at RCW [77.\(\(09\)\)08.020](#)), including those planted under the auspices of Federal, State, local, or tribal programs, or which support priority fish species as identified by the Department of Fish and Wildlife.
- (e) State natural area preserves and natural resource conservation areas.
- (f) Habitats or species of local importance. Such habitats or species may be locally listed per the process elucidated in Section [14.88.415](#).
- (g) Streams shall be classified according to the stream type system as provided in WAC [222-16-030](#), Stream Classification System, as amended.
 - (1) Type S Stream. Those streams, within their ordinary high water mark, as inventoried as shorelines of the State under Chapter [90.58](#) RCW and the rules promulgated pursuant thereto.
 - (2) Type F Stream. Those stream segments within the ordinary high water mark that are not Type S streams, and which are demonstrated or provisionally presumed to be used by fish. Stream segments which have a width of two feet or greater at the ordinary high water mark and have a gradient of 16 percent or less for basins less than or equal to 50 acres in size, or have a gradient of 20 percent or less for basins greater than 50 acres in size, are provisionally presumed to be used by fish. A provisional presumption of fish use may be refuted at the discretion of the Planning and Community Development Director where any of the following conditions are met:
 - (i) It is demonstrated to the satisfaction of the City that the stream segment in question is upstream of a complete, permanent, natural fish passage barrier, above which no stream section exhibits perennial flow;
 - (ii) It is demonstrated to the satisfaction of the City that the stream segment in question has confirmed, long-term, naturally occurring water quality parameters incapable of supporting fish;
 - (iii) Sufficient information about a geomorphic region is available to support a departure from the characteristics described above for the presumption of fish use, as determined in consultation with the Washington Department of Fish and Wildlife, the Department of Ecology, affected tribes, or others;
 - (iv) The Washington Department of Fish and Wildlife has issued a hydraulic project approval, pursuant to RCW [77.55.100](#), which includes a determination that the stream segment in question is not used by fish;
 - (v) No fish are discovered in the stream segment in question during a stream survey conducted according to the protocol provided in the Washington Forest Practices Board Manual, Section 13, Guidelines for Determining Fish Use for the Purpose of Typing waters under WAC [222-16-031](#); provided, that no unnatural fish passage barriers have been present downstream of said stream segment over a period of at least two years.
 - (3) Type Np Stream. Those stream segments within the ordinary high water mark that are perennial and are not Type S or Type F streams. However, for the purpose of classification, Type Np streams include intermittent dry portions of the channel below the uppermost point of perennial flow. If the uppermost point of perennial flow

cannot be identified with simple, nontechnical observations (see Washington Forest Practices Board Manual, Section 23), then said point shall be determined by a qualified professional selected or approved by the City.

(4) Type Ns Stream. Those stream segments within the ordinary high water mark that are not Type S, Type F, or Type Np streams. These include seasonal streams in which surface flow is not present for at least some portion of a year of normal rainfall that are not located downstream from any Type Np stream segment.

14.88.930 Designation Process.

(a) Critical area sending or receiving districts are considered overlay zones allowed per Section 14.~~(36.070)~~88.920, Qualifications for designation of land as a Critical Area Sending and Receiving Districts. Designation as a critical area sending or receiving district is the equivalent of a rezone and shall be accomplished by the same process, as specified in Section [14.16C.090](#).

(b) Underlying land use and zoning designations may be changed by the legislative authority granted to the City through its normal Comprehensive Plan amendment or rezoning procedures. However, the land will retain the critical area sending district designation until that designation is specifically removed.

(c) Land designated as a critical area sending or receiving district shall be shown as an overlay district on the Official Zoning Map. The map shall be modified upon each designation or revocation.

(d) Designation or revocation as a critical area sending or receiving district shall be recorded with the Snohomish County Recorder's Office and shall run with the land.

14.110.120 Appeals.

Appeals of requirements imposed pursuant to the chapter shall be governed by the appeal provisions of Chapter [14.16A.265](#)~~((20))~~.

The Official Zoning Map is corrected by amending the boundaries for the land use designation of "P/SP" on Parcel No. 29061900302700 (XXXXX 20th Street SE, Lake Stevens) and land use designation of "MU" on Parcel No. 29061900301200 (10227 20th Street SE, Lake Stevens) due to equal acreage of dedication and vacation changing boundaries only and not changing total acreage in each designation. The boundary change is a map correction and does not require a site-specific rezone.



D. Smith / City of Lake Stevens Map Correction

