

PLANNING COMMISSION MEETING AGENDA



City of Lake Stevens Vision Statement

By 2030, we are a sustainable community around the lake with a vibrant economy, unsurpassed infrastructure and exceptional quality of life.

January 17, 2024 - 6:00 PM

**In-person at The Mill's Sawyers Room, 1808 Main Street or Via Zoom:
<https://lakestevenswa.zoom.us/j/83450901578>**

- 1. Call to Order**
- 2. Roll Call**
- 3. Guest Business** Mayor's Visit
 - A. Mayor's Visit
- 4. Action Item** Election of Officers
 - A. Election of Officers
 - B. Approve 12-6-2023 Meeting Minutes
- 5. Public Hearing**
 - A. Code Clean Up Public Hearing (LUA2022-0082) David Levitan
- 6. Commissioner Report**
- 7. Planning Director's Report**
- 8. Adjourn**
- 9. Guest Busienss** Mayor's visit

THE PUBLIC IS INVITED TO ATTEND

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PLANNING COMMISSION MEETING MINUTES



Hybrid-via Zoom or in the Mill's Sawyers Room

12-06-2023

CALL TO ORDER: 6:00 pm by Chair Mike Duerr

MEMBERS PRESENT: Chair Mike Duerr, Vice-Chair Jennifer Davis, Commissioner Janice Huxford, Commissioner Bruce Morton, Commissioner Linda Hoult, Commissioner Nathan Packard and Commissioner Conner Davis

MEMBERS ABSENT: None

STAFF PRESENT: Community Development Director Russ Wright, Senior Planner David Levitan, Assistant Planner Nico Faz, and Clerk Natalie Held

OTHERS PRESENT: Councilmember Ryan Donaghue

Chair Mike Duerr called the meeting to order at 6:00 p.m. and led the Pledge of Allegiance.

Roll Call: All members present.

Guest business: None

Action Items: Minutes for Planning Commission Meeting of November 15th, 2023 were approved as written. Motion made by Commissioner Hoult; seconded by Commissioner C. Davis. The motion passed unanimously (7-0-0-0).

Discussion Items: Senior Planner Levitan gave a presentation on updates to the Code Clean Up project (LUA2022-0082) that have occurred since the Planning Commission's last work session on August 21. The project includes a variety of housekeeping, minor and major amendments, including new code language to comply with 2023 legislation related to middle housing and accessory dwelling units (ADUs). Senior Planner Levitan provided a summary of the items that had been revised to incorporate Commission feedback from August 21, as well as several new proposed amendments. Commissioners and staff discussed numerous topics, including ADU parking requirements, temporary sign standards, and storage facilities. Director Wright informed the group that Amendment 26 regarding permit expiration needed the most amount of work and may be saved for the larger process code amendment project.

Director Wright described the 2024 work program to the Commission, which includes both carryovers from 2023 and new items. He noted that the Planning Commission would be holding a joint meeting

with City Council in January 2024 to further discuss the 2024 work program and review items completed in 2023. Chair Duerr requested the Commission be given enough time to discuss and gain public input.

Commissioner Report: Commissioner Huxford praised Chair Duerr for keeping the Commission and public on task. Commissioner Packard discussed public transportation and a friend's dock permitting process. Commissioner C. Davis expressed concern about the lack of crosswalks and sidewalks in some areas of the city. Chair Duerr thanked the Commission and staff for their work in 2023.

Director Report: None

Planning Director Wright informed the Commission January 3rd meeting is cancelled and the optional meeting on January 17th would be held. Commissioners were told that they would be notified when the joint meeting is confirmed and scheduled with City Council.

Adjourn: Commissioner Huxford motioned to adjourn the meeting, seconded by Commissioner Hoult to adjourn at 7:15 p.m. The motion carried unanimously (7-0-0-0).

Natalie Held, Planning Commission Clerk

PLANNING COMMISSION STAFF REPORT



Agenda Date: 1/17/2024

Subject: Code Clean Up Public Hearing (LUA2022-0082)

Contact Person/Department: David Levitan, Community Development

Budget Impact:

Legal Review: No

RECOMMENDATION(S)/ACTION REQUESTED:

Planning Commission is asked to hold a public hearing and forward a recommendation to City Council on LUA2022-0082, a city-initiated land use code amendment to multiple sections of the Lake Stevens Municipal Code (LSMC) as shown in Attachment 2.

Proposed amendments range from minor housekeeping amendments to larger updates to comply with recent state legislation, including 2023 House Bills 1110 (middle housing) and 1337 (ADUs). A summary matrix is provided in Attachment 1, the right column of which highlights additions and changes made since the Planning Commission's December 6, 2023 work session.

SUMMARY/BACKGROUND:

In late 2022, the city initiated an omnibus code amendment to revise multiple sections of the Lake Stevens Municipal Code (LSMC), with a focus on improving clarity, eliminating code conflicts, and removing/replacing outdated or incorrect information. The scope of the Code Clean Up project (LUA2022-0082) was expanded in early 2023 to include more substantive code amendments, including updated regulations to comply with 2023 state legislation related to accessory dwelling units (ADUs; [House Bill 1337](#)) and middle housing ([House Bill 1110](#)).

The code amendments are organized into four categories, as shown in Attachment 1 (summary matrix) and Attachment 2 (proposed code language):

- Category 1: Housekeeping Updates (14 amendments)
- Category 2: Minor Updates (6 amendments)
- Category 3: Major Updates (7 amendments)
- Category 4: Process Code Updates (2 amendments; other amendments to LSMC Chapter 14.16A and 14.16B will occur as a standalone code amendment later in 2024)

Early drafts of the amended code sections were introduced to the Planning Commission during an [August 21, 2023 work session](#); video of the August 21 meeting is [available here](#). Commissioners provided feedback on multiple topics, including impervious surfaces (Amendment 16), ADUs (Amendment 22), and lot status (Amendment 23).

Staff incorporated commission feedback from the August 21 work session into updated code language, which was shared with the Planning Commission during a [December 6, 2023 work session](#); video of the December 6 meeting is [available here](#). Staff also introduced several new amendments that had been added since August 21, including to sections regulating ROW landscape enhancements, adult family homes, townhouses in single-family zones, model homes, subarea parking regulations, and storage facilities in subareas. Staff also proposed adding several minor revisions to Chapters 14.16A and 14.16B LSMC based on Commission feedback at their October 4, 2023 work session on the standalone Process Code amendment, which will further revise and reorganize these chapters and is scheduled for Commission review later in 2024.

Commissioners had additional feedback related to parking on Amendment 22 (ADUs) but were generally comfortable with maintaining the one parking space per ADU requirement regardless of lot size (HB 1337 allows the city to require two parking spaces per ADU for larger lots), as most believed that a tiered approach to parking might discourage ADU production on larger lots. Much of the December 6 discussion was focused on whether storage facilities should be permitted within subareas, which was a topic that had not been previously discussed. Several commissioners expressed concerns that storage facilities are land-intensive uses that do not generate many jobs, and that several existing and planned facilities are present along the major gateways into the city.

In advance of this public hearing, staff briefed the City Council on the proposed amendments during a [January 9, 2024 work session](#) (video is [available here](#)). Councilmembers were generally supportive of the proposed code language, and provided the following questions and feedback:

- There were questions about how the city defines different types of Level II Health and Social Service Facilities (Amendment 13), such as “private adult treatment home”. Staff responded that these terms were taken directly from the Snohomish County Code, and that updates to this and other related code sections are anticipated as part of its housing implementation work later in

2024, which must address permanently supportive housing and emergency housing.

- Councilmembers were generally supportive of requiring one off-street parking space per ADU, regardless of lot size.
- Several councilmembers provided comments on Amendment 27 (storage facilities; discussed in more detail further below), as well as asking questions about the demand for storage facilities in Lake Stevens.

PROPOSAL AND STAFF RECOMMENDATION

The proposal (LUA2022-0082) includes 29 LSMC amendments (Attachment 2), which are grouped into the four categories detailed above and summarized in the matrix in Attachment 1. The right column of Attachment 1 highlights revisions/additions made since the December 6 Planning Commission work session. One previous proposal introduced on December 6 (a process code amendment related to expirations) has since been removed and will instead be handled through the standalone Process Code amendment. In advance of the City Council public hearing, the amendments will be reorganized sequentially by code section, so that they may be adopted by Council ordinance.

In response to December 6 Commission feedback on potentially allowing storage facilities, staff developed draft code language (Amendment 27) that would allow storage facilities through an administrative conditional use permit (ACUP) on lots within subareas that have a Commercial District (CD) zoning designation. Storage facilities would continue to be prohibited within all other zones within subareas, including Downtown Lake Stevens. The special regulations proposed in Amendment 27 also limit storage facilities to no more than 25% of the gross commercial floor area on the lot, which is lower than the standards in [LSMC 14.44.044\(c\)](#) that apply to lots located outside of subareas. The special regulations would also prohibit standalone storage facilities as well as outdoor storage.

Several councilmembers initially expressed concerns that mirrored those voiced by commissioners on December 6 about allowing storage facilities within subareas. However, staff noted that the code language was specifically developed to provide limited potential for storage facilities in subareas, and only when they could demonstrate compliance with the special regulations, including supporting a permitted primary or secondary use on the site or immediate vicinity. The ACUP process would also allow the city to evaluate whether a proposal complies with the special regulations in Section 14.38.020(b)(3), as well as allow for public comments through the Type II land use application review process.

The proposed language in Amendments 21 (duplexes in single-family zones) and 22 (ADUs) is intended to bring the city into compliance with House Bills 1110 and 1337

from the 2023 legislative session. The draft code language has been shared with the Department of Commerce and neighboring jurisdictions, and to date the city has received no public or agency comments. As noted above, councilmembers expressed their support of the proposed one parking space per ADU standard regardless of lot size.

Staff recommends that the Planning Commission forward a recommendation to City Council to adopt the 29 amendments shown in Attachments 1 and 2, subject to the findings below.

FINDINGS AND CONCLUSIONS

Per [LSMC 14.16C.075\(f\)](#), the City Council shall make the following findings when approving land use code amendments:

1. The amendment is consistent with the Lake Stevens Comprehensive Plan

- Land Use Element Goal 2.1: Provide sufficient land area to meet the projected needs for housing, employment and public facilities within the City of Lake Stevens
- Land Use Element Policy 2.1.1 – Accommodate a variety of land uses to support population and employment growth, consistent with the city's responsibilities under the Growth Management Act, Regional Growth Strategy and the Countywide Planning Policies.
- Land Use Element Policy 2.1.3 – Review land uses in conjunction with updates to the Buildable Lands Report and Growth Monitoring Report to ensure employment and population capacity estimates are being met. The strategy will be used to amend the Plan as necessary to remain consistent with actual development trends.
- Land Use Element Goal 2.2: Achieve a well-balanced and well-organized combination of residential, commercial, industrial, open space, recreation and public uses.

Conclusion – Adoption of this city-initiated amendment is consistent with the goals and policies of the city's Comprehensive Plan. As the city continues to grow and expand, it needs to periodically assess and revise its land use code to ensure it keeps up with best practices and industry standards and that the city can meet its residential and employment growth targets. The proposed amendment will serve to help the city meet these goals.

2. The amendment complies with the Growth Management Act (RCW 36.70A.106)

- Code amendments are subject to review by the Washington State Department of Commerce.

- The city provided the required 60-day notice to the Department of Commerce on December 4, 2023 of its intent to amend multiple LSMC sections, with a proposed adoption date of February 13, 2024. The Department of Commerce acknowledged the proposed amendment under Submittal ID 2023-S-6680.
- If approved by the City Council, staff will file the final ordinance with the Department of Commerce within 10 days of its adoption.

Conclusion – The proposed code amendment has met all Growth Management Act requirements.

3. The amendment serves to enhance the public health, safety and welfare – The recommended amendment will refine and simplify several LSMC sections to provide better clarity, remove redundant or incorrect information, and streamline processes related to physical development within the city. Amendments 21 (duplexes) and 22 (ADUs) will bring the city into compliance with recent state legislation and provide a more clear and objective process for development of these housing units, which are anticipated to play a significant role in helping the city to meet its 2044 population and housing growth targets.

Conclusion – The proposed code amendment will serve to enhance the public health, safety and welfare.

Public Notice and Comments

- Land use code amendments are reviewed through the city's Type VI legislative review process identified in [LSMC 14.16B.605-660](#), which requires the Planning Commission to hold a public hearing and make a recommendation to City Council.
- The city published a joint Notice of Public Hearing and SEPA Determination of Nonsignificance (DNS) in the Everett Herald on January 5 and January 12, 2024. The notice was also posted at City Hall and on the [city's website](#) on January 5, 2024.
- No public comments have been received as of January 10, 2024 in response to the notice of public hearing or the SEPA threshold determination. If comments are received prior to the hearing, the comments will be distributed on the night of the hearing.
- Planning Commission held four work sessions to discuss the proposal and review draft code language, while the City Council was briefed during one work session.

Conclusion – The city has met all public notice requirements per Chapter 14.16B LSMC.

State Environmental Policy Act (SEPA) (Chapter 197-11 WAC and Title 16 LSMC)

- City staff prepared an environmental checklist under the State Environmental Policy Act (SEPA) and determined that the proposal is unlikely to have significant adverse environmental impacts.
- The city issued a Determination of Nonsignificance (DNS) for the proposal on January 4, 2024 ([SEPA record 202400081](#)), which was distributed to the Department of Ecology SEPA Register, local tribes, and state and local jurisdictions, and noticed concurrently with the Notice of Public Hearing.

Conclusion – The proposed code amendment has met all local and state SEPA requirements.

APPLICABLE CITY POLICIES:

ATTACHMENTS:

1. Attachment 1 - Matrix of Amendments
2. Attachment 2 - Draft Code Language

2023 Code Clean Up

Number	Topic(s)	Summary/Notes	Changes/Additions Since December 6 Work Session
Category 1: Housekeeping - Revise codes for clarity, fixing references, deleting/relocating text			
1	Definitions	14.08.010: Revise and add definitions as needed. Notable additions/revisions include the definitions of ADUs, attached ADUs, detached ADUs, and primary residence to coincide with HB 1337, as well as kitchens and security mechanisms.	Updated definitions for Fire Department (now Snohomish Regional Fire and Rescue) and Geologically Hazardous Areas (now includes WAC reference).
2	Design Review	14.16C.050(c): update submittal requirements and references.	None
3	Home Occupations	14.16C.070: Delete duplicate code section for home occupations (established via Ordinance 811) while retaining 14.44.015 (established via Ordinance 1124), which was intended to replace 14.16C.070.	None
4	Subdivisions	14.18.015: edit for gender neutrality 14.18.030(b): change to draft copies 14.18.035: update language for digital requirements 14.18.040: (d) gender neutrality and (s) add "plat or preliminary" 14.18.060 (a,d,e and f): updated to align with state law and more clearly define a review process for alteration consistent with other code sections and code interpretation.	None
5	Subareas	14.38.040: In footnote 10, replace "SE" with "NE"	None
6	Boundary Line Adjustments	14.38.200: correct section title to 14.18.200	None
7	Temporary Public Structures and Temporary Emergency, Construction, or Repair Residences	14.44.048: remove duplicate code section for temporary public structures (Ordinance 468) while retaining 14.16C.110(g) (Ordinance 2018) 14.44.040: Remove/relocate language to 14.16C.110(c), which already addresses the topics. 14.16C.110(c)(1: require temporary dwelling units to adhere to the IBC, as required by building code. 14.16C.110(c)(3): allow temporary real estate offices to continue use until all units are sold.	Minor revisions to consolidate information and improve readability. Extended expiration in 14.16C.110(c)(1)(i) to 12 months to be consistent with Chapter 14.16A. Updated 14.16C.110(c)(3)(iii) to be tied to issuance of final building permit instead of sale of last home in plat, which would be harder for the city to track.
8	Outdated Zoning Districts	Table 14.44-I: remove references to SRC zone. 14.68.070(b) and 14.68.084(b): remove reference to SRC zone. 14.76.124(b): remove references to SR, UR, and HUR zones and exception. Table 14.76-I: remove references to SRC zone.	None
9	Gender Neutrality	Update Titles 4 and 14 to ensure gender neutrality.	Minor edits to clarify when a specific individual is referenced (e.g., "the director" vs "they").
10	Landscaping in Right-of-Way	14.56.270(c): clarify requests for other enhancements in the ROW are landscape improvements per Ordinance 483.	None
11	Mobile Food Vendors	14.44.085(e)(3): update reference to correct table (Table 14.40-II)	None
12	Townhomes within Single Family Zones	Update footnotes in Table 14.40-I to clarify when townhomes are permitted; townhomes in R4 and R6 require a Planned Residential Development (PRD) while they do not require a PRD in R8-12 zone.	None
13	Level II Healthcare Facilities within Residential and Nonresidential Zones	Clarify that Level II health and social service facilities that are conditionally permitted within the R8-12 and MFR zones are intended to be of a design and scale compatible with surrounding residential development, which will be evaluated via CUP. Clarify that Level II facilities are permitted within nonresidential zones.	New; added following December 6 work session.
14	Update References to Snohomish Health District	The Snohomish Health District no longer exists and is now known as the Snohomish County Health Department.	New; added following December 6 work session.

2023 Code Clean Up

Number	Topic(s)	Summary/Notes	Changes/Additions Since December 6 Work Session
Category 2: Minor Updates - Changes to existing internal regulations for increased clarity or to fix internal inconsistencies			
15	Land Disturbance	14.50.125: update exceptions for environmental review to match city's SEPA categorical exemptions in 16.04.050(b)(6).	None
16	Dimensional Standards	1) 14.48.045: reinstate exception for accessory structures within side and rear setbacks removed by Ordinance 1080 2) Table 14.48-I: a) Footnote 3: update to clarify that 2,800 square feet is a proxy for determining density b) Footnote 6: update to clarify application of maximum impervious surfaces in previously developed projects and new projects. c) New Footnote 9: Add footnote to side setbacks column clarifying that side setbacks are 10 feet along side streets of corner lots (alternative to adding new definition for street side setbacks).	None
17	Signs	14.68.030(5): change timeframe from 10 days to 30 days 14.68.060(b): clarify applicability and exception for subdivision signs which can go up to 16 sf.	Removed references to "seasons" in 14.68.030(a)(5).
18	Subarea Signs	14.38.100(3) Provide definitions for main and secondary façade as well as applicability of section (vii) to project area.	None
19	Off-Street Parking Requirements within Downtown Subarea	Table 14.38-III: Clarify that specific off-street parking requirements listed in Section 5 (Public Parking) of the Downtown Lake Stevens Subarea Plan supersede the requirements in Table 14.38-III for uses within the CBD and MUN zones (if and when there are conflicts between the two).	None
20	Tree Removal within Critical Areas	Section 14.88.295: Remove reference to 14.76.120, as tree removal in critical areas applies to all trees as opposed to the size restrictions in 14.76.120.	New; added following December 6 work session.
Category 3: Substantial Updates - Changes to provide clarification through new administrative determinations or changes in law			
21	Duplexes in Single Family Zones	Update Sections 14.46.230 and 14.48.020 to comply with changes in state law (HB 1110) - the city must allow duplexes on any lot that allows a detached single family residence and cannot require a larger lot size or more stringent design review.	Minor changes to 14.48.020 to clarify that duplexes are allowed on any lot allowing a detached SFR. New subsections (a) and (b) address HB 1110 requirements, including the allowance for zero lot line subdivisions (for side by side units) or condominiumization (for stacked units) and applicability of critical area regulations, including reasonable use provisions.
22	Accessory Dwelling Units	14.44.045: Revised to comply with HB 1337. Based on PC feedback in August 2023, limited parking space requirement to one per ADU, regardless of lot size. Reduced off-street parking to one per ADU regardless of lot size, per PC direction. Table 14.72-I: Update to clarify that one space required per ADU unit.	Updated subsection 14.44.045(b)(2)(ii) to clarify that the flexibility to allow ADUs over 1,000 sf if on a single floor is not intended to allow division of large homes into duplexes or two-family conversions. Added subsection 14.44.045(c)(1) to note the applicability of critical area regulations, including reasonable use provisions. Maintained one parking space per ADU.
23	Lot Status	14.16C.078: Include new language from City Attorney to address situations where a non-conforming lot was previously combined with an adjacent lot and the property owner is now seeking lot status for the non-conforming lot.	None
24	Adult Family Homes and In-Home Daycares	14.44.015(k): Update to comply with changes in state law. 14.44.015(l): Add new section for Adult Family Homes: Reference in section and include citation to RCW 70.128 – Definition, Operation without a license, Fees, Inspection, Suspension of license.	None

2023 Code Clean Up

Number	Topic(s)	Summary/Notes	Changes/Additions Since December 6 Work Session
25	Model Homes	14.44.025: updated to require connections to water/sewer/storm prior to occupancy and to clarify the building permit and inspection process for temporary conversions to sales office or other non-residential uses.	Updated subsection 14.44.025(c)(3) to reference Section 14.72.060 (instead of relying on general director approval). Removed previously proposed language on building permit extensions and inspections that would have been new subsections (c)(4) and (c)(5), which staff determined would be better addressed as conditions of building permit issuance.
26	Multifamily Apartments Annexed into the City	Section 14.44, Part V: Delete entire section detailing multifamily apartment developments that were annexed into the city and now have single family zoning, as it has never been used and is adequately covered by other chapters.	None
27	Personal Storage Facilities within Subareas	Update Sections 14.38.020 to allow storage facilities on sites within subareas with a CD zoning designation through an ACUP, subject to special use regulations including a maximum 15% of gross commercial floor area on the site, prohibition of outdoor storage and standalone configurations, and must demonstrate how the use supports other primary or secondary permitted uses on the site or general vicinity (through ACUP process).	New; added following December 6 work session, where it was discussed conceptually. City Council had limited comments during their January 9 work session.
Category 4: Process Code Updates - Minor updates to Chapter 14.16A absorbed from larger Process Code Update project			
28	Security Mechanisms	14.16A.180: updated language regarding bonds and other security mechanisms. Reviewed and approved by Public Works Director.	None
29	Types of Review	14.16A.210: Update to reflect all types of Type I and II land use applications and clarify Associated Land Use Determinations.	None

City of Lake Stevens Code Cleanup - ~~Strikethrough~~/Underline Language

Category 1: Housekeeping Amendments

1. Definitions (New and Revised)

Section 14.08.010: Definitions of Basic Terms

Accessory Dwelling Unit. ~~A residential use having the external appearance of a residence and located on the same parcel as the single-family dwelling that it accompanies. The dwelling unit is an independent self-sustaining unit that provides the basic requirements of shelter, heating, cooking and sanitation. A dwelling unit located on the same lot as a single-family housing unit, duplex, triplex, townhome, or other housing unit.~~

Attached Accessory Dwelling Unit. An accessory dwelling unit located within or attached to a single-family housing unit, duplex, triplex, townhome, or other housing unit.

Adult Family Home. A residential home in which a person or persons provide personal care, special care, room, and board to more than one but not more than six adults who are not related by blood or marriage to the person or persons providing the services, pursuant to Chapter 70.128 RCW. An adult family home may provide services to up to eight adults upon approval from the Department of Social and Health Services. See RCW 70.128 for further information on exemptions, licensing, operations, fee schedules, and inspections.

Bond. ~~A written certificate guaranteeing to pay up to a specified amount of money if specified work is not performed; or any similar mechanism whereby the City has recourse to an identified fund from which to secure performance of specified work.~~

Detached Accessory Dwelling Unit. An accessory dwelling unit that consists partly or entirely of a building that is separate and detached from a principal unit or other housing unit on the same property.

Fire Department. ~~Lake Stevens Fire District~~Snohomish Regional Fire and Rescue.

Fire Marshal. The City of Lake Stevens Fire Marshal or ~~his~~ designee.

Geologically Hazardous Areas. Areas susceptible to erosion, sliding, seismic activity, or other geological events, as defined in WAC 365-190-120. They may pose a threat to the health and safety of citizens when used as sites for incompatible commercial, residential or industrial development.

Kitchen. An area used, or designed to be used, for the preparation and consumption of food and which contributes to an independent living facility.

Maintenance Security. A bond or other security mechanism that guarantees the repair or replacement of installed public improvements.

Performance Security. A bond or other security mechanism that guarantees the completion of required public improvements.

Planned Residential Development. A development constructed on at least ~~five acres~~ one acre under a single application, planned and developed as an integral unit, and consisting of single-family detached residences and may be combined with two-family residences, multifamily residences, public/semi-public amenities (e.g., usable open space, a community center, recreational facilities, etc.), or a combination thereof, all developed in accordance with Section ~~14.44.020~~ 14.18.300, Planned Residential Developments.

Primary Residence. A person's usual place of return for housing where one makes their home and conducts their daily affairs, including, without limitations, paying bills and receiving mail. A primary residence is generally the dwelling unit with the residential address used on documentation related to identification, taxation and insurance purposes, including, without limitation, income tax returns, medical service plans, voter registration, paycheck stubs, lease or rental agreement, mortgage agreements, bank statements, driver's licenses, valid state identifications, and/or vehicle registrations. See also principal unit per RCW 36.70A.696.

Security Mechanism. A bond, assignment of funds, or other mechanism approved by the city that guarantees the performance or maintenance of work, as further detailed in Section 14.16A.180.

Note: All other subsections remain unchanged.

2. Design Review

Section 14.16C.050: Design Review

(c)(2) Design Review Submittal Requirements. ~~Two color, hard copies and One~~ electronic copy ~~are is~~ required for each submittal for review.

(d)(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~~ 14.18.300); and
- (iii) Innovative Housing Options Program (Chapter 14.46).

Note: All other subsections remain unchanged.

3. Home Occupations (Delete Duplicate Section, which was replaced by 14.44.015)

Section 14.16C.070: Home Occupations (Delete entire section, which contains duplicate language)

~~(a) The purpose of this section is to allow small-scale commercial occupations incidental to residential uses to be located in residences while guaranteeing all residents freedom from excessive noise, traffic, nuisance, fire hazard, and other possible effects of commercial uses being conducted in residential neighborhoods.~~

~~(b) Procedure. A home occupation permit is approved by the Planning Director for each home occupation. Home occupations shall be reviewed in the manner and following the procedures established in Chapters 14.16A and 14.16B for a Type I review.~~

~~(c) Standards. Home occupations are permitted as an accessory use to the residential use of a property only when all of the following conditions are met:~~

- ~~(1) The total area devoted to all home occupation(s) shall not exceed 25 percent of the floor area of the dwelling unit or 500 square feet, whichever is less. Areas within attached garages and storage buildings shall not be considered part of the dwelling unit for purposes of calculating allowable home occupation area but may be used for storage of goods associated with the home occupation;~~
- ~~(2) The home occupation may be located in the principal dwelling, except that those related to growing or storing of plants used by the home occupation(s) may be in an accessory structure. If located in an accessory structure, the area devoted to the occupation, as described in subsection (c)(1) of this section, shall be based upon the floor area of the dwelling only;~~
- ~~(3) No business activity may occur outside of any buildings on site, including displays of goods, stock in trade or other commodities;~~
- ~~(4) Not more than one person outside of the family shall be employed on the premises;~~

- ~~(5) The home occupation shall in no way alter the normal residential character of the premises;~~
- ~~(6) No objectionable noise, fumes, odor, or dust shall be allowed;~~
- ~~(7) The home occupation(s) shall not use electrical or mechanical equipment that results in:

 - ~~(i) A change to the fire rating of the structure(s) used for the home occupation(s);~~
 - ~~(ii) Visual or audible interference in radio or television receivers, or electronic equipment located off premises; or~~
 - ~~(iii) Fluctuations in line voltage off premises;~~~~
- ~~(8) No equipment or material may be stored, altered or repaired on any exterior portion of the premises;~~
- ~~(9) Sales shall be limited to:

 - ~~(i) Products accessory to the home occupation (e.g., shampoo for beauty shop, etc.);~~
 - ~~(ii) Merchandise which is produced on the premises; and/or~~
 - ~~(iii) Mail order, internet and telephone sales; and~~
 - ~~(iv) With appointment for pick up or off-site delivery;~~~~
- ~~(10) Services to patrons shall be arranged by appointment or provided off site;~~
- ~~(11) In addition to required parking for the dwelling unit, one on-site parking stall shall be provided when services are rendered on-site;~~
- ~~(12) The home occupation(s) may use or store a vehicle for pickup of materials used by the home occupation(s) or the distribution of products from the site, provided:

 - ~~(i) No more than two such vehicles shall be allowed;~~
 - ~~(ii) Such vehicles shall not be parked within any required setback areas of the lot or on adjacent streets; and~~
 - ~~(iii) Such vehicles shall not exceed the weight capacity of one ton;~~~~
- ~~(13) Signs in connection with the home occupation shall comply with the restrictions of Chapter 14.68, Signs; and~~
- ~~(14) No sales or services will be conducted on the premises which will generate more than 10 average daily round trips per day by customers except for day care.~~
- ~~(d) The following is a nonexhaustive list of examples of enterprises that may be granted a home occupation permit if they meet the foregoing standards:

 - ~~(1) Office or studio of a physician, dentist, artist, musician, lawyer, architect, engineer, teacher, or similar professional;~~
 - ~~(2) Workshops, greenhouses, or kilns;~~
 - ~~(3) Dressmaking or hairdressing studios; and~~
 - ~~(4) Day care.~~~~
- ~~(e) Prohibited home occupations are enterprises which may create objectionable noise, fumes, odor, dust or electrical interference and may involve hazardous materials or on-site storage of petroleum products, and which are not compatible with residential development. The following is a nonexhaustive list of examples of such prohibited enterprises:

 - ~~(1) Automobile, truck and heavy equipment repair;~~
 - ~~(2) Autobody work or painting;~~
 - ~~(3) Parking and storage of heavy equipment;~~
 - ~~(4) Storage of building materials for use on other properties;~~
 - ~~(5) Marijuana production, processing or retail facility; or~~
 - ~~(6) Similar types of enterprises.~~~~
- ~~(f) Transferability. A home occupation permit issued to one person shall not be transferable to any other person; nor shall a home occupation permit be valid at any other address than the one listed on the permit.~~

~~(g) — Additional Conditions. In granting approval for a home occupation, the Planning Director may attach additional conditions to ensure the home occupation will be in harmony with, and not detrimental to, the character of the residential neighborhood.~~

~~(h) — Inspections. Any home occupation authorized under the provisions of this chapter shall be open to inspection and review at all reasonable times by enforcement officials for purposes of verifying compliance with the conditions of approval and other provisions of this title.~~

~~(i) — Modification. The Planning Director shall have authority to grant an administrative modification to the standards listed in subsection (c) of this section, provided the use is consistent with the purposes of this chapter and will be operated in harmony with the character of and create no significant impact to the residential neighborhood. The Planning Director is authorized to approve administrative modifications only in cases of unique circumstances, such as large property acreage, remote site access or site location, or small scale of use, when these circumstances ensure the commercial operation remains incidental to the dwelling and in no way alters the normal residential character of the premises. No modification shall be granted which would be detrimental to the public health, or welfare or the environment.~~

~~(j) — In-Home Day Care Standards.~~

~~(1) Home day care and adult family care facilities shall meet State licensing requirements, including those pertaining to building, fire safety, and health codes. A copy of the required State license, if applicable, shall be furnished by the applicant with the City business license application.~~

~~(2) There shall be minimal, if any, change in the outside appearance of the residence.~~

~~(3) Where outdoor recreation facilities are provided for children in day care facilities, they shall be screened by a fence at least four feet high, where abutting residentially zoned property.~~

~~(4) The facility shall provide a safe passenger loading area.~~

~~(5) The day care provider shall provide written notification to immediately adjoining property owners of the intent to locate and maintain a facility and provide a copy of the notification to the Planning Department. (Ord. 908, Sec. 5, 2014; Ord. 811, Sec. 4 (Exh. 3), 2010)~~

Note: Section 14.44.015 Home Occupations will remain as written.

4. Subdivisions

Section 14.18.015: Review of Subdivisions

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

Section 14.18.030: Application for Final Plat Approval

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

Section 14.18.035: Approval of Final Plats

(d) The applicant shall also provide all final plat maps and engineered as-builts in digital form. ~~Files shall be submitted, in a format approved by the city “*.dwg” or other AutoCad compatible format approved by Public Works.~~

Section 14.18.040: Content of the Final Plat

(d) The name, registration number, and seal of the professional land surveyor responsible for preparation of the plat, and a certification on the plat by said surveyor to the effect that (1) it is a true and correct representation of the land actually surveyed by ~~him/under his or under the surveyor’s~~ supervision;

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

(s) The following declaration: "All conditions of the preliminary plat or preliminary short plat, embodied within the Form of Decision [recorded in Book ____, Page ____ of the Snohomish County Registry/which is attached hereto as Exhibit ____], shall remain conditions of construction of the public improvements."

Section 14.18.060: Alterations of Subdivisions

(a) If an applicant wishes to alter a subdivision or short subdivision or any portion thereof, except as provided in Section 14.18.065, that person shall submit an application to the Department of Planning and Community Services-Development requesting the alteration. The application shall contain the signatures of ~~all the majority of~~ persons having an ownership interest in lots, tracts, parcels, sites or divisions within the subdivision or short subdivision or in that portion to be altered.

(1) Upon receiving an application for an alteration of a short subdivision or subdivision, the Planning Director or designee shall provide a notice of application to all owners of property within the subdivision, per Chapter 14.16B-Part II for short subdivisions and Chapter 14.16B-Part III for subdivisions.

(2) The notice shall establish a date for a public hearing or provide a person receiving notice to request a public hearing within 14 days of issuance of the notice of application. The Hearing Examiner shall conduct the hearing.

(b) The Planning Director shall have the authority to determine whether the proposed alteration constitutes ~~a minor an administrative modification, per LSMC 14.16C.025,~~ or a major alteration. Major alterations are those which substantially change the basic design, density, open space, or other similar requirements or provisions.

(1) When the alteration meets the requirements of this section and LSMC 14.16C.025, the alteration will be reviewed as a Type II Administrative Modification.

(2) When the alteration exceeds the requirements of this section and LSMC 14.16C.025, the alteration shall be reviewed by the same body that reviewed the original application. The criteria for approval of such a modification shall be those criteria governing the permit which is the subject of the proposed alteration.

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

~~(d) If the alteration is requested prior to final plat or final short plat review and signature, a minor alteration may be approved with consent of the Planning Director. A long plat or short plat major alteration shall require consent of the Planning Director as a Type II review for short subdivisions after public notice or the Hearing Examiner as a Type III review for subdivisions after public notice and a public hearing is held. Notice shall be provided of the application for a long plat or short plat alteration to all owners of property within the subdivision or short subdivision, all parties of record, and as was required by the original subdivision or short subdivision application. The Planning Director shall have the authority to determine whether the proposed alteration constitutes a minor or major alteration pursuant to subsection (b) of this section.~~

- (e) ~~If the alteration is requested after final plat or final short plat review and signature, but prior to filing the final plat or final short plat with Snohomish County, a plat or short plat alteration may be approved with consent of the Planning Director for short subdivisions as a Type II review or the City Council for subdivisions as a Type V review. Upon receipt of an application for alteration, notice shall be provided of the application to all owners of property within the subdivision or short subdivision, all parties of record, and as was required by the original application. The notice shall establish a date for a public hearing.~~
- (f) ~~If the alteration is requested after filing the final plat or final short plat with Snohomish County, a minor plat alteration may be approved with consent of the Planning Director as a Type II review. If the Planning Director determines that the proposed alteration is a major alteration, pursuant to subsection (b) of this section, then the Planning Director may require replatting pursuant to this chapter. Upon receipt of an application for alteration, notice shall be provided of the application to all owners of property within the subdivision or short subdivision, all parties of record, and as was required by the subdivision or short subdivision plat application. The notice shall establish a date for a public hearing.~~
- (g) (d) The City shall determine the public use and interest in the proposed alteration and may deny or approve the application for alteration. If any land within the alteration is part of an assessment district, any outstanding assessments shall be equitably divided and levied against the remaining lots, parcels, or tracts, or be levied equitably on the lots resulting from the alteration. If any land within the alteration contains a dedication to the general use of persons residing within the subdivision, such land may be altered and divided equitably between adjacent properties.
- (h) (e) After approval of the alteration, the City shall order the applicant to produce a revised drawing of the approved alteration of the subdivision or short subdivision, and after signature the final plat or final short plat shall be filed with Snohomish County to become the lawful plat or short plat of the property.
- (i) (f) This section shall not be construed as applying to the alteration or replatting of any plat or short plat of State-granted shore lands.

Note: All other subsections remain unchanged.

5. Subareas (Incorrect Street Name Directional Listed)

Section 14.38.040, Table 14.38-I: Dimensional Regulations

Table Footnote 10. Building heights in the CBD and P/SP zoning districts west of Main Street between North Lakeshore and 16th Street ~~SE NE~~ may not exceed 45 feet.

Note: All other subsections remain unchanged.

6. Boundary Line Adjustments (Wrong section listed)

Section ~~14.38.200~~ 14.18.200: Boundary Line Adjustments

Note: All other sections remain unchanged.

7. Temporary Public Structures (Delete duplicate sections and consolidate with 14.16C.110)

Section ~~14.44.048: Temporary Public Structures.~~

~~Public agencies may erect and use temporary structures (e.g., portable school classrooms, civic uses, emergency command centers, health and social services centers, etc.) upon demonstrating that such a use is in the public benefit and that the use is temporary in nature. Permits for temporary public structures~~

~~shall expire one year after issuance, but may be renewed annually by the Planning Director upon demonstration of demonstrated public benefit. (Ord. 468, 1995)~~

~~Section 14.44.040: Temporary Emergency, Construction, or Repair Residences~~

~~(a) Temporary residences used on construction sites of nonresidential premises shall be removed immediately upon the completion of the project.~~

~~(b) Permits for temporary residences to be occupied pending the construction, repair, or renovation of the permanent residential building on a site shall expire within six months after the date of issuance, except that the Planning Director may renew such permit for one additional period not to exceed three months if he determines that such renewal is reasonably necessary to allow the proposed occupants of the permanent residential building to complete the construction, repair, renovation, or restoration work necessary to make such building habitable.~~

~~(c) When sudden, unforeseen damage occurs to a residence making it uninhabitable, thus necessitating occupancy in a temporary residence, occupancy may occur immediately provided an application for the temporary use permit is made within seven days from the first day of occupancy in the temporary residence. (Ord. 676, Sec. 31, 2003; Ord. 468, 1995)~~

Section 14.16C.110(c): Permitted Temporary Uses. The following temporary uses and structures shall be allowed:

(1) A temporary dwelling for use as a residence by the owners of a lot during construction, repair or renovation of a permanent residential structure on the lot. The temporary building need not comply with the requirements of the International Building Code but shall meet minimum health and safety standards prescribed by the Building Official.

(i) Permits for temporary dwellings shall expire within 12 months of the date of issuance, except that the Planning Director may renew such permit for one additional period not to exceed six months to allow for the completion of the permanent structure.

(ii) When sudden, unforeseen damage occurs to a residence making it uninhabitable, occupancy may occur immediately provided an application for a temporary use permit is submitted within 30 days from the first day of occupancy in the temporary dwelling. ~~†The temporary dwelling shall be removed from the lot upon completion of the permanent residential structure.~~

(2) A temporary structure for use by a contractor as a construction shed or office while building or remodeling a permanent structure on the same lot. The temporary structure shall not be open to the public. The temporary building need not comply with the requirements of the International Building Code but shall meet minimum health and safety standards prescribed by the Building Official. It shall be removed from the lot upon completion of the permanent structure.

(3) A temporary real estate sales office located in a model or display home as part of an approved plat, subject to the following conditions and the provisions of Section 14.44.025:

(i) If situated in a residential zone, the office may only be used for sale activities related to the plat in which it is located.

(ii) If situated in a commercial zone, the office may only be used for sales related to the model or display home itself.

(iii) ~~Within a period of one year~~one month~~30 days of the last residential building permit within the plat~~subdivision being issued within a subdivision property within the subdivision being sold, the use of the building for a temporary real estate sales office shall terminate, and the building shall be used

exclusively thereafter for uses permitted within that zone and shall meet all building and fire codes applicable thereto, or shall be immediately removed.

(54) Temporary encampments are to be reviewed as a Type II application pursuant to supplemental regulations contained in Section [14.44.038](#).

Note: Section 14.16C.110(g) Temporary Public Structures will remain as written.

8. Update/Remove References to Outdated Zoning Districts

Table 14.44-I: Maximum Permitted Sound Levels, dB(A)

Zoning of Lot Where 4.000 Use Located	(re: 0.0002 Microbar) Zoning of Adjacent Land				
	Residential and PND		NC, LB, CBD, MU, PBD,	LI	GI
	7:00 a.m. - 9:00 p.m.	9:00 p.m. - 7:00 a.m.	SRC		
LI & GI	60	50	65	70	70

Note: All other subsections remain unchanged.

Section 14.68.070: Freestanding Sign Surface Area

(a) The area of a freestanding sign may not exceed 0.3 square feet in surface area for every linear foot of street frontage along the street toward which the sign is oriented, provided the following maximums are not exceeded:

- (1) Sites with 200 or less feet of frontage: 50 square feet;
- (2) Sites with 200 to 400 feet of frontage: 75 square feet; and
- (3) Sites with more than 400 feet of frontage: 100 square feet.

(b) In all nonresidential zoning districts ~~except Sub-Regional Commercial~~, freestanding sign area may not exceed 0.75 square feet in surface area for every linear foot of street frontage along the street toward which such sign is primarily oriented to a maximum of 250 square feet.

(c) Freestanding signs that have no discernible sides, such as spheres or other shapes not composed of flat planes, may not exceed the maximum total surface area allowed under subsection (a) or (b) of this section for a single side of a freestanding sign. (Ord. 799, Sec. 2, 2009)

Section 14.68.084: Changeable Text Signs

(a) Changeable text signs are permanent sign fixtures with non-changing sign faces on non-moving text consisting of opaque individual letters mounted on plexiglass or similar materials may manually be periodically changed (e.g., for short term sales or specials). While the fixture must be permitted, the text may change without a permit as long as it fits within the dimensional parameters of the fixture.

(b) Changeable text signs are permissible in the Local Business, Central Business District, ~~Sub-Regional Commercial~~, and Public/Semi-Public districts, except that churches, synagogues, and temples (use class 5.200) may have a changeable text sign in any zone district in which they may be located, provided such sign is not internally illuminated. Each occupant may have changeable text signs, though the total aggregate surface area of such sign(s) may not exceed 10 percent of the occupants' total allowable permitted signage. (Ord. 799, Sec. 2, 2009; Ord. 676, Sec. 58, 2003; Ord. 661, 2002; Ord. 468, 1995)

Table 14.76-I: Screening Requirements

Zone in Which Development Occurs	R4, WR, R6, R8-12	MFR	PRD	CBD, MU, LB	SRC , PBD	LI	GI	P/SP
Zone of Adjacent Property								
R4, WR, R6, R8-12		B	B	B	A	A	A	B
MFR	-		-	B	A	A	A	B
PRD	-	-		-	A	A	A	B
CBD, MU, LB	B	-	B		-	A	A	-
SRC , PBD	C	B	B	-		A	A	-
LI	C	C	C	-	-		B	-
GI	A	A	A	A	A	B		A
P/SP	B	B	C	-	-	A	A	

Section 14.76.124: Shade Trees on Residential Lots

(b) The minimum number of required trees depends on the zoning district in which the site falls, as follows:

~~Suburban Residential R4, Waterfront Residential WR~~ - three trees/lot

~~Urban Residential R6, High Urban Residential R8-12~~ - two trees/lot

~~Except: lots developed through a Planned Residential Development (Section 14.44.020) or a Cluster Subdivision (Section 14.48.070) - three trees/lot for lots greater than or equal to 9,600 square feet, two trees/lot for lots less than 9,600 square feet~~

Note: All other subsections remain unchanged.

9. Gender Neutrality

Section 4.04.060: Procedure for Obtaining License

(c) No person shall engage in any business for which a license is required under this section without being registered and licensed in compliance with the provisions of this chapter; nor shall any person holding such a business license suffer or allow any other person for whom separate license is required to operate under or display ~~his-said~~ license.

Section 4.04.150: Suspension or Revocation of License – Grounds

(c) It is unlawful for any person whose license has been revoked, denied or suspended to keep ~~the said license issued to him/her~~ in his/her possession or ~~under his~~ control, and the same shall immediately be surrendered to the Planning and Community Development Department. When revoked or denied, the license shall be cancelled, and when suspended the Planning and Community Development Department shall retain the same during the period of suspension.

Section 4.04.220: Penalties

(b) Any taxpayer who engages in or carries on any business subject to a tax hereunder without having ~~his-a~~ business license, shall be guilty of a separate violation of this chapter for each day during which the business is so operated.

Section 14.04.070: No Use or Sale of Land or Buildings Except in Conformity with Title Provisions.

(a) Subject to Chapter 14.32 (Nonconformities), no person may use, occupy, or sell any land or buildings or authorize or permit the use, occupancy, or sale of land or buildings under ~~his- that person's~~ control except in accordance with all of the applicable provisions of this title.

Section 14.16A.180: Performance Securities *(Note: Additional changes proposed under Amendment 24)*

(b)(2) Site Performance Security. In addition, an ~~siteaugmented~~ performance security may be required by the Public Works Director to cover the cost of installing any system-wide public improvements that an applicant has agreed to install as part of ~~his-an approved~~ project where the lack of installation would cause the system to fail or not be completed in a timely manner.

~~(j)~~(1) If during the period of time covered by a maintenance security, or after the date by which the required work or improvements are to be completed under a performance security, the Public Works Director and/or Community Development Director determines that the security agreement has not been complied with, ~~he- the director~~ shall notify the applicant of this. The notice must state:

- (i) The work that must be done or the improvements that must be made to comply with the security agreement; and
- (ii) The amount of time, not to exceed 30 days, that the applicant has to commence and complete the required work or improvements; and
- (iii) That, if the work or improvements are not commenced and completed within the time specified, the City will use the proceeds of the security to have the required work or improvements completed.

Section 14.16A.265: Appeals

(c) Effect of Appeal. Decisions on Type I, Type II, Type III, and Type IV permits are assumed valid unless overturned by an appeal decision. An appeal stays all actions by the Planning Director seeking enforcement of or compliance with the order or decision appealed from, unless the Planning Director finds that a stay would, ~~in his opinion,~~ cause imminent peril to life or property, in which case proceedings shall not be stayed except by order of the Hearing Examiner or a court.

Section 14.16A.350: Hearing Examiner

(b)(1)(i) The Hearing Examiner shall have no regularly scheduled meetings but shall meet on an as-needed basis so that ~~he or she- the examiner~~ can take action in conformity with this title.

Section 14.16C.115: Variances

(c) Decision Criteria. A variance may be approved if findings are made that the strict enforcement of this title would result in practical difficulties or unnecessary hardships for the applicant and that, by granting the variance, the spirit of this title will be observed, public safety and welfare secured, and substantial justice done. The Hearing Examiner may reach these conclusions if ~~he or she find that when~~ the following findings are made:

- (1) The requested use is permitted in the zone in which the property is located;
- (2) If the applicant complies strictly with the provisions of this title, the applicant can make no reasonable use of ~~his- the owned~~ property;

Section 14.18.015: Review of Subdivisions.

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

Section 14.44.040: Temporary Emergency, Construction, or Repair Residences

(b) Permits for temporary residences to be occupied pending the construction, repair, or renovation of the permanent residential building on a site shall expire within six months after the date of issuance, except that the Planning Director may renew such permit for one additional period not to exceed three months if ~~he~~ the director determines that such renewal is reasonably necessary to allow the proposed occupants of the permanent residential building to complete the construction, repair, renovation, or restoration work necessary to make such building habitable.

Section 14.56.150: Inspection of Public Improvements Required Prior to Issuance of Final Permits.

All public improvement work shall be inspected by the Public Works Director or ~~his representative designee~~ prior to issuance of any final land use or building permit.

Section 14.60.200: Building Sewer Permits Required

(c) A permit which includes building sewer work on private property only may be issued to the owner of the property or to a registered building sewer contractor, or qualified City employee, but such permit shall not allow the owner to connect the building sewer to a public sewer except through the normal opening of a wye, tee, or stub under the supervision of the Public Works Director or ~~his representative designee~~.

Section 14.60.230: Building Sewer Contractor Registration Required

(a) For the purpose of assuring safe and quality construction of building sewers, safe and quality connection of building sewers to the public sewers of the City, no person, other than the owner of the property involved, may construct, install, repair, reconstruct, excavate, or connect to the public sewers of the City any building sewer, ~~unless he is a~~ except for building sewer contractors holding a valid, unsuspended current certificate of registration issued by the Department of Licenses of the State of Washington pursuant to Chapter 18.27 RCW, or ~~is a~~ qualified employee of the City.

Section 14.60.250: Reuse of Building Sewers

Old building sewers, including septic tank lines, may be used only when they are found, on examination and test by the Public Works Director, to meet all requirements of this chapter. The owner or ~~his the owner's~~ agent shall demonstrate to the Public Works Director that no connection to such building sewer or septic tank line exists which conveys any material prohibited by LSMC Section 6.04.210 (Unlawful Discharge into Public Sewers).

Section 14.60.270: Building Sewer Construction Requirements

(e)(8) With respect to building sewer connections to public sewers in or adjacent to Lake Stevens, the excavation for the connection into the public sewer or stub serving the public sewer and the connection thereto shall be made only under the visual inspection of the Public Works Director or ~~his representative designee~~.

Section 14.62.070: Application Submittal Requirements

(b)(12)(ii) ~~He or she~~ The signee understands that if the use is abandoned the tower must be removed within one year; and

Section 14.68.150: Nonconforming Signs

(j) As soon as reasonably possible after the effective date of the ordinance codified in this title, the Planning Director shall make every reasonable effort to identify all the nonconforming signs within the City's planning jurisdiction. ~~He~~ The director shall then contact the person responsible for each such sign (as well as the owner of the property where the nonconforming sign is located, if different from the former) and inform such person (1) that the sign is nonconforming, (2) how it is nonconforming, (3) what must be done to correct it and by what date, and (4) the consequences of failure to make the necessary corrections.

Section 14.72.080: Satellite Parking

(c) The developer wishing to take advantage of the provisions of this section must present satisfactory written evidence that ~~he the developer~~ has the permission of the owner or other person in charge of the satellite parking spaces to use such spaces. The developer must also sign an acknowledgement that the continuing validity of his permit depends upon his continuing ability to provide the requisite number of parking spaces.

Note: All other sections of Title 4 and 14 remain unchanged.

10. Landscaping in Public Right-of-Way

Section 14.56.270: Private Landscape Usage of Public Right-of-Way

(c) Requests for an approval for the placement of a vegetative landscape enhancement within the public right-of-way not included in subsection (b) of this section shall be submitted in writing to the Public Works Director or designee. The request must include a detailed description of the proposed enhancement and a sketch showing the location of the proposed enhancement. The Public Works Director or designee shall provide a written response to all requests either approving or denying approval. If a request is denied, an explanation will be provided. The decision of the Public Works Director or designee shall be final and conclusive and there shall be no right of appeal.

Note: All other subsections remain unchanged.

11. Mobile Food Vendors

Section 14.44.085: Mobile Food Vendors

(e) Permitted Locations.

(1) Mobile food vending units shall be prohibited in any residential zones and abutting rights-of-way.

(2) Mobile food vending units shall not be located within 150 feet of any restaurant without written permission from the restaurant owner. Distance shall be measured using the shortest possible straight line from the closest edge of the mobile vending unit to the closest edge of the restaurant building on the same side of the street.

(3) Mobile food vending units are allowed on private properties in commercial and industrial areas pursuant to Table 14.40-~~II~~, and subject to written approval from the owner and the following requirements and restrictions:

Note: All other sections remain unchanged.

12. Townhomes within Single Family Zones

Table 14.40-I: Table of Residential Uses by Zone

NAICS Code	Use	R4	WR	R6	R8-12	MFR	LB	MU ¹	PBD ²
N/A	Single-family detached, site built or modular	P	P	P	P	P			
N/A	Class A or B mobile home	P	P	P	P	P			
N/A	Mobile/manufactured home park	A	A	A	A	P			
N/A	Apartment(s) above permitted nonresidential use					A	P	P	P
N/A	Cottage housing development ³	P	P	P	P	P			P
N/A	Duplexes	p ⁴	p ⁴	p ⁴	p ⁴	P			P
N/A	Apartments (five or more attached units)					P			P
N/A	Townhomes/rowhouse ¹²	p ¹²		p ¹²	P	P			P

12. Townhomes are permitted per Chapter 14.46, Part III or as part of a planned residential development (PRD) in single-family zones, subject to Section 14.18.300 (Planned Residential Developments).

Note: Only affected rows/columns and footnotes shown. All other sections remain unchanged.

13. Level II Health and Social Service Facilities in Residential and Nonresidential Zones

Table 14.40-I: Table of Residential Uses by Zones

NAICS Code	Use	R4	WR	R6	R8-12	MFR	LB	MU ¹	PBD ²
MISCELLANEOUS AND ACCESSORY USES									
N/A	Level II healthcare facility				C ¹⁴	C ¹⁴			P

14. Level II facilities must show compliance with the conditional use permit decision criteria in Section 14.16C.045(d), including potential impacts on and compatibility with surrounding residential uses.

Table 14.40-II: Table of Nonresidential Uses by Zones

NAICS Code	Use	LB	MU ¹	PBD ²	BD	CBD	CD	LI	GI	P/SP
HEALTHCARE AND SOCIAL SERVICES										
N/A	Level <u>II/III</u> healthcare facility	P	A	P	P	P	P	P		A

Note: Only affected rows/columns and footnotes shown. All other sections remain unchanged.

14. Update Current References to Snohomish Health District (New Since 12/6 PC Meeting)

Section 4.04.050: Procedure for Obtaining License

(a) Application for a business license shall be made by filing an application through the Washington State Business Licensing Services, in coordination with the Planning and Community Development Department, giving such information as is deemed reasonably necessary to enable the enforcement of this chapter. Persons applying for a license must pay fees as established by the City Council by periodic resolution, and the Washington State Business Licensing Services handling fee. A business license must be approved by the City before a business commences operation within the City. The application may include the following information:

(5) Copy of the Snohomish County Health ~~District~~Department permit (if applicable);

Note: Only subsection (a)(5) affected. All other subsections remain unchanged.

Section 5.16.020: Humane Care Required

Humane care of all animals shall be provided including but not limited to proper nourishment, proper care and treatment of ill, diseased, injured or lame animals, compliances with all requirements imposed by the County Health ~~District~~Department, and maintenance of clean and odor-free premises.

Section 8.16.020: Snohomish County System Designated

B. Snohomish County is authorized to designate disposal sites for the disposal of all Solid Waste which is generated within the City/Town of Lake Stevens subject to the applicable laws and regulations of the Snohomish ~~County~~ Health ~~District~~Department and the City/Town if located within the City/Town.

Section 14.44.015: Home Occupations

(d) Standards. Home occupations are permitted as an accessory use to the residential use of a property only when all the following conditions are met:

(15) Food-related businesses shall be required to possess and maintain a food handler's card from the Snohomish ~~County~~ Health ~~Department~~District;

Note: Only subsection (d)(15) affected. All other subsections remain unchanged.

Section 14.44.038: Temporary Encampments

(g) Additional Approval Criteria for Temporary Encampment.

(4) Health and Welfare Requirements. The sponsor and/or managing agency shall meet all applicable public health regulations, including but not limited to the following:

(v) Public health guidelines on food donations and food handling and storage, including proper temperature control, shall be followed and temporary encampment residences involved in food donations and storages shall be made aware of these guidelines consistent with the Snohomish ~~County~~ Health ~~District~~Department requirements;

(vi) Smoking in designated areas only; these areas must be a minimum of 200 square feet and a minimum of 25 feet from any neighboring residential property. Provide ashtrays in areas approved for smoking;

(vii) The sponsor and/or managing agency shall provide a plan for the social welfare of those residing within the camp. The plan should include provisions for substance addiction and mental health counseling services, unemployment assistance and low-income housing assistance;

(viii) The encampment shall permit inspections by City, Snohomish County Health ~~District~~Department, and Fire Department, and any other local, State, or Federal agency having jurisdiction to determine compliance with the permit conditions inspectors at reasonable times during the permit period without prior notice to ensure compliance with the conditions of the permit. The sponsor shall implement all directives resulting from such inspections within 48 hours, unless otherwise noted;

Note: Only subsection (g)(4) affected. All other subsections remain unchanged.

Section 14.44.085: Mobile Food Vendors

(c) Application. The submittal requirements for mobile food vending license review shall include the following:

(4) Copy of Snohomish County Health ~~District~~Department permit.

(f) Special Events.

(1) Mobile food vendors may operate on private and public properties as part of an approved event permit, subject to the following:

(iii) The event sponsor shall be responsible to ensure that all food vendors have the necessary permits per the current Snohomish County Health ~~District~~Department requirements or other applicable State or County regulatory agency.

Note: Only subsections (c)(4) and (f)(1)(iii) affected. All other subsections remain unchanged.

Section 14.60.110: Determining Compliance with Section 14.60.100.

(b) In the following *if-then* list, the *if* statement describes the type of development and the *then* statement indicates the purveyor that must certify to the city whether the proposed sewage disposal system complies with the standard set forth in Section 14.60.100.

(3) If: The use (other than a subdivision) is not served by the city system but is to be served by a privately operated sewage treatment system (that has not previously been approved) with 3,000 gallons or less design capacity, the effluent from which does not discharge to surface waters:

Then: The Snohomish County Health ~~District~~Department (SCHD) must certify to the city that the proposed system complies with all applicable state and local health regulations. If the proposed use is a single dwelling other than a mobile home, the developer must obtain an improvement permit from the SCHD. If the proposed use is a single-family mobile home, the developer must present to the City a certificate of completion from the SCHD.

(4) If: The use (other than a subdivision) is to be served by a privately operated sewage treatment system (not previously approved) that has a design capacity of more than 3,000 gallons or that discharges effluent into surface waters:

Then: The Washington State Department of Ecology (DOE) must certify to the city that the proposed system complies with all applicable state regulations. (A "Permit to Construct" and a "Permit to Discharge" must be obtained from DOE.)

(5) If: The proposed use is a subdivision; and

- a. Lots within the subdivision are to be served by simple connection to existing city lines or lines of a previously approved private system:

Then: No further certification is necessary.

- b. Lots within the subdivision are to be served by the city system but the developer will be responsible for installing the necessary additions to the city system:

Then: The public works director must certify to the city that the proposed system meets the city's specifications and will be accepted by the city; and the plans must be reviewed and approved by DOE.

- c. Lots within the subdivision are to be served by a sewage treatment system that has not been approved, that has a design capacity of 3,000 gallons or less, and that does not discharge into surface waters:

Then: The Snohomish County Health ~~District Department~~ must certify that the proposed system complies with all applicable state and local health regulations. If each lot within the subdivision is to be served by a separate on-site disposal system, the SCHD must certify that each lot shown on a major subdivision preliminary plat can probably be served, and each lot on a major or short subdivision final plat can be served by an on-site disposal system.

Note: Only subsections (b)(3) and (b)(5) affected. All other subsections remain unchanged.

Section 14.60.120: Private Sewage Disposal

(a) Where a public sanitary sewer is not available for use as provided by Section [14.60.020](#) (Lots Served by Government Owned Water or Sewer Lines), and the City so certifies and approves, and if approved by the Snohomish ~~County~~ Health ~~District Department~~, the building sewer may be connected to a private sewage disposal system or replacement, any of which must comply with all applicable laws and regulations.

(b) Pursuant to RCW [70.64](#) and WAC 248.96, the City recognizes the Snohomish County Health ~~District Department~~ as the legitimate agency to supervise and direct the on-site sewer system permit process. All permitting and inspection of private sewage disposal systems shall be done by the Snohomish ~~County~~ Health ~~District Department~~, PROVIDED that any application to the Health ~~District Department~~ for installation of a new on-site sewage system must be accompanied by a letter from the City stating that no sanitary systems are available and that the proposed on-site sewage system conforms to applicable City Code requirements. All related Health ~~District Department~~ fees shall be paid by the property owner. A copy of the Snohomish ~~County~~ Health ~~District Department~~ permit shall be furnished to the City by the property owner prior to any construction work.

(c) An appropriate fee may be established by Resolution for the above service provided by the City. (Ord. 468, 1995)

Section 14.60.310: Determining Compliance with Section 14.60.300

(3) If: The use (other than a subdivision) is located on a lot not served by the PUD system or a previously approved, privately owned public water supply system; and

- a. The use is to be served by a privately owned public water supply system that has not previously been approved:

Then: The Washington State Department of Ecology (DOE) must certify that the proposed system complies with all applicable state and federal regulations. (A “Permit to Construct” must be obtained from (DOE.) The DOE must also approve the plans if the water source is a well and the system has a design capacity of 100,000 gallons per day or is located in certain areas designated by DOE. The PUD must also approve the distribution lines for possible future addition to the city system.

- b. The use is to be served by some other source (such as an individual well):

Then: The Snohomish County Health ~~District~~ Department must certify that the proposed system meets all applicable state and local regulations.

(4) If: The proposed use is a subdivision; and

- a. Lots within the subdivision are to be served by simple connection to existing city lines or lines of a previously approved public water supply system:

Then: No further certification is necessary.

- b. Lots within the subdivision are to be served by the PUD system but the developer will be responsible for installing the necessary additions to such system:

Then: The PUD must certify to the city that the proposed system meets PUD specifications and will be accepted by the PUD.

- c. Lots within the subdivision are to be served by a privately owned public water supply system that has not previously been approved:

Then: The Snohomish County Health ~~District~~ Department (SCHD) must certify that the proposed system complies with all applicable state and federal regulations. (A “Permit to Construct” must be obtained from DHS.) The Washington State Department of Ecology (DOE) must also approve the plans if the water source is a well and the system has a design capacity of 100,000 gallons per day or is located within certain areas designated by DOE. The PUD must also approve the distribution lines for possible future addition to the PUD system.

- d. Lots within the subdivision are to be served by individual wells:

Then: The Snohomish County Health ~~District~~ Department must certify to the city that each lot intended to be served by a well can be served in accordance with applicable health regulations.

Note: Only subsections (b)(3) and (b)(4) affected. All other subsections remain unchanged.

Category 2: Minor Updates

15. Land Disturbance

Section 14.50.125: Application Requirements

A land disturbance application shall include the following items:

- (a) Completed Type I/II permit application form;
- (b) A narrative of the project that describes the existing site conditions and development goals of the proposed work by including (1) specific work to be accomplished, (2) a time schedule for land clearing activities, (3) type of equipment to be used, (4) measures proposed to protect the site and adjacent properties from potential adverse impacts, and (5) the estimated quantities/area of work involved;
- (c) Public noticing documents per Chapter 14.16B;
- (d) An environmental checklist if the land disturbance will exceed ~~100 cubic yards~~, the thresholds established in Section 16.04.050(b) for fills or excavations;

Note: All other sections remain unchanged.

16. Dimensional Standards

Section 14.48.045: Accessory Structures

- (a) In single-family residential zones, accessory structures must meet the following conditions:
 - (1) The gross floor area of all accessory structures shall not exceed 200 square feet without a building permit;
 - (2) The height of the accessory structure shall not exceed 12 feet without a building permit; and
 - (3) The accessory structure may be set back five feet from rear and side property lines but shall be no closer to the front property line than the principal dwelling unit front setback of the underlying zoning district. Accessory dwelling units shall adhere to the setbacks of the underlying zoning district unless otherwise noted in Section 14.44.045.

Table 14.48-I: Residential Density and Dimensional Standards¹

Zoning District	Lot Size		Lot Width	Front Setback ²	Side Setback ⁹	Rear Setback	Maximum Impervious Area ⁶	Maximum Height
R4	8,000 sq ft		60 feet internal 65 feet corner	25 feet	15 total (no less than 5 feet one side)	20 feet	50%	35 feet
WR	9,600 sq ft		variable - not less than 50 feet	25 feet	15 total (no less than 5 feet one side)	20 feet ⁷	40% ⁵	35 feet
R6	6,000 sq ft		50 feet internal 55 feet corner	20 feet	10 total (no less than 5 feet one side)	15 feet	55%	35 feet
R8-12 ³	Detached	4,000 sq ft	45 feet internal	15 feet (25 feet max.) ⁸	10 total (no less than 5 feet one side)	10 feet	65%	35 feet

			50 feet corner					
	Attached	2,800 sq ft	16 feet internal 26 feet corner	15 feet (25 feet max.) ⁸	10 feet between other districts or buildings on site	10 feet	75%	45 feet
MFR	None		20 feet ⁴	Variable	10 feet between other districts or buildings on site	10 feet between other districts	80%	55 feet

Notes:

1. Unless otherwise stated, the dimensional standards refer to minimum requirements.
2. The minimum required setback for garages is 20 feet from the front lot line to ensure sufficient space for cars to park in driveways without blocking sidewalks.
3. The R8-12 zoning district applies two sets of development standards depending on if the project is a detached single-family or attached townhouse development. Developments may apply a mix of standards if both types of housing are represented in the project up to the maximum adjusted gross density. For attached units, the 2,800 square foot lot size is not a minimum lot size and is instead used to determine adjusted gross density per Section 14.48.085.
4. Twenty-foot minimum street frontage.
5. Per Lake Stevens Shoreline Master Program.
- ~~6. The allowance for impervious surfaces shall only apply to parcels with adequate stormwater facilities developed following the 2012 Washington State Department of Ecology Storm Water Management Manual for Western Washington, as amended in 2014, as now or hereafter revised; otherwise the lot coverage remains 40 percent for single family zones (R4, R6 and WR) and 65 percent for the R8-12 zoning district on existing developed parcels.~~
6. The allowance for maximum impervious surfaces shall apply to new subdivisions, short subdivisions, infill development and multifamily developments on parcels with adequate stormwater facilities developed under the current Washington State Department of Ecology Stormwater Management Manual for Western Washington or hereafter revised. The lot coverage for lots or developments created prior to 2020 shall be 40 percent for single-family zones (R4, R6 and WR), 65 percent for the R8-12 zoning district and 80 percent for multifamily developments. Any applicant requesting an increase in impervious surfaces to current standards, on existing developed parcels, shall demonstrate that the cumulative increase of impervious surfaces will not impact the overall capacity of the existing stormwater system or the increase in impervious surface cannot be mitigated including the cumulative impervious surface for the entire subdivision or development project as developed.
7. The Lake Stevens Shoreline Master Program requires a 50-foot buffer from the lake and 10-foot setback. On Waterfront Residential parcels separated from the lake by roads the rear (upland) setback is 20 feet; otherwise, rear setbacks from the water will be per the Lake Stevens Shoreline Master Program.
8. The maximum driveway length is mandatory for standard platted lots. Exceptions to this standard may be considered on a case basis for infill lots and lots with unique site conditions including but not limited to critical areas, topography and location of easements and utility corridors.
9. Per LSMC 14.48.035(a), side setbacks are 10 feet along side streets of corner lots.

Note: All other sections of Section 14.48.045 and Table 14.48-I remain unchanged.

17. Signs

Section 14.68.030: Certain Temporary Signs: Permit Exceptions

(a)(5) Temporary displays, including lighting, flags, or pennants, erected in connection with the observance of holidays ~~or seasons~~ when not displayed in connection with a commercial promotion or as an advertising device. These shall be removed within ~~10~~ 30 days following the holidays ~~or seasons~~.

Section 14.68.060: Total Allowable Sign Area

(a) The total area devoted to all signs on any lot shall not exceed the limitations set forth in this section. All signs except temporary signs and subdivision signs shall be included in this calculation.

Note: All other sections of 14.68 remain unchanged.

18. Subarea Signs

Section 14.38.100: Signs

(d)(3)(vii). The wall sign area calculation is defined in Table 14.38-IV and the maximum sign area per façade will be based on the size of the associated gross business area, as follows:

Table 14.38-IV Sign Standards

Sign Type ¹		BD	CD ²	NB	MS ²	CBD	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				
Wall ³	Sign Area	Main: 10% of building facade Secondary: 5% of building façade ⁶	Main: 15% of building facade Secondary: 10% of building façade ⁶	Main: 10% of building facade Secondary: 5% of building façade ⁶			
	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			
Window ⁵	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: $[12 \times 30 = 360]$ $[360 \times 15\% = 54 \text{ sq. ft.}]$). The sign calculation for second story signage would be the leasable frontage multiplied by the height of the story (example: $[12 \times 20 = 240]$ $[240 \times 15\% = 36 \text{ sq. ft.}]$).
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.
6. Main facade is defined as a façade with a primary pedestrian entrance; there may be more than one main facade. All other facades are secondary. The maximum number of facades (main or secondary) shall follow Table 14.38-IV.

19. Off-Street Parking Requirements within Downtown Subarea

Section 14.38.060: Parking Regulations

- (a) Purpose and Application. Ensure that parking requirements are adequate to different land uses and that the parking lot configurations contribute to an inviting and safe development. Developments within the subareas are subject to the parking regulations found in Chapter [14.72](#), except when this chapter modifies the standard municipal code requirements.
- (b) Parking Ratio. Table 14.38-III establishes the specific parking requirements for the subareas.

Table 14.38-III
Parking Standards^{1, 2, 3}

Land Use	Minimum	Maximum
Commerce and Industry (per gross floor area)		
Health Care	2.5 stalls per 1,000 gfa	5 stalls per 1,000 gfa
Office and Business Services	2 stalls per 1,000 gfa	4 stalls per 1,000 gfa
Food Services	10 stalls per 1,000 gfa	20 stalls per 1,000 gfa

Table 14.38-III
Parking Standards^{1, 2, 3}

Land Use	Minimum	Maximum
Retail Trade and Personal Services	2 stalls per 1,000 gfa	4 stalls per 1,000 gfa
Wholesale Trade	1 stall per 1,000 gfa	2 stalls per 1,000 gfa
Hotel	0.75 stalls per room	1 stall per room
Conference Center	1 stall per 50 gfa	1.5 stalls per 50 gfa
Residential (per residential unit or room)		
Group, Convalescent and Nursing Homes	1 per room	1.5 per room
Multi-Family Residential ^{3,4}	1.25 stalls per unit ^{5,4}	2.5 stalls per unit ^{6,5}
Senior Housing	0.5 stalls per unit	1 stall per unit
Single-Family Residential	2 per unit	NA

Notes:

1. Where an adopted subarea plan establishes parking standards for a use or zoning district that differs from this table, the standards in the subarea plan shall prevail.

21. Parking requirements for uses not listed shall be per Table 14.72-I: Table of Parking Requirements in Section [14.72.010](#).

32. Off-street parking shall include the sum of the requirements for the various uses as listed in the required parking table or consistent with subsection (c) of this section. For example, if a site has office and residential uses, the parking area would need to include the required number of parking spaces for both uses.

~~43.~~ Includes mixed use developments.

~~54.~~ One and one-quarter spaces minimum to a maximum of two spaces for units with one or less bedrooms.

~~65.~~ Two and one-quarter spaces minimum to two and one-half maximum for units with two or more bedrooms.

20. Remove reference to 14.76.120 in 14.88.295 regarding tree removal in critical areas

Section 14.88.295: Permanent Protection for Streams, Wetland and Buffers.

(b) Removal of hazardous trees by the property owner, when based on a recommendation by a qualified arborist and an assessment of hazardous tree risk study and when approved by the City.

(1) Any trees removed in an NGPA shall be replaced ~~per Section 14.76.120~~ at a 3:1 ratio or at a 1.5:1 ratio when four-to-six-foot-tall native evergreen trees are planted with the total count being rounded up to the next whole number.

Note: Only subsection (b)(1) affected. All other subsections remain unchanged.

Category 3: Substantial Updates

21. Duplexes

Section 14.46.230(c): Infill Residential Standards

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

- (i) Duplex lots shall be ~~100~~125 percent of equal to the minimum lot size of the underlying zone.
- (ii) Triplex lots shall be 150 percent of the minimum lot size of the underlying zone.
- (iii) Fourplex lots shall be 175 percent of the minimum lot size of the underlying zone.
- (iv) Up to four units may be provided in a garden/courtyard apartment with a minimum of two units per structure on a single lot.

Note: All other sections of 14.46.230 remain unchanged.

Section 14.48.020: Duplexes in Single-Family Zones

Duplexes and two-family conversions in single-family zones shall be allowed on ~~lots having at least 125 percent of the minimum square footage required for one dwelling unit on a lot in such district. all residential lots having at least the minimum square footage required for a detached single-family residence.~~

- (a) ~~A zero lot line short subdivision may be utilized to create separate lots for each duplex unit, so long as each lot is at least 50% of the minimum lot size for the underlying zoning district, per Chapter 14.18 – Part I.~~
- (b) ~~Condominium units may be created if the duplex is in a “stacked configuration” through a binding site plan process, per Chapter 14.18 – Part II.~~
- (c) ~~Duplexes proposed on lots with designated critical areas or their buffers are regulated by Chapter 14.88 and may be subject to the reasonable use provisions in Sections 14.88.310 and 14.88.320.~~

Note: All other sections of 14.48.020 remain unchanged.

22. Accessory Dwelling Units

Section 14.44.045: Accessory Dwelling Units (ADU)

The installation of ~~an two accessory dwelling units (ADU) in any configuration (attached or detached) in new and existing single-family dwellings~~ shall be allowed in residential ~~zones-zoning districts with a principal unit~~ subject to specific development ~~and design~~ standards.

- (a) Purpose. The purpose of allowing ADUs is to:
 - (1) Offer a means for residents to remain in their homes and neighborhoods, despite rising costs of living, while obtaining rental income, companionship, security and services.
 - (2) Expand housing options for residential property owners, particularly family caregivers, adult children, aging parents, and families seeking smaller households.
 - (3) Provide another means for homeowners to reinvest in and improve their residential property.

- (4) Develop housing units in single-family neighborhoods that are appropriate for people at a variety of stages in the life cycle.
 - (5) Promote a broader range of affordable housing options in Lake Stevens.
 - ~~(6) Comply with RCW 43.63A.215, which requires cities with populations greater than 20,000 to include provisions for ADUs in their development regulations.~~
 - ~~(7)(6) Comply with the goals and policies of the Housing Element in the Comprehensive Plan.~~
 - ~~(8) Protect neighborhood stability, property values, and the single-family residential appearance of the neighborhood by ensuring that ADUs are installed under the conditions of this section~~
- (b) Development Standards.
- (1) The ADUs may be within, attached to, or detached from the principal dwelling unit or as part of a legal accessory structure detached garage.
 - ~~(2) Only one ADU may be constructed per residence. Residential lots with a duplex are not eligible to construct an ADU.~~
 - ~~(23) An ADU can be constructed to a maximum size of up to 50 percent of the principal dwelling unit's total gross floor area, or to a maximum size of 800-1,000 square feet of total gross floor area, whichever is less.~~
 - ~~(i) Buildings and garages detached from the principal dwelling shall be excluded from the total gross floor area calculation.~~
 - (ii) If the ADU is completely located on a single floor within the footprint of the primary residential unit or an existing legal accessory structure of the principal dwelling unit, the Director or designee may allow an increased in ADU size to efficiently use the floor area, so long as all other standards set forth in this section are met. This flexibility is not intended to allow the division of larger residences into separate duplex units or two-family conversions, which are subject to Section 14.48.020.
 - ~~(34) An ADUs shall not be smaller than 250 square feet of gross floor area.~~
 - ~~(5) In High Urban Residential and Multi-Family Residential zoning districts, ADUs may only be constructed on lots larger than 125 percent of the minimum lot size for that zone.~~
 - ~~(46) Individual ADUs can be conveyed separately as condominium units per Chapter 64.34 RCW, subject to an approved binding site plan per Chapter 14.18. An ADU shall not be segregated from the ownership of the principal dwelling unit through any process that would subvert state and local statutes and ordinances.~~
 - ~~(57) The construction of an ADU shall conform to all applicable standards in the building, plumbing, electrical, mechanical, fire and any other applicable codes, laws, rules, and regulations as adopted by the City and/or State, including but not limited to the development standards applicable to the underlying zone where the ADU is being proposed.~~
 - ~~(68) An ADU shall be on a foundation as regulated by the current International Residential Code.~~
 - ~~(79) Applicants shall obtain all necessary approvals from agencies with jurisdiction over utility infrastructure.~~
 - ~~(810) The construction of ADUs shall not require the construction of frontage improvements in the public right-of-way pursuant to Section 14.56.170.~~
 - ~~(911) For the purposes of calculating impact fees, an ADU shall be considered an apartment in the The impact fee for accessory dwelling units shall be no more than 50 percent of the impact fee imposed on the principal unit per the currently adopted fees resolution.~~
- (c) Design Standards.
- ~~(1) ADUs shall include architectural and design features that are visually compatible with single-family homes. Examples of these features may include using matching materials, colors, window style, or roof design. An ADU may be exempt from this design requirement if the structure is substantially screened from view of surrounding properties.~~

~~(2) The privacy of dwelling units on adjacent lots and ADUs shall be protected to a reasonable extent by including a landscape screen, fencing, strategic window and door placement, or orienting the ADU to maximize privacy.~~

~~(3) If the ADU's primary entrance is not the same as that for the principal dwelling unit, it shall be less visible from the street than the main entrance of the principal dwelling unit, and the ADU's stairways may not be constructed on the front of the principal dwelling unit.~~

(c) Parking.

(1) Per Table 14.72-I, one off-street parking space per ADU unit is required in addition to the parking required for the primary dwelling unit.

(2) No parking spaces are required for ADU's within one-half mile of a walking distance of a major transit stop as defined in RCW 36.70A.696 unless the city demonstrates implementation of this subsection will be significantly less safe for vehicle drivers or passengers, pedestrians, or bicyclists than if the jurisdiction's parking requirements were applied to the same location for the same number of detached houses.

(d) Other regulations.

(1) Lots that contain designated critical areas or their buffers are regulated by Chapter 14.88 and may be subject to the reasonable use provisions in Sections 14.88.310 and 14.88.320, which may limit the number of ADUs permitted on a lot.

Note: All other sections of 14.44.045 remain unchanged.

Table 14.72-I: Table of Parking Requirements

Use	Parking Requirement
Single-family detached residences.	2 spaces per dwelling unit plus one space per room rented out (see Accessory Uses, Section 14.40.040)
Duplex residences.	2 spaces for each dwelling unit, except that one-bedroom units require only one space.
Accessory dwelling units.	Single-family detached residences with accessory dwelling units require 1 space <u>per accessory dwelling unit</u> in addition to the 2 spaces required for the principal dwelling.
Multifamily residences.	2 spaces per unit plus 1 additional space for every four units in the development, except multifamily units limited to senior citizens require only 1 space per unit.

Note: All other sections of Table 14.72-I remain unchanged.

23. Legal Lot Status Determination

Section 14.16C.078: Legal Lot Status Determination

(c) Determination Process.

(1) Lot Status Determinations as Part of a Building Permit or Other Land Use and Development Request.

(i) Lot status determinations involving building permit or other land use and development applications shall submit all materials set forth in subsection (d) of this section, along with the underlying applications, and required application fees.

(ii) Concurrent review with an underlying application shall follow the process for the underlying building permit or land use permit.

(iii) A separate written approval of a lot status determination will not be issued unless requested by the applicant.

(2) Lot Status Determinations Without a Building Permit or Other Land Use and Development Request.

(i) Lot status determinations not involving any other concurrent City reviews shall submit all materials set forth in subsection (d) of this section, a complete Type I application and current fee.

(ii) The lot status determination shall be reviewed for compliance with the criteria in this section.

(iii) The City will issue a written determination of lot status.

(3) If any nonconforming lot is held in common ownership with an adjacent lot or lots and the combined lots have previously functioned as a single lot to support or allow a use or development, then the nonconforming lot is deemed to have been combined with the adjacent lot or lots and may only be used in accordance with this title as a single lot.

(f) Alternate Decision Criteria for Determining Lot Status. The Planning Director or designee may determine that a parcel is a legal lot of record when the parcel meets one or more of the following criteria:

(1) The parcel was created through territorial platting prior to 1937, was not subsequently developed, altered or improved, and the applicant can demonstrate that the parcel meets the requirement of subsection (f)(3) of this section.

(2) The parcel is a tax parcel created for tax segregation purposes by the County Assessor and the applicant can demonstrate that the parcel meets the requirement of subsection (f)(3) of this section and the following:

(i) The parcel was created by a tax segregation process prior to March 4, 1972; and

(ii) The parcel was defined by metes and bounds legal description or fractional section description and conveyed by notarized deed prior to December 31, 1968; or

(iii) The parcel was conveyed as an individually described parcel to separate, noncontiguous ownerships through a fee simple transfer or purchase.

(3) For consideration for an alternative determination of lot status, the applicant shall demonstrate that:

~~(i) The parcel meets the zoning regulations in effect at the time the lot was created; or~~

(ii) The parcel substantially meets or can meet current zoning standards per Title 14 including but not limited to access to public utilities, site access, road, sidewalk, stormwater, lot size, setbacks, etc.; and

(iii) The parcel does not adversely impact public health or safety; and

~~(iv)~~ (iii) The parcel does not adversely affect or interfere with the implementation of the Comprehensive Plan.

- (iv) For purposes of reviewing the status of preexisting parcels, parcels within 10 percent of lot size standards shall be considered to substantially meet the current standards unless the Planning Director or designee determines that public health or safety impacts are present.

Note: All other sections of 14.16C.078 remain unchanged.

24. Adult Family Homes and In-Home Daycares

Section 14.44.015: Home Occupations

(k) In-Home Day Care Standards.

- (1) Home day care ~~and adult family care~~ facilities shall meet State licensing requirements, including those pertaining to building, fire safety, and health codes found in 110-300 WAC. A copy of the required State license, if applicable, shall be furnished by the applicant with the City business license application.
- (2) There shall be minimal, if any, change in the outside appearance of the residence.
- (3) Where outdoor recreation facilities are provided for children in day care facilities, they shall be screened by a fence at least four feet high, where abutting residentially zoned property.
- (4) The facility shall provide a safe passenger loading area outside the public right-of-way.
- (5) The day care provider shall provide written notification to immediately adjoining property owners of the intent to locate and maintain a facility and provide a copy of the notification to the Planning Department. (Ord. 1124, Sec. 2 (Exh. A), 2021)

(l) Adult Family Home Standards.

- (1) Adult family homes shall meet State licensing requirements, including those pertaining to building, fire safety, and health codes found in Chapter 70.128 RCW. A copy of the required State license, if applicable, shall be furnished by the applicant with the City business license application.
- (2) There shall be minimal, if any, change in the outside appearance of the residence.

Note: All other sections of 14.44.015 remain unchanged.

25. Model Homes

Section 14.44.025: Model Homes

(c) Occupancy of model homes is limited as follows:

- (1) No model home shall be occupied for residential use prior to the recording of the final plat and until water, sewer, and storm sewer service is installed and provided to the home.

- (2) Model homes used as temporary real estate offices shall obtain a temporary use permit in accordance with Section [14.16C.110](#) subject to the conditions of Section [14.16C.110\(c\)\(3\)](#).
- (3) One additional preliminarily approved lot may be used to furnish off-street parking provided a hard surface ~~consistent with Section 14.72.060 is provided.~~~~approved by the Public Works Director or designee is installed.~~ This provision is not intended to increase the total number of model homes permitted under subsection (a)(1) of this section. (Ord. 1019, Sec. 2 (Exh. A), 2018)

Note: All other sections of 14.44.025 remain unchanged.

26. Multifamily Apartments Annexed into the City (Delete Entire Section)

~~Section 14.44, Part V: Multifamily Apartments Annexed into the City~~

~~14.44.500 Authority.~~

~~This chapter contains the City's procedures and policies related to the expansion or replacement of existing multifamily structures located in WR, R4, R6, or R8-12 zoning districts, annexed into the City on or after January 1, 2006. (Ord. 1124, Sec. 2 (Exh. A), 2021; Ord. 871, Sec. 3, 2012)~~

~~14.44.510 Conditional Use Permit Required.~~

~~Any requests to expand and/or replace existing multifamily structures (regardless of reason), located in WR, R4, R6, or R8-12 zoning districts, annexed into the City on or after January 1, 2006, shall require a conditional use permit per Section [14.16C.045](#) prior to approval of the expansion and/or replacement. (Ord. 1124, Sec. 2 (Exh. A), 2021; Ord. 871, Sec. 3, 2012)~~

~~14.44.520 Additional Requirements.~~

- ~~(a) The proposed expansion and/or replacement cannot increase the number of units.~~
- ~~(b) The proposed expansion and/or replacement must comply with current regulations and obtain all applicable permits and approvals, including but not limited to a building permit per the current International Construction Codes.~~
- ~~(c) The density and dimensional standards of the MFR (Multifamily) zone shall apply per Table 14.48-I, Density and Dimensional Standards, to Chapter [14.48](#); however, if a building is destroyed by fire, accident, or natural disaster the structure can be reconstructed within the existing footprint.~~
- ~~(d) All other provisions of the LSMC associated with multifamily development, including but not limited to critical areas, landscaping, design guidelines, and parking, shall apply.~~
- ~~(e) The project proponent shall submit the original County approved official site plan and supporting County decision documents to the City with the conditional use permit application or equivalent documentation that identifies the approved number of units and lot configuration prior to expansion or replacement. (Ord. 871, Sec. 3, 2012)~~

27. Personal Storage Facilities in Subareas

Section 14.38.020: Zoning Districts

The following zoning districts implement the goals, policies and distribution of land uses set forth in the subarea plans:

(b) Commercial District (CD). The purpose of this district is to accommodate the high-intensity retail needs of the community and regional market by attracting a mix of large to small format retail stores and restaurants to create a vibrant and unified regional shopping center. Transportation accessibility, exposure to highways and arterials with adequate public services and traffic capacity characterize this district.

(1) Principal Uses.

- (i) Accommodation services;
- (ii) Arts and entertainment;
- (iii) Food services;
- (iv) Retail trade; and
- (v) Transit-oriented development (including transit facilities/stops).

(2) Secondary Uses.

- (i) Amusement and recreation industries;
- (ii) Commercial parking structures/lots;
- (iii) Educational services (colleges and/or technical schools);
- (iv) Finance and insurance;
- (v) Health care services;
- (vi) Information services;
- (vii) Personal services;
- (viii) Professional, scientific, and technical services;
- (ix) Public administration;
- (x) Warehousing, storage and distribution;
- (xi) Small wireless facilities/towers and antennas 50 feet tall or less; and
- (xii) Eligible facility modifications.

(3) Residential Uses.

- (i) Mixed use multifamily residential units including apartments, condominiums, and live/work units, where the majority of residential units are located above commercial uses.

(4) Special Regulations.

- (i) Health care, professional, scientific, and technical services require a conditional use permit per Section [14.16C.045](#) when the structure's footprint exceeds 10,000 gross square feet;
- (ii) Places of worship over 10,000 gross square feet require a conditional use permit per Section [14.16C.045](#);
- (iii) Macro facilities collocation on existing buildings/structures requires an administrative conditional use permit per Section [14.16C.015](#);
- (iv) Macro facilities (e.g., new tower, pole or structure)/towers and antennas more than 50 feet tall require a conditional use permit per Section [14.16C.045](#);
- (v) Warehousing, storage and distribution accessory to the principal use shall not exceed 25 percent of the gross floor area of individual structures, unless a conditional use permit is granted per Section [14.16C.045](#);
- (vi) Outdoor retail sales of building materials, garden equipment and supplies, and vehicles are permitted;~~and~~
- (vii) Marijuana retail facilities are not allowed;~~and~~

(viii) Personal storage facilities may be permitted subject to the following regulations:

- An administrative conditional use permit is required;
- Standalone storage facilities with no other uses on the same site are prohibited;
- Storage facilities shall not exceed 15% of the gross commercial floor area on the site;
- Outdoor storage is prohibited;
- The storage facility shall support at least one primary use on the project site or within the immediate vicinity; and
- All other provisions of LSMC 14.44.044 that do not conflict with this section apply.

Table 14.40-II: Table of Nonresidential Uses by Zones

A blank box indicates a use is not allowed in a specific zone. Note: Reference numbers within matrix indicate special conditions apply.										
P – Permitted Use; A – Administrative Conditional Use; C – Conditional Use (See Section 14.40.070 for explanation of combinations)										
NAICS Code	Use	LB	MU ¹	PBD ²	BD	CBD	CD	LI	GI	P/SP
PERSONAL AND GENERAL SERVICES										
531130	Personal storage facilities ^{5,6,11}	A ⁶					A ^{6,11}	A	A	

5. Subject to Section [14.44.044](#) (Storage Facilities) and Chapter 14.38 (Subarea Plans).

6. Standalone storage facilities are not permitted in the LB and CD zones, including within subareas.

¹¹ ~~Prohibited in subareas per Chapter 14.38. Storage facilities are D~~distinct from warehousing, storage and distribution uses associated with or secondary to a principal use in subareas. They may be permitted within subareas with a CD zoning designation subject to compliance with Section 14.38.020.

Note: Only affected rows/columns and footnotes shown. All other sections remain unchanged.

Category 4: Minor Process Code Updates

28. Security Mechanisms

Section 14.16A.180: Security Mechanisms

(a) General Requirements.

(1) As security, the City may accept ~~any of the following: bonds, letters of credit from an insured bank, a secured account with an insured bank, or a cash deposit or assignment of funds.~~ Other forms of security may be accepted if approved by the City Finance Director in consultation with the City Attorney.

(2) In each case where the City requires or allows an applicant to post a security, the Public Works Director ~~and/or Community Development Director (based on type of improvement),~~ shall determine the type of security to be used.

~~(3) There are four standard types of financial securities: site improvements (public and/or private), landscaping, temporary erosion and sediment control (TESC), and critical areas improvements.~~

~~(4) The Public Works Director is responsible for review and approval of site improvements and TESC. The Community Development Director is responsible for review and approval of landscaping and critical areas improvements.~~

~~(5) Performance securities may be presented to the City after preliminary approval of a project but in all circumstances shall be presented prior to any site work, including clearing, grading, or construction.~~

~~(6) Submission of a performance security may be waived by the Public Works and/or Community Development Director if, in the director's opinion, said guarantee of installation is not necessary.~~

(b) Performance Securities.

(1) TESC Security. Except as provided in subsection (d) of this section, a performance security shall be required for any project on a site greater than one acre in size to guarantee that a site can be closed and/or winterized if necessary, or that measures can be taken by the City to respond to weather-related emergencies. This may include removal of TESC measures and site restoration measures, including implementation of permanent erosion control including soil amendment and replanting with native plants and trees.

(2) Site Performance Security. In addition, ~~an augmented site~~ performance security may be required by the Public Works Director to cover the cost of installing any system-wide public improvements that an applicant has agreed to install as part of ~~his~~ an approved project where the lack of installation would cause the system to fail or not be completed in a timely manner. An engineer's estimate (or other qualified professional) is required for location-specific issues or critical areas.

i. In lieu of installing public improvements per this title or a condition of a permit, a developer may propose to post a security to ensure completion of the improvements within one year of permit approval.

ii. An extension not to exceed one year may be approved by the Public Works Director upon extension of the security or submission of a new one.

~~(3) Performance securities may be presented to the City after preliminary approval of a project but in all circumstances shall be presented prior to any site work, including clearing, grading, or construction.~~

~~(4) Submission of a performance security may be waived by the Public Works Director if, in his opinion, said guarantee of installation is not necessary.~~

~~(c) Completion Securities. In lieu of installing public improvements per this title or a condition of a permit, a developer may propose to post a security to ensure completion of the improvements within one year of permit approval. An extension not to exceed one year may be approved by the Public Works Director upon extension of the security or submission of a new one.~~

~~(c)~~ Maintenance Securities. Any developer shall provide to the City a maintenance security to cover the cost of replacing or repairing any of the public improvements installed per this title or a condition of a permit.

~~(d)~~ Amount of the Security.

(1) The amount of a security shall be a percentage, as specified in this subsection, of the estimated cost or engineer's estimate (or other qualified professional) of design, materials, and labor, based on the estimated costs ~~on the last day covered by the device,~~ of installing, replacing, or repairing (whichever is appropriate) the improvements covered by the security.

(i) Performance. One hundred fifty percent of the costs specified in subsection (e)(1) of this section.

~~(ii) Completion. One hundred fifty percent of the costs specified in subsection (e)(1) of this section.~~

(iii) Maintenance. Twenty percent of the costs specified in subsection (e)(1) of this section. An updated engineer's estimate is required for dedicated rights-of-way securities and the security must be provided to the city prior to rights-of-way dedication. The engineer's estimate is to be multiplied by twenty percent.

(2) The Public Works Director and/or Community Development Director shall approve the amount of a security under subsection (a) of this section. The applicant shall prepare for the Public Works Director's and/or Community Development Director's review and approval a cost estimate of the items to be covered by the security.

~~(e)~~ Reduction of Securities. In those cases where improvement securities have been made, the amount of the guarantee may be reduced upon acceptance of the dedication of a portion of the required improvements. The amount of the reduction shall not exceed the percentage which the improvements just accepted for dedication made up of all originally required improvements. In no case, however, shall the guarantee be reduced to less than 15 percent of the original amount, unless replaced with a new security per subsection (i)(6) of this section.

(fg) Duration of Securities. All securities shall be held until released by the Public Works Director; however, the standard duration of the various securities should be as follows:

(1) Performance. One year or until all improvements are installed and accepted by the City, whichever is greater.

~~(2) Completion. One year or until all improvements are installed and accepted by the City, whichever is greater.~~

(23) Maintenance. Two years (for frontage improvements, landscaping, and other infrastructure improvements); extendable by the City if repairs are made at the end of the bonding period which, in the opinion of the Public Works and/or Community Development Director, require additional guarantee of workmanship. Five years for wetland maintenance securities in accordance with 14.88.278. TESC work does not require a maintenance security.

(gh) Supplemental Administrative Costs. In addition to the security, the applicant shall pay a fee to the City covering the City's actual expenses of administering, and if necessary, using the proceeds of the security. The amount of this fee will be set by resolution.

(hi) Security Agreement. In each case where a security is posted, the applicant and the Public Works Director shall sign a notarized security agreement, approved in form by the City Attorney. ~~This agreement shall be recorded with the Snohomish County Auditor.~~ The agreement shall provide the following information:

(1) A description of the work or improvements covered by the security and the approved permit numbers.

(2) Either the period of time covered by the maintenance security or the date after which the City will use the proceeds of the performance security to complete the required work or improvements.

(3) The amount and nature of the security. ~~and the amount of the cash deposit.~~

(4) The rights and duties of the City and the applicant.

(5) ~~An irrevocable license to run with the property to allow the employees, agents, or contractors of the City to go on the subject property for the purpose of inspecting and, if necessary, doing the work or making the improvements covered by the security~~ Responsibility to maintain securities runs with the land and is transferred to the new owner upon sale of the property.

(6) The mechanism by and circumstances under which the security shall be released. At a minimum, after the work or improvements covered by a performance security have been completed, or at the end of the time covered by a maintenance security, the applicant may request the City to release the security. If the applicant has complied with the security agreement and this Code, the Public Works Director shall release the security remaining. If the work has not been completed or repairs not made, then the City shall not release the security until such work is completed per subsection (j) of this section. Partial release of the security may be allowed; provided, that the developer provides a new security in the amount specified in subsections (de) & (e) of this section for the remaining work.

~~(7) Upon release of any recorded security mechanism, a copy of the letter of release shall be filed with the Snohomish County Auditor.~~

(j) Use of Security Funds by the City.

(1) If during the period of time covered by a maintenance security, or after the date by which the required work or improvements are to be completed under a performance security, the Public Works Director and/or Community Development Director determines that the security agreement has not been complied with, ~~he~~ the director shall notify the applicant of this. The notice must state:

(i) The work that must be done or the improvements that must be made to comply with the security agreement; and

(ii) The amount of time, not to exceed 30 days, that the applicant ~~has to~~ must commence and complete the required work or improvements; and

(iii) That, if the work or improvements are not commenced and completed within the time specified, the City will use the proceeds of the security to have the required work or improvements completed.

(2) If the work or improvements covered by the security are not completed within the time specified in the notice, the City shall obtain the proceeds of the security and shall cause such work to be completed.

(3) The applicant is responsible for all costs incurred by the City in administering, maintaining, or making the improvements covered by the security(ies). The City shall release or refund any proceeds of a performance or maintenance security remaining after subtracting all costs for doing the work or making the improvements covered by the security. The applicant shall reimburse the City for any amount expended by the City that exceeds the proceeds of the security. The City may file a lien against the subject property for the amount of any excess.

(4) In each case where the City uses any of the funds of a security, it shall give the applicant an itemized statement of all funds used. (Ord. 1015, Sec. 4 (Exh. C), 2018; Ord. 811, Sec. 2 (Exh. 1), 2010)

Note: All other sections of 14.16A.180 remain unchanged.

29. Types of Review

Section 14.16A.210: Types of Review

(b) Classification of Permits and Decisions.

(6) Type VI Review - Legislative Decisions - City Council with Planning Commission Recommendation. A Type VI review is for legislative and/or non-project decisions by the City Council under its authority to establish policies and regulations regarding future private and public development and management of public lands. The Planning Commission makes a recommendation to the City Council. The Planning Commission will conduct a public hearing to obtain public testimony on the proposed legislation. The City Council may elect to conduct an additional public hearing. The actions reviewed and decided as Type VI are listed in the table in subsection (d) of this section.

(c) Permits and Actions Not Listed. If a permit or land use action is not listed in Table 14.16A-I, the Planning Director shall make the determination as to the appropriate review procedure.

(d) Permit-Issuing Authority and Appeal Authority. The permit-issuing authority and appeal authority for permit applications and legislative actions are established in Table 14.16A-I. A detailed explanation for each review procedure is in Chapter 14.16B under each part for each review type.

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 and Hearing
TYPE I Administrative without Public Notice	• Design Review • Administrative Deviation • Administrative Modifications • <u>Associated Land Use Determinations</u> • Boundary Line Adjustments • Change of Use • Code Interpretations • <u>Design Review</u> • Events • Floodplain Development Permits • Home Occupations • <u>Legal Lot Status Determination</u> • Master Sign Program • Minor Land Disturbance • <u>Mobile Food Vendors</u> • <u>Multi-Family Tax Exemption</u> • <u>Pasture Plan</u> • Reasonable Use Exceptions • Shoreline Exemptions • Short-Term Rentals • Signs • Temporary Uses	None	None	Department director or designee	Hearing Examiner, except shoreline permits to State Shoreline Hearings Board, and Open Record

Type of Review	Land Use Actions and Permits	Recommendation By	Public Hearing Prior to Decision	Permit-Issuing Authority	Administrative Appeal Body and Hearing
	• Zoning Verification Letter				
TYPE II Administrative with Public Notice	• Administrative Conditional Use (formerly Special Use) • Administrative Variance • Binding Site Plans • Final Plats (short subdivisions and subdivisions) • Major Land Disturbance • 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 - Preliminary • Short Plat Alterations • Short Plat Vacations • Site Plan Reviews • Temporary Encampments (as modified by LSMC 14.44.038)	None	None	Planning Director or designee	Hearing Examiner, except shoreline permits to State Shoreline Hearings Board, and Open Record
TYPE III Quasi-Judicial, Hearing Examiner	• Conditional Uses • Preliminary Plats • Shoreline Conditional Uses • Shoreline Variances • Variances	Planning Director or designee	Open Record	Hearing Examiner	Superior Court, except shoreline permits to State Shoreline Hearings

Type of Review	Land Use Actions and Permits	Recommendation By	Public Hearing Prior to Decision	Permit-Issuing Authority	Administrative Appeal Body and Hearing
					Board, and Closed Record
TYPE IV Quasi-Judicial, City Council with Hearing Examiner Recommendation	• 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	• Plat Alterations • Plat Vacations • Right-of-Way Vacations	Planning Director or designee	Open Record	City Council	None, appeal to Superior Court
TYPE VI Legislative, City Council with Planning Commission Recommendation	• Comprehensive Plan Amendments, Map and Text • Development Agreements • Land Use Code Amendments • Rezones - Area-Wide Zoning Map Amendments	Planning Commission with Open Record Hearing	Open Record	City Council	Growth Management Hearings Board and Closed Record

(e) Associated Land Use Determinations. Associated land use determinations are decisions that need to be made as part of another land use action or permit review, as set forth in Table 14.16A-II. Each type of determination has a separate review process determined by the Planning Director or Public Works Director, except design review, which is reviewed pursuant to Section 14.16C.050. Associated land use determinations shall follow the appeal path for Type I reviews pursuant to LSMC 14.16B.710.

Table 14.16A-II: Associated Land Use Determinations

Associated Land Use Determinations	
•	EDDS Street Deviations
•	Design Review Construction Plan Approval
•	Miscellaneous Administrative Determinations (e.g., application requirements, waiver allowed by code in parking or landscaping, etc.)
•	Right of Way Frontage Improvement Exception Waiver
•	Underground Utility Deviations

(Ord. 1139, Sec. 3, 2023; Ord. 1068, Sec. 2 (Exh. B), 2019; Ord. 1023, Sec. 2 (Exh. A), 2018; Ord. 1015, Sec. 4 (Exh. C), 2018; Ord. 969, Sec. 3, 2016; Ord. 903, Sec. 8, 2013; Ord. 876, Sec. 9, 2012; Ord. 860, Sec. 3, 2011; Ord. 855, Sec. 5, 2011; Ord. 811, Sec. 2 (Exh. 1), 2010)

Note: All other sections of 14.16A.210 remain unchanged.