

PLANNING COMMISSION MEETING AGENDA



City of Lake Stevens Vision Statement

We are a thriving community that promotes a vibrant economy, preserves natural beauty, and supports an exceptional quality of life for all.

March 5, 2025 - 6:00 PM
HYBRID at the Mill or via ZOOM
Join Zoom Meeting: [Zoom Link](#)

or call in at: 253-215-8782 Meeting ID: 87938080002 Passcode: 078293

- 1. Call to Order**
- 2. Roll Call**
- 3. Guest Business**
- 4. Action Items**
- 5. Public Hearing**
 - A. 2025 Comprehensive Plan Docket Ratification David Levitan
- 6. Discussion Items**
 - A. Introduction to Development Code Update Requirements for STEP Housing David Levitan
 - B. Proposed Revisions to LSMC 14.110 Concurrency Management System and LSMC 14.112 Traffic Impact Mitigation Christi Schmidt
- 7. Commissioner Report**
- 8. Planning Director's Report**
- 9. Adjourn**

THE PUBLIC IS INVITED TO ATTEND

The City of Lake Stevens strives to provide accessible opportunities for individuals with disabilities. Please contact Human Resources, City of Lake Stevens ADA Coordinator, (425) 622-9400, at least five business days prior to any City meeting or event if any accommodations are needed. For TDD users, please use the state's toll-free relay service, (800) 833-6384, and ask the operator to dial the City of Lake Stevens City Hall number.

PLANNING COMMISSION STAFF REPORT



Agenda Date: 3/5/2025

Subject: 2025 Comprehensive Plan Docket Ratification

Contact Person/Department: David Levitan, Community Development

Budget Impact:

Legal Review: No

RECOMMENDATION(S)/ACTION REQUESTED:

Hold a public hearing on the proposed 2025 Comprehensive Plan Docket, take oral testimony, and forward a recommendation to City Council to ratify the docket.

SUMMARY/BACKGROUND:

Under the Growth Management Act, the city can amend its Comprehensive Plan and Future Land Use Map once per year, with a few exceptions, through an annual docket process. At the Planning Commission's [February 19 meeting](#), staff introduced potential docket items, including two city-initiated map changes along with potential text amendments.

- M-1 is a city-initiated request to change the land use designation and associated zoning of a city-owned parcel (Parcel ID 00562300000801) from Waterfront Residential to Public/Semi-Public (see maps in Exhibits 2a and 2b). The parcel is the site of Lake Stevens Sewer District Lift Station 1C.
- M-2 is a city-initiated request to change the land use designation of two parcels (parcel Nos. 00562200000801 and 00562200000802) at 12409 21st Ave NE from Downtown/Local Commerce to Public/Semi-Public. The two parcels cover the southern half (parking area) of Snohomish Regional Fire and Rescue Station 81. The northern two parcels currently have a land use designation of Public/Semi-Public and all four parcels have the correct corresponding zoning designation of Public/Semi-Public (see map in Exhibit 3a).
- T-1 would update the city's three adopted subarea plans – Downtown Lake Stevens, Lake Stevens Center, and 20th St SE Corridor – to reflect updated land

use and zoning designations, policy language, growth assumptions, and design concepts that were adopted as part of the 2024 Comprehensive Plan.

- T-2 is a placeholder for potential changes to the Plan Elements (including anticipated updates to Tables 9.1 and 9.2 of the Capital Facilities Element) along with standard administrative amendments including the Cover, Title Page, Table of Contents, Introduction and Appendices (including SEPA Addenda) as needed.
- T-3 would update the Parks Element (Chapter 4) to reflect the 2025 Parks, Recreation and Open Space (PROS) Plan, which must be adopted by December 2025. The Parks Element would include new narrative, technical analysis, maps and figures. Staff will work collaboratively with the Parks and Recreation Department and Parks and Recreation Board to help develop the PROS Plan and integrate it into the Comprehensive Plan.

Commissioners generally supported moving these items forward for further study. This hearing serves as the Commission's opportunity to review the merits of individual docket proposals and take public testimony, consistent with the procedures outlined on pages 1-17 through 1-23 of the [Comprehensive Plan Introduction](#) (Chapter 1), before forwarding a recommendation to the City Council on docket ratification. A staff summary (Attachment 1) and analysis of each map amendment (Attachments 2 and 3, with exhibits) describe how each proposed amendment is consistent with the annual amendment and ratification criteria.

DISCUSSION

Staff recommends including text amendment T-1 through T-3 and map amendments M-1 and M-2 on the 2025 Comprehensive Plan Docket as they meet the review criteria for further consideration. Following the public hearing, the Planning Commission will make a motion and recommend the Council ratify the 2025 docket. This motion is a recommendation to set the 2025 Docket and is not a recommendation to approve or deny any amendments.

NEXT STEPS

The City Council will hold a separate public hearing (scheduled for March 11, 2025) to consider the Planning Commission's recommendation. If the proposed amendments are accepted by the council to be docketed, staff will analyze each proposal based on the merits of the application compared to established review criteria. The Planning Commission and City Council will review this analysis and take action in late 2025.

APPLICABLE CITY POLICIES:

ATTACHMENTS:

1. Attachment 1 - 2025 Docket Summary Table With Analysis
2. Attachment 2 - Docket Proposal M-1 Analysis

3. Attachment 3 - Docket Proposal M-2 Analysis

ATTACHMENT 1
SUMMARY OF 2025 DOCKET PROPOSALS

RATIFICATION MAPS		
#	<u>NAME</u>	<u>REQUEST</u>
M-1	City-Initiated Map Amendment	Change the land use designation and associated zoning of a city-owned parcel (Parcel ID 00562300000801) from Waterfront Residential to Public/Semi-Public (Exhibits 1a and 1b). The parcel is the site of Lake Stevens Sewer District Lift Station 1C. (See maps in Exhibits 2a and 2b)
M-2	City-Initiated Map Amendment	Change the land use designation of two parcels (parcel Nos. 00562200000801 and 00562200000802) at 12409 21 st Ave NE from Downtown/Local Commerce to Public/Semi-Public. The two parcels cover the southern half (parking area) of Snohomish Regional Fire and Rescue Station 81. The northern two parcels currently have a land use designation of Public/Semi-Public and all four parcels have the correct corresponding zoning designation of Public/Semi-Public (See map in Exhibit 3a).
RATIFICATION TEXT		
#	<u>NAME</u>	<u>REQUEST</u>
T-1	Subarea Plan Updates	Update the city's three adopted subarea plans – Downtown Lake Stevens, Lake Stevens Center, and 20 th St SE Corridor – to reflect updated land use and zoning designations, policy language, growth assumptions, and design concepts that were adopted as part of the 2024 Comprehensive Plan.
T-2	Minor text amendments	Placeholder for potential changes to the Plan Elements (including anticipated updates to Tables 9.1 and 9.2 of the Capital Facilities Element) along with standard administrative amendments including the Cover, Title Page, Table of Contents, Introduction and Appendices (including SEPA Addenda) as needed.
T-3	Parks Element Update	Update the Parks Element (Chapter 4) to reflect the 2025 Parks, Recreation and Open Space (PROS) Plan, which must be adopted by December 2025. The Parks Element would include new narrative, technical analysis, maps and figures. Staff will work collaboratively with the Parks and Recreation Department and Parks and Recreation Board to help develop the PROS Plan and integrate it into the Comprehensive Plan.

Factors for Consideration, per Comprehensive Plan [Chapter 1: Introduction](#), Revision and Amendments to the Comprehensive Plan Section G (page 1-21):

Map Amendments

- *How is the proposed land use designation supported by or consistent with the existing policies of the various elements of the Comprehensive Plan? If it isn't, the development should demonstrate how the change is in the best long-term interest of the city.*
 - Staff analyzed the proposed map amendments against the ratification criteria in Section H Revisions and Amendments to the Comprehensive Plan and applicable goals and policies of the Comprehensive Plan, which are included as Attachments 2 and 3. Staff believes proposals M-1 and M-2 comply with the policies of the Comprehensive Plan for inclusion on the docket.
- *How does the proposed land use designation promote a more desirable land use pattern for the community? If so, a detailed description of the qualities of the proposed land use designation that make the land use pattern for the community more desirable should be provided to enable the Planning Commission and City Council to find that the proposed land use designation is in the community's best interest.*
 - M-1 and M-2 would establish Public/Semi-Public land use designations for three publicly owned parcels (two with Downtown/Local Commerce designations, and one with a Waterfront Residential designation), consistent with Land Use Policy 2.2.4.
- *What impacts would the proposed change of land use designation have on the current use of other properties in the vicinity, and what measures should be taken to ensure compatibility with the uses of other properties in the vicinity?*
 - The property identified in M-1 has historically been and will continue to be used as a sewer lift station, and the proposed change in land use and zoning designations will not have impacts on other properties in the vicinity.
 - The property identified in M-2 has historically been and will continue to be used as a fire station, and the proposed change in land use designation for the southern two parcels will not have impacts on other properties in the vicinity.
- *Comments received from affected property owners and residents.*
 - If docketed, property owners within proximity of M-1, M-2 and M-3 will receive notice of the proposed land use designation changes to solicit public input.

Text Amendment Ratification Criteria

1. *Is the proposed amendment appropriate to the Comprehensive Plan rather than implementation as a development regulation or program?*
 - The proposed changes in Text Amendments T-1 through T-3 are not development regulations. They include:
 - Updates to adopted subarea plans to be consistent with the Comprehensive Plan (T-1)
 - Annual administrative updates to the plan (T-2)
 - Updates to the Parks Element (Chapter 4) to be consistent with a state-mandated update to the city's Parks, Recreation and Open Space Plan (T-3)
2. *Is the proposed amendment legal? Does the proposed amendment meet existing state and local laws?*
 - a. Yes, all amendments proposed shall follow an established legal process and criteria.

3. *Is it practical to consider the proposed amendment? Reapplications for reclassification of property reviewed as part of a previous proposal are prohibited unless the applicant establishes there has been a substantial change of circumstances and support a plan or regulation change at this time.*
 - a. The proposed text amendments would provide consistency between the Comprehensive Plan and adopted subarea plans (T-1), make minor administrative updates including updates to the 6-year and 20-year lists of capital projects (T-2), and incorporate updated analysis, narrative, maps and graphics in the Parks Element to reflect the 2025 Parks, Recreation and Open Space Plan (T-3). It is practical to consider all three amendments as part of the annual docket and will ensure consistency with the adopted comprehensive plan as well as the Growth Management Act.
4. *Does the City have the resources, including staff and budget, necessary to review the proposed amendment?*
 - a. The city has adequate staffing and budget to process the proposed amendments.
5. *Does the proposed amendment correct an inconsistency within or make a clarification to a provision of the Plan?*
 - a. Any changes will ensure the most up to date information is included in the plan and will create internal consistency within the plan. The proposed amendments will correct inconsistencies as they are discovered and will ensure consistency between the comprehensive plan and subarea plans (T-1) and between the Parks Element and PROS Plan (T-3).
6. *OR All of the following:*
 - a. *The proposed amendment demonstrates a strong potential to serve the public interest by implementing specifically identified goals and policies of the Comprehensive Plan; and*
 - The proposed amendments aim to serve the public interest by keeping the comprehensive plan and subarea plans up to date, including capital project lists, and consistent with one another (T-1), the PROS Plan (T-3), and the Growth Management Act.
 - b. *The public interest would best be served by considering the proposal in the current year, rather than delaying consideration to a later subarea plan review or plan amendment process.*
 - The proposed amendments are necessary during this review period to keep the Comprehensive Plan updated with the most recent and accurate information and to meet the regulatory deadline for the PROS Plan of December 2025.



2025 Comprehensive Plan Docket Ratification

M-1 – Lift Station 1C Map Amendment - Staff Summary Lake Stevens City Council & Planning Commission

City Council Hearing Date: March 11, 2025
Planning Commission Hearing Date: March 5, 2025

SUBJECT: City-initiated map amendment to the Comprehensive Plan and Zoning Map.

Summary	
Location in Comprehensive Plan: Chapter 2 Land Use Element – Figure 2.3 Land Use Map	
Proposed Change(s): City-initiated request to change the land use designation and associated zoning of Lake Stevens Sewer District Lift Station 1C (Parcel ID 00698100010200) from Waterfront Residential to Public/Semi-Public (Exhibits 2a and 2b).	
Applicant: City of Lake Stevens	Property Location(s): Intersection of Mitchell Rd and N Lakeshore Dr.
Existing Land Use Designations	Proposed Land Use Designation
Waterfront Residential	Public/Semi-Public
Existing Zoning Districts	Proposed Zoning District
Waterfront Residential	Public/Semi-Public

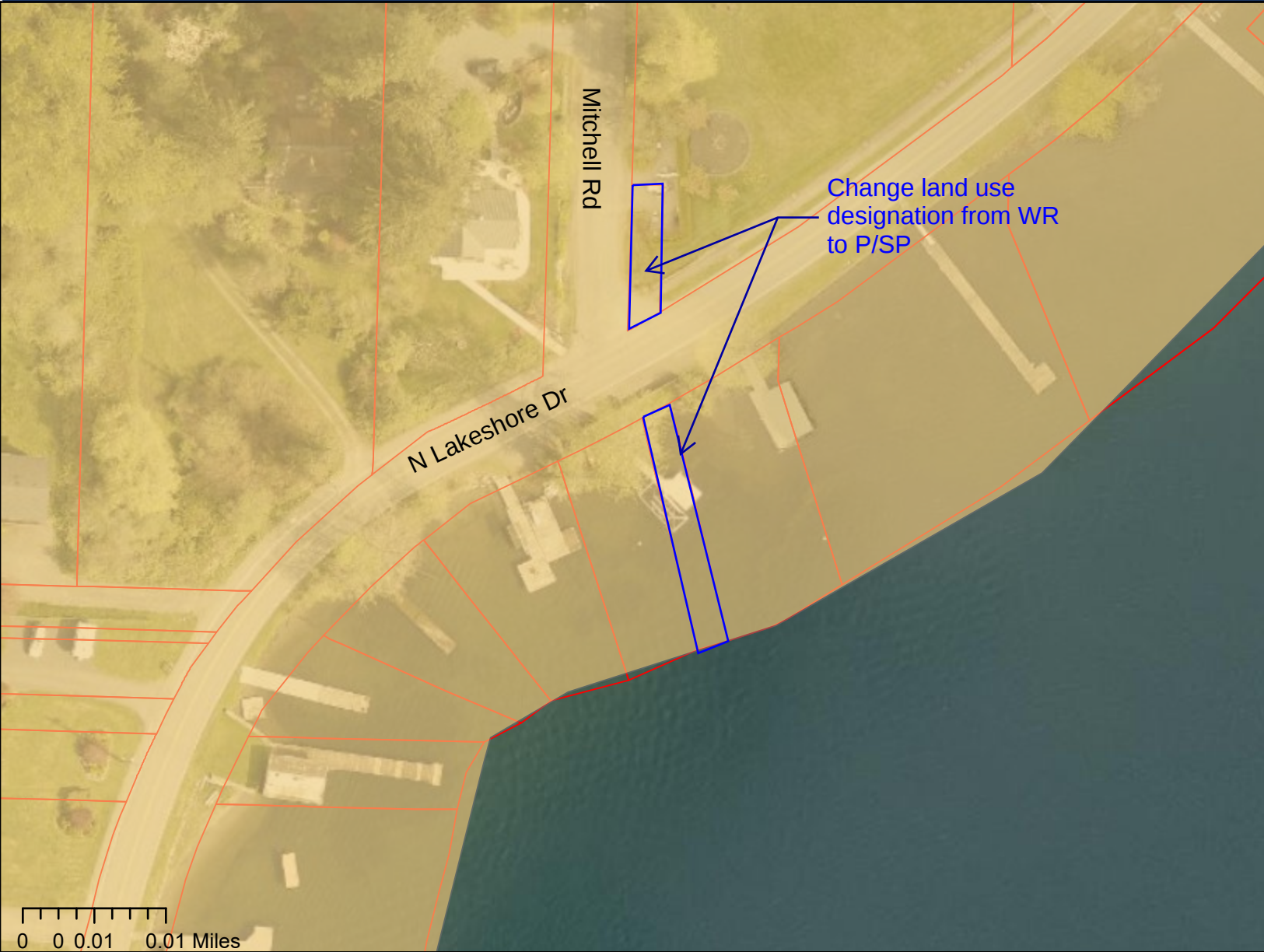
ANALYSIS: Annual amendments shall not include significant policy changes inconsistent with the adopted Comprehensive Plan Element Visions and must meet the identified criteria included in [Ratification of Docket and Authorization Hearing Section H](#) (page 1-22).

Ratification Review – Decision Criteria	Yes	No
1. Is the proposed amendment appropriate to the Comprehensive Plan rather than implementation as a development regulation or program? Discussion: The proposed land use map change does not implement a development regulation or program. It would provide land use and zoning designations that match the existing public use of the site, consistent with Land Use Policy 2.2.4.	X	
2. Is the proposed amendment legal? Does the proposed amendment meet existing state and local laws? Discussion: The proposed land use map change would be reviewed against the current Comprehensive Plan and applicable state laws related to process and environmental review.	X	
3. Is it practical to consider the proposed amendment? Reapplications for reclassification of property reviewed as part of a previous proposal are prohibited, unless the applicant establishes there has been a substantial change of circumstances and support a plan or regulation change at this time.	X	

Discussion: The land use designation change is requested to correct an oversight from the 2024 periodic update, when the city sought to update all publicly owned parcels to land use and zoning designations of Public/Semi-Public.		
4. Does the city have the resources, including staff and budget, necessary to review the proposed amendment? Discussion: The Growth Management Act and the city’s Comprehensive Plan set a process to review annual amendments to the Comprehensive Plan. By extension, this is a Planning and Community Development function.	X	
5. Does the proposed amendment correct an inconsistency within or make a clarification to a provision of the Plan? Discussion: Yes. Land Use Policy 2.2.4 states that the city shall “allow the Public/Semi-Public land use designation, which is intended for use on all land that is publicly owned. It allows public buildings and services, recreational uses, utilities, and transportation facilities.” Amending the land use and zoning designations for this city-owned parcel would provide consistency with the comprehensive plan.	X	
6. All the following: a. The proposed amendment demonstrates a strong potential to serve the public interest by implementing specifically identified goals of the Comprehensive Plan? AND b. The public interest would best be served by considering the proposal in the current year, rather than delaying consideration to a later subarea plan review or plan amendment process. Discussion: 6.a – The change would serve the public benefit by adopting the appropriate land use designation for a city-owned parcel. Multiples goals and policies demonstrate potential to serve the public interest. LAND USE GOAL 2.2 Achieve a well-balanced and well-organized combination of residential, commercial, industrial, open space, recreation and public uses. (Page 2-29) Land Use Policy 2.2.4 Allow the Public/Semi-Public land use designation, which is intended for use on all land that is publicly owned and identifies land useful for public purposes, as required by RCW 36.70A.150 and further analyzed and assessed in Chapter 7 (Public Services and Utilities) and Chapter 9 (Capital Facilities). It allows public buildings and services, recreational uses, utilities, and transportation facilities. This designation may also allow a limited range of commercial uses. (Page 2-31). 6.b – The change would serve the public benefit by supporting a review of land use zones as part of the annual docket and by implementing land use and zoning designations that are consistent with Comprehensive Plan goals and policies.	X	

Recommendation	Yes	No
Staff recommends City Council and the Planning Commission consider this proposal for inclusion in the 2025 Comprehensive Plan Docket.	X	

The Planning Commission recommends City Council consider this proposal for inclusion in the 2025 Comprehensive Plan Docket (see attached recommendation letter, if applicable).		
The City Council accepts this proposal for inclusion in the 2025 Comprehensive Plan Docket.		

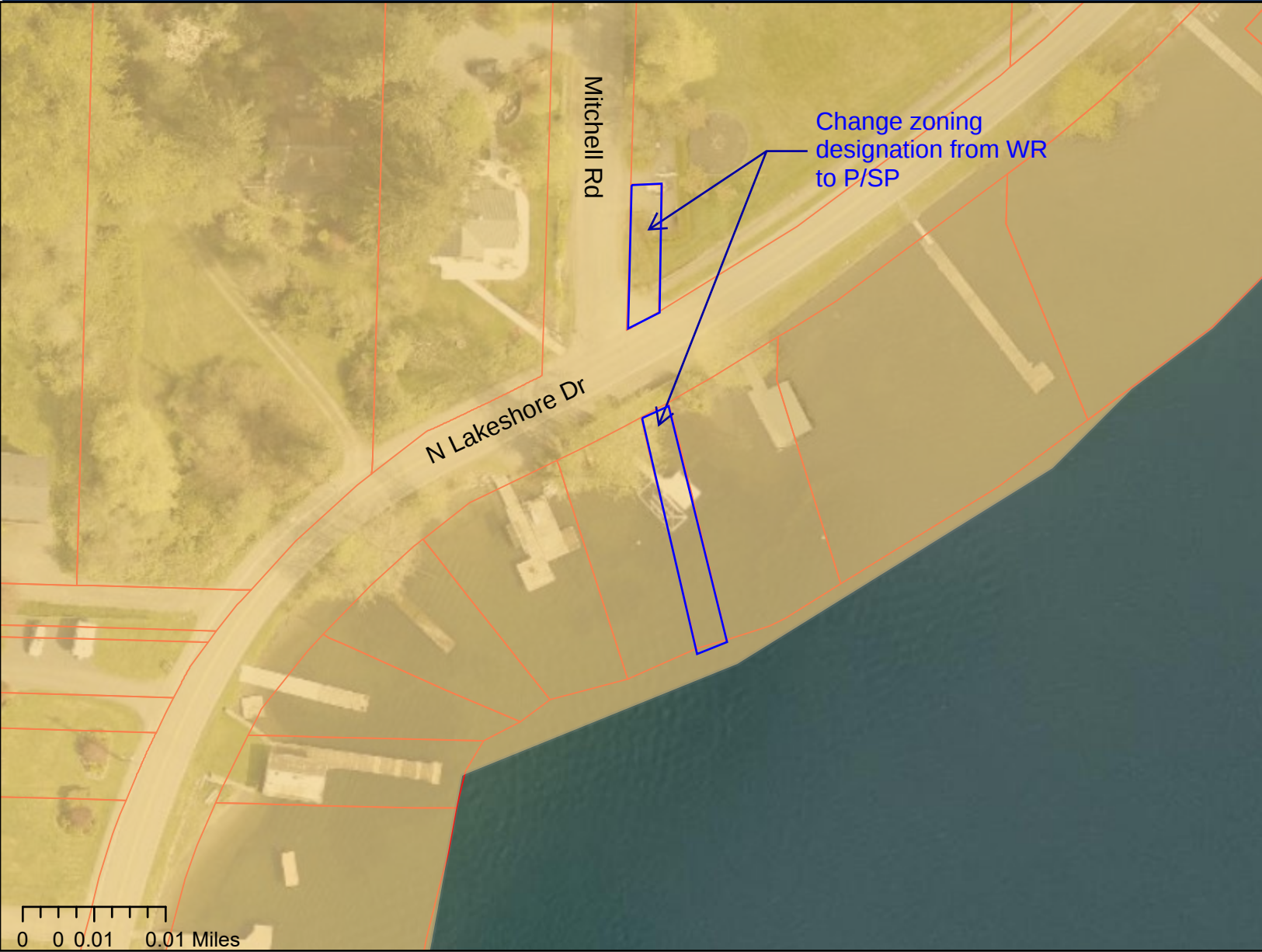


Legend

Land Use

Commercial	Light Industrial	Urban Growth Area
Downtown / Local Commerce	Local Commercial	Waterfront Residential
GI Development Agreement	Med Density Residential	<all other values>
General Industrial	Mixed Use	Parcels-Updates Weekly
High Density Residential	Planned Business District	
	Public / Semi-Public	

Exhibit 2b - Zoning for Map Amendment M-1



Legend

Current Zoning

Public / Semi-Public	Commercial District	Industrial
R8-12	Local Business	Waterfront Residential
R4	Multi-Family Residential	Central Business District
R6	Mixed-Use Neighborhood	General Industrial
	Business District	Parcels-Updates Weekly

DISCLAIMER

ALL DATA, INFORMATION AND MAPS ARE PROVIDED "AS IS" WITHOUT WARRANTY OR ANY REPRESENTATION OF ACCURACY, TIMELINESS OR COMPLETENESS. THE BURDEN FOR DETERMINING ACCURACY, COMPLETENESS, TIMELINESS, MERCHANTABILITY AND FITNESS FOR OR THE APPROPRIATENESS FOR USE RESTS SOLELY ON THE REQUESTER. THE CITY OF LAKE STEVENS MAKES NO WARRANTIES, EXPRESSED OR IMPLIED AS TO THE USE OF THE INFORMATION OBTAINED HERE. THERE ARE NO IMPLIED WARRANTIES OF MERCHANTABILITY OR FITNESS FOR A PARTICULAR PURPOSE. THE REQUESTOR ACKNOWLEDGES AND ACCEPTS ALL LIMITATIONS, INCLUDING THE FACT THAT THE DATA, INFORMATION AND MAPS ARE DYNAMIC AND IN A CONSTANT STATE OF CHANGE.



2025 Comprehensive Plan Docket Ratification

M-2 – Fire Station 81 Map Amendment - Staff Summary Lake Stevens City Council & Planning Commission

City Council Hearing Date: March 11, 2025
Planning Commission Hearing Date: March 5, 2025

SUBJECT: City-initiated map amendment to the Comprehensive Plan.

Summary	
Location in Comprehensive Plan: Chapter 2 Land Use Element – Figure 2.3 Land Use Map	
Proposed Change(s): City-initiated request to change the land use designation of two parcels (Parcel Nos. 00562200000801 and 00562200000802) at 12409 21 st Ave NE from Downtown/Local Commerce to Public/Semi-Public (parcel Nos. 00402800001600 and 00457000002604). The two parcels cover the southern half (parking area) of Snohomish Regional Fire and Rescue Station 81. The northern two parcels currently have a land use designation of Public/Semi-Public and all four parcels have a corresponding zoning designation of Public/Semi-Public (see map in Exhibit 3a).	
Applicant: City of Lake Stevens	Property Location(s): 12409 21 st Ave NE
Existing Land Use Designations	Proposed Land Use Designation
Downtown/Local Commerce	Public/Semi-Public
Existing Zoning Districts	Proposed Zoning District
Public/Semi-Public	Public/Semi-Public (no change proposed)

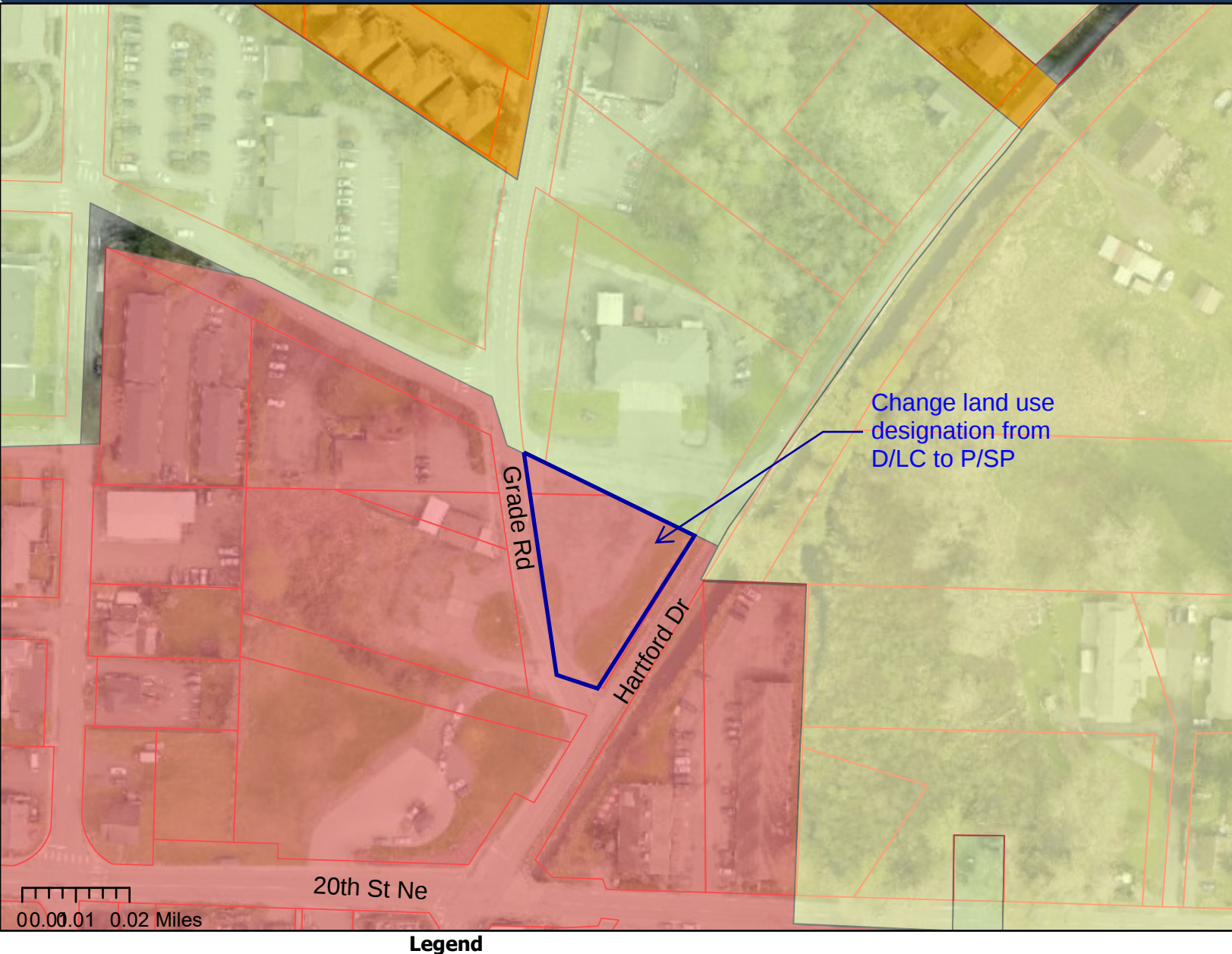
ANALYSIS: Annual amendments shall not include significant policy changes inconsistent with the adopted Comprehensive Plan Element Visions and must meet the identified criteria included in [Ratification of Docket and Authorization Hearing Section H](#) (page 1-22).

Ratification Review – Decision Criteria	Yes	No
1. Is the proposed amendment appropriate to the Comprehensive Plan rather than implementation as a development regulation or program? Discussion: The proposed land use map change does not implement a development regulation or program. The change would apply a land use designation of Public/Semi-Public to the southern half of an existing public fire station, the northern half of which already has a land use designation of Public/Semi-Public.	X	
2. Is the proposed amendment legal? Does the proposed amendment meet existing state and local laws? Discussion: The proposed land use map change would be reviewed against the current Comprehensive Plan and applicable state laws related to process and environmental review.	X	

3. Is it practical to consider the proposed amendment? Reapplications for reclassification of property reviewed as part of a previous proposal are prohibited, unless the applicant establishes there has been a substantial change of circumstances and support a plan or regulation change at this time. Discussion: The land use designation change is requested to correct an oversight from the 2024 periodic update, when the city sought to update all publicly owned parcels to land use and zoning designations of Public/Semi-Public.	X	
4. Does the city have the resources, including staff and budget, necessary to review the proposed amendment? Discussion: The Growth Management Act and the city's Comprehensive Plan set a process to review annual amendments to the Comprehensive Plan. By extension, this is a Planning and Community Development function.	X	
5. Does the proposed amendment correct an inconsistency within or make a clarification to a provision of the Plan? Discussion: Yes. The current land use designation of the two parcels on the southern half of the site (Downtown/Local Commerce) is not consistent with the current use (public fire station) or current zoning designation (Public/Semi-Public).	X	
6. All the following: a. The proposed amendment demonstrates a strong potential to serve the public interest by implementing specifically identified goals of the Comprehensive Plan? AND b. The public interest would best be served by considering the proposal in the current year, rather than delaying consideration to a later subarea plan review or plan amendment process. Discussion: 6.a – The proposed land use map change would serve the public interest by implementing specific goals and policies of the Land Use Element, including: LAND USE GOAL 2.2 Achieve a well balanced and well-organized combination of residential, commercial, industrial, open space, recreation and public uses. (Page 2-29) Land Use Policy 2.2.4 Allow the Public/Semi-Public land use designation, which is intended for use on all land that is publicly owned and identifies land useful for public purposes, as required by RCW 36.70A.150 and further analyzed and assessed in Chapter 7 (Public Services and Utilities) and Chapter 9 (Capital Facilities). It allows public buildings and services, recreational uses, utilities, and transportation facilities. This designation may also allow a limited range of commercial uses. (Page 2-31). 6.b – The change would serve the public benefit by supporting a review of land use zones as part of the annual docket and by implementing consistent land use and zoning designations for the entire site, consistent with the Growth Management Act.	X	
Recommendation	Yes	No
Staff recommends City Council and the Planning Commission consider this proposal for inclusion in the 2025 Comprehensive Plan Docket.	X	

The Planning Commission recommends City Council consider this proposal for inclusion in the 2025 Comprehensive Plan Docket (see attached recommendation letter, if applicable).		
The City Council accepts this proposal for inclusion in the 2025 Comprehensive Plan Docket.		

Exhibit 3a - Land Use for Map Amendment M-2



Legend

Land Use

- | | | |
|---------------------------|---------------------------|------------------------|
| Commercial | Light Industrial | Urban Growth Area |
| Downtown / Local Commerce | Local Commercial | Waterfront Residential |
| GI Development Agreement | Med Density Residential | <all other values> |
| General Industrial | Mixed Use | Parcels-Updates Weekly |
| High Density Residential | Planned Business District | |
| | Public / Semi-Public | |

MEMORANDUM

Date:	February 14, 2025	TG:	24348.00
To:	Christi Schmidt, City of Lake Stevens Russell Wright, City of Lake Stevens David Levitan, City of Lake Stevens		
From:	Stefanie Herzstein, Transpo Group Daniel Hendricks, Transpo Group Jon Pascal, Transpo Group		
cc:	Kim Klinkers, City of Lake Stevens Whitney Ojalehto, City of Lake Stevens		
Subject:	LSMC 14.110 Concurrency Code Review & Recommendations		

Transpo Group has conducted a review of the Lake Stevens Municipal Code (LSMC) Section 14.100 Concurrency Management System. Redline edits to the code language in this section have been reviewed and are provided with this technical memorandum. In addition to the proposed revisions to the LSMC language, several updates to the City's current concurrency and associated programs are summarized below for consideration:

1. **Prepare an Annual Concurrency Report.** The preparation of an annual concurrency report will allow the City to better track intersection, active transportation, and transit LOS of the City's transportation facilities. This document will allow the City to have a better understanding of how completed and planned development impacts the City's transportation network and whether any locations are operating below the established LOS standards. This annual process can be used to conduct an annual review of the list of "critical intersections" operating at or near the established LOS thresholds. This annual evaluation will also allow the City to better track progress towards meeting active transportation and transit LOS conditions, which are recommended to not be tracked on a project-by-project basis. Findings from the annual concurrency report can be utilized to identify and prioritize projects within the City's annual update of the 6-year Capital Improvement Plan.
2. **Consider Collecting Concurrency Review Fees.** For projects and applications meeting the requirements for concurrency review, the City may consider collecting fees to cover the administrative time required to conduct the concurrency review. The fees can be collected separately from other development application fees and can be tied to the cost of administering the City's concurrency program.
3. **Consider Altering the Current Concurrency Tracking Process for Projects Outside of the Established Subareas.** As part of the City's existing concurrency program, The City uses a matrix to track planned development within each of the subareas and the progress towards achieving the maximum land use and trip capacities identified for each. Outside of the subareas, concurrency is tied to the land use decision in staff reports. As a result of SB 5412, local agencies will likely be required to adopt SEPA exemptions for projects consistent with the Comprehensive Plan. As such, tracking concurrency for projects outside of subareas may become more challenging as most projects will likely not be required to prepare transportation analysis under SEPA and will not identify necessary SEPA mitigation. We recommend that the City consider updating the process through

which concurrency is managed for projects outside of subareas, potentially to better align with the process which is used for the subareas.

To implement an approach consistent with concurrency tracking within the subareas, the City should determine the maximum land use and trip capacities for the areas outside of the subareas. As developments are proposed outside of the subareas, the added units/square footage can be cumulatively tracked against these maximum thresholds to ensure that land use growth does not exceed levels analyzed in the Comprehensive Plan. Given the wide geographic coverage of potential development outside of subareas, concurrency tracking at the Citywide scale would likely be ineffective at identifying LOS deficiencies. Tracking concurrency within each of the Traffic Impact Zones (TIZs) identified within the City's Traffic Impact Fee (TIF) program could be one approach to subdividing the City for concurrency management.

4. **Update Tracking Matrix to Include the Lake Stevens Industrial Center Subarea.** The City's current concurrency tracking matrix only includes the Lake Stevens Center, 20th Street, and Downtown Lake Stevens Subarea. We recommend including the Lake Stevens Industrial Center subarea within this tracking sheet. Additional transportation analysis may be necessary to identify the future trip growth capacity of this subarea and associated transportation improvements necessary to maintain the LOS standards identified in the Comprehensive Plan.
5. **Threshold for Transportation Concurrency Evaluation Threshold.** Through the concurrency code edits, we established 25 trips as the threshold below which projects are screened from the concurrency process. This includes exempting a project from submitting a concurrency application and, therefore, these projects would not be tracked in the concurrency project until the annual concurrency report. Setting the threshold at this level is not a problem, we would just like to note that if there are many small projects proposed within the City, this may lead to larger year-over-year changes (and potentially greater changes in LOS) in the annual concurrency report. In addition, it could lead to developers phasing their project to be under the concurrency threshold. Transpo's proposed recommendations to the TIF code maintain that impact fees are required for these projects.

A potential approach to addressing this would be to set a lower threshold for concurrency evaluation and then a higher threshold for when a traffic study is required, as established in the *Overview of Basic Traffic Study Requirements*. This would ensure that "small" projects are still tracked throughout the year as part of the concurrency process but would not require a full traffic analysis since these projects would likely not have an impact on intersection LOS.

6. **Update Traffic Impact Analysis Guidelines.** The City's concurrency requirements are closely tied to the traffic impact analysis (TIA) guidelines outlined in the *Overview of Basic Traffic Study Requirements* (December 2012) and *Concurrency Traffic Study Handbook* (December 2012). We recommend updating these guidance documents to align with the concurrency code updates and the Comprehensive Plan/Subarea Plan LOS thresholds. As part of these updates, we recommend that clear guidance be provided on the level of traffic analysis (e.g., no analysis, trip generation only, full intersection analysis) necessary to conduct the concurrency review for projects of various sizes.
7. **Track Concurrency Using Person Trips instead of Vehicle Trips.** In alignment with the multimodal LOS standards and transportation projects identified within the Comprehensive Plan, we recommend considering adjusting the concurrency tracking process to be based on person trips instead of vehicle trips. This change will more strongly align with planned bicycle and pedestrian improvements needed to accommodate non-motorized trips. The

TIF code has been updated to provide sufficient flexibility should this the change be enacted.

8. **Develop Certificate of Concurrency Approval.** We recommend that the City develop a template for a certificate of concurrency which can be used to document a project's conformance with concurrency requirements. This template can be developed in combination with a concurrency application form which can be used by project applications to request a concurrency determination. As part of the certificate of concurrency, we recommend that the date of issuance and date of expiration be clearly outlined. The date of issuance of the certificates of concurrency can be used to prioritize projects in the concurrency evaluation. Several examples of concurrency applications, approvals, and annual reports are linked below.

Example Concurrency Applications:

- Bothell: [Traffic Concurrency Application – Bothell \(2020\)](#)
- Kirkland: [Concurrency Management Review Application – Kirkland \(2020\)](#)
- Edgewood: [Concurrency-Reservation-Certificate_Fillable-PDF](#)

Example Concurrency Approvals:

- Federal Way: [ElectronicFile.aspx](#)

Example Annual Concurrency Reports:

- Bellingham: [2022 TRAM Chapters 1-11](#)
- Snohomish County: [2023-Annual-Concurrency-Report](#)
- Edgewood: [Council Study Session • • CivicClerk](#)

Staff Recommended Next Steps:

1. Prepare an annual concurrency report to allow the City to better track intersection, active transportation, and transit LOS of the City's transportation facilities. Findings from the annual concurrency report can be utilized to identify and prioritize projects within the City's annual update of the 6-year Capital Improvement Plan.
2. Track concurrency within each of the Traffic Impact Zones (TIZs) identified within the City's Traffic Impact Fee (TIF) program. This would implement an approach consistent with concurrency tracking within the subareas, the City should determine the maximum land use and trip capacities for the areas outside of the subareas. As developments are proposed outside of the subareas, the added units/square footage can be cumulatively tracked against these maximum thresholds to ensure that land use growth does not exceed levels analyzed in the Comprehensive Plan.
3. The City's current concurrency tracking matrix only includes the Lake Stevens Center, 20th Street, and Downtown Lake Stevens Subarea. Once the subarea planning for the industrial center is complete in late, then add in the Lake Stevens Industrial Center subarea within this tracking sheet. Additional transportation analysis may be necessary to identify the future trip growth capacity of this subarea and associated transportation improvements necessary to maintain the LOS standards identified in the Comprehensive Plan.
4. Set a lower threshold for concurrency evaluation and then a higher threshold for when a traffic study is required, as established in the *Overview of Basic Traffic Study Requirements*. This would ensure that "small" projects are still tracked throughout the year as part of the concurrency process but would not require a full traffic analysis since these projects would likely not have an impact on intersection LOS.
5. Update the traffic impact analysis (TIA) guidelines outlined in the *Overview of Basic Traffic Study Requirements* to provide clear guidance on the level of traffic analysis (e.g., no

analysis, trip generation only, full intersection analysis) necessary to conduct the concurrency review for projects of various sizes.

6. Adjust the concurrency tracking process to be based on person trips instead of vehicle trips to align with the multimodal LOS standards and transportation projects identified within the Comprehensive Plan.

Chapter 14.110

CONCURRENCY MANAGEMENT SYSTEM

Sections:

14.110.010	Purpose
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14.110.010 Purpose.

This chapter provides the necessary regulatory mechanism for determining if a development proposal meets the concurrency provisions of the Comprehensive Plan and to ensure that public facilities are available to support the development's impact at adopted levels of service.

14.110.020 Applicability.

(a) This chapter applies to:

- (1) All development approval applications filed after its effective date.
- (2) Changes of occupancy that result in increased demand on public parks, transportation facilities, or sewer.
- (3) Reconstruction of buildings that results in an increase in trips, housing units or sewage demand in excess of the pre-existing demand on transportation facilities, parks and/or sewer facilities.

~~(b) Transportation. All applications for development or redevelopment, excluding one single family residence, shall be accompanied by a concurrency application. The City will review concurrency applications and a concurrency test shall be performed consistent with Section 14.110.070 if either of the following conditions are met:~~

- ~~(1) The proposal or use will generate one or more new projected trips that will pass through an intersection or roadway section identified with a LOS below the acceptable level as noted in the adopted Comprehensive Plan.~~
- ~~(2) The proposal or use generates a total of 10 or more new p.m. peak hour trips.~~

14.110.030 Exemptions.

(a) No Impact. Development which creates no measurable additional impacts on any transportation or parks facility is exempt from the requirements of this chapter. This type of development includes, but is not necessarily limited to:

- (1) Any addition or accessory structure to a residence with no change in use or increase in the number of dwelling units.
- (2) Interior renovations with increase in floor area and no change of use or, if a residential use, no increase in the number of dwelling units.
- (3) Replacement structure with no change in use, no increase in floor area or, if a residential use, no increase in the number of dwelling units.
- (4) Temporary construction trailers.
- (5) Driveway resurfacing or parking lot paving.
- (6) Normal repair and maintenance which do not increase floor area or add residential dwelling units, such as re-roofing.
- (7) Demolitions.
- (8) Clearing, grading, filling.
- (9) The Public Works and Planning and Community Development Departments shall jointly be responsible for determining if other types of development also meet this “no impact” standard so as to be included under this exemption.

(b) Exempt Permits and Decisions. The following development permits and decisions are exempt from the requirements of this chapter:

- (1) Boundary line adjustment.
- (2) Final plat.
- (3) Land use permit for temporary uses such as fireworks stands and Christmas tree lots.
- (4) Variance when not associated with a development that is subject to this chapter.
- (5) Clearing, filling and grading permit.
- (6) Sign permit.
- (7) Building permit for a fence, wall or retaining wall.
- (8) Right-of-way use permit.

~~(9) Rezones/comprehensive plan amendments.~~

~~(10) Planned action projects. (Ord. 876, Sec. 22, 2012; Ord. 811, Sec. 88, 2010)(c) (b)~~
Transportation. All applications for development, or redevelopment, excluding one single family residence, shall include be accompanied by a concurrency application which the City will review

consistent with Section 14.110.070. The transportation concurrency requirements in this chapter do not apply to the following development types:

- (1) A single-family residence, duplex, or accessory dwelling unit, as defined in Section 14.080.
- (2) Proposals or uses which will not add new projected trips to intersections identified on the list of key intersections identified in the City's Overview of Typical Traffic Study Requirements. Proposals located within one of the City's subareas, as identified in Section 14.38.010, shall evaluate all intersections for level of service concurrency, including intersections within other subareas and outside of subarea boundaries.
- (3) Proposals or uses generating less than 25 new p.m. peak-hour trips.

The City will review concurrency applications and a concurrency test shall be performed consistent with Section 14.110.070 if either of the following conditions are met:

- (1) The proposal or use will generate one or more new projected trips that will pass through an intersection or roadway section identified with a LOS below the acceptable level as noted in the adopted Comprehensive Plan.
- (2) The proposal or use generates a total of 10 or more new p.m. peak hour trips.

14.110.040 Level of Service Standards.

(a) Transportation. All public streets, intersections, sidewalks, and bicycle transportation facilities shall maintain multimodal LOS in accordance with the Comprehensive Plan. The City's transportation concurrency requirements do not apply to state highways or private streets. Public streets are defined as roadways which are not state highway facilities and not private streets.

(1) Vehicular LOS. Intersection levels of service shall meet the vehicular LOS standards identified in the Comprehensive Plan or the applicable Subarea Plan as described below.

(i) For the 20th Street SE Corridor Subarea, all intersections along public streets within the defined subarea shall meet the intersection LOS standards identified in the Subarea Plan. If a project falls within the planned action thresholds within the Subarea Plan, the project shall be deemed to meet concurrency requirements for the areas within the Subarea, unless the improvements needed to achieve the LOS standards would degrade access by other modes or lead to a streetscape inconsistent with the Subarea Plan.

(ii) For the Lake Stevens Center Subarea, all intersections along public streets within the defined subarea shall meet the intersection LOS standards identified in the Subarea Plan. If a project falls within the planned action thresholds within the Subarea Plan, the project shall be deemed to meet concurrency requirements for the areas within the Subarea, unless the improvements needed to achieve the LOS standards would degrade access by other modes or be inconsistent with the design vision outlined in the Subarea Plan.

(iii) For the Downtown Lake Stevens Subarea, all intersections within the defined subarea shall meet the intersection LOS standards identified in the Subarea Plan. If a project falls within the planned action thresholds within the Subarea Plan, the project shall be deemed to meet concurrency requirements for the areas within the Subarea, unless the improvements needed

~~to achieve the LOS standards would degrade access by other modes or lead to a streetscape inconsistent with the Subarea Plan.~~

(2) Active Transportation LOS. Pedestrian and bicycle facility levels of service shall meet the active transportation LOS standards identified in the Comprehensive Plan.

(i) Active transportation LOS standards shall not apply directly to determine concurrency for specific development projects. Active transportation LOS standards shall be used by the City to update the annual ~~inform the annual update of the~~ 6-year Capital Improvement Plan.

(3) Transit LOS. Transit stop levels of service shall meet the transit LOS standards identified in the Comprehensive Plan.

(i) Transit LOS standards shall not apply directly to determine concurrency for specific development projects. Transit LOS standards shall be used by the City to update the annual ~~inform the annual update of the~~ 6-year Capital Improvement Plan and may be shared with Community Transit to inform the Transit Development Plan.

~~(b) As part of the subarea plans, the level of service for the subareas has been modified from an intersection LOS Standard "C" or "E" to a system LOS Standard "E" for each subarea. The system would consist of key intersections and connecting roads servicing each subarea. Under this approach, the LOS analysis would take the accumulative average LOS from intersections within the transportation network, while excluding intersections with State Route facilities.~~

~~(1) For the 20th Street SE Corridor Subarea, this would include all intersections within the defined subarea boundaries of the 20th Street SE Corridor with the exclusion of SR 9 intersections.~~

~~(2) For the Lake Stevens Center Subarea, this would include all intersections within the defined subarea boundaries of the Lake Stevens Center excluding SR 9 and SR 204 intersections.~~

~~(3) For the Downtown Lake Stevens Subarea, this would include all intersections within the defined subarea boundaries. The westbound leg of the intersection at Main Street/20th Street NE may fall below the defined LOS standard in 2035. Over the plan horizon, it is reasonable to accept a reduced LOS standard for the PM peak at this intersection because of physical constraints and given the vision for a mixed use district that functions as a local and regional destination, with the inclusion of multimodal transportation elements that emphasizes safe pedestrian amenities to maintain the character of the district.~~

(c) For the purpose of this section, transportation vehicular level of service shall be determined per the methodology outlined in the Highway Capacity Manual (HCM), which defines levels of service based on average delay per vehicle.

(1) Level of service at signalized intersections is defined based on the overall average delay per vehicle for the whole intersection. For signalized intersections, an average delay per vehicle greater than 80 seconds shall define LOS F; an average delay per vehicle between 55 and 80 seconds shall define LOS E; and an average delay per vehicle between 35 and 55 seconds shall define LOS D.

(2) Level of service at all-way stop-controlled and roundabout intersections is defined based on the overall average delay per vehicle for the whole intersection. For these intersections, an average

delay per vehicle greater than 50 seconds shall define LOS F; an average delay per vehicle between 35 and 50 seconds shall define LOS E; and an average delay per vehicle between 25 and 35 seconds shall define LOS D.

(3) Level of service at two-way stop-controlled intersections is defined based on the average delay per vehicle for the worst traffic movement. For stop-controlled approaches, an average delay per vehicle greater than 50 seconds shall define LOS F; an average delay per vehicle between 35 and 50 seconds shall define LOS E; and an average delay per vehicle between 25 and 35 seconds shall define LOS D.

~~the percentage of the capacity of the roadway (number of cars that a road is capable of handling) which is actually used by traffic during any one hour. For example, if the roadway has a capacity to serve 100 cars per hour, and it is observed that there are 70 cars per hour on that road, the percentage is 70 percent, which is also called a volume/capacity ratio. LOS C shall be defined as having a volume/capacity ratio greater than 70 percent and less than or equal to 80 percent. For LOS D, that ratio is greater than 80 percent and less than or equal to 90 percent. For LOS E, that ratio is greater than 90 percent and less than or equal to 100 percent.~~(d) Parks. Per the Comprehensive Plan. (Ord. 1027, Sec. 8, 2018; Ord. 876, Sec. 23, 2012)

14.110.050 Relationship to the State Environmental Policy Act (SEPA).

This chapter establishes minimum standards which are to be applied to all proposals in order to provide transportation, parks and sewer improvements and is not intended to eliminate the application of SEPA to specific proposals. Each proposal shall be reviewed and be subject to the substantive authority of SEPA.

14.110.060 Administration

The Directors of Public Works and Planning and Community Development shall be responsible for the administration of this chapter including but not limited to determining application submittal requirements, records maintenance, and monitoring and evaluation.

14.110.070 Review of Development Proposals - Concurrency Testing

(a) Application. Any proposed development which is subject to the chapter will be reviewed by the Planning and Public Works Directors to determine its impact on the transportation, parks, and sewer facilities. This review may be conducted before a development application is submitted to the City.

(1) The City may require that a concurrency application includes a traffic analysis to inform the concurrency determination. The scope of the traffic analysis shall be consistent with the requirements in the City's Overview of Typical Traffic Study Requirements.

(2) All proposals subject to the requirements of this chapter shall submit a traffic concurrency worksheet containing ~~afternoonevening~~ (PM) peak-hour trip estimates calculated using the latest edition of the Institute of Transportation Engineers (ITE) Trip Generation Manual, or other ~~local~~ information supported by studies and data submitted by the developer.

(b) Certificate of Concurrency Approval. A certificate of concurrency will be issued under this chapter if it is determined that the adopted LOS for transportation, parks and sewer are met; and the project will not degrade the LOS below the adopted standard. Concurrency testing may rely on:

(1) Capacity provided by fully funded projects, including projects in the current six-year Capital Facilities Plan;

- (2) Projects funded for construction within six years by other agencies or jurisdictions; and
 - (3) Improvements under contract as part of other approved development proposals.
 - (4) The concurrency testing shall take into account development projects already in the pipeline but not yet completed. Development in the pipeline includes projects that either were vested prior to the adoption of this chapter or have received a certificate of concurrency.
- (c) Transferability. A certificate of concurrency runs with the land, is valid only for the subsequent development approvals for the same parcel, and is transferable to new owners of the original parcel for which it was issued.
- (d) Expiration. A certificate of concurrency will expire when:
- (1) A complete land use or building permit application is not submitted within ~~120~~180 days of the date of issuance; or
 - (2) The underlying land use permit application expires; or
 - (3) The accompanying land use or building permit expires. If that permit has no expiration date, the certificate of concurrency shall expire 12 months following its issuance; or
 - (4) The permit application is denied or revoked.
- (e) Once a certificate of concurrency expires, is revoked, or if development does not use the total capacity allotted, the unused capacity will be returned to the available pool of capacity.
- (f) Certificate of Concurrency Denial. A certificate of concurrency will not be approved under this chapter if degradation is caused beyond the adopted LOS standard unless mitigated to meet the LOS standard.

14.110.080 Methods for Meeting Concurrency.

- (a) If mitigation is required to meet the LOS standard to maintain concurrency, the applicant may choose to:
- (1) Reduce the size of the development until the standard is met; or
 - (2) Delay the development until the City and/or others provide needed improvements; or
 - (3) Design and construct the facilities necessary to achieve the LOS in compliance with Section 14.110.090.

14.110.090 Requirements for Design and Construction of Facilities Necessary to Achieve Adopted Levels of Service.

- (a) If the developer chooses to design and construct the facilities necessary to achieve the adopted LOS standard(s), the following requirements must be met:
- (1) Issuance of a final plat or building permit approval, which ever comes first, will not be made unless improvements are made by the developer or sufficient financial security pursuant to Section 14.16A.180(d) is in place to ensure the improvements will be made within six years of the issuance of the approval. This allowance for up to a six-year deferral applies only to supplemental mitigation not normally required of the development.

(2) The developer shall be responsible for engineering and design of the facilities and shall provide documentation showing the improvements will ensure the LOS is met. The developer shall receive City approval of the engineering and design of the facilities, which shall be consistent with accepted engineering standards and practices.

(3) The developer shall enter into a detailed agreement with the City identifying the improvements required and the schedule for their completion. This shall include any necessary interim deadlines necessary to ensure the improvements are completed within the six-year time frame.

(4) If a developer makes improvements to the sewer general facilities, those cost of those improvements shall be credited against the developer's general facilities charges, except no such credit shall be given if the developer is to be reimbursed through a latecomer's agreement. The credit shall not exceed the general facilities charge that would normally be applied to the project.

(5) If a developer makes improvements to a transportation project that would otherwise require SEPA mitigation, the developer shall be given credit for the amount spent on that project against the SEPA mitigation required for that project, but not to exceed the mitigation that would normally be applied to the project.

(6) The effect of the improvement shall not degrade another related objective. For example, adding a vehicular lane at the expense of eliminating a bike lane.

(7) The project shall comply with the procedural and substantive requirements of the State Environmental Policy Act (SEPA).

(8) The improvements shall not create a significant safety hazard.

(b) Supplemental Mitigation Denial Process. If the City determines that the proposed supplemental mitigation does not meet the requirements of this section, the Public Works and Planning and Community Development Directors may deny the issuance of a certificate of concurrency. (Ord. 811, Sec. 89, 2010)

14.110.100 Implementation of Strategies in Lieu of Capital Improvements.

(a) With approval from the Public Works and Planning and Community Development Directors, nonconstruction strategies for reducing demand for public facilities to assure LOS are met may be implemented if the following requirements are met:

(1) The proponent clearly demonstrates to the satisfaction of the City that the proposed strategies have a demonstrated historical track record for effectiveness and reliability for projects similar to that being proposed.

(2) The proponent shall provide an analysis as to how much capacity is available, which will provide a maximum amount of demand the project may put upon the public improvements.

(3) The effectiveness of the strategies must be easily measured and annual reports must be provided to the City to ensure the demand actually put on the public improvements does not exceed the amount allocated to the development pursuant to subsection (a)(2) of this section.

(4) The developer shall provided a financial guarantee for a period of up to ten years which the City may use to construct the necessary improvements, at any time during that ten year period, where it finds the demands on the public system exceed the amounts allocated to the project.

(b) For the purposes of this section, nonconstruction strategies include any programs which reduce demand for public facilities during peak hour constraints, including but not limited to car/van pooling, staggered work hours, or transfer flow of sewer use to off-peak hours.

14.110.110 Fees.

The City shall charge processing fees to any individual that requests a concurrency determination or approval of a supplemental mitigation program. The fees shall be set by Council resolution.

14.110.115 Concurrency of Projects Vested in the County Pre-Annexation.*

Pursuant to the terms of an interlocal agreement with Snohomish County, the City will accept the County's concurrency determination for projects vested to the County Code, where the subject property of a vested application has been annexed to the City since the concurrency determination was made by the County. The terms of the concurrency, including expiration, shall be regulated by the vested County code. (Ord. 859, Sec. 2, 2011)

* Code reviser's note: Section 3 of Ordinance 859 adopts sections of the Snohomish County Code concerning mitigation fees and concurrency determination. The text of these sections is attached as Exhibit 1 to the ordinance, on file with the City Clerk's office.

14.110.120 Appeals.

Appeals of requirements imposed pursuant to the chapter shall be governed by the appeal provisions of Section 14.16A.265. (Ord. 903, Sec. 56, 2013; Ord. 643, Sec. 1, 2001)

Chapter 14.112

TRAFFIC IMPACT MITIGATION FEES*

Sections:

14.112.010	Purpose
14.112.020	Authority
14.112.030	Applicability
14.112.040	Exemptions
14.112.050	Service Areas
14.112.060	Mitigation of Traffic Impacts Required
14.112.070	Relationship to the State Environmental Policy Act (SEPA)
14.112.080	Calculation of Street-TrafficSystem Impact Fees
14.112.090	Offsets
14.112.100	Collection of Impact Fees
14.112.110	Uses of Traffic Impact Fee Revenues
14.112.120	Expenditure Requirements for Impact Fee
14.112.130	Refund of Fees Paid

* Code reviser's note: Ordinance 955 establishes a temporary traffic impact fee adjustment to stimulate growth of new retail businesses within established subareas, pursuant to Section 14.112.080(d). The ordinance is effective from August 31, 2016, to August 22, 2019, unless extended by ordinance.

14.112.010 Purpose.

The purpose of this chapter is to implement the Capital Facilities Element of the Lake Stevens Comprehensive Plan and the Growth Management Act by:

- (a) Ensuring adequate ~~public street system~~transportation facilities are available to serve ~~multimodal trip~~traffic from new development.
- (b) Ensuring adequate ~~public streets~~transportation facilities are available to serve growth and maintain ~~established levels of service~~existing service levels for present businesses and residents.
- (c) Establishing procedures whereby new development pays its proportionate share of the costs of ~~street system~~transportation facility capacity improvements, reducing transaction costs for both the City and developers, ensuring new developments do not pay arbitrary or duplicative fees. (Ord. 876, Sec. 6 (Exh. 4), 2012)

14.112.020 Authority.

This chapter is adopted under RCW 82.02.050 through 82.02.100, which authorize cities planning under the Growth Management Act, Chapter 36.70A RCW, to assess, collect, and use impact fees to help finance public facilities needed to accommodate growth. Under the authority of RCW 36.70A.070(3) and 82.02.050(4), the City is authorized to impose, collect, and use impact fees. (Ord. 876, Sec. 6 (Exh. 4), 2012)

14.112.030 Applicability.

This chapter applies to all new development, except as may be exempted below. (Ord. 876, Sec. 6 (Exh. 4), 2012)

14.112.040 Exemptions.

The exemptions for traffic impact fees are the same as for concurrency outlined in Sections 14.110.030(a) and 14.110.030(b); ~~and in addition to rezones~~ and Comprehensive Plan amendments are also exempt. ~~except for planned action projects identified in Section 14.110.030(b)(10), which are not exempt under this chapter. (Ord. 876, Sec. 6 (Exh. 4), 2012)~~

14.112.050 Service Areas.

(a) For the provision of public street transportation facilities, implementation of the Capital Facilities and Transportation Elements of the Comprehensive Plan and administration of this chapter, ~~three~~ traffic impact zones (TIZ) are established as defined in the Traffic Impact Fee Cost Basis for the City of Lake Stevens. ~~They consist of TIZ 1 – East Lake Stevens, TIZ 2 – West Lake Stevens, and TIZ 3 – South Lake Stevens. The precise boundaries of these service areas are shown in Figure 14.112-I.~~

(b) The boundaries within which impact fees shall be charged and collected are co-extensive with the City limits and shall include all unincorporated areas subsequently annexed to the City on and after the effective date of any ordinance adopted by the City Council to effectuate an annexation. Properties within the Urban Growth Area (UGA) that are annexed into the City shall be automatically assigned the same TIZ (service area) as city properties directly contiguous to the annexation, unless established as an independent TIZ per the Traffic Impact Fee Cost Basis for the City of Lake Stevens, ~~as shown in Figure 14.112-I.~~

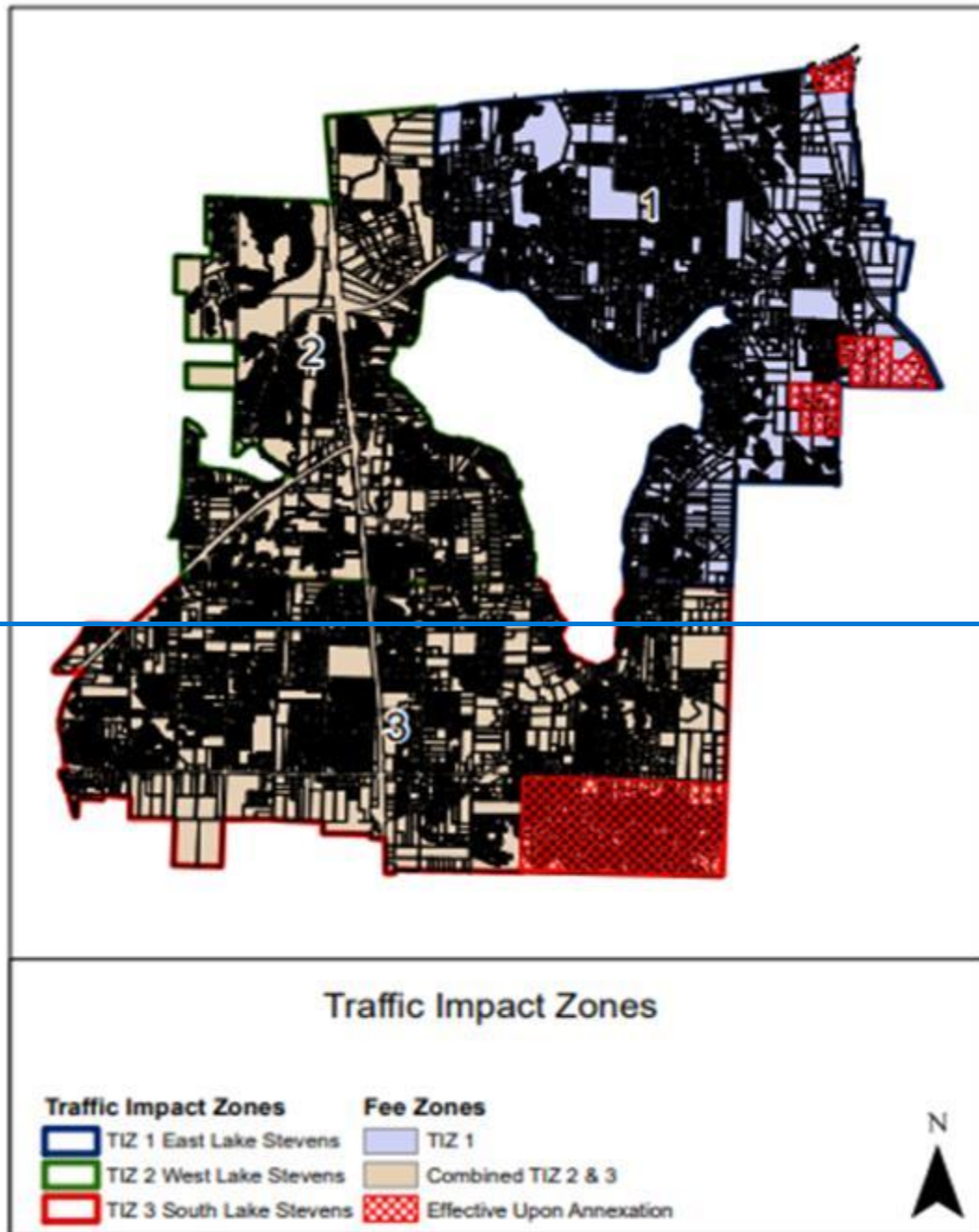


Figure 14.112-I Traffic Impact Zones

{Ord. 1123, Sec. 2 (Exh. A), 2021; Ord. 876, Sec. 6 (Exh. 4), 2012}

14.112.060 Mitigation of Traffic Impacts Required.

Any new development activity shall mitigate the development's impacts on the City's ~~street-transportation facilities~~ system either by payment of an amount calculated pursuant to Section 14.112.080, or by dedication of land pursuant to Section 14.112.090, by construction of off-site ~~street-~~

~~system capacity transportation facility~~ improvements pursuant to Section 14.112.090, or as otherwise provided in Section 14.112.070. (Ord. 876, Sec. 6 (Exh. 4), 2012)

14.112.070 Relationship to the State Environmental Policy Act (SEPA).

This chapter establishes minimum impact fees, applied to all developments. These fees are presumed to mitigate traffic demand on the capacity of the ~~City's street transportation facilities~~ system. However, each development shall be reviewed and be subject to the substantive authority of SEPA for potential adverse ~~traffic~~ impacts on ~~the transportation street system facilities~~ not mitigated by this fee. (Ord. 876, Sec. 6 (Exh. 4), 2012)

14.112.080 Calculation of ~~Street Traffic~~ System Impact Fees.

(a) The traffic impact fees will be collected and spent for capacity improvements to ~~the public street system transportation facilities~~ identified in the City's Capital Facilities Plan. In accordance with RCW 82.02.050(43), the impact fees shall only be imposed for system improvements reasonably related to development impacts and shall not exceed a proportionate share of the costs of the identified system improvements in the adopted Capital Facilities Plan.

(b) The ~~street traffic system~~ impact fee cost basis is established in the *Traffic Impact Fee Cost Basis for the City of Lake Stevens*, as amended, based on methodology consistent with the requirements of RCW 82.02.050 through 82.02.100, ~~including, but not limited to, the following:~~

- ~~(1) — Street system capacity improvements identified in the City GMA Capital Facilities Plan that are reasonably necessary to maintain adopted street system levels of service while accommodating the future development envisioned in the City's adopted GMA Comprehensive Plan.~~
- ~~(2) — The costs of the needed street system capacity improvements estimated by the Public Works Director using generally accepted engineering practices.~~
- ~~(3) — The estimated costs adjusted (reduced) to account for portions of the identified street system improvements that will likely be constructed by new development as part of their required on-site public street improvements and/or frontage improvements.~~
- ~~(4) — The estimated costs adjusted (reduced) to provide a credit for taxes (excluding impact fees paid under this section) paid by new development which help pay for the identified capacity improvements.~~
- ~~(5) — The estimated costs adjusted (reduced) to account for any improvements needed to remedy any level of service deficiencies in the street system serving existing uses.~~
- ~~(6) — The estimated costs adjusted (reduced) to reflect impacts on the capacity of the street system from new vehicle trips which have neither origin nor destination within the City of Lake Stevens (often referred to as "pass-through" trips).~~
- ~~(7) — The final adjusted total costs of the identified improvements, as adjusted above, and aggregated for each traffic impact zone, are the cost basis of the impact fee.~~
- ~~(8) — The number of weekday afternoon (PM) peak hour trips likely generated by existing land uses and future land uses (i.e., new development) are estimated based on current land use data and the adopted GMA Comprehensive Plan future land use map. The total existing and new trips are aggregated into the traffic impact zones.~~

~~(9) — The maximum impact fee that can legally be charged to new development for each new weekday PM peak hour trip generated equals the cost basis of the impact fee divided by the new weekday PM peak hour trips for each traffic impact zone.~~

~~(10) — The actual level of impact fees as established in *Traffic Impact Fee Cost Basis for the City of Lake Stevens*, as amended, shall not exceed the maximum as calculated above.~~

(c) A development shall mitigate its traffic impact upon the future capacity of ~~the street-transportation system facilities~~ by paying an impact fee reasonably related to the impact of the development on ~~public streets-transportation facilities~~ located in the same traffic impact zone as the development. A development's ~~street-traffic-system~~ impact fee will equal the number of new average weekday afternoon (PM) peak-hour trips generated by the development, ~~based and on calculated using the latest edition of the Institute of Traffic Engineers (ITE) Trip Generation Report Manual as a basis,~~ times the per trip amount identified in the currently adopted fees resolution, for the type and location of the development, except that the following adjustments may be made:

(1) In accordance with RCW 82.02.060(5), the Public Works Director shall have the authority to adjust the amount of the impact fee to consider unusual circumstances in specific cases, based on analysis of specific trip generating characteristics of the development (e.g., mixed-use characteristics, ridesharing programs, transit availability, etc.), to ensure that impact fees are fairly imposed; and

(2) In accordance with RCW 82.02.060(5), the Public Works Director shall have the authority to adjust the amount of the impact fee to be imposed on a particular development to reflect local information when available, including studies and data submitted by the developer.

(d) The City Council shall have the authority to adjust the amount of the impact fees pursuant to RCW 82.02.060(2) to reflect other public benefits resulting from proposed development or redevelopment in accordance with specific programs as determined and adopted by the City Council. Public benefits and/or broad public purposes for adjustments primarily include the economic development goals identified in the City's Comprehensive Plan related to job creation and growth of new retail sales tax receipts. The City Council shall identify the public funding source other than impact fees collected to compensate for any reductions in impact fees pursuant to this provision. (Ord. 922, Sec. 1, 2014; Ord. 876, Sec. 6 (Exh. 4), 2012)

14.112.090 Offsets.

(a) The required traffic impact fees shall be reduced by the amount of any payment for ~~public-transportation~~~~street system facility~~ improvements previously made for the development either as a condition of approval or under voluntary agreements with the City entered into after the effective date of the ordinance codified in this chapter.

(b) Whenever a development has agreed to, pursuant to the terms of a voluntary agreement with the City, or is granted approval subject to a condition that the developer provide right-of-way for or construct off-site ~~street-transportation system capacity facility~~ improvements that are identified in the Traffic Impact Fee Cost Basis for the City of Lake Stevens, as amended, as being part of the ~~street-traffic-system~~ impact fee cost basis, the developer shall be entitled to an offset for up to the value of land or up to the actual cost of construction against the impact fee assessed under Section 14.112.060.

(c) The land value or cost of construction shall be estimated at the time of approval and shall be based on acceptable evidence and documentation provided by the developer. The evidence and documentation shall be reviewed and, if acceptable, approved by the Public Works Director or designee. When land is proposed for dedication, the person required to pay impact fees shall present either a Member of the Appraisal Institute (MAI) appraisal or evidence of the assessed value as determined by the County Assessor's Office. If construction costs are estimated, the documentation shall be confirmed after the construction is completed to assure that an accurate offset amount is provided. If the land value or construction cost is less than the calculated fee amount, the difference remaining shall be chargeable as an impact fee.

(d) The amount of the offset for a development activity shall not exceed the amount of the impact fee the development activity is required to pay.

(e) Any claim for offset should be made at least 30 days prior to application for a building permit so as to eliminate or minimize any delays in issuance of a permit. (Ord. 876, Sec. 6 (Exh. 4), 2012)

14.112.100 Collection of Impact Fees.

Impact fees for each development shall be assessed and collected at the time of issuance of a building permit, unless deferred pursuant to Chapter 14.124. Where no building permit will be associated with the development, such as a development requiring a conditional use permit, payment is required as a precondition to approval. (Ord. 970, Sec. 5, 2016; Ord. 876, Sec. 6 (Exh. 4), 2012)

14.112.110 Uses of Traffic Impact Fee Revenues.

(a) Traffic impact fee revenue will be used for capital improvements on the public street system to transportation facilities, not operating or maintenance expenses.

(b) Traffic impact fees shall be used for costs associated with City street-transportation system-capacity facility improvements, including, but not limited to, planning, design, engineering, right-of-way acquisition, financing, project administration, construction, and/or construction engineering.

(c) In the event that bonds or similar debt instruments are issued for the advanced provision of system improvements, for which impact fees may be expended and where consistent with provisions of the bond covenants, impact fees may be used to pay debt service on such bonds or similar debt instruments to the extent that facilities or improvements provided are consistent with the requirements of this section.

(d) Traffic impact fees are collected and spent on street-transportation facility system improvements as opposed to project improvements, in accordance with RCW 82.02.090. (Ord. 876, Sec. 6 (Exh. 4), 2012)

14.112.120 Expenditure Requirements for Impact Fees.

Traffic impact fee payments not expended within 10 years shall be refunded, pursuant to Section 14.112.130; unless the City Council makes written findings that there exists an extraordinary and compelling reason for fees to be held longer than 10 years. In order to verify these two requirements, impact fee revenues must be deposited into separate accounts of the City, and annual reports must describe revenue and expenditures. (Ord. 876, Sec. 6 (Exh. 4), 2012)

14.112.130 Refund of Fees Paid.

(a) Traffic impact fees collected pursuant to this chapter shall be deposited into an interest bearing account established for the City.

- (b) If a development approval expires without commencement of construction, then the developer shall be entitled to a refund of impact fees paid, with interest, of the impact fee paid for that development. The developer must submit an application for such a refund to the Finance Director within 30 days prior to the expiration of the permit. By resolution, the City Council may adopt fees to offset administrative costs of collecting and refunding mitigation fees.
- (c) Any funds not expended or encumbered by the end of 10 years from the date the fee was paid shall be returned to the developer/owner with interest; provided, that the developer/owner submits a request for a refund to the City of Lake Stevens within one year of the expiration of the 10-year period.
- (d) Impact fees that are not expended or encumbered within these time limitations, and for which no application of a refund has been made in accordance with this section, shall be retained and expended on ~~public transportation~~ street system facilities.
- (e) Interest due upon the refund of impact fees shall be calculated according to the average rate received by the City on invested funds throughout the period during which the fees were retained. (Ord. 876, Sec. 6 (Exh. 4), 2012)