

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.

December 3, 2025 - 6:00 PM
Hybrid - In-person at the Mill or Remote via Zoom

[Join Zoom Meeting](#)

or call in at: 253-215-8782 Meeting ID: 84518130137 Passcode: 386152

- 1. Call to Order**
- 2. Roll Call**
- 3. Guest Business**
- 4. Action Items**
 - A. Approve minutes of Planning Commission Public Hearing Meeting of November 19, 2025
- 5. Public Hearing (Continuance of PC Discussion)**
 - A. Continuance of Public Hearing and Planning Commission Discussion on Code Amendments LSMC 14.08, 14.110 and 14.00 Christi Schmidt
- 6. Discussion Items**
- 7. Commissioner Report**
- 8. Planning Director's Report**
- 9. Adjourn**

THE PUBLIC IS INVITED TO ATTEND

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

PLANNING COMMISSION STAFF REPORT



Agenda Date: 12/3/2025

Subject: Approve minutes of Planning Commission Public Hearing Meeting of November 19, 2025

Contact Person/Department: , Community Development

Budget Impact:

Legal Review: No

RECOMMENDATION(S)/ACTION REQUESTED:

SUMMARY/BACKGROUND:

APPLICABLE CITY POLICIES:

ATTACHMENTS:

1. Planning Commission Public Hearing Meeting of November 19, 2025

PLANNING COMMISSION MEETING MINUTES



HYBRID/REMOTE AND IN-PERSON AT THE MILL

November 19, 2025

- CALL TO ORDER:** 6:00 PM by Chair Janice Huxford
- MEMBERS PRESENT:** Chair Janice Huxford, Vice-Chair Jennifer Davis, Commissioner Mike Duerr, Commissioner Nathan Packard, Commissioner Connor Davis and Council Liaison Ryan Donoghue
- MEMBERS ABSENT:** Commissioner Morton was absent. Commissioner Connor Davis moved to excuse him, and Commissioner Duerr seconded. The motion passed unanimously.
- STAFF PRESENT:** Principal Planner David Levitan, Planning Manager Christi Schmidt, Planning Director Russ Wright, Administrative Assistant Dawn Erickson
- OTHERS PRESENT:** Several members of the public were in the audience.

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: Ray Welk commented on the mixed-use building on 20th St NE and Main St, commenting that he feels this development will add too much traffic to the area, and is not consistent with the Comprehensive Plan.

Approval of Minutes: The November 5, 2025 meeting minutes were unanimously approved as written, with Commissioner Packard moving and Commissioner Connor Davis seconding.

Public Hearing #1: Commissioner Duerr moved to open the public hearing for Phase 1 of the Process Code Amendments, with Commissioner Packard seconding the motion.

Principal Planner Levitan reviewed several pieces of state legislation that updated the Growth Management Act (GMA). An interim ordinance was passed in 2024, but we need to adopt permanent language before the end of the year. Other code changes focus on refining land use permit types, removing subjective code language, and adding and standardizing definition terms to ensure the code reads as clearly as possible, or, in one case, removing duplicate language. Following this presentation, he asked the Planning Commission to open the floor for public comments and then proceed with a discussion and deliberation of the proposed amendments. After no public comments from the audience or online,

There was discussion about leaving in the term “neighborhood character”, which was planned to be stricken to remove any potentially subjective language, and the commissioners decided they would prefer to retain that language. Commissioner Duerr moved, and Commissioner Connor Davis seconded, to close the public hearing. The motion to retain and send forward, made by Commissioner Packard and seconded by Commissioner Duerr, passed unanimously.

Laura Yidis, who had joined the meeting after the Guest Business portion, spoke about TIZ1 and the mixed-use building on 29th St NE & Main St, stating that any growth within TIZ1 affected the traffic in TIZs 2 and 3 as well, since TIZ1 residents would need to travel through TIZs 2 and 3 to get to a main highway. She expressed an interest in how the traffic was being evaluated.

Commissioner Connor Davis moved to open the second public hearing. Commissioner Jennifer Davis seconded, and a unanimous vote opened the public hearing.

Public Hearing #2: Planning Manager Schmidt discussed code amendments for the Concurrency Management System and Traffic Impact Mitigation and said she had highlighted the two areas in each of the code sections that had been changed based on the Commissioners’ comments and staff input. She reviewed the process to date, and stated the amendments are consistent with the transportation and capital facility elements in the Comprehensive Plan.

She stated that the City Council did not have any substantive comments on the code amendments for Chapters 14.08, 14.110, and 14.112, but requested that staff review and verify the methodology used to compile and validate the CFP projects that comprise the total transportation impact fee. Staff will discuss this with the consultant to provide validation and address any necessary clarification.

Director Wright pointed out the distinction between reviewing the code language and the methodology question, stating that the implementation methodology doesn’t affect the code, which stands on its own.

Planning Manager Schmidt discussed (Concurrency Management) some new terminology, exemptions listed within the code, multimodal requirements that have been added, and the level of service to match the comprehensive plan. She then opened it up to the Commissioners.

She summarized, stating that the concurrency standards are compliant with the provisions included in the adopted comprehensive plan and meet the requirements of RCW 36.70A.106. She gave staff’s recommendation to approve amendments to LSMC 14.08, 14.110, and 14.112.

Topics discussed included tracking the cumulative impact of projects to traffic, what constitutes “temporary” regarding construction trailers. A change to traffic impact mitigation for affordable housing, which the City Council is interested in pursuing, was also discussed. The city will need to subsidize these fees. Also, discussed was an offset credit for development activity. The Commissioners then opened the hearing for public comment.

Tom Hanson, with 36 years of experience in the transportation industry, has worked in public transportation, engineering, design, and construction for the same duration. He is a licensed professional civil engineer. He pointed out some minor changes to the code language he would recommend. He also pointed to some perceived deficiencies in the Transpo report. He suggested that Traffic Impact Fees be renamed, since the majority of projects in the report’s Appendix A are active

transportation projects, not traffic projects. He made additional suggestions regarding projects listed in Appendix A, and urged the Commissioners not to move this on to Council without further review of the Transpo report. He supports exerting pressure on WSDOT to address the trestle.

Darren Piper spoke next, asking about being subject to new codes after a permit has been issued, and why there is a need for a developer to maintain a 10-year financial guarantee after a project is completed.

Chair Huxford explained that the Commissioners cannot respond to comments but appreciate all comments from residents.

Laura Yidis spoke again, thanking Tom Hanson for his comments. She also pointed out that traffic also affects pedestrians, those who are disabled and public transportation users.

Commissioner Connor Davis moved, and Commissioner Duerr seconded, a motion to close the public hearing. The motion passed unanimously. Commissioner Connor Davis thanked Mr. Hanson for his comments, noting his background and experience gave his comments additional weight for the Commissioners to consider. Commissioner Duerr agreed. Both Commissioners said they hesitate to forward any recommendation to the City Council without resolving the questions about the Transpo report.

Planning Manager Schmidt noted that these are the issues the Council directed staff to research, validate, and present back to the Council.

Director Wright again emphasized that the report issue is separate from the code amendments themselves. He also pointed out that Level of Service (LOS) descriptions are in the Comprehensive Plan and don't belong in the code. The proposed revisions before the Planning Commission for 14.11-O and 14.112, while related to the Transpo study, are not predicated on the Transpo study.

After the discussion, it was decided to hold it open to the first meeting in December. Then, the Commissioners can review some refined language, and, as a separate item, staff can provide the Commissioners with additional feedback on the actions being taken to make the implementation manuals more straightforward. The vote was unanimous, other than Commissioner Packard, who abstained. It was also confirmed that a quorum will be present for the December 3rd and December 17th meetings.

Discussion Items: Director Wright provided the proposed 2026 Work Plan. The 2025 Work Plan was primarily dominated by state legislation; therefore, next year, staff will focus on completing the remaining items from those initiatives and then tackle some of the projects that the city has long wanted to address, such as the industrial plan. After his presentation, he requested feedback from the Commissioners. No feedback was offered.

Commissioner Reports:

Chair Huxford announced that a case had been made for improvements to the intersection of South Lake Stevens Road and Machias, with the approval of a city engineer. A three-way stop will be installed. She also stated that there are two open positions on the Planning Commission, and she would like to be involved in the interview process. Commissioner Jennifer Davis will sit in her place if needed. She presented Commissioner Packard with a certificate in recognition of his service on the Planning

Commission and wished him success in his new role with the City Council.

Director's Report

Director Wright gave the 3rd quarter report for Planning & Community Development, reviewing permit statistics, staff accomplishments, and project statuses.

Adjourn: Commissioner Packard thanked everyone for the past two years of working together. He then moved to adjourn the meeting, Commissioner Connor Davis seconded, and the meeting was adjourned at 7:52pm.

Respectfully,

Dawn Erickson, Administrative Assistant

PLANNING COMMISSION STAFF REPORT



Agenda Date: 12/3/2025

Subject: Continuance of Public Hearing and Planning Commission Discussion on Code Amendments LSMC 14.08, 14.110 and 14.00

Contact Person/Department: Christi Schmidt, Community Development

Budget Impact:

Legal Review: No

RECOMMENDATION(S)/ACTION REQUESTED:

1. Continuance of Public Hearing and Planning Commission Discussion on Code Amendments LSMC 14.08, 14.110 and 14.00the proposed revisions to Chapters 14.08 – Definitions, 14.110 – Concurrency Management System, and 14.112 LSMC – Traffic Impact Mitigation Fees (File Nos. LUA2025-0073 and LUA 2025-0082).
2. Forward a recommendation to the City Council to approve the revisions and adopt the findings of fact included within the staff report.

SUMMARY/BACKGROUND:

On [November 19, 2025, the Planning Commission](#) held a public hearing on the proposed draft code amendments, along with the associated methodology and administrative documents. At the Planning Commission (PC) public hearing, City staff provided the planning commission a briefing on the [City Council meeting of November 18, 2025](#) and the comments provided. After listening to public testimony followed by Planning Commission deliberations and staff responses, the PC made a motion to close the public testimony portion of the hearing and to continue the discussion to December 3, 2025. PC directed staff to bring back revisions to LSMC 14.08, 14.110 and LSMC 14.112 with the following revisions noted below. Please note Item 3, revisions to the methodology and administrative documents, have been removed from the public hearing documents for review and will be reviewed as a separate traffic

impact fee and methodology package to the City Council (CC) later once the city has revisions back from Transpo.

1. LSMC 14.110 – minor clarifications and changes requested from PC and public comments. Include:

- Capitalize city in all code sections
- 14.110.030 add clarification regarding exemption of a single-family dwelling on an existing lot that is not part of the proposed subdivision.
- 14.110.040 when capacity is not used, state the process and reword the section — awkward verbiage.
- 14.110.050 public comment asking to list all LOS in code for ease of use.
* Staff note: The Comprehensive Plan contains a detailed list of each LOS, staffs' recommendation and preference is to only have the compliance thresholds in the code.

2. LSMC14.112 - minor clarifications and changes requested from PC and public comments. Include:

- Capitalize city in all code sections
- 14.112.020 – Authority section, please include who's the authority in this section.
* Staff note: This section does not assign authority to an individual - it establishes the city's authority under the RCW to collect fees. No change is needed.
- Define “fee-in-lieu of”. Staff did not include a duplicate definition, as it is defined and explained in LSMC 14.56.170.b.5, Right-of-Way Dedication and Frontage Improvements.
- Other actionable sections, 14.112.070(c) and (d) identify decision makers. LSMC 14.112.080 (a) through (c) do not explicitly assign a decision maker; however, subsection (d) does. Made consistent throughout.

3. Traffic Impact Fee Cost Basis – These revisions have been forwarded back to the City's consulting engineer, Transpo, to be addressed. Staff had a meeting with Transpo on November 26, 2025. Staff will know later next week when the revisions will be completed and will report back to the PC and CC.

- Why is the report not stamped, and the authors listed?
- The term “traffic impact fee” should be correctly labeled as “transportation facilities impact fee,” as the CIP list is mainly active projects. * Staff note: Staff concurs; however, we are late in the process. Staff will add this to the 2025 docket and then update the code in 2026; this way, the code will still match the Comprehensive Plan.

- Appendix A – need to include a deficiency column, fill in Future 2044 with an improvement column. Add in a column with the Comp Plan LOS.
- Revisit pages 7 and 8 – Sections of “What Improvement Projects and Costs are included?” along with the TIF Eligible Projects.
- Total project cost needs to be revisited to provide a visual nexus in the document to include identification of the deficiency and when the deficiency is met for each project, and then only portions of the project to be constructed to improve the LOS (not the full project description or elements). This may potentially reduce TIF costs.
- Rectify discrepancies in Tables 1, 4, and Appendix A.
- Revisit pages 16 and 17, and verify that the total project cost allocated to the program is \$91.6 million.
- Verify total TIF program cost and adjustment costs at the top of page 23.
- Verify costs in tables 5 and 6 on page 25 based on comments above.

BACKGROUND:

City staff briefed the Planning Commission on proposed amendments to the city’s concurrency management system (LUA2025-0073) and traffic impact mitigation fees (LUA2025-0082) codes three times in 2025, prior to the Planning Commission public hearing on November 19, 2025. Planning and Community Development staff, in coordination with the Public Works Department and the city’s transportation consultant, recommend the proposed code updates and associated changes to the city’s administrative documents to ensure consistency with the adopted 2024 Comprehensive Plan. Specifically, we recommend the Planning Commission forward a recommendation to adopt amendments to Chapters 14.08, 14.110, and 14.112 of the Lake Stevens Municipal Code (LSMC) as shown in Attachments 1 and 2.

These code revisions are proposed to ensure that our development regulations are consistent with the Comprehensive Plan and are legally defensible. A summary of the proposed revisions to each document is provided below, along with the changes noted above.

LSMC 14.08 Definitions

- Added new definitions for several concurrency and traffic-related terms

LSMC 14.110 Concurrency Management System

- Updated and moved administration elements into a single section
- Clarified exemptions, including basic exemptions and specific exemptions for transportation
- Refined and moved the section on concurrency testing for development
- Updated the level of service standards, including multi-modal, to match the Comprehensive Plan

- Added language requiring consideration of nexus and proportionality
- Refined requirements for meeting concurrency through non-construction methods and fee-in-lieu of payments

LSMC 14.112 Traffic Impact Mitigation Fees

- Refined purpose and authority statements
- Updated applicability and exemptions
 - Council will consider a complete or partial exemption for low-income housing, and other development activities with broad public purposes to be paid from public funds other than impact fee accounts. Partial exemptions require development covenants.
- Revised service area section – note TIZ maps and project language were moved to the Traffic Impact Fee Methodology document
- Updated traffic impact fee calculation section
- Moved methodology section to the administrative documents
- Revised offsets and credits section, which includes administrative parity with the concurrency chapter

FINDINGS AND CONCLUSIONS:

LSMC 14.16C.075 establishes the procedure and requirements for amending the municipal code. Land Use Code Amendments are Type VI applications that require Planning Commission Review and City Council Approval, as per Table 14.16.A-I: Classification of Permits and Decisions. The proposed amendments were included as part of the Planning Commission's 2025 work program and have been filed as permit numbers LUA 202-0073 and LUA 2025-0082.

Per LSMC 14.16C.075(f), the City Council (following a recommendation from the Planning Commission) shall make the following findings when approving land use code amendments.

1. The amendment is consistent with the Lake Stevens Comprehensive Plan
 - Land Use Goal 2.1 Provide sufficient land area to meet the projected needs for housing, employment, and public facilities within the city of Lake Stevens
 - Policy 2.1.5 Direct new growth to areas where infrastructure and services are available, planned, or have undergone an infrastructure analysis to ensure growth occurs in a fiscally responsible manner to support a variety of land uses.
 - Policy 2.1.6 Coordinate land use decisions with capital improvement needs for public facilities, including streets, sidewalks, lighting systems, traffic signals, water, storm and sanitary sewer, parks and recreational facilities, cultural facilities, and schools.

- Land Use Goal 2.3 Apply the Comprehensive Plan as a guide for community development implemented through the city's development regulations to ensure preferred community growth patterns are achieved.

Policy 2.3.1 – Review development standards and regulations to ensure that they possess an appropriate level of flexibility to promote efficient use of buildable lands, balanced with the need for predictable decision-making and environmental protection.

- Economic Development Goal 6.7 Provide a predictable and efficient development atmosphere

Policy 6.7.1 - Create streamlined process for licensing and permitting development projects that meet the city's land use goals.

- Transportation Goal 8.2 Provide a transportation system that supports existing and future land uses and accommodates the regional growth strategy

Policy 8.2.1 Prioritize investments for both motorized and non-motorized transportation in activity centers.

Policy 8.2.2 Prioritize multimodal investments in local centers and connections to regional employment centers.

- Transportation Goal 8.7 Maintain, preserve, and operate the transportation system in a safe and usable way, and regularly monitor and inventory the conditions and performance

Policy 8.7.7 Ensure that the transportation system is adequate to serve existing and future land uses by developing a multimodal transportation concurrency management system.

- Capital Facilities Goal 9.3 Development shall bear its fair share of costs of providing public facilities at the adopted level of service.

Policy 9.3.1 Transportation and park impact fees shall be established, and new development shall contribute a proportionate share of costs to offset impacts to the system for improvements necessitated by the new growth to maintain adopted levels of service.

- Capital Facilities Goal 9.5 Coordinate land use decisions and financial resources with a schedule of capital improvements to meet the adopted level of service standards, measurable objectives.

Policy 9.5.1 Certain public facilities and services needed to support development shall be available concurrent with the development, including transportation, parks, surface and stormwater, sanitary sewer and potable water.

Policy 9.5.4 Proposed Plan amendments and requests for new development or redevelopment shall be evaluated according to the following guidelines as to whether the proposed action would:

- a. Contribute to a condition of public hazards
- b. Exacerbate any existing condition of public facility capacity deficits
- c. Generate public facility demands that exceed capacity, and increase planning in the Six-Year Schedule of Improvements
- d. Conform to future land uses as shown on the future land use map of the Land Use Element
- e. Accommodate public facility demands based upon adopted LOS standards and attempt to meet specified measurable objectives, when public facilities are developer-provided
- f. Demonstrate financial feasibility, subject to this element, when public facilities are provided, in part or whole, by the city, and
- g. Affect state agencies' facilities plans and siting of essential public facilities.

Conclusion - Adoption of the city-initiated amendment is consistent with the goals and policies of the city's Comprehensive Plan. The selected goals and policies emphasize balanced and sustainable growth within the city and the need for predictable development standards. The cited goals and policies also highlight the relationship between transportation facilities and development patterns. Finally, the goals and policies clearly identify the need for development to share in the cost of public facilities and consider the timing of activities to be concurrent with available public services.

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

- The amendments have been drafted to comply with the city's adopted GMA compliant comprehensive plan, including integrated land use and transportation planning.
- The amendments are consistent with Chapter 82.02 RCW, which authorizes the city to assess impact fees.
- Code amendments are subject to review by the Washington State Department of Commerce. The city provided the required 60-day notice to the Department of Commerce on October 3, 2025, with the intention of amending several sections of the LSMC. The Department of Commerce acknowledged the proposed amendment under Submittal ID 2025-S-10958.

If approved by the City Council, staff will file the final ordinance with the Department of Commerce within 10 days of its adoption.

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

3. The amendment serves to enhance public health, safety, and welfare

The recommended amendments are primarily designed to ensure that the city's development regulations are consistent with the Comprehensive Plan, the GMA, and other state statutes, with a focus on establishing a clearly defined relationship between development activity and the implementation of fair and equitable impact fees and concurrency requirements.

Conclusion – the changes maintain protections related to public health, safety, and welfare, associated explicitly with maintaining optimal infrastructure and the city's adopted levels of service through implementation of the municipal code.

Public Notice and Comments

- Land use code amendments are reviewed through the city's Type VI legislative review process, identified in LSMC 14.16B.605-660, which requires the Planning Commission to hold a public hearing and make a recommendation to City Council.
- The city published a Notice of Public Hearing in the Everett Herald on November 8 and November 14, 2025. The notice was also posted at City Hall and on the city website on November 8th (Attachment 3).
- The city received parallel comments directed to the City Council from the Master Builders Association related to proposed changes to the city traffic impact fees, but they have not commented on changes to the controlling code regulations. No other comments have been received.
- The Planning Commission held three work sessions to discuss the proposed amendments and review draft code language.

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

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

- The proposed amendments are procedural actions that are categorically exempt from SEPA under WAC 197-11-800(19). Notice of this exemption was included in the Notice of Public Hearing
- The City issued a SEPA Exemption Letter on November 13, 2025 (Attachment 4).

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

Recommendation:

1. Forward a recommendation to the City Council to approve the proposed revisions to Chapters 14.08 – Definitions, 14.110 – Concurrency Management System, and 14.112 LSMC – Traffic Impact Mitigation Fees (File Nos. LUA2025-0073 and LUA 2025-0082) and adopt the findings of fact included within the staff report.

APPLICABLE CITY POLICIES:

ATTACHMENTS:

1. Attach 1- LSMC 14.110 Concurrency Management System_12-3-2025 PC hearing Cont
2. Attach 2 - LSMC 14.112 Traffic Impact Mitigation Draft_12-3-2025 PC Hearing Cont
3. Attach 3- Notice of PH Process Code and Traffic
4. Attach 4 - 11-13-25 SEPA Exemption Letter LSMC 14.110 and 14.112

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](#)
- ~~14.110.040~~ ~~050~~ Level of Service Standards
- ~~14.110.050~~ ~~060~~ Relationship to the State Environmental Policy Act
- ~~14.110.060~~ ~~Administration~~
- ~~14.110.070~~ ~~Review of Development Proposals - Concurrency Testing~~ ~~6~~
- ~~14.110.080~~ ~~070~~ Methods for Meeting Concurrency
- ~~14.110.090~~ ~~080~~ Requirements for Design and Construction of Facilities Necessary to Achieve Adopted Levels of Service
- ~~14.110.100~~ ~~090~~ Implementation of Strategies In Lieu of Capital Improvements
- ~~14.110.110~~ ~~100~~ Fees
- ~~14.110.115~~ ~~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 ~~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 ~~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~~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 administer this chapter including but not limited to:

(1) Establishing application requirements;

(2) Evaluating development activities to determine if the project meets level of service standards, "no impact" criteria or identified exemptions;

(3) Tracking cumulative project impacts and available capacity to streets and parks; and

(4) Monitoring projects and maintaining records.

(b) The Directors of Planning and Community Development and Public Works, or their designees shall jointly assess transportation impacts and identify appropriate mitigation strategies to meet concurrency, including construction of system improvements or alternative concurrency strategies considering engineered design solutions, impact to public infrastructure and the assessment of in-lieu fees, as identified in this chapter.

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 on an existing lot that is not part of a subdivision. ~~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 on an existing lot that is not part of a proposed subdivision, 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 *Traffic Concurrency Handbook for New Development*.
- (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 *Traffic Concurrency Handbook for New Development*, 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 projects in the ~~city~~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; ~~and~~
 - (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 ~~to be reallocated~~.
- (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~~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~~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~~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 City and/or others provide needed improvements; or
 - (3) Design and/or construct the facilities necessary to achieve the LOS in compliance with Section 14.110.090080 considering nexus and proportionality of the impact to the level of service standard being exceeded by the proposed development.

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 cityCity may accept a fee-in lieu, for transportation and parks levels of services, 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) The project shall comply with the procedural and substantive requirements of the State Environmental Policy Act (SEPA).
 - (8) The improvements shall not create a significant safety hazard.
- (b) Supplemental Mitigation Denial Process. If the City determines that the proposed supplemental mitigation does not meet the requirements of this section, the ~~Public Works and Planning and Community Development Directors may deny the issuance of a~~ 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 assureensure 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.~~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.~~115~~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. ~~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)

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 Exemptions~~
- 14.112.050 ~~040~~ Service Areas
- 14.112.060 ~~050~~ Mitigation of Traffic Impacts Required
- 14.112.070 ~~060~~ Relationship to the State Environmental Policy Act (SEPA)
- 14.112.080 ~~070~~ Calculation of ~~Street Traffic System~~ Impact Fees
- 14.112.090 ~~080~~ Offsets [and credits](#)
- 14.112.100 ~~090~~ Collection of Impact Fees
- 14.112.110 ~~100~~ Uses of Traffic Impact Fee Revenues
- 14.112.120 ~~110~~ Expenditure Requirements for Impact Fee
- 14.112.130 ~~120~~ 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:

- (a) Ensuring adequate ~~public street system~~[transportation](#) facilities are available to serve ~~multimodal trip~~[traffic](#) from new development.
- (b) Ensuring adequate ~~public streets~~[transportation facilities](#) are available to serve growth and maintain ~~established levels of service~~[existing service levels](#) for present businesses and residents.
- (c) ~~Establishing procedures 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.

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

Note: The City Council will consider optional exemptions complete or partial exemption for low-income housing, and other development activities with broad public purposes to be paid from public funds other than impact fee accounts. Partial exemptions require development covenants.

~~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~~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~~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 14.112-1.~~

~~(a) The exterior TIZ boundaries follow the city~~City limits. Properties within the Urban Growth Area (UGA), ~~that are~~ annexed into the city~~City~~, shall ~~be~~ automatically be assigned the same TIZ (service area) as city~~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 14.112-1.

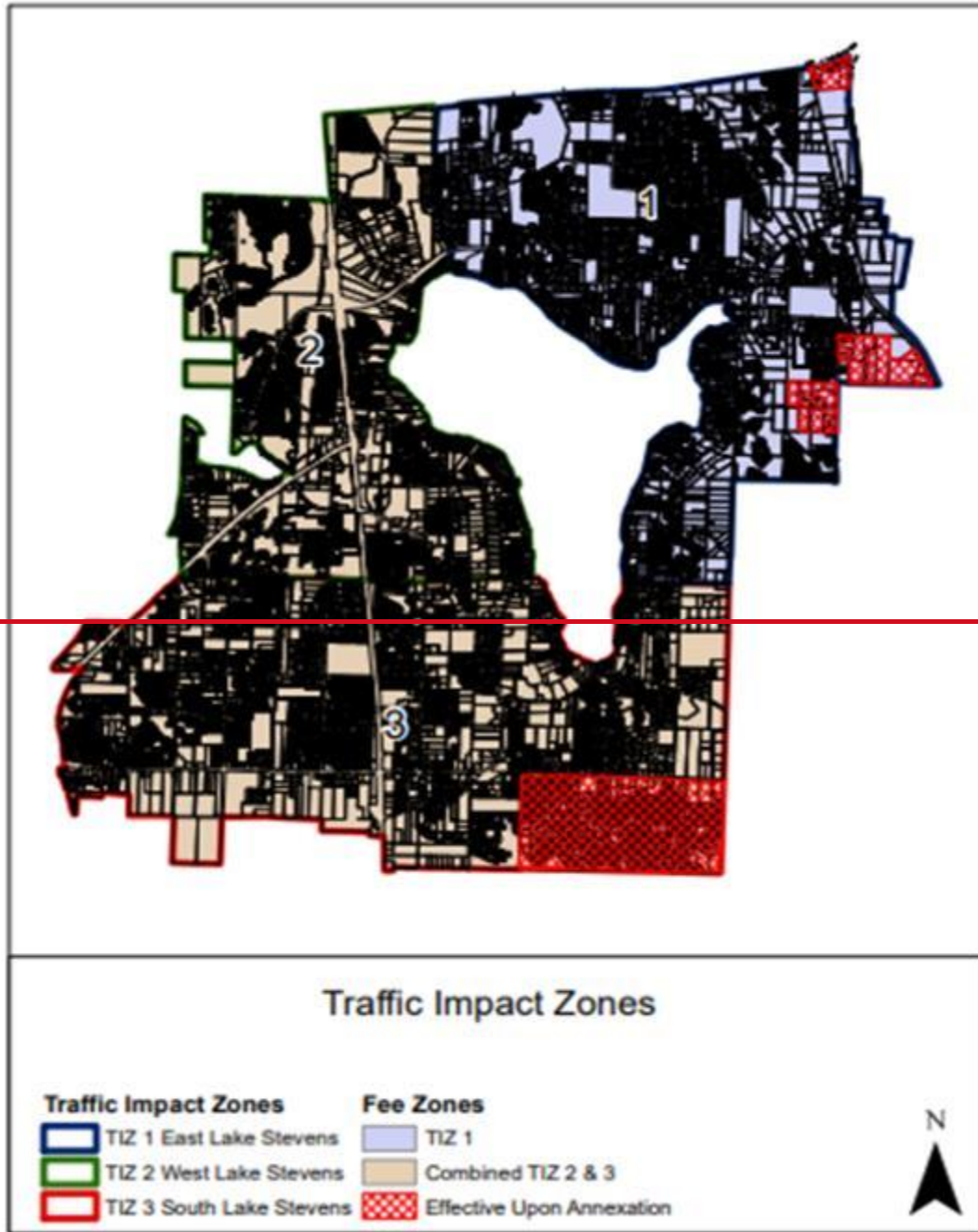


Figure 14.112 | Traffic Impact Zones

(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~~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~~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~~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 proportionately 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~~city~~City~~ 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, when approved by the Directors of Planning and Community Development and Public Works, or their designees; and
 - (2) In accordance with RCW 82.02.060(~~57~~), the ~~Public Works Director shall~~City has 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 when approved by the Directors of Planning and Community Development and Public Works, or their designees.

(3) Cost Indexing. The city may adjust the traffic impact fees annually considering the Consumer Price Index (CPI) 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)

14.112.099080 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 14.112.060050.
- (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 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 Directors of Planning and Community Development and Public Works, or their designees.

(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~~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~~ capacityfacility 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~~ 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 bearinginterest-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~~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.



One Community Around the Lake

CITY OF LAKE STEVENS NOTICE OF PUBLIC HEARINGS

PROJECT NAMES:

1. LUA2023-0188: Process Code Amendments (Multiple Chapters LSMC)
2. LUA2025-0073 and LUA 2025-0082: Concurrency Management (LSMC 14.110) and Traffic Impact Mitigation Fees (LSMC 14.112) Code Amendments

APPLICANT: City of Lake Stevens

NOTICE OF PUBLIC

HEARING ISSUED: November 8 and November 14, 2025

PLANNING COMMISSION PUBLIC HEARING: Wednesday, November 19, 2025 at 6:00 PM

LOCATION/FORMAT: Hybrid Format. City Hall Council Chambers (1808 Main Street) and Zoom Online Platform (see city website calendar for Zoom link)

PROPOSED PROJECT DESCRIPTION:

Staff is proposing amendments to multiple chapters of the Lake Stevens Municipal Code (LSMC) as part of updates to its Process Code (LUA2023-0188), Concurrency Management Systems Code (LUA2025-0073) and Traffic Impact Mitigation Fees Code (LUA2025-0082). Process code amendments include new definitions, changes to permit review timelines and revisions to land use permit types. Concurrency management and traffic impact mitigation fee code amendments would provide consistency between the development code and 2024-2044 Comprehensive Plan. The city is also proposing methodology updates to the associated administrative documents consisting of the City's Concurrency Handbook, Traffic Impact Fee Program Developer Worksheet and the Traffic Impact Fee Cost Basis.

The proposals are exempt from the State Environmental Policy Act (SEPA) under [WAC 197-11-800\(19\)\(a-b\)](#). The regulations are related to solely to governmental procedures and the proposed amendments contain no substantive changes related to use or modification of the environment.

PUBLIC REVIEW AND COMMENT:

Any interested parties may submit written comments before the hearing(s) or provide oral testimony in person or via Zoom. Copies of the proposed code amendments will be available by November 14, 2025 at <https://apps.lakestevenswa.gov/Citizen/Home/LIVE/PERMIT> by searching for the LUA numbers listed above and in the meeting packet. Comments on the proposed land use code amendments can be submitted to City Hall, Attn: Christi Schmidt at PO Box 257, Lake Stevens, WA 98258 or by email at cschimdt@lakestevenswa.gov. Persons who submit written or oral testimony may appeal the decisions.

It is the City's goal to comply with the American with Disabilities Act. The City offers its assistance to anyone with special needs, including the provision of TDD services.

Distribution: Posted at Permit Center, City Hall, and Website
Published in Everett Herald



November 13, 2025

City of Lake Stevens
1812 Main Street
Lake Stevens, WA 98258

Re: 2025 Proposed Code Amendments to Chapters 14.08 – Definitions, 14.110 – Concurrency Management System and 14.112 LSMC – Traffic Impact Mitigation Fees (File Nos. LUA2025-0073 and LUA 2025-0082)

Dear Interested Party,

The City of Lake Stevens has determined the proposed revisions to Chapters 14.08 – Definitions, 14.110 – Concurrency Management System and 14.112 LSMC – Traffic Impact Mitigation Fees (File Nos. LUA2025-0073 and LUA 2025-0082) are procedural actions that are categorically exempt from SEPA under WAC 197-11-800(19). Notice of this exemption was included in the Notice of Public Hearing that was issued on November 8th and November 14th, 2025. A copy of this letter has been uploaded to the project permits listed above.

If you have questions regarding this exemption letter, feel free to contact me at 425-622-9438 or cschmidt@lakestevenswa.gov.

Sincerely,

Christi Schmidt
Planning Manager