

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.

October 15, 2025 - 6:00 PM
In-Person at the Mill or Remote via Zoom

[Join Zoom Meeting](#)

or call in at: 253-215-8782 Meeting ID:89027365792 Passcode: 628329

- 1. Call to Order**
- 2. Roll Call**
- 3. Guest Business**
- 4. Action Items**
 - A. Approve minutes of 9-17-25 Planning Commission Meeting
- 5. Discussion Items**
 - A. Draft Code Amendments for LSMC 14.110 Concurrency Management System and LSMC 14.112 Traffic Impact Mitigation Fees and Administrative Documents Christi Schmidt,
Russ Wright
 - B. City Council Feedback on Draft STEP Housing Code Language David Levitan
- 6. Commissioner Report**
- 7. Planning Director's Report**
- 8. 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: 10/15/2025

Subject: Approve minutes of 9-17-25 Planning Commission Meeting

Contact Person/Department: , Community Development

Budget Impact:

Legal Review: No

RECOMMENDATION(S)/ACTION REQUESTED:

SUMMARY/BACKGROUND:

APPLICABLE CITY POLICIES:

ATTACHMENTS:

1. 9-17-25 Planning Commission Meeting Minutes

PLANNING COMMISSION MEETING MINUTES



HYBRID/REMOTE AND IN-PERSON AT THE MILL

September 17, 2025

CALL TO ORDER: 6:00 PM by Chair Janice Huxford

MEMBERS PRESENT: Chair Janice Huxford, Commissioner Bruce Morton, Commissioner Mike Duerr, Commissioner Nathan Packard, Commissioner Connor Davis and Council Liaison Ryan Donoghue

MEMBERS ABSENT: Vice-Chair Jennifer Davis was absent. Chair Huxford announced Commissioner Murika Matz has resigned from the Commission. Commissioner Packard moved, and Commissioner Duerr seconded, a motion to excuse Commissioner Jennifer Davis's absence. The motion passed unanimously.

STAFF PRESENT: Principal Planner David Levitan, Senior Planner Amber Brokenshire, Planning Director Russ Wright, Administrative Assistant Dawn Erickson

OTHERS PRESENT: Intern Cameron McTee

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

Roll Call: As noted above.

Guest business: None.

Approval of Minutes: The August 18, 2025 meeting minutes were approved as written. Commissioner Packard made the motion, and Commissioner Connor Davis seconded. The motion passed unanimously.

Discussion Items: Principal Planner Levitan reviewed the critical areas best available science (BAS), gaps analysis, and discussed potential code amendments after reviewing recommendations from the city's consultant. The gaps analysis identifies code areas that need to be added or modified, while the BAS review provides the technical foundation for any updates. Of particular note was a memorandum from WDFW regarding guidance issued in 2020 reframing protection of riparian areas (where there is an interface between land and a river or stream), which emphasizes a shift in terminology from the concept of "stream buffers" to "riparian management zones" (RMZs) and their ability to provide full function based on the site potential tree height (SPTH) of previous or existing trees on site. This approach would determine the buffer area using the average maximum height of the tallest dominant trees (200 years or more) for a given site class. Doing so would dramatically increase buffer size (quadruple or quintuple

existing buffers) and diminish potential buildable lands. Staff are already conversing with WDFW and consultants on alternatives that provide adequate water quality and habitat protections.

Gaps analysis identified definitions/general provisions that need updating to match RCW, or BAS (allowed activities within CAs), and relatively minor updates to wetland sections

Discussion among staff and the commissioners centered on:

- A distinction between native trees vs. non-native trees
- Modification requests/success in other jurisdictions
- Potential for partnering with other jurisdictions
- Unincorporated Snohomish County ordinance (Principal Planner Levitan will investigate)
- Concern for housing/employment being sacrificed for natural preservation, conflict with GMA's original intent
- Potential for site-specific reviews
- Previously disturbed areas being exempted from this policy
- Providing a minimum 100 ft buffer achieves about 90% of desired effects
- Fish-bearing vs non-fish-bearing streams
- Finding a balance in our urban environment
- What kinds of uses would be allowed in riparian zones (Principal Planner Levitan will look into this)

Principal Planner Levitan noted that the major task is that the CAO lacks CARA regulations, so staff must create a new section to address permissible uses, monitoring requirements, and best management practices. There are several good examples of CARA regulations that the city can utilize as it develops code language. CAOs do not apply to areas within shoreline jurisdiction, which also applies to some of the city's streams (governed by the Shoreline Master Program).

Principal Planner Levitan said that staff will brief the City Council in October, and a draft of the updated code language will be shared with the commission later this fall. Still, the update will likely extend into 2026 so that Surface Water's developing basin plan analysis can be incorporated.

Planner Levitan summarized staff takeaways from this discussion: 1) There is a consensus that 235' buffers would not work for residential and employment growth; 2) It is essential to look at other jurisdictions that have proposed alternative approaches, and 3) ensure we have regulations that reflect Lake Stevens and have as much environmental protection as possible.

Chair Huxford pointed out that any changes in regulations in the industrial centers will hugely impact existing businesses.

The conversation shifted to emergency housing/shelters protective buffer recommendations. Principal Planner Levitan provided maps showing how eligible areas throughout the city would be affected using buffer widths (from schools, parks, commercial childcare, etc.) of 300', 500' and 1000'. After discussion, it was generally agreed upon among the Commissioners that the 500' protective buffer from schools, parks and other shelters, in conjunction with maximum occupancy and property management regulations, would be sufficient from a health and safety perspective. Commissioner Morton stated he does not support enforcing the buffer around parks and other shelters, but endorses the 300-foot buffer. Chair

Huxford pointed out that these facilities need to be located near essential services for those using the facilities

Commissioner Reports:

- Commissioner Duerr commented that Ziply Fiber is destroying the sidewalks at the north end of the lake where they are working. Director Wright said he will check with Public Works to ensure Ziply is proceeding as they should.
- Commissioner Packard reminded everyone that budget discussions at City Council are currently in progress. He also encouraged attendance at a Town Hall event on October 6th.
- Commissioner Morton commented on the nice new pavement on Vernon Rd and Main St
- Commissioner Packard asked about the sidewalk widths on Main St., which are encouraging trucks with boat trailers to park 3-4 feet up onto the sidewalk. Director Wright stated that the sidewalks are extra wide to accommodate a future bike path on the sidewalk. Commissioner Connor Davis pointed out that this use of the parking spaces on Main St. prevents people from shopping downtown.
- Chair Huxford said she had met with Public Works Director Halvorson regarding the Machias Cutoff at S Lake Stevens Rd. She also said the mayor is considering hiring a consultant to investigate a possible solution, but a pilot is being considered first. Public Works is currently focused on quieting traffic.

Director's Report

Director Wright discussed a summary of Hearing Examiner cases that Planning & Community Development has had YTD. Commissioner Connor Davis asked about the status of the museum project, which Director Wright stated it is under permit review, with an expectation to put out RFBs in October, followed by a 7-9 month construction window.

Adjourn: Motion by Commissioner Morton, with a second by Commissioner Duerr, to adjourn the meeting at 7:16 p.m. The motion carried unanimously.

Respectfully,

Dawn Erickson, Administrative Assistant

PLANNING COMMISSION STAFF REPORT



Agenda Date: 10/15/2025

Subject: Draft Code Amendments for LSMC 14.110 Concurrency Management System and LSMC 14.112 Traffic Impact Mitigation Fees and Administrative Documents

Contact Person/Department: Christi Schmidt, Russ Wright, Community Development

Budget Impact:

Legal Review: No

RECOMMENDATION(S)/ACTION REQUESTED:

No formal action or decision is required. Hold a work session on draft code amendments to LSMC 14.110 Concurrency Management System and LSMC 14.112 Traffic Impact Mitigation Fees and provide input on the proposed changes to regulations. Public Hearing to be held on November 5, 2025.

SUMMARY/BACKGROUND:

BACKGROUND / DISCUSSION:

On [February 19, 2025](#), staff provided its introduction to the concurrency management system and traffic impact mitigation fees and the [GMA](#) requirements in relation to the city's comprehensive plan. In May, staff provided a status update on the progress made. To date, the city's consultant Transpo has recommended code updates and changes to the city's administrative documents to implement the traffic impact fee program, including cost methodology and forms used by staff and developers.

A summary of the proposed revisions to each document is provided below and/or referenced in the associated attachments. Please note, the full administrative methodology and documents/forms are not attached; a summary is provided.

LSMC 14.110 Concurrency Management System

This chapter was last revised in 2018 (minor updates) codified in 2010. See Attachment 1 for the strike out version and Attachment 2 for a clean version.

- Refine concurrency standards to be compliant with LOS standards in the comprehensive plan
- Clarify exemptions
- Add new terminology
- Address multi-modal requirements
- Update the level of service standards to match comprehensive plan

Concurrency Handbook (Administrative Document)

A summary of the document has been provided in Attachment 6. To assist the city in monitoring LOS for transportation, Transpo has provided the city with a certificate of concurrency template along with a tracking matrix which will be used during the review of development applications. An annual report will be provided to the Council as part of the annual comprehensive plan update to the transportation and capital facilities chapters for capital projects.

LSMC 14.112 Traffic Impact Mitigation Fees

This chapter was last revised in 2016. See Attachment 3 for the strike out version and Attachment 4 for a clean version.

- Update traffic impact fee methodology and latest ITE trip generation data
- Add new terminology
- Provide multi-modal requirements
- Clarify exemptions
- Update the level of service standards to match comprehensive plan
- New Traffic Impact Zone map (Attachment 5)

Traffic Impact Fee Program Developer Worksheet (Administrative Form)

This form was last revised in September 2024 (formula revision for clarification). See Attachment 7 for a summary of this document. This form is used by developers to calculate their traffic impact fee.

Traffic Impact Fee Cost Basis

The last update to this document was in December 2012. This document is an explanation of the city's methodology for calculating the traffic impact fees and includes all the technical and legal data required for compliance with the GMA and comprehensive plan. A summary of this document is provided in Attachment 8.

Next Steps

Staff will revise the draft documents based on input provided by the commission and publish a notice of public hearing for both the Planning Commission and the City Council. A public hearing before the Planning Commission is to be scheduled for November 5, 2025.

Attachments:

Attachment 1 – Strikeout Version of LSMC 14.110

Attachment 2 – Clean Version of LSMC 14.110

Attachment 3 – Strikeout Version of LSMC 14.112

Attachment 4 – Clean Version of LSMC 14.112

Attachment 5 – Traffic Impact Zones

Attachment 6 – Summary of City of Lake Stevens Concurrency Traffic Study Handbook for New Development Applications 7- Summary of Traffic Impact Fee Developers Workbook

Attachment 8 – Summary of Traffic Impact Fees Cost Basis

APPLICABLE CITY POLICIES:

ATTACHMENTS:

1. Attachment 1 - Strikeout Version LSMC 14.110 Concurrency Man Sys_PC Draft 10-15-25
2. Attachment 2 - Clean Version LSMC 14.110 Concurrency Man Sys_PC Draft
3. Attachment 3 - Strikeout Version LSMC 14.112 Traffic Imp Mit Fee_PC Draft 10-15-25
4. Attachment 4 - Clean Version LSMC 14.112 Traffic Imp Mit Fees_PC 10-15-25
5. Attachment 5 - Traffic Impact Zones
6. Attachment 6 - Summary of Concurrency Traffic study Handbook
7. Attachment 7 - Summary of Traffic Impact Fee Developers Workbook
8. Attachment 8 - Summary of TIF Cost Basis

Planning Commission and City Council Work Session Draft 9-2025

Chapter 14.110
CONCURRENCY MANAGEMENT SYSTEM

Sections:

14.110.010	Purpose
14.110.020	Applicability
<u>14.110.025</u>	<u>Administration</u>
14.110.030	Exemptions
<u>14.110.040</u>	<u>Review of Development Activity - Concurrency Testing</u>
14.110.040 <u>050</u>	Level of Service Standards
14.110.050 <u>060</u>	Relationship to the State Environmental Policy Act
14.110.060	Administration
14.110.070	Review of Development Proposals - Concurrency Testing
14.110.080 <u>070</u>	Methods for Meeting Concurrency
14.110.090 <u>080</u>	Requirements for Design and Construction of Facilities Necessary to Achieve Adopted Levels of Service
14.110. 100 <u>090</u>	Implementation of Strategies In Lieu of Capital Improvements
14.110. 110 <u>100</u>	Fees
14.110. 115 <u>110</u>	Concurrency of Projects Vested in the County Pre-Annexation
14.110.120	Appeals

14.110.010 Purpose.

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

14.110.020 Applicability.

(a) This chapter applies to:

- (1) All development ~~approval~~-activity applications filed after its effective date, unless exempted.
- (2) Changes of occupancy or changes of use that result in increased demand ~~on~~for system improvements including public parks, ~~roads~~-transportation facilities or sewer.
- (3) Reconstruction or expansions of buildings that results in an increase in vehicular trips, housing units or sewage demand ~~in excess of~~ exceeding the pre-existing demand on roads, parks and/or sewer facilities.
- (4) Phased Development, which is any development involving the review of multiple buildings on a single-site or as part of a related project or distinct phases of a subdivision, where the issuance of building permits and/or final land use actions occur at different times, per a defined schedule. For phased developments, the city shall consider the potential impacts and need for public services cumulatively for the entire project, to determine concurrency.

14.110.025 Administration

- (a) The Director of Planning and Community Development, or designee shall be responsible for the administration of this chapter including but not limited to establishing application requirements; evaluating development activities to determine if the project meets level of service or “no impact” standards or exemptions; identifying methods for meeting concurrency, including construction of improvements or alternative concurrency strategies; and records maintenance and project monitoring.
- (b) The Public Works Department will be consulted during the project review phase to provide technical recommendations on appropriate methods for meeting concurrency and alternative concurrency strategies, considering engineered design solutions for construction improvements, impact to public infrastructure and the assessment of in-lieu fees, as identified in sections 14.110.080, 14.110.090 and 14.110.100.

14.110.030 Exemptions.

- (a) No Impact. Development activities, which creates no do not create additional, measurable additional impacts on any transportation or parks facility, is are exempt from the requirements of this chapter, including but not limited to: 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 alterations with no change of use or increased demand for system improvements per LSMC 14.110.020, or additional dwelling units for residential uses. 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 structures with no change of use, expansion in floor area or increased demand for system improvements per LSMC 14.110.020, or additional dwelling units for residential uses. 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 activities, 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 or 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) Transportation Exemptions. The transportation concurrency requirements, in this chapter, do not apply to the development activities listed below.

- (1) A single-family residence, duplex or accessory dwelling unit as defined in Chapter 14.08 LSMC.
- (2) Development activities that do not add new projected trips to key intersections listed in the City's Overview of Typical Traffic Study Requirements.
- (3) Development activities located within the city's subareas, as identified in Chapter 14.38 LSMC, that do not exceed the adopted subarea EIS thresholds and that do not add new projected trips to key intersections listed in the City's Overview of Typical Traffic Study Requirements, outside of subareas.
- (4) Development activities or uses generating 25 or fewer new p.m. peak hour trips.

14.110.040 Review of Development Activities - Concurrency Testing

- (a) Application. All development applications for land use and/or building permits shall include a concurrency application, which the city will review for consistency with LSMC 14.110.070 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) Non-exempt development activities must include a traffic analysis to inform the concurrency decision. The scope of the traffic analysis shall be consistent with the requirements in the city's Overview of Typical Traffic Study Requirements.
 - (2) All development activities subject to the requirements of this chapter shall submit a traffic concurrency worksheet containing PM peak-hour trip estimates calculated using the latest edition of the Institute of Transportation Engineers (ITE) Trip Generation Manual or other information supported by studies and data submitted by the developer.
 - (3) For potable water and sanitary sewer, availability letters from the utility purveyor will be used in conducting the concurrency test.
- (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 city's 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 activities.
- (4) The concurrency testing shall consider 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, for active permits and is valid only for the subsequent development approval(s) for the same parcel that has not expired under subsection(d) 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 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.

14.110.040050 Level of Service Standards.

- (a) Transportation. All transportation facilities shall maintain multimodal Levels of Service (LOS) in accordance with the adopted Comprehensive Plan or the applicable Subarea Plan. The city's concurrency requirements for transportation do not apply to state highways or private streets.
 - (1) Vehicular LOS: Intersection levels of service shall meet the vehicular LOS standards identified in the Comprehensive Plan.
 - (2) Vehicular LOS standards in subareas, as identified in Chapter 14.38 LSMC, shall meet the LOS standards identified in the Subarea Plan.
 - (i) If a development activity falls within the applicable planned action threshold, the project is deemed to meet concurrency requirements.
 - (ii) The city reserves its authority to require projects within subareas to evaluate intersections for level of service concurrency, including intersections within other subareas or outside of subareas, when the trip generation from the proposal adds new projected trips to key

- intersections listed in the City's Overview of Typical Traffic Study Requirements and is not otherwise exempt under this chapter.
- (3) 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 do not apply directly to determine concurrency for specific development projects.
- (ii) The City shall consider active transportation LOS standards when it updates the annual Six-year Capital Improvement Plan.
- (4) Transit LOS: Transit stop levels of service shall meet the transit LOS standards identified in the Comprehensive Plan.
- (i) Transit LOS standards do not apply directly to determine concurrency for specific development projects.
- (ii) The City shall consider Transit LOS standards when it updates the annual Six-year Capital Improvement Plan and for coordination with Community Transit.
- (b) For the purpose of this section, vehicular level of service uses the methodology outlined in the most recent version of the Transportation Research Board's Highway Capacity Manual (HCM), which defines levels of service based on average delay per vehicle.
- (1) Level of service standards for signalized intersections are 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 be defined LOS F; an average delay per vehicle between 55 and 80 seconds shall be defined LOS E; and an average delay per vehicle between 35 and 55 seconds shall be defined LOS D.
- (2) Level of service standards at all-way, stop-controlled and roundabout intersections are 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 be defined LOS F; an average delay per vehicle between 35 and 50 seconds shall be defined LOS E; and an average delay per vehicle between 25 and 35 seconds shall be defined LOS D.
- (3) Level of service standards at two-way, stop-controlled intersections are 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 be defined LOS F; an average delay per vehicle between 35 and 50 seconds shall be defined LOS E; and an average delay per vehicle between 25 and 35 seconds shall be defined LOS D.
- ~~(a) Transportation. All City streets shall maintain an LOS C or better at peak hour traffic in residential areas and LOS E along arterials and collectors in other areas at peak hour.~~
- ~~(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 level of service shall be 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.

14.110.050060 Relationship to the State Environmental Policy Act (SEPA).

This chapter establishes the minimum standards which are to be applied to all development proposals~~activities 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, monitoring and evaluation, and administration of a capacity waiting list.~~

~~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.~~
- ~~(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 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.~~

14.110.080070 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 [Citycity](#) and/or others provide needed improvements; or
 - (3) Design and/or construct the facilities necessary to achieve the LOS in compliance with Section [14.110.090080 considering nexus and proportionality of the impact to the level of service standard being exceeded](#).

14.110.090080 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~~whichever 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, to mitigate the proportionate impact of the development activity. 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) Alternatively, the city may accept a fee-in lieu, based on an alternatives analysis of needed improvements and an engineer's cost estimate, to mitigate a proportionate share of the impact created by the development activity. 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) 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.
 - (8) The project shall comply with the procedural and substantive requirements of the State Environmental Policy Act (SEPA).
 - (89) 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~~ development activity will not receive a certificate of concurrency. (Ord. 811, Sec. 89, 2010)

14.110.100090 Implementation of Strategies in Lieu of Capital Improvements.

- (a) With approval from the Public Works and Planning and Community Development Directors, non-construction strategies for reducing demand for public facilities, including payment of agreed in lieu fees, to assure ensure 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 actual 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-10 years which the City may use to construct the necessary improvements, at any time during that ten-10-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, non-construction 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.

14.110.110100 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.

14.110.115110 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)

Planning Commission and City Council Work Session Draft 9-2025**Chapter 14.110
CONCURRENCY MANAGEMENT SYSTEM****Sections:**

14.110.010	Purpose
14.110.020	Applicability
14.110.025	Administration
14.110.030	Exemptions
14.110.040	Review of Development Activity - Concurrency Testing
14.110.050	Level of Service Standards
14.110.060	Relationship to the State Environmental Policy Act
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14.110.070	Methods for Meeting Concurrency
14.110.080	Requirements for Design and Construction of Facilities Necessary to Achieve Adopted Levels of Service
14.110.090	Implementation of Strategies In Lieu of Capital Improvements
14.110.100	Fees
14.110.110	Concurrency of Projects Vested in the County Pre-Annexation
14.110.120	Appeals

14.110.010 Purpose.

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

14.110.020 Applicability.

(a) This chapter applies to:

- (1) All development activity applications filed after its effective date, unless exempted.
- (2) Changes of occupancy or changes of use that result in increased demand for system improvements including public parks, transportation facilities or sewer.
- (3) Reconstruction or expansions of buildings that results in an increase in vehicular trips, housing units or sewage demand exceeding the pre-existing demand on roads, parks and/or sewer facilities.
- (4) Phased Development, which is any development involving the review of multiple buildings on a single-site or as part of a related project or distinct phases of a subdivision, where the issuance of building permits and/or final land use actions occur at different times, per a defined schedule. For phased developments, the city shall consider the potential impacts and need for public services cumulatively for the entire project, to determine concurrency.

14.110.025 Administration

- (a) The Director of Planning and Community Development, or designee shall be responsible for the administration of this chapter including but not limited to establishing application requirements;

evaluating development activities to determine if the project meets level of service or “no impact” standards or exemptions; identifying methods for meeting concurrency, including construction of improvements or alternative concurrency strategies; and records maintenance and project monitoring.

- (b) The Public Works Department will be consulted during the project review phase to provide technical recommendations on appropriate methods for meeting concurrency and alternative concurrency strategies, considering engineered design solutions for construction improvements, impact to public infrastructure and the assessment of in-lieu fees, as identified in sections 14.110.080, 14.110.090 and 14.110.100.

14.110.030 Exemptions.

- (a) No Impact. Development activities, which do not create additional, measurable impacts on any transportation or parks facility, are exempt from the requirements of this chapter, including but not 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 alterations with no change of use or increased demand for system improvements per LSMC 14.110.020, or additional dwelling units for residential uses.
 - (3) Replacement structures with no change of use, expansion in floor area or increased demand for system improvements per LSMC 14.110.020, or additional dwelling units for residential uses.
 - (4) Temporary construction trailers.
 - (5) Driveway resurfacing or parking lot paving.
 - (6) Normal repair and maintenance activities, which do not increase floor area or add residential dwelling units, such as re-roofing.
 - (7) Demolitions.
 - (8) Clearing, grading, filling.
- (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 or 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) Transportation Exemptions. The transportation concurrency requirements, in this chapter, do not apply to the development activities listed below.

- (1) A single-family residence, duplex or accessory dwelling unit as defined in Chapter 14.08 LSMC.
- (2) Development activities that do not add new projected trips to key intersections listed in the City's *Overview of Typical Traffic Study Requirements*.
- (3) Development activities located within the city's subareas, as identified in Chapter 14.38 LSMC, that do not exceed the adopted subarea EIS thresholds and that do not add new projected trips to key intersections listed in the *City's Overview of Typical Traffic Study Requirements*, outside of subareas.
- (4) Development activities or uses generating 25 or fewer new p.m. peak hour trips.

14.110.040 Review of Development Activities - Concurrency Testing

- (a) Application. All development applications for land use and/or building permits shall include a concurrency application, which the city will review for consistency with LSMC 14.110.070 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) Non-exempt development activities must include a traffic analysis to inform the concurrency decision. The scope of the traffic analysis shall be consistent with the requirements in the city's *Overview of Typical Traffic Study Requirements*.
 - (2) All development activities subject to the requirements of this chapter shall submit a traffic concurrency worksheet containing PM peak-hour trip estimates calculated using the latest edition of the Institute of Transportation Engineers (ITE) Trip Generation Manual or other information supported by studies and data submitted by the developer.
 - (3) For potable water and sanitary sewer, availability letters from the utility purveyor will be used in conducting the concurrency test.
- (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 city's 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 activities.
 - (4) The concurrency testing shall consider 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, for active permits and is valid only for the subsequent development approval(s) for the same parcel that has not expired under subsection(d) 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 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.

14.110.050 Level of Service Standards.

- (a) Transportation. All transportation facilities shall maintain multimodal Levels of Service (LOS) in accordance with the adopted Comprehensive Plan or the applicable Subarea Plan. The city's concurrency requirements for transportation do not apply to state highways or private streets.
- (1) Vehicular LOS: Intersection levels of service shall meet the vehicular LOS standards identified in the Comprehensive Plan.
 - (2) Vehicular LOS standards in subareas, as identified in Chapter 14.38 LSMC, shall meet the LOS standards identified in the Subarea Plan.
 - (i) If a development activity falls within the applicable planned action threshold, the project is deemed to meet concurrency requirements.
 - (ii) The city reserves its authority to require projects within subareas to evaluate intersections for level of service concurrency, including intersections within other subareas or outside of subareas, when the trip generation from the proposal adds new projected trips to key

intersections listed in the City's Overview of Typical Traffic Study Requirements and is not otherwise exempt under this chapter.

- (3) 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 do not apply directly to determine concurrency for specific development projects.
 - (ii) The City shall consider active transportation LOS standards when it updates the annual Six-year Capital Improvement Plan.
- (4) Transit LOS: Transit stop levels of service shall meet the transit LOS standards identified in the Comprehensive Plan.
 - (i) Transit LOS standards do not apply directly to determine concurrency for specific development projects.
 - (ii) The City shall consider Transit LOS standards when it updates the annual Six-year Capital Improvement Plan and for coordination with Community Transit.
- (b) For the purpose of this section, vehicular level of service uses the methodology outlined in the most recent version of the Transportation Research Board's Highway Capacity Manual (HCM), which defines levels of service based on average delay per vehicle.
 - (1) Level of service standards for signalized intersections are 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 be defined LOS F; an average delay per vehicle between 55 and 80 seconds shall be defined LOS E; and an average delay per vehicle between 35 and 55 seconds shall be defined LOS D.
 - (2) Level of service standards at all-way, stop-controlled and roundabout intersections are 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 be defined LOS F; an average delay per vehicle between 35 and 50 seconds shall be defined LOS E; and an average delay per vehicle between 25 and 35 seconds shall be defined LOS D.
 - (3) Level of service standards at two-way, stop-controlled intersections are 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 be defined LOS F; an average delay per vehicle between 35 and 50 seconds shall be defined LOS E; and an average delay per vehicle between 25 and 35 seconds shall be defined LOS D.
- (c) Parks. Per the Comprehensive Plan.

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

This chapter establishes the minimum standards which are to be applied to all development activities 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.

14.110.070 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/or construct the facilities necessary to achieve the LOS in compliance with Section 14.110.080 considering nexus and proportionality of the impact to the level of service standard being exceeded.

14.110.080 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, whichever 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, to mitigate the proportionate impact of the development activity. 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) Alternatively, the city may accept a fee-in lieu, based on an alternatives analysis of needed improvements and an engineer's cost estimate, to mitigate a proportionate share of the impact created by the development activity.
 - (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) 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.

- (8) The project shall comply with the procedural and substantive requirements of the State Environmental Policy Act (SEPA).
- (9) 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 development activity will not receive a certificate of concurrency. (Ord. 811, Sec. 89, 2010)

14.110.090 Implementation of Strategies in Lieu of Capital Improvements.

- (a) With approval from the Public Works and Planning and Community Development Directors, non-construction strategies for reducing demand for public facilities, including payment of agreed in lieu fees, to ensure 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 actual demand 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 provide a financial guarantee for a period of up to 10 years which the City may use to construct the necessary improvements, at any time during that 10-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, non-construction 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.

14.110.100 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.

14.110.110 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. (Ord. 859, Sec. 2, 2011)

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)

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14.08 Definitions

"Capacity" means the ability of an affected intersection or intersections to handle increased traffic from a development without causing delays that fall below the LOS standards established in this chapter.

"Development activity" means any proposal or action requiring a development permit, not otherwise exempted, including the construction or expansion of a building, structure, or use, any change in the use of a building or structure, or any land use change that creates additional demand for public facilities.

"Development activity" does not include:

- (a) Buildings or structures constructed by a regional transit authority; or
- (b) Buildings or structures constructed as shelters providing emergency housing for people experiencing homelessness, or emergency shelters for victims of domestic violence, as defined in RCW 70.123.020.

"Development approval" means any written authorization from a county, city, or town that permits the commencement of development activity.

"Impact fee" means a payment imposed on development as a condition of approval to fund public facilities needed to serve new growth and development. This fee must be reasonably related to the new development, proportionate to the cost of the public facilities, and used for facilities that benefit the new development.

"Level of service" means the established minimum capacity of public facilities or services that must be provided per a defined unit of demand or other appropriate measure of need. Level of service standards are synonymous with locally established minimum standards.

"Off-site road improvement" means an improvement, excluding a frontage improvement, to an existing or proposed city road outside the boundaries of a development.

"Owner" means the owner of record of real property or when real property is being purchased under a real estate contract, the purchaser is considered the owner of the real property if the contract is recorded.

"PM Peak hour" means the highest volume of traffic for a continuous hour between 4:00 p.m. and 6:00 p.m.

"Project improvement" means site improvements and facilities planned and designed to serve a particular development project, necessary for the use and convenience of the occupants or users of the project that are not system improvements.

"Proportionate share" means that portion of the cost of public facility improvements that are reasonably related to the service demands and needs of new development.

"Public facilities" means capital facilities owned or operated by government entities: (a) Public streets, roads, and bicycle and pedestrian facilities that were designed with multimodal commuting as an intended use; (b) publicly owned parks, open space, and recreation facilities; (c) school facilities; and (d) fire protection facilities.

"Service area" means a geographic area defined by a county, city, town, or intergovernmental agreement where a defined set of public facilities provide service to development within the area. Service areas must be designated based on sound planning or engineering principles.

"System improvement" means public facilities included in the capital facilities plan, designed to provide service to specific areas within the community at large, in contrast to project improvements.

Chapter 14.112

TRAFFIC IMPACT MITIGATION FEES*

Sections:

14.112.010	Purpose
14.112.020	Authority
14.112.030	Applicability and Exemptions
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 Traffic System Impact Fees
14.112.090	Offsets and credits
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
14.112.130	Appeals

~~* 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:

- Ensuring adequate ~~public street system~~[transportation](#) facilities are available to serve ~~multimodal trip~~[traffic](#) from new development.
- 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.
- ~~Establishing procedures to impose fees for new development to pay a proportionate share of the costs of transportation facility improvements, reasonably related to the new development. This reduces transaction costs for both the city and developer, ensuring new developments do not pay arbitrary or duplicative fees.~~[Establishing procedures whereby new development pays its proportionate share of the costs of street system 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~~[Chapter 82.02 RCW](#), which ~~authorize~~[authorizes](#) cities planning under the Growth Management Act, Chapter 36.70A RCW, to

~~assess~~impose, collect, and use traffic impact fees to help finance public facilities and system improvements needed to accommodate growth and development.

- (b) The city will collect traffic impact mitigation fees for development activities approved by the County, when the subject property has been annexed to the city.

~~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 and Exemptions.

This chapter applies to all new development activities, except ~~as may be for those~~ exempted below by the concurrency management system described in LSMC 14.110.030(a) and 14.110.030(b).

Optional exemptions for City Council Consideration pursuant to RCW 82.02.060 may be included in this chapter pending review and approval (financial impacts associated with these exemptions).

~~(a) 14.112.040 Exemptions.~~

~~The exemptions for traffic impact fees are the same as for concurrency in Section 14.110.030 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~~040 Service Areas.

- (a) The city has established service areas referred to as traffic impact zones (TIZ), as defined in the *Traffic Impact Fee Cost Basis for the City of Lake Stevens*, to help prioritize capital improvements throughout the city and assess appropriate traffic impact fees.

~~For the provision of public streets, implementation of the Capital Facilities and Transportation Elements of the Comprehensive Plan and administration of this chapter, three traffic impact zones (TIZ) are established. 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.~~

- (a) ~~The exterior TIZ boundaries follow the city limits.~~ Properties within the Urban Growth Area (UGA), ~~that are~~ annexed into the city, shall ~~be~~ automatically be assigned the same TIZ (service area) as city properties directly contiguous to the annexation, unless an independent TIZ is established per the *Traffic Impact Fee Cost Basis for the City of Lake Stevens*, as shown in Figure 14.112-I.

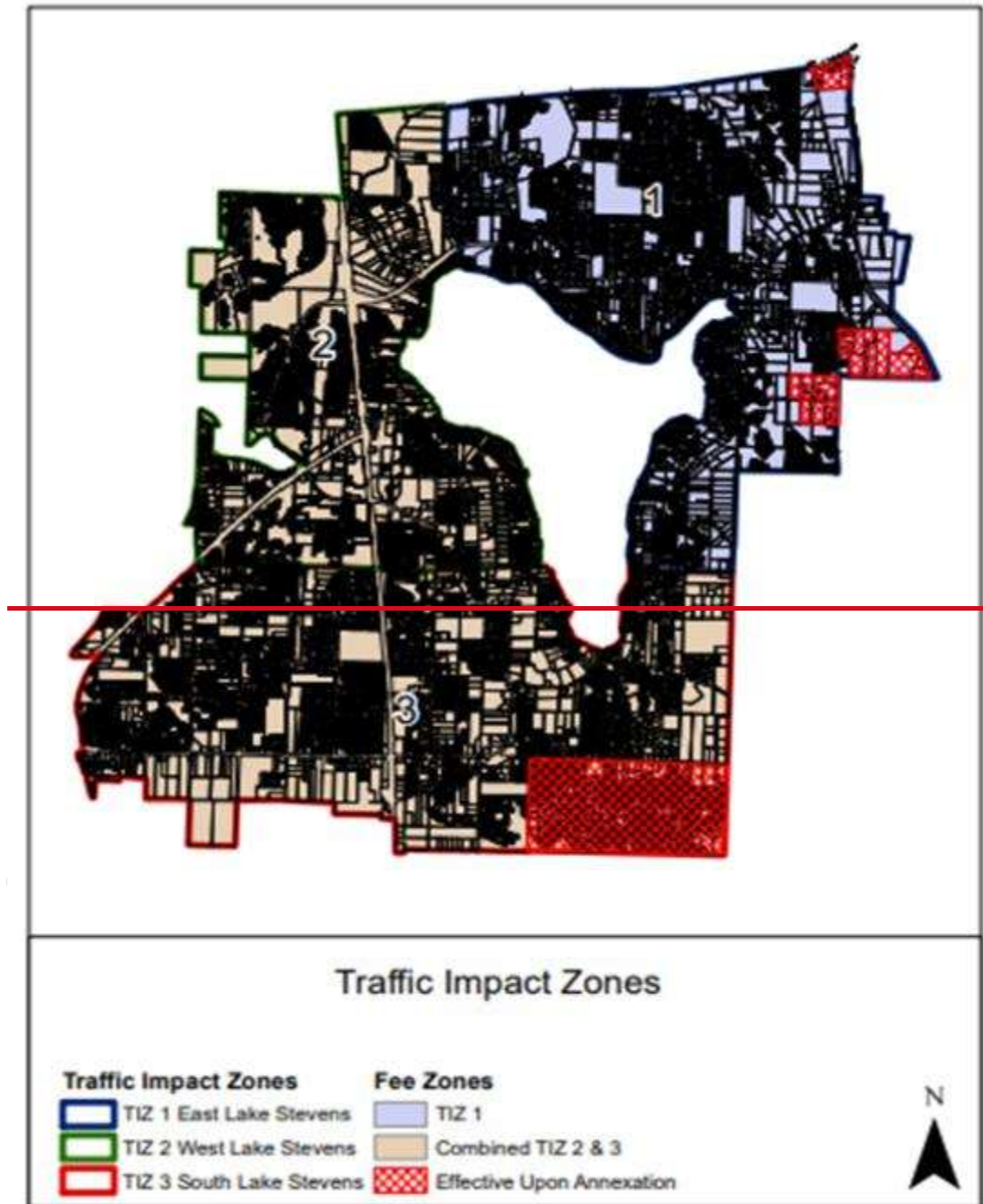


Figure 14.112 | Traffic Impact Zones

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

14.112.060050 Mitigation of Traffic Impacts Required.

Any new development activity shall mitigate ~~the development's identified~~ impacts ~~to~~ the city's ~~street transportation facilities~~ system either by payment of an amount calculated pursuant to Section 14.112.080070, ~~or by dedication of~~ dedicating land pursuant to Section 14.112.090080, ~~by construction of~~ constructing off-site ~~street system capacity~~ transportation facility improvements pursuant to Section 14.112.090080, or as otherwise provided in Section 14.112.070. (Ord. 876, Sec. 6 (Exh. 4), 2012)

14.112.070060 Relationship to the State Environmental Policy Act (SEPA).

This chapter establishes minimum ~~traffic~~ 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 ~~non-exempt~~ development activity shall be ~~reviewed and be~~ subject to the substantive authority of SEPA (LSMC 16.04.105) ~~for to mitigate~~ potential adverse ~~traffic~~ impacts on ~~the transportation street system facilities~~ not mitigated by this fee. (Ord. 876, Sec. 6 (Exh. 4), 2012)

14.112.080070 Calculation of ~~Street Traffic~~ System Impact Fees.

- (a) The traffic impact fees will be collected and spent for ~~capacity system~~ improvements to ~~the public street system transportation facilities~~ as identified in the city's ~~adopted~~ Capital Facilities Plan, ~~in~~ accordance with RCW 82.02.050 ~~(43)~~.

~~(1) The~~ impact fees shall only be imposed for system improvements reasonably related to ~~new~~ development impacts.

~~(2) and~~ Impact fees shall not exceed a proportionate share of the costs of the identified system improvements.

~~(3) Impact fees shall be used for system improvements that will reasonably benefit the new development in the adopted Capital Facilities Plan.~~

~~(4) Impact fees may only be collected and spent on system improvements, included in the capital facilities element of the Comprehensive Land Use Plan, identifying:~~

~~(i) Deficiencies in public facilities serving existing development and how existing deficiencies will be eliminated within a reasonable period of time;~~

~~(ii) Additional demands placed on existing public facilities by new developments; and~~

~~(+)(iii) Additional public facility improvements required to serve new development;~~

- (b) The ~~street system~~ traffic impact fee cost basis is established in the *Traffic Impact Fee Cost Basis for the City of Lake Stevens*, ~~or~~ 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 by paying an impact fee reasonably related to the impact of the development activity on transportation facilities in the same traffic impact zone. A development shall mitigate its traffic impact upon the future capacity of the street system by paying an impact fee reasonably related to the impact of the development on public streets 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 as 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(~~56~~), 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 traffic impact fees are fairly imposed; and
 - (2) In accordance with RCW 82.02.060(~~57~~), 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.
- (3) Cost Indexing. The city may adjust the traffic impact fees annually considering the Consumer Price Index for the most recent 12-month period as guide for adjusting fees.
- (d) The City Council shall have the authority to adjust the amount of ~~the traffic~~ impact fees pursuant to RCW 82.02.060(2) through (4) to reflect other public benefits resulting from for development activities

~~with defined broad public purposes 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)

14.112.090080 Offsets and credits.

- (a) The city shall reduce required traffic impact fees or provide a credit ~~shall be reduced by the amount of any for~~ 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) The city shall reduce required traffic impact fees or provide a credit w~~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 city shall reduce required traffic impact fees or provide a credit for the value of any dedication of land for, improvement to, or new construction of any system improvements provided by the developer, to facilities that are identified in the six-year capital facilities plan and that are required a condition of approving the development activity. 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 city shall provide a 50 percent reduction of traffic impact fees for system improvements under RCW 82.02.090(7)(a) if the project is within a station area and claiming a multiple-unit housing property tax exemption under RCW 84.14.020(1)(a)(ii)(D).
- (e) The amount of the offset or credit for a development activity shall not exceed the amount of the impact fee the development activity is required to pay.
 - (1) 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.

(2) When land is proposed for dedication, the person required to pay traffic 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.

(3) If construction costs are estimated, the estimate must be provided by a professional engineer or use construction values established by the city and the documentation shall be confirmed after the construction is completed to assure that an accurate offset amount is provided.

(4) If the land value or construction cost is less than the calculated fee amount, the difference remaining shall be chargeable as an impact fee.

(ef) 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)

14.112.100090 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)

14.112.110100 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~~ if 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 system improvements as opposed to project improvements, ~~in accordance with~~ as defined in RCW 82.02.090. (Ord. 876, Sec. 6 (Exh. 4), 2012)

14.112.120110 Expenditure Requirements for Impact Fees.

Traffic impact fee ~~payments~~ s not expended or encumbered within 10 years ~~shall~~ may be refunded, pursuant to RCW 82.02.070, .080 and 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~~ 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)

14.112.130120 Refund of Fees Paid.

- (a) Traffic impact fees collected pursuant to this chapter shall be deposited into an ~~interest bearing~~ 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 traffic impact fees paid, with interest, ~~of the impact fee paid for that~~

~~development.~~ The developer must submit ~~an application for such a~~ written refund request 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 written refund request to the Finance Director ~~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 written~~ refund request 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 traffic 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)

14.112.130 Appeals

A developer may appeal the amount of an impact fee determined, following the appeal process for the underlying development approval, pursuant to LSMC 14.16A.265. The developer shall bear the burden of proving:

- (a) The city erred in its impact fee assessment of the developer's proportionate share, as determined by an individual fee calculation or as set forth in the fee schedule, or in granting a credit or offset.
- (b) The impact fee assessed on the development activity was based upon incorrect data.

Chapter 16.04 SEPA

16.04.105 Substantive Authority.

- (e) Through its substantive authority, in conjunction with the Master Annexation Interlocal Agreement between the City of Lake Stevens and Snohomish County, the City hereby establishes a process for collecting traffic and park mitigation fees, for properties annexed into the City of Lake Stevens, when Snohomish County received the initial development application and said application vested to Snohomish County regulations, including those related to the payment of traffic or park mitigation fees.
- (1) The City shall apply Snohomish County code requirements related to the payment of traffic and/or park mitigation fees.
 - (2) The City shall collect required traffic and/or park mitigation fees directly when such fees were not previously paid to Snohomish County.
 - (3) Payment of said fees to the City shall satisfy the requirements of [Sections 14.56.190 and 14.56.192 Chapter 14.112](#) for traffic mitigation and Chapter 14.120 for park impact mitigation.
 - (4) The City shall assess and collect required impact fees at the time of building permit issuance.

Planning Commission and City Council Work Session Draft

14.08 Definitions

"Capacity" means the ability of an affected intersection or intersections to handle increased traffic from a development without causing delays that fall below the LOS standards established in this chapter.

"Development activity" means any proposal or action requiring a development permit, not otherwise exempted, including the construction or expansion of a building, structure, or use, any change in the use of a building or structure, or any land use change that creates additional demand for public facilities.

"Development activity" does not include:

- (a) Buildings or structures constructed by a regional transit authority; or
- (b) Buildings or structures constructed as shelters providing emergency housing for people experiencing homelessness, or emergency shelters for victims of domestic violence, as defined in RCW 70.123.020.

"Development approval" means any written authorization from a county, city, or town that permits the commencement of development activity.

"Impact fee" means a payment imposed on development as a condition of approval to fund public facilities needed to serve new growth and development. This fee must be reasonably related to the new development, proportionate to the cost of the public facilities, and used for facilities that benefit the new development.

"Level of service" means the established minimum capacity of public facilities or services that must be provided per a defined unit of demand or other appropriate measure of need. Level of service standards are synonymous with locally established minimum standards.

"Off-site road improvement" means an improvement, excluding a frontage improvement, to an existing or proposed city road outside the boundaries of a development.

"Owner" means the owner of record of real property or when real property is being purchased under a real estate contract, the purchaser is considered the owner of the real property if the contract is recorded.

"PM Peak hour" means the highest volume of traffic for a continuous hour between 4:00 p.m. and 6:00 p.m.

"Project improvement" means site improvements and facilities planned and designed to serve a particular development project, necessary for the use and convenience of the occupants or users of the project that are not system improvements.

"Proportionate share" means that portion of the cost of public facility improvements that are reasonably related to the service demands and needs of new development.

"Public facilities" means capital facilities owned or operated by government entities: (a) Public streets, roads, and bicycle and pedestrian facilities that were designed with multimodal commuting as an intended use; (b) publicly owned parks, open space, and recreation facilities; (c) school facilities; and (d) fire protection facilities.

"Service area" means a geographic area defined by a county, city, town, or intergovernmental agreement where a defined set of public facilities provide service to development within the area. Service areas must be designated based on sound planning or engineering principles.

"System improvement" means public facilities included in the capital facilities plan, designed to provide service to specific areas within the community at large, in contrast to project improvements.

DRAFT

Chapter 14.112

TRAFFIC IMPACT MITIGATION FEES*

Sections:

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

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 transportation facilities are available to serve multimodal trips from new development.
- (b) Ensuring adequate transportation facilities are available to serve growth and maintain established levels of service for present businesses and residents.
- (c) Establishing procedures to impose fees for new development to pay a proportionate share of the costs of transportation facility improvements, reasonably related to the new development. This reduces transaction costs for both the city and developer, ensuring new developments do not pay arbitrary or duplicative fees.

14.112.020 Authority.

- (a) This chapter is adopted under Chapter 82.02 RCW, which authorizes cities planning under the Growth Management Act, Chapter 36.70A RCW, to impose, collect, and use traffic impact fees to help finance public facilities and system improvements needed to accommodate growth and development.
- (b) The city will collect traffic impact mitigation fees for development activities approved by the County, when the subject property has been annexed to the city.

14.112.030 Applicability and Exemptions.

This chapter applies to all new development activities, except for those exempted by the concurrency management system described in LSMC 14.110.030(a) and 14.110.030(b).

Optional exemptions for City Council Consideration pursuant to RCW 82.02.060 may be included in this chapter pending review and approval (financial impacts associated with these exemptions).

14.112.040 Service Areas.

- (a) The city has established service areas referred to as traffic impact zones (TIZ), as defined in the *Traffic Impact Fee Cost Basis for the City of Lake Stevens*, to help prioritize capital improvements throughout the city and assess appropriate traffic impact fees.
- (a) The exterior TIZ boundaries follow the city limits. Properties within the Urban Growth Area (UGA), annexed into the city, shall automatically be assigned the same TIZ (service area) as city properties directly contiguous to the annexation, unless an independent TIZ is established per the *Traffic Impact Fee Cost Basis for the City of Lake Stevens*.

14.112.050 Mitigation of Traffic Impacts Required.

Any new development activity shall mitigate identified impacts to the city's transportation facilities either by payment of an amount calculated pursuant to Section 14.112.070, dedicating land pursuant to Section 14.112.080, constructing off-site transportation facility improvements pursuant to Section 14.112.080, or as otherwise provided in Section 14.112.070. (Ord. 876, Sec. 6 (Exh. 4), 2012)

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

This chapter establishes minimum traffic impact fees, applied to all developments. These fees are presumed to mitigate traffic demand on the capacity of the city's transportation facilities. However, each non-exempt development activity shall be subject to the substantive authority of SEPA (LSMC 16.04.105) to mitigate potential adverse impacts on transportation facilities not mitigated by this fee. (Ord. 876, Sec. 6 (Exh. 4), 2012)

14.112.070 Calculation of Traffic Impact Fees.

- (a) The traffic impact fees will be collected and spent for system improvements to transportation facilities as identified in the city's adopted Capital Facilities Plan, in accordance with RCW 82.02.050.
 - (1) Impact fees shall only be imposed for system improvements reasonably related to new development impacts.
 - (2) Impact fees shall not exceed a proportionate share of the costs of the identified system improvements.
 - (3) Impact fees shall be used for system improvements that will reasonably benefit the new development.
 - (4) Impact fees may only be collected and spent on system improvements, included in the capital facilities element of the Comprehensive Land Use Plan, identifying:
 - (i) Deficiencies in public facilities serving existing development and how existing deficiencies will be eliminated within a reasonable period of time;
 - (ii) Additional demands placed on existing public facilities by new developments; and
 - (iii) Additional public facility improvements required to serve new development;

- (b) The traffic impact fee cost basis is established in the *Traffic Impact Fee Cost Basis for the City of Lake Stevens*, or as amended, based on methodology consistent with the requirements of RCW [82.02.050](#) through [82.02.100](#).
- (c) A development shall mitigate its traffic impact by paying an impact fee reasonably related to the impact of the development activity on transportation facilities in the same traffic impact zone. A development's traffic impact fee will equal the number of new average weekday afternoon (PM) peak-hour trips generated by the development as 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(6), 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 traffic impact fees are fairly imposed; and
 - (2) In accordance with RCW 82.02.060(7), 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.
 - (3) Cost Indexing. The city may adjust the traffic impact fees annually considering the Consumer Price Index for the most recent 12-month period as guide for adjusting fees.
- (d) The City Council shall have the authority to adjust the amount of traffic impact fees pursuant to RCW 82.02.060(2) through (4) for development activities with defined broad public purposes in accordance with specific programs as determined and adopted by the City Council. 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)

14.112.080 Offsets and credits.

- (a) The city shall reduce required traffic impact fees or provide a credit for payment for transportation facility improvements previously made for the development as a condition of approval or under voluntary agreements with the City entered into after the effective date of the ordinance.
- (b) The city shall reduce required traffic impact fees or provide a credit 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 transportation 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 traffic impact fee cost basis, 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 city shall reduce required traffic impact fees or provide a credit for the value of any dedication of land for, improvement to, or new construction of any system improvements provided by the developer, to facilities that are identified in the six-year capital facilities plan and that are required a condition of approving the development activity.
- (d) The city shall provide a 50 percent reduction of traffic impact fees for system improvements under RCW [82.02.090](#)(7)(a) if the project is within a station area and claiming a multiple-unit housing property tax exemption under RCW [84.14.020](#)(1)(a)(ii)(D).

- (e) The amount of the offset or credit for a development activity shall not exceed the amount of the impact fee the development is required to pay.
 - (1) 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.
 - (2) When land is proposed for dedication, the person required to pay traffic 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.
 - (3) If construction costs are estimated, the estimate must be provided by a professional engineer or use construction values established by the city and the documentation shall be confirmed after the construction is completed to assure that an accurate offset amount is provided.
 - (4) If the land value or construction cost is less than the calculated fee amount, the difference remaining shall be chargeable as an impact fee.
- (f) Any claim for offset should be made at least 30 days prior to application for a building permit to eliminate or minimize any delays in issuance of a permit. (Ord. 876, Sec. 6 (Exh. 4), 2012)

14.112.090 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)

14.112.100 Uses of Traffic Impact Fee Revenues.

- (a) Traffic impact fee revenue will be used for capital improvements to transportation facilities, not operating or maintenance expenses.
- (b) Traffic impact fees shall be used for costs associated with City transportation facility improvements, including, but not limited to, planning, design, engineering, right-of-way acquisition, financing, project administration, construction, and/or construction engineering.
- (c) If 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 system improvements as opposed to project improvements, as defined in RCW 82.02.090. (Ord. 876, Sec. 6 (Exh. 4), 2012)

14.112.110 Expenditure Requirements for Impact Fees.

Traffic impact fees not expended or encumbered within 10 years may be refunded, pursuant to RCW 82.02.070, .080 and 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. 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)

14.112.120 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, the developer shall be entitled to a refund of traffic impact fees paid, with interest. The developer must submit a written refund request 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 written refund request to the Finance Director 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 written refund request has been made in accordance with this section, shall be retained and expended on transportation facilities.
- (e) Interest due upon the refund of traffic 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)

14.112.130 Appeals

A developer may appeal the amount of an impact fee determined, following the appeal process for the underlying development approval, pursuant to LSMC 14.16A.265. The developer shall bear the burden of proving:

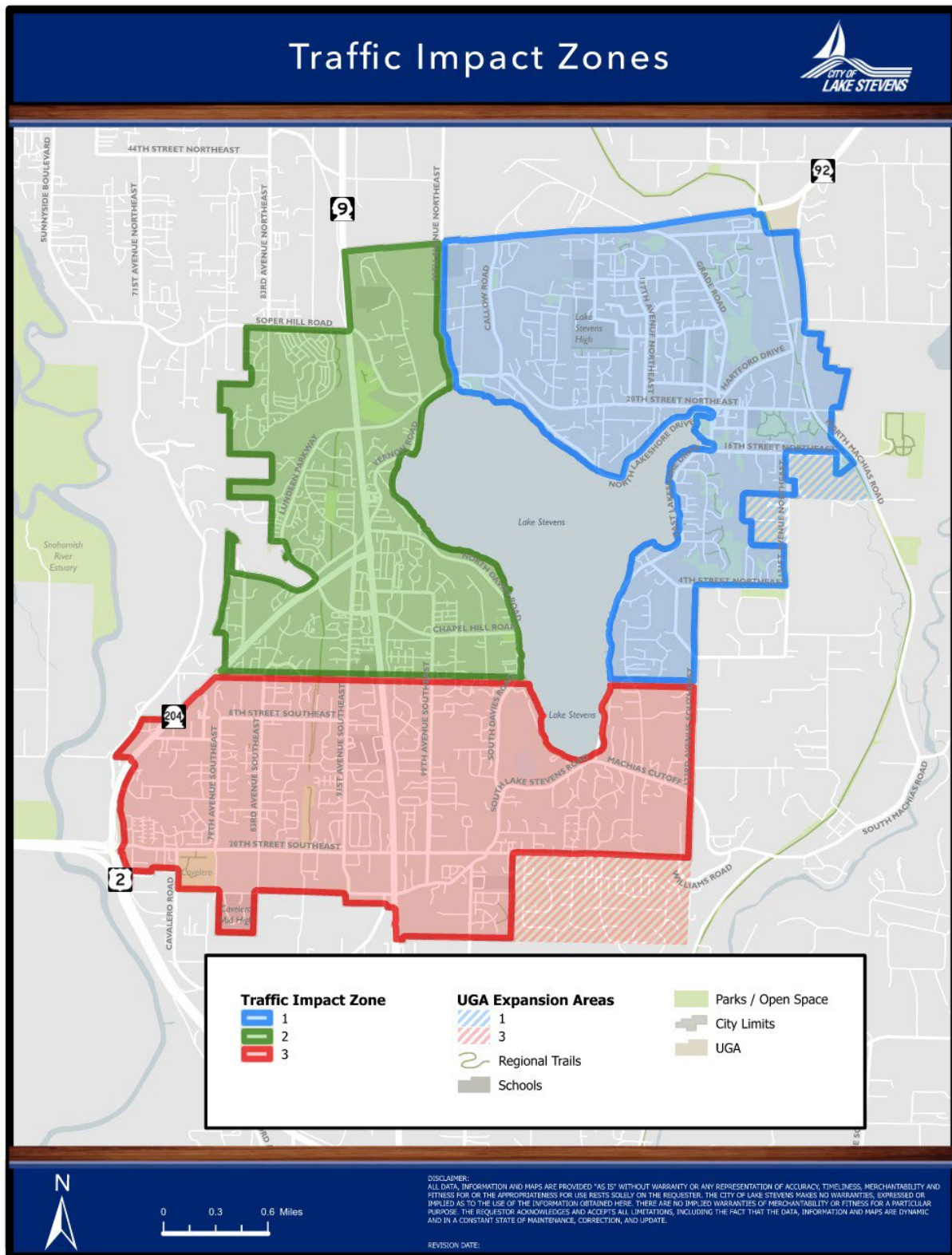
- (a) The city erred in its impact fee assessment of the developer's proportionate share, as determined by an individual fee calculation or as set forth in the fee schedule, or in granting a credit or offset.
- (b) The impact fee assessed on the development activity was based upon incorrect data.

Chapter 16.04 SEPA

16.04.105 Substantive Authority.

- (e) Through its substantive authority, in conjunction with the Master Annexation Interlocal Agreement between the City of Lake Stevens and Snohomish County, the City hereby establishes a process for collecting traffic and park mitigation fees, for properties annexed into the City of Lake Stevens, when Snohomish County received the initial development application and said application vested to Snohomish County regulations, including those related to the payment of traffic or park mitigation fees.
- (1) The City shall apply Snohomish County code requirements related to the payment of traffic and/or park mitigation fees.
 - (2) The City shall collect required traffic and/or park mitigation fees directly when such fees were not previously paid to Snohomish County.
 - (3) Payment of said fees to the City shall satisfy the requirements of Chapter 14.112 for traffic mitigation and Chapter 14.120 for park impact mitigation.
 - (4) The City shall assess and collect required impact fees at the time of building permit issuance.

Attachment 5



Attachment 6
City of Lake Stevens
Concurrency Traffic Study Handbook for New Development Applications

This document provides guidelines for conducting traffic studies required for development projects in Lake Stevens, ensuring compliance with the municipal code regarding concurrency. This document is used by traffic engineers.

- **Concurrency Determinations:** Development projects must follow the procedures outlined in Lake Stevens Municipal Code (LSMC) 14.110 to make concurrency determinations, potentially requiring a traffic study by a licensed professional.
- **Exempt Developments:** Developments that do not create measurable impacts on transportation facilities may be exempt from traffic study requirements.
- **Planned Action Subareas:** Developments within designated Planned Action Subareas are generally assumed to meet concurrency provisions and may not need to provide a level of service (LOS) analysis unless specific conditions apply.
- **Minimum Traffic Study Elements:** Non-exempt developments generating fewer than 25 trips must submit a Traffic Impact Fee (TIF) Worksheet and an Access Plan.
- **Concurrency Evaluation Requirements:** Projects generating 25 or more trips must include trip generation, trip distribution, and level-of-service analysis in their traffic studies.
- **Annual Concurrency Program Report:** The city will prepare an annual report to track development, trip capacity, and key intersections approaching established LOS standards.

**AI Summary*

Attachment 7

Traffic Impact Fee Developers Workbook

This document provides an overview of Traffic Impact Fees (TIF) in Washington, detailing their purpose, methodology, and policies related to new development projects. TIFs are designed to reimburse the City for costs incurred in providing transportation facilities for new developments. This document is used by developers to calculate their traffic impact fees and is submitted to the city with development applications that are required to pay traffic impact fees.

- **TIF Calculation Method:** TIFs are determined based on the number of new vehicle trips generated during the weekday PM peak hours, multiplied by the established fee per trip. The city is divided into Traffic Impact Zones (TIZs) to ensure equitable fee distribution based on transportation infrastructure needs.
- **Policies for Fee Management:** Several policies govern the use and management of collected TIFs, including requirements for pooling fees, ensuring timely expenditure, and spending strictly on city street system capacity improvements.
- **Adjustments and Offsets:** Developers can receive fee offsets for off-site improvements, and the Public Works Director has the authority to adjust fees based on specific development characteristics. These policies ensure that the fee structure remains fair and responsive to actual traffic impacts.

**AI Summary*

Attachment 8

Traffic Impact Fees Cost Basis

This document outlines the City of Lake Stevens's Transportation Impact Fee (TIF) program, detailing its methodology, eligible projects, and associated costs to accommodate growth-related transportation improvements. This outlines and explains the city's methodology for calculating the traffic impact fees and is broken down for applicants in the Traffic Impact Fee Developer's Workbook and the information contained in this 30-page document is summarized below.

- **TIF Program Overview:** The TIF program is updated based on the 2024 Comprehensive Plan and focuses on funding transportation improvements necessary for projected growth while adhering to the Growth Management Act (GMA).
- **Estimated Costs and Growth Impact:** TIF-eligible transportation project costs are estimated at \$91.6 million, with an anticipated increase of 12,201 PM peak hour trips through 2044 due to land use growth.
- **Traffic Impact Zones:** The city is divided into three Traffic Impact Zones (TIZs), each with specific TIF rates based on projected growth and associated costs.
- **Base TIF Rates:** The base TIF rates vary across the three TIZs, with TIZ 1 at \$11,882, TIZ 2 at \$3,911, and TIZ 3 at \$5,236 per PM peak hour trip.
- **Eligible Projects:** The TIF program includes various transportation projects, including pedestrian and bicycle facilities, with a total estimated project cost of \$235 million.
- **Funding Mechanism:** New developments in the city are required to pay TIFs at the time of building permit issuance, and funds will be allocated to the designated transportation projects.
- **Annual Updates:** The base TIF rates will be updated annually using the Consumer Price Index (CPI) to account for inflation and changes in construction costs.
- **Exemptions:** Certain developments, particularly those not increasing PM peak hour traffic, may be exempt from TIFs, including low-income housing and specific non-residential land uses.

**AI Summary*

PLANNING COMMISSION STAFF REPORT



Agenda Date: 10/15/2025

Subject: City Council Feedback on Draft STEP Housing Code Language

Contact Person/Department: David Levitan, Community Development

Budget Impact:

Legal Review: No

RECOMMENDATION(S)/ACTION REQUESTED:

No action required. Staff will share feedback provided by the City Council on the draft STEP housing code language, which is tentatively scheduled for a public hearing before the Planning Commission on November 5.

SUMMARY/BACKGROUND:

The Planning Commission reviewed draft code language for STEP housing — comprised of emergency shelters, transitional housing, emergency housing, and permanent supportive housing — during their [August 18](#) and [September 17](#) meetings. Following those meetings, staff reviewed the code language with the City Council during their [September 23 meeting](#), with [video available here](#).

One of the more prominent topics discussed by the Council on September 23 was whether the buffers proposed between emergency housing/shelters and "protected" uses such as parks and schools are warranted and necessary, given the prescriptive supplementary use regulations and public noticing requirements. In advance of the Planning Commission's public hearing on STEP housing (tentatively scheduled for November 5), staff is requesting a short discussion on the proposed buffers and other components of the code.

APPLICABLE CITY POLICIES:

ATTACHMENTS:

None