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Chapter 14.16C
LAND USE ACTIONS, PERMITS AND DETERMINATIONS –
DECISION CRITERIA AND STANDARDS

Sections:

- 14.16C.005 Purpose
- 14.16C.010 Scope
- 14.16C.015 Administrative Conditional Use
- 14.16C.020 Administrative Design Review
- 14.16C.025 Administrative Modifications
- 14.16C.030 Change of Use
- 14.16C.035 Code Interpretations
- 14.16C.040 Comprehensive Plan Amendments – Text and Maps
- 14.16C.045 Conditional Use
- 14.16C.050 Design Review
- 14.16C.055 Development Agreements
- 14.16C.060 Essential Public Facilities and Secure Community Transition Facilities
- 14.16C.065 Events
- 14.16C.070 Home Occupations
- 14.16C.075 Land Use Code Amendments
- 14.16C.080 Planned Neighborhood Developments
- 14.16C.085 Reasonable Use Exceptions
- 14.16C.090 Rezones – Zoning Map Amendments
- 14.16C.095 Right-of-Way Vacations
- 14.16C.100 Shoreline Permits
- 14.16C.105 Site Plan Review
- 14.16C.110 Temporary Use
- 14.16C.115 Variances

14.16C.005 Purpose. (*Woodinville & Marysville*)

The purposes of this chapter are to allow for consistent evaluation of land use applications and to protect nearby properties and community from the possible effects of such requests by:

- (a) Providing clear criteria on which to base a decision;
- (b) Recognizing the effects of unique circumstances upon the development potential of a property;
- (c) Avoiding the granting of special privileges;
- (d) Avoiding development which may be unnecessarily detrimental to neighboring properties and community;
- (e) Requiring that the design, scope and intensity of development is in keeping with the physical aspects of a site and adopted land use polices for the area; and
- (f) Providing criteria which emphasize protection of the general character of neighborhoods.

14.16C.010 Scope.

This chapter describes the decision criteria and standards for land use actions and permits except for the actions and permits below, which will be reviewed pursuant to the referenced code sections:

- (a) Binding Site Plans (Section 14.18 Part 2);
- (b) Boundary Line Adjustments (Section 14.18.070);
- (c) Clearing and Grading (Section 14.44.100);
- (d) Design Review (Section 14.16C.050);
- (e) EDDS Street Deviations (Section 14.56.135);
- (f) Events (Section 14.44.050);
- (g) Final Plats (Chapter 14.18.035);

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- (h) Master Sign Program (Chapter 14.88);
- (i) Plat Alterations (Section 14.18.060);
- (j) Plat Vacations (Section 14.18.065);
- (k) Preliminary Plats (Section 14.18.025);
- (l) Right-of-Way Improvement Exceptions (Chapter 14.56);
- (m) SEPA Review (Title 16);
- (n) Short Plats (Chapter 14.18);
- (o) Signs (Chapter 14.88); and
- (p) Underground Utility Deviations (Chapter 14.60).

14.16C.015 Administrative Conditional Use. (14.16.100 & SNOCO)

(a) An administrative conditional use permit is a mechanism by which the city may place special conditions on the use or development of property to ensure that new development is compatible with surrounding properties and achieves the intent of the comprehensive plan. This section applies to each application for an administrative conditional use and to uses formerly identified as special uses.

(b) Procedure. Administrative conditional uses shall follow the procedures established in Chapter 14.16B for a Type II permit process, which requires public notice including a statement that a hearing can be called for.

(1) The Planning Director may approve, approve with conditions, or deny an administrative conditional use permit.

(2) When an application is submitted together with another permit application requiring a decision by the hearing examiner, the administrative conditional use permit shall be processed concurrently with the other application and the hearing examiner shall make the decision on the administrative conditional use, using a Type III process.

(c) Decision Criteria. The Planning Director may impose conditions to ensure the approval criteria are met. The Planning Director may grant approval for an administrative conditional use when all the following criteria are met:

- (1) The proposal is consistent with the comprehensive plan;
- (2) The proposal complies with applicable requirements for the use set forth in this title;
- (3) The proposal is not materially detrimental to uses or property in the immediate vicinity;

and

(4) The proposal is compatible with and incorporates specific features, conditions, or revisions that ensure it responds appropriately to the existing or intended character, appearance, quality of development, and physical characteristics of the subject property and the immediate vicinity.

(d) Optional Hearing.

(i) When the Planning Director determines that a public hearing is necessary because of the nature of the application, the Hearing Examiner shall hold the hearing and take final action on the application pursuant to a Type III permit process pursuant to Chapter 14.16B.

(ii) If a person requests a public hearing within 14 days of the issuance of the Notice of Application, a hearing shall be conducted, and the decision shall be made by the Hearing Examiner.

(e) Revision of Administrative Conditional Use Permits. Revisions of previous permit approval are allowed pursuant to Section 14.16C.025, Administrative Modifications.

(f) Vacation of Administrative Conditional Use Permit. Landowner request for vacation of an administrative conditional use permit shall be conducted in accordance with Section 14.16A.240. Any administrative conditional use permit issued pursuant to this section, or any special use permit issued previously, may be vacated by the current landowner upon city approval provided:

- (1) The use authorized by the permit does not exist and is not actively being pursued; or
- (2) The use has been terminated and no violation of the terms and the conditions of the permit exists.

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(g) Review or Revocation of Permit. The Planning Director shall have jurisdiction to review and modify or revoke all administrative conditional uses. Any review or revocation proceeding shall be conducted in accordance with Section 14.16A.255.

(h) Transfer of Ownership. An approved administrative conditional use permit runs with the land and compliance with the conditions of any such permit is the responsibility of the current owner of the property.

14.16C.020 Administrative Design Review.

(a) The purpose of this section is to allow administrative review and approval of design for small development by establishing the criteria the Planning Director will use in making a decision upon an application for administrative design review in all zones. All other design review must be reviewed by the Design Review Board pursuant to LSMC 14.16C.050.

(b) Procedure. Applications that seek administrative design review shall follow the procedures established in Chapter 14.16B for a Type I permit process.

(c) The Planning Director will make a determination if the project can be reviewed administratively or is required to go through the Design Review Board.

(d) Limitations. Administrative design review is limited to small projects with minimal impacts to exterior design elements including changes to existing structures, facades, landscaping, or site design with a construction value less than \$100,000. The Planning Director will make a determination if the project can be reviewed administratively or is required to go through the Design Review Board.

(e) Decision Criteria. The Planning Director's decision shall be based on the extent to which the proposed project meets applicable design guidelines.

14.16C.025 Administrative Modifications. (14.16.320)

(a) This section governs requests to modify any final approval on a project granted pursuant to this title, excluding all approvals granted by passage of an ordinance or resolution of the City Council and requests to revise a recorded plat governed by Chapter 14.18.

(b) Procedure. Applications that seek administrative modification that meet the criteria below shall follow the procedures established in Chapter 14.16B for a Type I permit process.

(c) Decision Criteria.

(1) The Planning Director may determine that an addition or modification to a previously approved project or decision will require review as a new application rather than an administrative modification, if it exceeds the criteria in subsection (2) of this section. If reviewed as a new application rather than an administrative modification, the modification shall be reviewed by the same body that reviewed the original application. If the application resulting in the approval which is the subject of the request for modification was reviewed by the Design Review Board and the modification would have minimal impacts to design, then the Planning Director shall review the request and make a final decision. The criteria for approval of such a modification shall be those criteria governing original approval of the permit which is the subject of the proposed modification.

(2) A proposed modification or addition will be decided as an administrative modification, if the modification meets the following criteria:

- (i) No new land use is proposed;
- (ii) No increase in density, number of dwelling units or lots is proposed;
- (iii) No changes in location or number of access points are proposed;
- (iv) Minimal reduction in the amount of landscaping is proposed;
- (v) Minimal reduction in the amount of parking is proposed;
- (vi) No increase in the total square footage of structures to be developed is proposed, except if the lesser of 10 percent or 6,000 gross square footage is proposed; and
- (vii) No increase in height of structures is proposed to the extent that additional usable floor space will be added exceeding the amount established in (vi) above.

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14.16C.030 Change of Use. (14.40.070 & Marysville)

(a) This section governs requests for changing the use of a structure or property.

(b) Procedure. Change of use applications are reviewed under a Type I review pursuant to Chapter 14.16B.

(c) A change in the status of property from unoccupied to occupied or vice versa does not constitute a change in use. Whether a change in use occurs shall be determined by comparing the two active uses of the property without regard to any intervening period during which the property may have been unoccupied, unless the property has remained unoccupied for more than 180 consecutive days or has been abandoned.

(d) A change in ownership of a business or enterprise or a change in the name shall not be regarded as a change in use.

(e) A substantial change in use of property occurs whenever the essential character or nature of the activity conducted on a lot changes. This occurs whenever:

(1) The change involves a change from one principal use category to another.

(2) If the original use is a combination use (29.000) or Planned Neighborhood Development (30.000), the relative proportion of space devoted to the individual principal uses that comprise the combination use or Planned Neighborhood Development use changes to such an extent that the parking requirements for the overall use are altered.

(3) If the original use is a combination use or Planned Neighborhood Development use, the mixture of types of individual principal uses that comprise the combination use or Planned Neighborhood Development use changes.

(4) If the original use is a planned residential development, the relative proportions of different types of dwelling units change.

(5) If there is only one business or enterprise conducted on the lot (regardless of whether that business or enterprise consists of one individual principal use or a combination use), that business or enterprise moves out and a different type of enterprise moves in (even though the new business or enterprise may be classified under the same principal use or combination use category as the previous type of business). For example, if there is only one building on a lot and a florist shop that is the sole tenant of that building moves out and is replaced by a clothing store, that constitutes a change in use even though both tenants fall within principal use classification 2.111. However, if the florist shop were replaced by another florist shop, that would not constitute a change in use since the type of business or enterprise would not have changed. If the florist shop moved out of a rented space in a shopping center and was replaced by a clothing store, that would not constitute a change in use since there is more than one business on the lot and the essential character of the activity conducted on that lot (shopping center-combination use) has not changed.

(f) Decision Criteria. A determination of change of use shall include review of, but not be limited to:

- (1) Hours of operation;
- (2) Materials processed or sold;
- (3) Required parking;
- (4) Traffic generation;
- (5) Impact on public utilities;
- (6) Clientele; and
- (7) General appearance and location.

14.16C.035 Code Interpretations. (14.16.410 & SCC 30.83)

(a) This chapter is intended to provide a process for administrative interpretation of the provisions of this title. Code interpretations:

- (1) Clarify ambiguous provisions of the code applied to a specific project;
- (2) Determine nonconforming rights;
- (3) Determine whether a use is allowed in a particular zone; and
- (4) Interpret the meaning of terms.

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(b) Applicability. This chapter applies to written interpretations of this title. This chapter does not apply to:

(1) Interpretations relating to the Fire Code, Chapter 14.84, which are made by the fire marshal pursuant to Section 104.1 of the International Fire Code; and

(2) Interpretations relating to the construction codes, Chapter 14.80, which are made by the building official or fire marshal pursuant to Section 104.1 or the International Building Code.

(c) Request for Code Interpretation. Any person may submit a written request for a code interpretation to the Planning Director, or the Director may issue a code interpretation on the Director's own initiative. A filing fee may be required for each request for an interpretation. At a minimum, a request for a code interpretation shall include:

(1) The provision of this title for which an interpretation is requested;

(2) Why an interpretation of the provision is necessary; and

(3) Any reason or material in support of a proposed interpretation.

(d) Interpretation procedure.

(1) The Planning Director is authorized to interpret the zoning map and Title 14. The Public Works Director is authorized to interpret specific sections of this title related to transportation facilities and utilities.

(2) The Director shall mail a written interpretation to any person filing a request for a code interpretation.

(3) Written interpretations may be appealed to the City Council.

(e) Code Interpretations Specific to a Project.

(1) Only an applicant for a project may request an interpretation relating to a specific project. At the time of making the request, the applicant shall elect to have the request processed as a separate Type I application or in conjunction with the underlying application.

(2) Persons other than the applicant may not request a project-related interpretation pursuant to this chapter, but may appeal to challenge the department's interpretation of the code or submit comments as a party of record in conjunction with the underlying application.

(f) Code Interpretation - Decision of the Director.

(1) Only one interpretation per issue shall be rendered by the director. In the event an interpretation is requested on an issue previously addressed, the director shall provide a copy of the previous interpretation to satisfy the request.

(2) An interpretation issued pursuant to this chapter shall have the same effect and be enforceable as a provision of this title.

(g) Where uncertainty exists as to the boundaries of districts as shown on the Official Zoning Map, the following rules shall apply:

(1) Boundaries indicated as approximately following the centerlines of alleys, streets, highways, streams, or railroads shall be construed to follow such centerlines;

(2) Boundaries indicated as approximately following lot lines, city limits or extraterritorial boundary lines, shall be construed as following such lines, limits or boundaries;

(3) Boundaries indicated as following shorelines shall be construed to follow such shorelines, and in the event of change in the shoreline shall be construed as following such shorelines;

(4) Where a district boundary divides a lot or where distances are not specifically indicated on the Official Zoning Map, the boundary shall be determined by measurement, using the scale of the Official Zoning Map; and

(5) Where any street or alley is hereafter officially vacated or abandoned, the regulations applicable to each parcel of abutting property shall apply to that portion of such street or alley added thereto by virtue of such vacation or abandonment.

(h) A copy of all issued interpretations shall be on file at the Department of Planning and Community Development.

14.16C.040 Comprehensive Plan Amendments – Text and Maps.

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(a) Amendments to the City of Lake Stevens Comprehensive Plan include amendments, additions and deletions to the text, maps, or charts, except amendments to the Zoning Map as set forth in Section 14.16C.090.

(b) Procedure. Comprehensive Plan amendments shall follow the procedures established in Chapter 14.16B for a Type VI permit process, and appropriate State statutes including RCW 36.70A.130.

(c) Amendment Criteria. All amendments to the Comprehensive Plan processed under this section shall be in conformance with the Lake Stevens vision, consistency requirements and revisions and amendments sections of Chapter 1 of the Comprehensive Plan.

(d) Exemptions. Changes in the organization, format, appearance, profiles, narrative, illustrations, examples or other non-material changes to the Comprehensive Plan may be made by the Department of Planning and Community Development and are exempt from this section.

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

14.16C.045 Conditional Use. (14.16.120 & SNOCO)

(a) A conditional use permit is a mechanism by which the city may place special conditions on the use of land in order to insure that designated uses or activities are compatible with other uses in the same zone and in the vicinity of the subject property.

(b) Procedure. Conditional uses shall follow the procedures established in Chapter 14.16B for a Type III permit process **with the addition of a required scoping meeting**. A project may be developed in phases, if more than five years have lapsed since final approval of the project, uncompleted divisions shall be subject to the current City standards.

(1) The Hearing Examiner may approve, approve with conditions, or deny a conditional use permit.

(2) When an application is submitted together with another permit application requiring a decision by the hearing examiner, the conditional use permit shall be processed concurrently with the other application.

(c) Scoping Meeting. The purpose of scoping meetings is to involve the public early in the permit process, so that potential issues are raised at the beginning, rather than the end. Meetings shall be held pursuant to Section 14.16A.260.

(i) Scoping meetings shall generally be held in the evenings.

(ii) The meeting shall be informal, at which a brief presentation of the project shall be made by the applicant. The Planning Director will explain the review process and opportunity for citizen involvement after which any participant may raise any potential issues of concern to them. Solutions to any potential problems need not be found at this point but may be discussed. The Department shall take notes of the issues raised in the scoping meeting and place a record of them in the official file of the project.

(iii) Participation or lack of participation in a scoping meeting in no way limits the standing of an applicant, the City, or any other person to participate in later processes or required hearings on the permit application.

(d) Decision Criteria.

(1) The Hearing Examiner may grant approval for a conditional use when all the following criteria are met:

(i) The proposal is consistent with the comprehensive plan;

(ii) The proposal complies with applicable requirements for the use set forth in this title;

(iii) The conditional use is designed in a manner which is compatible with and responds to the existing or intended character, appearance, quality of development, and physical characteristics of the subject property and immediate vicinity;

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(iv) The location, size and height of buildings, structures, walls and fences, and screening vegetation for the conditional use shall not hinder neighborhood circulation or discourage the permitted development or use of neighboring properties;

(v) The type of use, hours of operation, and appropriateness of the use in relation to adjacent uses shall be examined to determine if there are unusual hazards or characteristics of the use that would have adverse impacts;

(vi) The conditional use is designed in a manner that is compatible with the physical characteristics of the subject property;

(vii) Requested modifications to standards are limited to those which will mitigate impacts in a manner equal to or greater than the standards of this title;

(viii) The conditional use is such that pedestrian and vehicular traffic associated with the use will not be hazardous or conflict with existing and anticipated traffic in the neighborhood; and

(ix) The conditional use will be supported by adequate public facilities or services and will not adversely affect public services to the surrounding area or conditions can be established to mitigate adverse impacts on such facilities.

(2) As a condition of approval, the Hearing Examiner may:

(i) Increase requirements in the standards, criteria, or policies established by this title;

(ii) Stipulate the exact location as a means of minimizing hazards to life, limb, property damage, erosion, landslides, or traffic;

(iii) Require structural features or equipment essential to serve the same purpose set forth in Section (d)(1);

(iv) Impose conditions similar to those set forth in Section (d)(1) as may be deemed necessary to establish parity with uses permitted in the same zone in their freedom from nuisance generating features in matters of noise, odors, air pollution, wastes, vibration, traffic, physical hazards, and similar matters. The hearing examiner may not in connection with action on a conditional use permit, reduce the requirements specified by this title as pertaining to any use nor otherwise reduce the requirements of this title in matters for which a variance is the remedy provided;

(v) Assure that the degree of compatibility with the purpose of this title shall be maintained with respect to the particular use on the particular site and in consideration of other existing and potential uses, within the general area in which the use is proposed to be located;

(vi) Recognize and compensate for variations and degree of technological processes and equipment as related to the factors of noise, smoke, dust, fumes, vibration, odors, and hazard or public need;

(vii) Require the posting of construction and maintenance bonds or other security sufficient to secure to the city the estimated cost of construction and/or installation and maintenance of required improvements; and

(viii) Impose any requirement that will protect the public health, safety, and welfare.

(e) Revision of Conditional Use Permits. Revisions of previous permit approval are permitted as per Section 14.16C.025, Administrative Modifications.

(f) Vacation of Conditional Use Permit. Landowner request for vacation of a conditional use permit shall be conducted in accordance with Section 14.16A.240. Any conditional use permit issued pursuant to this section may be vacated by the current landowner upon city approval provided:

(1) The use authorized by the permit does not exist and is not actively being pursued; or

(2) The use has been terminated and no violation of the terms and the conditions of the permit exists.

(g) Review or Revocation of Permit. The Planning Director shall have jurisdiction to review and modify or revoke all conditional uses. Any review or revocation proceeding shall be conducted in accordance with Section 14.16A.255.

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(h) Transfer of Ownership. A conditional use permit runs with the land and compliance with the conditions of any such permit is the responsibility of the current owner of the property, whether that is the original applicant or a successor.

14.16C.050 Design Review. (14.44.310)

(a) The purpose of the design review procedure includes but is not limited by this reference to the following:

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

(2) To supplement land use regulation: promote a coordinated development of the unbuilt areas, improve walkability, lessen traffic congestion, provide light and air, prevent the overcrowding of land, and conserve and restore natural beauty and other natural resources;

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

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

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

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

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

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

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

(c) Design Review Board. Review of permit applications for conformance with the development design guidelines shall be done by the Planning Commission and the Design Review Board in public meetings, as set forth in Section 14.16A.260. The process is similar to that for Type VI, except a public hearing is not required. Decision is by the City Council is by action item, not by ordinance.

(14.44.310(c))

(d) Projects requiring design review that meet the limitations in Section 14.16C.020(d), shall follow the procedures established in Chapter 14.16B for a Type I permit process as an Administrative Design Review. All other projects requiring design review shall follow the procedures in subsection (e) below.

(e) Procedure.

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

(2) Recommendation. A staff report of findings, conclusions and recommendations shall be forwarded to the Planning Commission and Design Review Board before a public meeting. The conclusions and recommendations shall indicate how the recommendations carry out the goals, policies,

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plans and requirements of the development design guidelines. The conclusions shall include findings of fact regarding contested issues of fact, and the conclusions shall be referenced to specific provisions of the development design guidelines and review criteria incorporated therein, together with reasons and precedents relied upon to support the same. The conclusions shall make reference to the effect of the decision upon the Comprehensive Plan, as well as the effect of both approval and denial on property in the vicinity, business or commercial aspects, if relevant, and on the general public. The decision shall be based upon a consideration of the whole record of the application.

(f) Conformance with Design Guidelines or Standards. (14.44.310(a)&(b))

(1) Structures within the following zone are subject to the design guidelines or standards adopted per Subsection 14.16A.120(b), except when the project meets the limitations in Section 14.16C.025(d):

- Central Business District (except Class 1.100 or 1.200 uses);
- Mixed Use (except Class 1.100 or 1.200 uses);
- Neighborhood Commercial (except Class 1.100 or 1.200 uses);
- Local Business (except Class 1.100 or 1.200 uses);
- Planned Business District;
- Sub-Regional Commercial;
- Commercial Recreation;
- High Urban Residential;
- Multi-Family Residential;
- Light Industrial;
- General Industrial; or
- Public/Semi-Public.

(2) Structures developed under specified regulations listed below are subject to the design guidelines or standards adopted per Subsection 14.16A.120(b), except when the project meets the limitations in Section 14.16C.020(d)::

- Planned Neighborhood Developments (Section 14.44.030);
- Planned Residential Developments (Section 14.44.020); and
- Innovative Housing Options Demonstration Program (Chapter 14.46).

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

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

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

14.16C.055 Development Agreements. (SNOCO & Woodinville)

(a) Purpose and authority.

(1) The purpose of this chapter is to set forth the decision-making and appeal procedures for development agreement applications. In adopting these provisions, the city acknowledges the benefits, including development or redevelopment, of providing certainty regarding applicable development standards, uses, and/or mitigation for major projects or long-term, phased proposals that take years to complete and that require substantial financial commitments at an early stage. The city may, when appropriate, enhance certainty by entering into a development agreement with a project sponsor that addresses the "ground rules" for review of the development application and construction of the project. A

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development agreement provides the opportunity for the city and the developer to agree on the scope and timing of the project, applicable regulations and requirements, mitigation requirements and other matters relating to the development process. A development agreement promotes the general welfare by balancing the public and private interests, providing reasonable certainty for a development project, and addressing other matters, including reimbursement over time for the financing of public facilities. Development agreements may provide public benefits such as affordable housing, pedestrian-oriented communities, mixed use development and creation of public amenities such as park and open spaces

(2) This chapter applies to development agreement applications made pursuant to RCW 36.70B.170 - 36.70B.210 and this chapter. These provisions do not apply to or affect the validity of any contract rezone, concomitant agreement, annexation agreement or other agreement in existence on or before the effective date of this chapter, or adopted under separate authority, even though such agreements may also relate to development standards, mitigation, and other regulatory requirements. The City may approve and enter into a development agreement with any person, partnership, corporation or other entity that controls real property.

(b) Real property covered. A development agreement may apply to any real property within the city and to any real property within the city's urban growth area.

(c) Procedure – Development Agreements.

(1) This section shall not apply to the review of development agreements for projects to site, construct, operate or expand essential public facilities. For those facilities, the development agreement shall be presented to the city council for approval upon the adoption of an ordinance meeting the requirements of 14.16C.055. Procedures for the review of permits applicable to such facilities shall be specified in the development agreement.

(2) Development agreements shall be reviewed in the manner and following the procedures established in chapters 14.16A and 14.16B for a Type VI review.

(d) Decision Criteria. The City Council may adopt a development agreement upon passage of an ordinance with findings that:

(1) The proposed agreement is compatible with the goals and policies of the comprehensive plan;

(2) The proposed agreement is consistent with applicable development regulations, unless modified pursuant to subsection (h) below;

(3) The proposed agreement provides for adequate mitigation of adverse environmental impacts; provided that if the development is not defined at a project level, the agreement shall provide a process for evaluating and appropriately mitigating such impacts in the future; and

(4) The proposed agreement reserves authority to impose new or different regulations to the extent required by a serious threat to public health and safety.

(e) Agreement contents. A proposed development agreement shall, at a minimum, include provisions required by RCW 36.70B.170 through 36.70B.210, and shall set forth the development standards and other provisions that shall apply to and govern the use and development of the real property for the duration specified in the agreement not to exceed ten (10) years. An agreement may also contain such other provisions as the city and the property owner or person controlling the property may mutually agree on, such as, but not limited to, the financing for or timing of mitigation and the vesting of development rights. A development agreement shall be consistent with applicable development regulations. Each development agreement shall include findings of consistency for any modification to existing regulations and standards.

(f) Recording Required. A development agreement shall be recorded with the real property records of the Snohomish County auditor and shall be binding during its term on the parties and their successors.

(g) Modification of Development Agreement. Modification of an approved development agreement shall require processing as a new development agreement, except that a development agreement may provide a range of modifications that may be approved by the department.

(h) Appeal of Development Agreement.

(1) A development agreement shall be subject to appeal in superior court in accordance with the provisions of the land use petition act, Chapter 36.70C RCW.

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(2) The cost of transcribing the record of proceedings, of copying photographs, video tapes, and any oversized documents, and of staff time spent in copying and assembling the record and preparing the record for filing with the court shall be borne by the party filing the petition. If more than one party appeals the decision, the costs of preparing the record shall be borne equally among the appellants.

14.16C.060 Essential Public Facilities. (14.44.370, 380, & 390)

(a) The purpose of this section is to provide a process to site necessary public uses that may otherwise be difficult to site. This process involves the community and identifies and minimizes adverse impacts. Examples of essential public facilities include schools, water transmission lines, sewer collection lines and pump stations, fire stations, hospitals, jails, prisons, airports, solid waste transfer stations, highways, stormwater facilities, and wastewater treatment plants. Secure community transition facilities are also included.

(b) Procedure. Applications that seek approval for an essential public facility or for a secure community transition facility shall follow the procedures established in Chapter 14.16B for a Type IV permit process.

(c) Development Regulations Applicable to Essential Public Facilities. The city council may approve a development agreement that creates exemptions or modifications to the requirements of Title 14 in order to allow for the siting, development or expansion of an essential public facility.

(d) Process. Essential public facilities which are not already sited in a local comprehensive plan are eligible for review under the common siting process described below. Candidate facility proposals may be submitted for review under this review process by either the project sponsor or by a local jurisdiction proposing to site the project.

(1) A facility may be designated an essential public facility eligible for review under this process under the following conditions:

(i) The Snohomish County Tomorrow Steering Committee or the Lake Stevens City Council makes a determination that the proposed facility meets the definition of an essential public facility; or, the facility appears on the State, County, or the host community's list of essential public facilities; and

(ii) Either the sponsoring agency or the City of Lake Stevens determines that the facility will be difficult to site.

(2) An agency may request the City Council determine if a facility is considered an essential public facility in advance of applying for approval of the appropriate land use permit(s). To make such a request, the agency shall submit to the Department of Planning and Community Development a detailed written description of the facility, and concept level plans (if available) along with a fee to be set by Council Resolution. The City Council shall make a determination within 30 days of receipt of a complete request.

(3) For a proposed facility in which an advanced determination has not been made, the City Council must make a determination that the proposal is subject to the essential public facility process within in the same time frame and manner as determining when an application is complete (Subsection 14.16A.220(f)).

(4) Either the sponsor of an essential public facility which is eligible for review under the common site review process, or the City of Lake Stevens, may elect to follow the process described below. Alternatively, sponsors of such facilities having a preferred site location already identified may choose to seek siting approval under the local process provided by the City of Lake Stevens, if that approach is acceptable to the City. The common site review process will involve the steps described below:

(i) Determination of Eligibility. The project sponsor must receive a determination of eligibility from either the city or the Snohomish County Tomorrow Steering Committee that the proposed facility constitutes an essential public facility. This step will also include a determination of whether the proposed facility presents siting difficulties.

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(ii) Site Search Consultation. As an optional service to project sponsors, the Planning Advisory Committee (PAC) and/or the Infrastructure Coordinating Committee (ICC) will, upon request, provide a forum for project sponsors prior to the initiation of the formal siting review process. Sponsors will have the opportunity to present proposed projects for the purpose of seeking information on potential sites within Snohomish County and about potential concerns related to siting. Sponsors may also propose possible incentives for host communities. Through the PAC/ICC, the City may be requested to provide information to sponsors regarding potential sites within their communities. The sponsor of an eligible project electing to utilize this siting process may initiate this communication by contacting Snohomish County Tomorrow and requesting aid in the siting of its proposed facility.

(iii) Local Land Use Review. Following site consultation with the PAC and/or ICC, (when that step is taken by the sponsor), the sponsor may apply for the appropriate land use permit from the city. The city shall conduct its review as required by this common siting process, as well its own codes and ordinances. The city shall evaluate the proposal against the common siting criteria described in subsection (d)(2) below, as well as against other city criteria appropriate to the particular permit(s) being requested.

(iv) Advisory Review Process. The city's decision on the land use permit, as it relates to the site evaluation criteria described in subsection (d)(2) below, is subject to an advisory review process. This process, if utilized would occur prior to any appeal processes already provided by local ordinances.

(v) Within 21 days following the decision on a land use permit, the sponsor may request review of the decision by an advisory review board, appointed by the Snohomish County Tomorrow Executive Board. The board shall not have authority to overturn a local decision. The board, on review of the record, shall only find that the local decision does or does not accurately reflect the evidence provided by the sponsor, or that adequate consideration was or was not given to the evaluation criteria, and may recommend to the local agency that it reconsider its decision. Nothing herein shall be construed to limit the administrative appeal or legal remedies otherwise available to sponsors, the city, or third parties.

(vi) Permit Application. Upon receipt of the required land use approvals, the sponsor may apply for necessary permits to construct the proposed facility.

(e) Essential Public Facilities – Development and Operating Requirements.

(1) The Growth Management Act requires cities to include in their comprehensive plans a process for identifying and siting essential public facilities (EPFs). Essential public facilities are described in the act as those facilities which are typically difficult to site, but are needed to support orderly growth and delivery of services. The Act states that no local comprehensive plan or development regulation may preclude the siting of essential public facilities.

(2) In addition to the appropriate land use permit review criteria, the following shall apply to essential public facilities:

(i) Documentation of Need. Project sponsors must demonstrate the need for their proposed EPFs. Included in the analysis of need should be the projected service population, an inventory of existing and planned comparable facilities and projected demand for this type of essential public facility.

(ii) Consistency with Sponsor's Plans. The proposed project shall be consistent with the sponsor's own long-range plans for facilities and operations.

(iii) Consistency with Other Plans. The proposed project must demonstrate the relationship of the project to local, regional and state plans. The proposal should be consistent with the comprehensive plan and other adopted plans of the City of Lake Stevens. In evaluating this consistency, consideration shall be given to urban growth area designations and critical area designations, population and employment holding capacities and targets, and the land use, capital facilities and utilities elements of these adopted plans.

(iv) Relationship of Service Area to Population. The facility's service area population should include a significant share of the host community's population, and the proposed site should be able to reasonably serve its overall service area population. However, linear transmission facilities are exempt from this criterion.

(v) Minimum Site Requirements. Sponsors shall submit documentation showing the minimum siting requirements for the proposed facility. Site requirements may be determined by the

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following factors: minimum size of the facility, access, support facilities, topography, geology, and mitigation needs. The sponsor shall also identify future expansion needs of the facilities.

(vi) Alternative Site Selection. The project sponsor shall search for and investigate alternative sites before submitting a proposal for conditional use permit or rezone. The proposal shall indicate whether any alternative sites have been identified that meet the minimum site requirements of the facility. The sponsor's site selection methodology will also be reviewed. The Planning Director may reject the methodology siting specific errors or omissions, in which case, the sponsor shall correct the errors and omissions prior to proceeding with the City review. Where a proposal involves expansion of an existing facility, the documentation shall indicate why relocation of the facility to another site would be infeasible.

(vii) Distribution of Essential Public Facilities. In considering a proposal, the City shall examine the overall distribution of essential public facilities within Snohomish County to avoid placing an undue burden on any one community.

(viii) Public Participation. Sponsors shall encourage local public participation in the development of the proposal, including mitigation measures. Sponsors shall conduct local outreach efforts with early notification to prospective neighbors to inform them about the project and to engage local residents in site planning and mitigation design prior to the initiation of formal hearings. The City's scoping process may be an element of this outreach, but it is expected the communication between the sponsor and the residents shall extend beyond that process. The sponsor's efforts in this regard shall be evaluated.

(ix) Proposed Impact Mitigation. The proposal must include adequate and appropriate mitigation measures for the impacted area(s) and community(ies). Mitigation measures may include, but are not limited to, natural features that will be preserved or created to serve as buffers, other site design elements used in the development plan, and/or operational or other programmatic measures contained in the proposal. The proposed measures should be adequate to substantially reduce or compensate for anticipated adverse impacts on the local environment.

(f) Secure Community Transition Facilities.

(1) A conditional use permit for secure community transition facility (SCTF) shall not be approved if it can be demonstrated that the Lake Stevens Urban Growth Area (LSUGA), including all incorporated and unincorporated lands, already accommodates its fair share, based on population, of Snohomish County's quota for beds as assigned by the State, except that this fair share can be exceeded if necessary to meet the State's standard for a minimum of three beds per facility.

(2) No secure community transition facility (SCTF) shall house more than three persons, excluding resident staff.

(3) SCTFs should be located in relationship to transportation facilities in a manner appropriate to their transportation needs.

(4) No SCTFs shall be allowed in the following distances from the following specified uses, areas or zones, whether such uses, areas or zones are located within or outside the City limits. Adjacent to, immediately across the street or parking lot from, or within the line of sight of a "risk potential activity" as defined in RCW [71.09.020](#), as amended, that include, but are not limited to:

- (i) Public and private schools;
- (ii) School bus stops;
- (iii) Licensed day care and licensed pre-school facilities;
- (iv) Public parks, publicly dedicated trails, and sports fields;
- (v) Recreational community centers;
- (vi) Churches, synagogues, temples and mosques; and
- (vii) Public libraries.

(5) With a conditional use permit application, the project sponsor shall provide the following additional information:

(i) Proposed mitigation measures to offset any aesthetic, privacy and security impacts on the surrounding properties.

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(ii) Proposed operating rules and procedures for staff and residents.

(iii) A schedule of all meetings in which public input has or will be solicited, and a summary of the public input which has been provided to date.

(6) Prior to the issuance of a building permit, or, if no building permit is necessary, a certificate of occupancy, the Department of Social and Health Services shall enter into an interlocal agreement with the Lake Stevens Police Department which identifies the obligations of the facility to keep the Police Department informed of activities, problems and security procedures; and identifies any exceptional services that will be required from the Police Department as well as compensation paid in exchange for said services.

14.16C.065 Events.

(a) Purpose. The purpose of this section is to provide procedures and requirements for events within the City of Lake Stevens. Events can provide substantial benefits to the community including but not limited to;

(1) Creating community identity and pride,

(2) Supporting cultural enrichment and education,

(3) Stimulating economic vitality,

(4) Encouraging participation in recreational activities, and

(5) Developing partnerships between the City, businesses, non-profit agencies and community members.

(b) Event Permit Compliance.

(1) Any person desiring to conduct or sponsor an event in the City of Lake Stevens shall first obtain an event permit from the City, if applicable.

(2) It shall be unlawful for any person to sponsor, conduct or participate in an event requiring a permit without a valid event permit issued by the City of Lake Stevens.

(3) The event permit authorizes the permit holder/sponsor to conduct only such an event as is described in the event permit, and to do so in accordance with the terms and conditions of the permit. It is unlawful to violate the terms and conditions of these permits, or to continue with the event after the permit is revoked or expired.

(4) Violations of this chapter shall be enforced pursuant to Title 17, Enforcement Code, and Chapter 14.28, Enforcement and Review.

(c) Exemptions. An event permit is not required for events which do not meet the definition of "Event" in LSMC 14.08.010; however, a park permit pursuant to Chapter 10 may be required. The following is a non-exhaustive list of events and activities that do not require an event permit:

(1) Regularly scheduled school events, such as athletic events, which use existing parking, traffic controls and public safety support and are considered to be part of regular and extra curriculum school activities.

(2) Funeral or wedding processions that do not require a police escort or street or road closures.

(3) Gatherings of more than fifty but less than one hundred people in a City park or public property. (Park permit required pursuant to Chapter 10 LSMC).

(4) Garage and rummage sales conducted on private property.

(5) Temporary sales conducted by businesses on private property such as holiday sales, grand openings or anniversary sales.

(d) Decision Criteria. In making a decision on an event permit, the Planning Director or his/her designee shall consider the following:

(1) Public health, safety and welfare.

(2) The hours of operation.

(3) The number of people expected to participate, including spectators.

(4) The availability of and the City's ability to provide public safety, or other city personnel and equipment as requested or required.

(5) The parking and traffic generated by the event.

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- (6) Use of public rights-of-way.
- (7) Use of public parks and property.
- (8) Sanitation and clean up.
- (9) Insurance.
- (10) Indemnity and hold-harmless agreements.
- (11) Conflicts that may arise if more than one event is permitted during the same timeframe.
- (12) Number of events already permitted by the event sponsor or organization and the impact to the property or facility, other property or facility users and the general public.

(e) Application Procedures.

(1) Any person desiring to host, sponsor or organize an event in the City of Lake Stevens shall apply for an event permit by filing a complete application and all supporting and required documents with the City at least sixty business days prior to the date on which the event is to occur.

(2) The City has established levels to distinguish the general types of events. Each level has application requirements, fees, and permit conditions as provided on the current event permit application form.

(i) Level 1 Events – Events attracting participants and spectators of one hundred or more but less than five hundred persons and lasting for no more than one calendar day per year.

(ii) Level 2 Events – Events attracting participants and spectators of five hundred or more persons but less than one thousand persons per day and may last up to two consecutive days. An event sponsor or organization may only sponsor up to 3 events in each calendar year. If the event sponsor or organization has met the maximum number of events stated above, then a request for additional event(s) may be made to the Director, sixty days prior to the event date. One application by the same event sponsor or organization for similar events occurring on different dates during the same calendar, up to the maximum number allowed, may be submitted under one event permit. If additional events are approved each event must be submitted separately with the applicable required fees.

(iii) Level 3 Events – Events held up to once a week, but reoccurring periodically for a set time each calendar year. The event is open to the general public and participation does not require admission or membership fee or affiliation with the event sponsor or any particular group or organization. Level 3 Events are typically reserved for events such as farmers markets, musical concerts and other similar types of activities.

(iv) Level 4 Events – Events attracting participants and spectators of one thousand persons or more per day and may last more than one day per year but no more than four consecutive calendar days per year. The City Council may adopt a resolution setting the maximum number of Level 4 Events permitted in one calendar year. Events anticipated in the City budget process shall be given priority over any additional Level 4 Event permit requests.

(3) Any application made less than sixty business days prior to the date on which the event is to occur will be considered only under the following conditions:

(i) The applicant has paid in full the non-refundable Events Expedited Review fee;

(ii) The availability of staff and time needed to review the application is approved by the Planning Director;

(iii) The applicant can demonstrate that all conditions and requirements outlined in the event permit can be met, including but not limited to the ability to secure any required licenses or permits from other agencies, and can provide the required insurance and endorsements; and

(iv) The City's ability to provide public safety or other city personnel and equipment as requested or required in the permit.

(4) When such an event will be an exercise of rights protected by the First and Fourteenth Amendments to the United States Constitution, the application shall be processed promptly, without charging a fee for political or religious activities or imposing terms or conditions that infringe constitutional freedoms, and in a manner that respects the liberty of applicants and the public.

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(f) Permit Conditions. The Planning Director may condition an event permit by imposing reasonable requirements as necessary to protect the public health, safety and welfare and to protect the rights of persons and property. Such conditions may include but are not necessarily limited to:

- (1) Agreement of or alteration of the date, time, route or location of the event proposed on the event application.
- (2) Restrictions on the sale and/or consumption of alcohol.
- (3) Notice to residents and businesses regarding any activity which would require a street closure and/or cause other significant impacts.
- (4) Elimination of an activity which cannot be mitigated to ensure public safety or which would expose the City to undue liability.
- (5) Compliance with other applicable laws, regulations, ordinances, licensing and permitting requirements, including but not limited to those imposed by federal, state or county agencies.
- (6) Requirements regarding the use of public safety and/or City personnel, city services or equipment.

(g) Additional Requirements.

(1) Level 3 and 4 Events located in a residential zone require issuance of a notice within 14 days of receiving application. The notice shall include a statement that a public hearing shall be conducted by the City Council if a person requests a public hearing within 14 days of the issuance of the notice. The notice shall be issued in the following manner:

(i) By mail to the applicant or appellant and property owners within 300 feet of the site of the proposed event,

(ii) By posting on the official notice board at City Hall,

(iii) By publishing a notice one time in a newspaper having general circulation in the area,

and

(iv) By erecting public notice signs, of a format approved by the planning director. One sign on each public right-of-way fronting on the site of the proposed event shall be erected in a manner that is accessible and easily read by the general public.

(2) If the permit applicant requests the city to provide public safety and/or City personnel, city services or equipment or if the Planning Director or his/her designee otherwise determines that public safety and/or City personnel, city services or equipment should be provided to protect the public health, safety or welfare, the applicant shall be required to pay to the city a fee sufficient to reimburse the city for the costs of these services. Said fees will be charged according to the current City of Lake Stevens Fee Resolution. This requirement shall not apply if the event has been anticipated in the budget process and sufficient funds have been included in the annual budget to cover the costs incurred.

(3) In cases where it is deemed necessary, the Planning Director or his/her designee may require the applicant to post a bond to ensure compliance with the conditions of the event permit.

(h) Fees. Application fees are assessed to each level in the current Lake Stevens Fee Resolution and are due at time of application. Event applications will not be reviewed unless the appropriate application fee has been paid in full. In addition to the Event permit application fee additional fees including but not limited to fees for public safety and City personnel, services and equipment may also apply. After an event application has been reviewed, the applicant will be required to prepay any estimated costs and fees for public safety and City provided personnel, services and equipment as outlined and conditioned in the event permit.

(1) For a Level 4 Event a deposit is also required in addition to the permit application fee at the time of permit issuance, said deposit will be in accordance with the current Lake Stevens Fee Resolution.

(2) If the actual cost for public safety and City personnel, services and equipment on the date(s) of the event is less than the estimated cost, the applicant will be refunded the difference by the City after all costs have been determined. If the actual costs for public safety and City personnel, services and equipment on the date(s) of the event are greater than the estimated cost, the applicant will be advised of the difference and payment is required within 30 days of written notice.

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(i) Denial of Permit Application or Revocation of Approved Permit. An event permit may be denied and/or the permit may be revoked if the Planning Director or his/her designee finds one or more of the following situations to exist:

- (1) The event cannot be conditioned to avoid endangering the public health, safety or welfare.
- (2) Neither the City nor the applicant is able to provide sufficient public safety personnel or other necessary staff to accommodate the event so that it may occur in a safe manner.
- (3) The applicant fails to provide a complete application after having been notified of the additional information or documents required.
- (4) Information contained in the application or supplemental information requested from the applicant is found to be materially false.
- (5) The applicant refuses or fails to agree or comply with all of the conditions and terms of the permit.
- (6) The time and location of the event will substantially interfere with any construction or maintenance work scheduled to take place upon or along public property or right-of-way.
- (7) The event shall occur at a time and place where a school is in session at a route or location adjacent to the school and the noise created by the activities of the event would substantially disrupt the educational activities of the school.
- (8) The date, time and/or place of the event would conflict with other previously permitted events.
- (9) The applicants insurance has lapsed, is canceled or does not cover the type of event or activities permitted during the event.
- (10) The event would cause significant damage to public or private property, facilities, or the environment.
- (11) The maximum number of events allowed by an event sponsor or organization has been met.

14.16C.070 Home Occupations (*Woodinville, Marysville & LSMC Definition*)

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

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

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

- (1) The total area devoted to all home occupation(s) shall not exceed 25 percent of the floor area of the dwelling unit or 500 square feet, whichever is less. Areas within attached garages and storage buildings shall not be considered part of the dwelling unit for purposes of calculating allowable home occupation area but may be used for storage of goods associated with the home occupation;
- (2) The home occupation may be located in the principal dwelling , except for those related to growing or storing of plants used by the home occupation(s) may be in an accessory structure. If located in an accessory structure, the area devoted to the occupation, as described in subsection (c)(1) above, shall be based upon the floor area of the dwelling only;
- (3) No business activity may occur outside of any buildings on site including displays of goods, stock in trade or other commodities.
- (4) Retail sales shall occur only as an accessory use to the main home occupation;
- (5) Not more than one person outside of the family shall be employed on the premises;
- (6) The home occupation shall in no way alter the normal residential character of the premises;
- (7) No objectionable noise, fumes, odor, or dust shall be allowed;
- (8) The home occupation(s) shall not use electrical or mechanical equipment that results in:

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- (i) A change to the fire rating of the structure(s) used for the home occupation(s);
- (ii) Visual or audible interference in radio or television receivers, or electronic equipment located off-premises, or
- (iii) Fluctuations in line voltage off-premises;

(9) No equipment or material may be stored, altered or repaired on any exterior portion of the premises;

(10) Sales shall be limited to merchandise which is produced on the premises and/or mail order, internet and telephone sales with appointment for pick up or off-site delivery;

(11) Services to patrons shall be arranged by appointment or provided off-site;

(12) In addition to required parking for the dwelling unit, one on-site parking stall shall be provided when services are rendered on-site;

(13) The home occupation(s) may use or store a vehicle for pickup of materials used by the home occupation(s) or the distribution of products from the site, provided:

(i) No more than one such vehicle shall be allowed,

(ii) Such vehicle shall not park within any required setback areas of the lot or on adjacent streets, and

(iii) Such vehicle shall not exceed the weight capacity of one ton;

(14) Signs in connection with the home occupation shall comply with the restrictions of Chapter 14.68, Signs.

(15) No sales or services will be conducted on the premises which will generate more than 10 average daily round trips per day by customers except for day care.

(d) The following is a non-exhaustive list of examples of enterprises that may be home occupation if they meet the foregoing standards:

(1) Office or studio of a physician, dentist, artist, musician, lawyer, architect, engineer, teacher, or similar professional;

(2) Workshops, greenhouses, or kilns,

(3) Dressmaking or hairdressing studios; or

(4) Day care.

(e) The following activities shall be prohibited as home occupations:

(1) Automobile, truck and heavy equipment repair;

(2) Autobody work or painting;

(3) Parking and storage of heavy equipment; and

(4) Storage of building materials for use on other properties;

(f) Transferability. A home occupation permit issued to one person shall not be transferable to any other person; nor shall a home occupation permit be valid at any other address than the one listed on the permit.

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

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

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

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(j) In-Home Day Care Standards.

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

(2) There shall be minimal change in the outside appearance of the residence.

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

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

(5) The day care provider shall provide written notification to immediately adjoining property owners of the intent to locate and maintain a facility and provide a copy of the notification to the Planning Department.

14.16C.075 Land Use Code Amendments (14.96)

(a) The purpose of this section is to allow amendments to Title 14.

(b) Procedure. A code amendment shall be reviewed in the manner and following the procedures established in chapters 14.16A and 14.16B for a Type VI review.

(c) Initiation of Amendments.

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

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

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

(2) A strikeout/underlined version of the existing code showing proposed changes, and

(3) Articulation of the specific objective(s) of any proposed text amendments.

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

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

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

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

(1) Chapter 14.60 (Utilities).

(2) Chapter 14.80 (Building and Construction).

(3) Chapter 14.84 (Fire Code).

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

(1) The amendment is consistent with the adopted Lake Stevens Comprehensive Plan;

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

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

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

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

14.16C.080 Planned Neighborhood Developments (14.44.030)

(a) The purpose of this section is to allow a larger, integrated development with characteristics of three or four different zoning districts constructed under a single application.

(b) Procedure. Planned Neighborhood Developments shall be reviewed in the manner and following the procedures established in chapters 14.16A and 14.16B for a Type IV review.

(c) Standards. The following standards shall be met:

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(1) In a Planned Neighborhood Development, the developer may make use of the land for any purpose authorized in a particular PND zoning district in which the land is located, subject to the provisions of this title. Section [14.36.040](#) describes the various types of PND zoning districts.

(2) Within any lot developed as a Planned Neighborhood Development, not more than 35 percent of the total area may be developed for higher density residential purposes (Multi-Family Residential), not more than 10 percent of the total area may be developed for purposes that are permissible only in a Local Business, Mixed Use, or Central Business District zoning district (whichever corresponds to the PND zoning district in question), and not more than five percent of the total lot area may be developed for uses permissible only in the Light Industrial zoning district (assuming the PND zoning district allows such uses at all).

(3) The plans for the proposed Planned Neighborhood Development shall indicate the particular portions of the lot that the developer intends to develop for higher density residential purposes, lower density residential purposes, purposes permissible in a commercial district (as applicable), and purposes permissible only in an Light Industrial district (as applicable). For purposes of determining the substantive regulations that apply to the Planned Neighborhood Development, each portion of the lot so designated shall then be treated as if it were a separate district, zoned to permit, respectively, higher density residential (Multi-Family Residential), lower density residential (Suburban Residential, Urban Residential, or High Urban Residential), commercial or Light Industrial uses. However, only one permit – a Planned Neighborhood Development permit – shall be issued for the entire development.

(4) The nonresidential portions of any Planned Neighborhood Development may not be occupied until all of the residential portions of the development are completed or their completion is assured by any of the security mechanisms provided in Chapter 14.16A.1942 (Security Administrative Mechanisms) to guarantee completion. The purpose and intent of this provision is to ensure that the Planned Neighborhood Development procedure is not used, intentionally or unintentionally, to create nonresidential uses in areas generally zoned for residential uses except as part of an integrated and well-planned, primarily residential development.

14.16C.085 Reasonable Use Exceptions. (Redmond)

The City recognizes that the strict application of Chapter 14.88, Critical Areas, may in some cases deny all reasonable economic use of private property. In such cases, the applicant may seek a reasonable use exception from the standards of Chapter 14.88 pursuant to sections 14.88.310 and 14.88.320.

14.16C.090 Rezones – Zoning Map Amendments. (14.96, Redmond, Marysville)

(a) The purpose of this section is to allow amendments to the Official Zoning Map, adopted pursuant to Section 14.36.100.

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

(1) Site-specific rezones are rezones of a particular property(ies) which conform to the comprehensive plan.

(2) Area-wide rezones are rezones which require a comprehensive plan amendment, includes a large area or is the adoption of a new or substantially revised neighborhood or Citywide Zoning Map.

(c) Procedure. A site-specific rezone shall be reviewed in the manner and following the procedures established in chapters 14.16A and 14.16B for a Type IV review. An area-wide rezone shall be reviewed in the manner and following the procedures for a Type VI review and require a concurrent amendment to the comprehensive plan.

(d) Initiation of Amendments.

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

YELLOW = Existing Code Language.

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

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

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

(iii) A rationale for the proposed map changes.

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

(1) Determine if the proposed zoning map amendments meet the decision criteria in subsection (g) below; or

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

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

(1) No application shall be filed nor accepted for filing which on its face will not comply with the Lake Stevens Comprehensive Plan.

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

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

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

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

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

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

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

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

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

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

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

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

(i) Withdrawal. Any application for a site-specific rezone may be withdrawn upon the written request of any one of the property owners who signed the application.

(j) Continuing Classification. The continuance of site-specific rezoning classifications shall be dependent on fulfillment of all of the established standards and conditions to the rezone approval.

(k) Reapplication After Denial Without Prejudice. After the hearing examiner's or council's final action denying a rezone, no further rezone action involving substantially the same property shall be requested for at least one year. If the hearing examiner or council finds that extraordinary circumstances exist, or that the request might deserve approval in the near future, but not at the present time, then the rezone may be denied without prejudice. In such a case, if the rezone request is reactivated in writing by the applicant within six months, and is reheard within nine months of the date of the original action, then the original case file and number shall be used and the rezone fee shall be waived.

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

YELLOW = Existing Code Language.

14.16C.095 Right-of-Way Vacation. (Marysville & Redmond)

(a) The purpose of this section is to provide procedures and requirements for the vacation of public rights-of-way and streets by petition. The owners of an interest in any real estate abutting upon any street or alley who may desire to vacate the street or alley, or any part thereof, may petition the City Council for the vacation or the City Council may initiate, by resolution, such vacation procedure.

(b) Special Requirements. For applications initiated by property owners, the application shall contain the signatures of the owners of at least two-thirds of the property abutting the portion of right-of-way proposed to be vacated.

(c) Procedure. Applications to vacate right-of-way shall be reviewed as a Type V review pursuant to _____.

(1) If the application is approved, the City Council shall vacate the right-of-way by ordinance. The ordinance of vacation may provide that the vacation shall not become effective until owners of property abutting the vacated right-of-way compensate the City. The ordinance enacted to vacate the right-of-way shall be recorded with Snohomish County. Compensation may be required as follows:

(2) Alternative Methods of Vacation. Right-of-way vacations may be processed under the alternative methods provided in Chapter 35A.47 RCW, which is incorporated by reference.

(d) Survey Requirements. It shall be the duty of the Public Works Director or City Engineer to determine whether or not the location and legal description of the street or alley proposed for vacation are sufficiently known to the city so that an accurate legal description of the proposed vacation can be known with certainty. If the Public Works Director or City Engineer determines that these matters are not known or are not accurately known, then the city shall notify the petitioners of the necessity of having an accurate, professional survey of the property proposed for vacation within the boundaries of the proposed vacation marked upon the ground with an accurate legal description of the proposed vacation to be furnished to the city. The city shall not proceed further upon the vacation petition until such a survey has been done and legal description has been received.

(e) Appraisal. In all cases where the City Council requires compensation for the vacated right-of-way, an appraisal of the right-of-way proposed for vacation shall be made by one or more of the following methods:

(1) The assessed value of comparable abutting property shall be obtained from the records of the Snohomish County assessor. The average of said values, on a square foot basis, shall be applied to the right-of-way which is proposed for vacation.

(2) The petitioner shall be required to submit a report of a professional appraiser to the city, stating the fair market value of the right-of-way proposed for vacation.

(3) The city shall obtain a report from one or more professional appraisers stating the fair market value of the right-of-way proposed for vacation. The cost of said report or reports shall be paid by the petitioner prior to the time of the public hearing.

(f) Decision Criteria.

(1) The City Council may vacate any street, alley or any parts thereof if any portion thereof abuts any body of fresh water when such vacation is sought to enable the city or state to acquire the property for boat moorage or launching sites, park, viewpoint, recreational, or educational purposes or other public uses. This provision shall not apply to industrial-zoned property.

(2) The City Council shall use the following criteria for deciding upon the petition:

(i) The vacation will provide a public benefit, and/or will be for a public purpose;

(ii) The right-of-way vacation shall not adversely affect the street pattern or circulation of the immediate area or the community as a whole;

(iii) The right-of-way is not contemplated or needed for future public use; and

(3) No abutting owner will become landlocked or his access will not be substantially impaired (i.e., there must be an alternative mode of ingress and egress, even if less convenient, provided that the City Council may, at the time of its public hearing, determine that the city may retain an easement or right to exercise and grant easements in respect to the vacated land for the construction, repair, and maintenance of public utilities and services.

YELLOW = Existing Code Language.

(4) The City Council will, at the time of the public hearing, determine the amount of compensation to be paid to the city by the petitioners as a condition of the vacation.

(i) Where the street or alley has been part of a dedicated public right-of-way for 25 years or more, an amount that does not exceed the full appraised value of the area vacated; or

(ii) Where the street or alley has not been part of a dedicated public right-of-way for 25 years or more an amount which equals one-half of the appraised value of the area vacated.

(g) Notice to Auditor and Assessor. A certified copy of the ordinance vacating any street or alley, or part thereof, shall be filed by the city clerk with the Snohomish County Auditor's office and with the Snohomish County Assessor's office.

(h) Use of Proceeds of Vacation. One-half of the revenue received by the city as compensation for area vacated, under this section, shall be dedicated to the acquisition, improvement, development, and related maintenance of open space or transportation capital projects within the city.

14.16C.100 Shoreline Permits. (14.92 & Redmond)

(a) This section describes the procedures and requirements for development within specified areas related to lakes, rivers, streams, wetlands, and floodplains as required to implement the Shoreline Management Act, as amended, Chapter 90.58 RCW.

(b) Permit Required. A substantial shoreline development permit is required for development if it materially interferes with the normal public use of the water or shorelines of the City or exceeds a total cost or fair market value of \$5,000 and is located within the following areas:

(1) Shoreline Areas. The shoreline areas are designated in the Shoreline Master Program and are generally described as:

(i) Lake Stevens, its underlying land, associated wetlands, and a line 200 feet landward at the line of ordinary high water (elevation 27 feet above sea level) plus the area within the one percent numerical probability floodplain (100-year floodplain) as defined by the best available data.

(ii) Catherine Creek for approximately one mile south of the confluence with Stevens Creek (outflow from Lake Stevens), where the mean annual flow is 20.0 cubic feet per second or more, and the territory between 200 feet on either side of the tops of the banks, plus associated wetlands and the area within the one percent probability floodplain (100-year floodplain) as defined by the best possible data.

(2) Adjacent Areas. Those parcels of land adjacent to the shoreline areas involving projects and developments that overlaps into the shoreline areas.

(c) Exemptions. The following types of developments are exempt from the requirements of a shoreline development permit but shall comply with all other policies, plans, codes and regulations of the City and shall be consistent with the policy and intent of the Shoreline Management Act of 1971 and of this chapter and with any master program adopted:

(1) Normal maintenance or repair of existing structures or developments, including damage by accident, fire, or elements.

(2) Construction of the normal protective bulkhead common to single family residences.

(3) Emergency construction necessary to protect property from damage from the elements.

(4) Construction or modification of navigational aids such as markers and anchor buoys.

(5) Construction by an owner, lessee or contract purchaser of a single family residence for his own use or for the use of his family, which residence does not exceed a height of thirty-five feet above average grade level and which meets all requirements of the state agency or city government having jurisdiction, other than requirements imposed pursuant to Chapter 14.92.

(6) Construction of a dock, including a community dock, designed for pleasure craft only, for the private noncommercial use of the owner, lessee, or contract purchaser of single and multiple family residences, when the fair market value of the dock does not exceed ten thousand dollars (\$10,000.00), but if subsequent construction having a fair market value exceeding two thousand five hundred dollars (\$2,500.00) occurs within five years of completion of the prior construction, the subsequent construction shall be considered a substantial development for the purpose of Chapter 14.92.

YELLOW = Existing Code Language.

(7) Operation, maintenance, or construction of canals, waterways, drains, reservoirs, or other facilities that now exist or are hereafter created or developed as a part of an irrigation system for the primary purpose of making use of system waters, including return flow and artificially stored ground water for the irrigation of lands;

(8) The marking of property lines or corners on state owned lands, when such marking does not significantly interfere with normal public use of the surface of the water;

(9) Operation and maintenance of any system of dikes, ditches, drains, or other facilities existing on September 8, 1975, which were created, developed, or utilized primarily as a part of an agricultural drainage or diking system;

(10) Site exploration and investigation activities that are prerequisite to preparation of an application for development authorization under this chapter, if:

(i) The activity does not interfere with the normal public use of the surface waters;

(ii) The activity will have no significant adverse impact on the environment including, but not limited to, fish, wildlife, fish or wildlife habitat, water quality, and aesthetic values;

(iii) The activity does not involve the installation of a structure, and upon completion of the activity the vegetation and land configuration of the site are restored to conditions existing before the activity;

(iv) A private entity seeking development authorization under this section first posts a performance bond or provides other evidence of financial responsibility to the local jurisdiction to ensure that the site is restored to preexisting conditions; and

(v) The activity is not subject to the permit requirements of RCW 37.90.58.550;

(11) The process of removing or controlling an aquatic noxious weed, as defined in RCW [17.26.020](#), through the use of an herbicide or other treatment methods applicable to weed control that are recommended by a final environmental impact statement published by the department of agriculture or the department jointly with other state agencies under chapter [43.21C](#) RCW.

(d) Procedures.

(1) Applications for a shoreline exemption shall follow the procedures for a Type I review pursuant to Chapter 14.16B.

(2) Applications for a shoreline substantial development permit shall follow the procedures for a Type II review pursuant to Chapter 14.16B.

(3) Applications for a shoreline conditional use permit shall follow the procedures for a Type III review pursuant to Chapter 14.16B.

(4) Applications for a shoreline variance shall follow the procedures for a Type III review pursuant to Chapter 14.16B.

(5) Special Requirements. No final action or construction shall be taken until 21 days after notice of the final action taken by the City is filed with the Department of Ecology.

(e) Decision Criteria. All applications, including exemptions shall comply with WAC 173-27-140.

(1) Shoreline Exemption. Types of developments outlined in subsection (c) above are exempt from the requirements of a shoreline substantial development permit but shall comply with all other policies, plans, codes and regulations of the City.

(2) Shoreline Substantial Development Permit. Shoreline substantial development permit applications shall be reviewed pursuant to WAC 173-27-150 and the following shoreline policies:

(i) A permit shall be granted only when the proposed development is consistent with the Lake Stevens Master Shoreline program.

(ii) A permit shall be granted only when the proposed development is consistent with the policy of Section 2 of the Shoreline Management Act of 1971 (RCW [90.58.020](#)).

(iii) Surface drilling for oil and gas is prohibited in the waters of Lake Stevens from the ordinary high water mark on all lands within one thousand feet landward from said mark.

(iv) A permit shall be denied if the proposed development is not consistent with the above enumerated policies.

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(v) The granting of any Shoreline Development Permit by the City shall be subject to the conditions imposed by the Shoreline Hearings Board.

(3) Shoreline Conditional Use Permit. Uses which are not classified or set forth in the master program or use regulations may be allowed provided the applicant can demonstrate that they meet the criteria outlined in WAC 173-14-140.

(4) Shoreline Variance. Relief may be granted from specific provisions of the Shoreline Master Program or shoreline use regulations, provided the applicant can demonstrate that the variance will meet the criteria outlined in WAC 173-14-150.

14.16C.105 Site Plan Review. (*Master Permit Application, Redmond, SnoCo*)

(a) The intent of this section is to establish procedures for reviewing site plans submitted as part of permit applications. The purpose of the site plan review process is to determine compliance with the City's applicable development regulations and Comprehensive Plan provisions and to ensure the following have been achieved:

(1) To help insure that the proposal is coordinated, as is reasonable and appropriate, with other known or anticipated development on private properties in the area and with known or anticipated right-of-way and other public projects within the area;

(2) To encourage proposals that embody good design principles that will result in high quality development on the subject property;

(3) To determine whether the streets and utilities in the area of the subject property are adequate to serve the anticipated demand from the proposal; and

(4) To review the proposed access to the subject property to determine that it is the optimal location and configuration for access.

(b) Scope. The review and approval of site plans shall be made as a part of the application approval process unless otherwise provided in this chapter. Review and approval is required for all multiple-family, commercial, industrial, utility, shoreline development, public-initiated land use proposals, the expansion and exterior remodeling of structures, parking, and landscaping; or as otherwise specified in this title.

(c) Procedures. A site plan shall be submitted as part of all permit and project approval applications with the information required in subsection (d) below. Additional information may be required to conduct an adequate review. Each application shall be reviewed as a Type II review pursuant to Chapter 14.16B.

(d) Site Plan Application. The application shall meet the submittal requirements established by Subsection 14.16A.220(e) and shall include the following:

(1) The building envelope of all structures and the location of all on-site recreation open space areas, buffers, points of egress, ingress, and internal circulation, pedestrian facilities and parking;

(2) Existing and proposed topography at contour intervals of five or less feet;

(3) Name, address, and phone number of the owner and plan preparer(s);

(4) Adjacent properties, zoning and existing uses;

(5) Location of existing and proposed utilities (e.g., water, sewer, electricity, gas, septic tanks and drain fields) (all utilities to be shown underground per Chapter 14.60);

(6) Location of nearest fire hydrant if the subject property is served or will be served, by a water purveyor;

(7) Calculations showing acreage of the site, number of dwelling units proposed, zoning, site density and on-site recreation open space acreage;

(8) Scale and north arrow;

(9) Vicinity sketch (drawn to approximately 1" = 2,000' scale) showing sufficient area and detail to clearly locate the project in relation to arterial streets, natural features, landmarks and municipal boundaries;

(10) Location of public and private rights-of-way;

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(11) All critical areas including size, location, type, proposed buffers and setbacks (if critical areas exist and a Critical Areas Study is required);

(12) Natural drainage courses (e.g., ditches, streams, etc.) and probable alterations which will be necessary to handle the expected drainage from the proposal, and the general method proposed to comply with Chapter 14.64;

(13) Source, composition and approximate volume of fill materials;

(14) Composition and approximate volume of any extracted materials and proposed disposal areas; and

(15) Typical cross-section sheet showing existing ground and building elevations, proposed ground and building elevations, and the height of existing and proposed structures.

(e) Application Approval.

(1) The approval authority shall approve, approve with conditions, or disapprove the application. The approval authority may grant final approval subject to any conditions it feels necessary to protect and promote the health, safety and general welfare of the community.

(2) Such conditions may include, but are not limited to the following: the requirement of easements, covenants, and dedications; “fees-in-lieu-of”; the installation, maintenance and bonding of improvements such as streets, landscaping, sewer, water, storm drainage, underground wiring, sidewalks, trails; and the recording requirements of the Snohomish County Auditor.

(3) A complete application for a site plan meeting the requirements of this section shall be deemed to have vested as of the date of submittal.

(4) Site plan approval expires subject to Section 14.16A.250.

(f) Site Plan Review Criteria - Consistency. Site plans are reviewed by the City to determine consistency between the proposed project and the applicable regulations and Comprehensive Plan provisions.

(g) Limitations on Site Plan Review. Site plans shall be reviewed to identify specific project design and conditions relating to the character of development, such as the details of site plans, curb cuts, drainage swales, the payment of impact fees, or other measures to mitigate a proposal’s probable adverse environmental impacts.

14.16C.110 Temporary Use. (14.44 & Marysville)

(a) This section provides for certain temporary uses incidental to the principal long term use of property. Temporary uses are to be permitted only under the conditions as set forth herein, and where it is found to be safe and compatible with the general vicinity and adjacent uses.

(b) Procedure. Applications for a temporary use permit shall follow the procedures for a Type I review pursuant to Chapter 14.16B.

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

(1) A temporary dwelling for use as a residence by the owners of a lot during construction of a permanent residential structure on the lot. The temporary building need not comply with the requirements of the Uniform Building Code, but shall meet minimum health and safety standards prescribed by the Building Official. It shall be removed from the lot upon completion of the permanent residential structure.

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

(3) A temporary real estate sales office located in a model or display home, subject to the following conditions:

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

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

(iii) Within a period of one year, the use of the building for a temporary real estate sales office shall terminate, and the building shall be used exclusively thereafter for uses permitted within that zone, and shall meet all building and fire codes applicable thereto, or shall be immediately removed.

(d) **Recreational Vehicles as Temporary Dwelling Units. (14.44.044)** No recreational vehicle shall be occupied for residential or commercial purposes anywhere in the City of Lake Stevens except:

(1) In the case of temporary uses per Section 14.16C.110(c); or,

(2) Recreational vehicles may be occupied by visitors within residential zones for a period not to exceed 30 days where a Planning Director approval has been granted for such use, provided:

(i) Temporary occupancy shall not exceed 30 days in a calendar year per visitor;

(ii) Under no circumstances shall a recreational vehicle be occupied while parked overnight on a public street;

(iii) No recreational vehicle shall be serviced by a temporary or permanent sewer hook-up emptying into the City's system or a private septic system; and

(iv) Nor shall any space be provided for an occupied recreational vehicle for monetary or other compensation.

(d) **Decision Criteria.** A temporary use permit shall be granted by the Planning Director only if the applicant demonstrates:

(1) The proposed temporary use will not be materially detrimental to the public welfare;

(2) The proposed temporary use is compatible with existing land use in the immediate vicinity in terms of noise and hours of operation;

(3) Adequate public off-street parking and traffic control for the exclusive use of the proposed temporary use can be provided in a safe manner; and

(4) The proposed temporary use is not otherwise permitted in the zone in which it is proposed.

(e) **Duration and frequency.** Unless specified elsewhere in this section, temporary use permits shall be limited in duration and frequency as follows:

(2) When sudden, unforeseen damage occurs to a residence making it uninhabitable, thus necessitating occupancy in a temporary residence, occupancy may occur immediately provided an application for the Temporary Use Permit is made within seven days from the first day of occupancy in the temporary residence.

(1) The temporary use permit shall be effective for no more than 180 days from the date of the first occurrence; **(14.44.040)**

(2) The temporary use permit shall specify a date upon which the use shall be terminated and removed; and

(3) A temporary use permit shall not be granted for the same temporary use on a property more than once per calendar year except for temporary residences the Planning Director may renew such permit for one additional period not to exceed three months if it is determined such renewal is reasonably necessary to allow the proposed occupants of the permanent residential building to complete the construction, repair, renovation, or restoration work necessary to make such building habitable; **(14.44.040)**.

(f) **Temporary Public Structures. (14.44.048)** Public agencies may erect and use temporary structures (e.g., portable school classrooms, civic uses, emergency command centers, health and social services centers, etc.) upon demonstrating that such a use is in the public benefit and that the use is temporary in nature. Permits for temporary public structures shall expire one year after issuance, but may be renewed annually by the planning director upon demonstration of demonstrated public benefit.

14.16C.40.115 Variances. (14.16.110, SnoCo, Redmond, Marysville)

(a) A variance is a mechanism by which the City may grant relief to a particular piece of property where practical difficulty renders compliance with the provisions of that code an unnecessary hardship,

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where the hardship is a result of the physical characteristics of the subject property and where the purpose of that code and of the Comprehensive Plan can be fulfilled.

(b) Procedure. Applications for a variance shall follow the procedures for a Type III review pursuant to Chapter 14.16B. Decisions on variance applications are to be made by the Hearing Examiner following a public hearing. A variance would allow modification of any development standard required of this Title, except that no variance may be issued to allow a use that is not otherwise permitted in the zone in which the property is located.

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

(1) If the applicant complies strictly with the provisions of the ordinance, he can make no reasonable use of his property;

(2) There are special circumstances applicable to the subject property or to the intended use, such as the size, shape, topography, location or surroundings, that do not apply generally to other properties or classes of use in the same vicinity and zone;

(3) The hardship relates to the applicant's land, rather than personal circumstances;

(4) The spirit of the standard from which a variance is requested is reasonably maintained, and the granting of a variance will not constitute a grant of special privilege or pose significant hazards or otherwise be detrimental to the surrounding properties; and

(5) The hardship is not the result of the applicant's or recent prior owner's own actions.

(d) In granting any variance, the city may prescribe appropriate conditions and safeguards that will ensure that the purpose and intent of this title shall not be violated. Violation of such conditions and safeguards when made part of the terms under which the variance is granted is a violation of this title and punishable under Title 17.

(e) Transfer of Ownership. A variance runs with the land and compliance with the conditions of any such permit or variance is the responsibility of the current owner of the property, whether the original applicant or a successor.

(f) Vacation, Review or Revocation of Variance.

(1) Any variance issued pursuant to this chapter may be vacated by the current landowner upon city approval provided the:

(i) The use authorized by the variance does not exist and is not actively being pursued;

or

(ii) The use has been terminated and no violation of the terms and the conditions of the permit exists.

(2) Landowner request for vacation of a variance shall be conducted in accordance with Section 14.16A.240.

(3) The office of the hearing examiner shall have jurisdiction to review or revoke all variance in accordance with a Type III review pursuant to Chapter 14.16B.