



Town Planning Commission Special Meeting

Tuesday January 21st, 2025 – 6:00PM
Town Hall/Virtual
4030 95th Ave NE, Yarrow Point, WA. 98004

Commission Chairperson: Carl Hellings
Commissioners: Chuck Hirsch, David Feller, and Lee Sims
Town Planner: Aleksandr Romanenko - SBN Planning
Town Attorney: Emily Romanenko – OMW
Clerk - Treasurer: Bonnie Ritter
Deputy Clerk: Austen Wilcox

Meeting Participation

Members of the public may participate in person at Town Hall or by phone/online. Individuals wishing to call in remotely who wish to speak live should register their request with the Deputy Clerk at 425-454-6994 or email depclerk@yarrowpointwa.gov and leave a message before 3:30 PM on the day of the Commission meeting. Wait for the Deputy Clerk to call on you before making your comment. If you dial in via telephone, please unmute yourself by dialing *6 when you are called on to speak. Speakers will be allotted 3 minutes for comments. Please state your name (and address if you wish.) You will be asked to stop when you reach the 3-minute limit. Commission members will not respond directly at the meeting or have a back-and-forth exchange with the public, but they may ask staff to research and report back on an issue.

Join on computer, mobile app, or phone

1-253-215-8782

<https://us02web.zoom.us/j/88532466921?pwd=8FhdnSQn7GHtZXX9WRgnLla2VvvqV7.1>

Meeting ID: 885 3246 6921 #

Passcode: 201647

1. **CALL TO ORDER:** Commission Chairperson, Carl Hellings
2. **PLEDGE OF ALLEGIANCE**
3. **ROLL CALL:** Commissioners, Chuck Hirsch, David Feller, Lee Sims
4. **APPROVAL OF AGENDA**
5. **APPROVAL OF THE MINUTES**

December 18, 2024, Special Planning Commission Meeting

6. **STAFF REPORTS**
7. **PUBLIC COMMENT**

Members of the public may speak concerning items that either are or are not on the agenda. The Planning Commission takes these matters under advisement. Please state your name (and address if you wish) and limit comments to 3 minutes. If you call in via telephone, please unmute yourself by dialing *6 when it is your turn to speak. Comments via email may be submitted to depclerk@yarrowpointwa.gov or regular mail to: Town of Yarrow Point, 4030 95th Ave NE, Yarrow Point, WA 98004.

8. **REGULAR BUSINESS**

8.1 Middle Housing

– (90 min)

9. **PUBLIC COMMENT**
10. **ADJOURNMENT**

**TOWN OF YARROW POINT
TOWN PLANNING COMMISSION SPECIAL MEETING
December 18, 2024
7:00 p.m.**

The Town Planning Commission of the Town of Yarrow Point, Washington met in special session on Wednesday, December 18, 2024, at 7:00 p.m. in the Council Chambers of Town Hall.

PLANNING COMMISSION PRESENT: Chair Carl Helling, Commissioners, Chuck Hirsch (remote), Lee Sims and David Feller

STAFF PRESENT: Deputy Clerk Austen Wilcox, Planner Aleksandr Romanenko

1. CALL TO ORDER

Chair Helling called the Planning Commission meeting to order at 7:04 p.m.

2. PLEDGE OF ALLEGIANCE

3. ROLL CALL

4. APPROVAL OF AGENDA

MOTION: Motion by Commissioner Feller seconded by Commissioner Sims to approve the agenda as presented.

VOTE: 4 for, 0 against. Motion carried.

5. APPROVAL OF THE MINUTES

- November 19, 2024 Regular Meeting

MOTION: Motion by Chairman Helling, seconded by Commissioner Sims to approve the November 19, 2024 regular meeting minutes as presented.

VOTE: 3 for, 0 against. 1 Abstained. Motion carried. *Commissioner Feller abstained.*

6. STAFF REPORTS

Planner Romanenko shared a report from the December 10 Council meeting.

7. PUBLIC COMMENT

No comment.

8. REGULAR BUSINESS

8.1 – Middle Housing

Planner Romanenko shared state requirements for middle housing and the Commission discussed potential design criteria the Town could create to adhere to State requirements.

Commissioner Hirsch left the meeting at 8:00 p.m.

MOTION: Motion by Chairman Helling, seconded by Commissioner Feller move to direct staff to incorporate discussed elements into the draft code.

VOTE: 3 for, 0 against. Motion carried.

8.2 – Consolidated Permit Review

MOTION: Motion by Chairman Hellings, seconded by Commissioner Feller move to table AB 8.2 Consolidated Permit Review until the next meeting.

VOTE: 3 for, 0 against. Motion carried

The Planning Commission discussed meeting at 6:00 p.m. for the January 2025 meeting to get an earlier start to discuss Middle Housing.

9. PUBLIC COMMENT

No comment.

10. ADJOURNMENT:

MOTION: Motion by Commissioner Sims, seconded by Commissioner Feller to adjourn the meeting at 10:13 p.m.

VOTE: 3 for, 0 against. Motion carried.

Carl Hellings, Chair

Attest: Austen Wilcox, Deputy Clerk

DRAFT

Middle Housing (HB1110 Integration)	Proposed Action: Discussion and Possible Vote
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Presented by:	Town Planner
Exhibits:	<ul style="list-style-type: none"> ● Middle Housing Update Decisions Matrix (1-17-25) ● Unit Lot Subdivision Guidance/Background ● Example Snohomish Unit Lot Subdivision ● Example Mercer Island Impact Fees ● Example Mercer Island Impact Fee Schedule ● Example Sammamish Impact Fee Schedule

Summary:

At the regular April Town Council meeting, staff presented the gap analysis and public engagement plan. Council approved the engagement plan with amendments to include two public engagement open house type meetings. One before administering the survey to help inform the public, and one after to discuss outcomes. Staff was also directed to develop a preliminary budget for the integration of the new middle housing legislative requirements. The preliminary budget estimate is \$160,000 on the high end, with a low end budget estimate of \$45,000. A portion of the budget is offset by a \$35,000 grant which was awarded to Yarrow Point for middle housing regulation update work.

The Town has published a middle housing webpage to help residents navigate the requirements and implications of the middle housing legislation. Additional information will be provided on the Town’s webpage as it is developed. The informational open house was held on May 29th from 6-8pm at Town Hall. The survey was launched during the open house and flyers with the Town’s middle housing webpage and survey were posted on all town mailbox pagodas, emailed to the Town mailing list, and posted on Town social media. 35 survey responses have been received as of 6-13-24. Town staff will continue to reach out to residents to encourage participation in the survey and public process.

Staff prepared several informational posters which were on display at the open house. These posters have been included with your packet in their digital form. Staff is continuing to compile a list of frequently asked questions which can be posted on the Town’s Middle Housing webpage to help inform residents.

At the June council meeting, staff presented an update following the open house, and was directed to create a work plan which outlines the next steps for the Town to address the requirements of Middle Housing.

At the September Meeting the Planning Commission directed staff to create a decision matrix to help guide the conversation and code update process. Staff prepared the decision matrix and has provided supporting background documents to help inform the decision making process.

At the November meeting the Planning Commission directed staff to begin drafting code, and to give more detail, for various decision making options for the December meeting.

At the December meeting middle housing was discussed, and additional decisions were made as the commission worked through the elements of middle housing. Questions were provided to the town planner to answer at the next meeting. Staff was directed to continue drafting code to incorporate previous discussions, and to present the code once the remaining decisions were finalized after subsequent meeting(s).

Resources

- [Yarrow Point Middle Housing Website](https://yarrowpointwa.gov/middle-housing/) : <https://yarrowpointwa.gov/middle-housing/>
- [WA Department of Commerce Middle Housing Website](#)
- [User Guide for Middle Housing Model Ordinances \(PDF\)](#)
- [Final Model Ordinance for cities under 25,000 \(PDF\)](#)

Action Items

- Staff Presentation (15 min)
- Discussion (70 min)
- Vote (5 min)

Recommended Motions:

- I move to direct staff to incorporate discussed elements into the draft code.



Town of Yarrow Point

Decisions Matrix

Middle House and ADUs

Introduction

This document is broken down into general categories which the Planning Commission can use as a tool to make decisions. The charts below show what the current status is, what the minimum requirements are, and illustrate where there is jurisdictional discretion. A general list of items which do not have flexible thresholds and must be updated are included at the end of this document.

Status Update:

November: Planning Commission discussed Housing Typologies and Density, and began discussions on Setbacks, Heights, and lot coverage.

December: Planning Commission discussed impact fees, dimensional standards, design standards, and started discussions on subdivision

Categories:

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Housing Typologies and Density

Decisions from previous meetings have been bolded and underlined below. Comments have been added where appropriate.

Housing Typologies and Density	Current Standard	New Minimum Required	Jurisdictional discretion
Single Family Homes	1 per lot	<u>No Change</u>	Allow more than 2 units per lot
Duplexes/Stacked Flats	Not Permitted	<u>1 duplex per lot (2 units)</u>	Allow more than 2 units per lot
Cottage Houses	Not Permitted	<u>2 units per lot</u>	Allow more than 2 units per lot
Courtyard Apartments	Not Permitted	<u>2 units per lot</u>	Allow more than 2 units per lot
Accessory Dwelling Unit (Attached or detached) - ADU/DADU	1 per lot as an accessory to a single family home	<u>1 per lot as an accessory to a single family home (Counted as a unit)</u>	Allow for more than 1 ADU per single family home
Additional Housing Types (not listed above)	<u>Not Permitted</u>	Only those listed above are "required"	Allow for additional housing types in some or all of the Town. (Townhomes, Triplexes and larger, Stacked flats, etc.)

Setbacks, Heights, Lot Coverage, and Dimensional standards

Decisions from previous meetings have been bolded and underlined below. Comments have been added where appropriate.

Setbacks, Heights, Lot Coverage, and Dimensional standards	Current Standard	New Minimum Required	Jurisdictional discretion
Single Family Homes	Setbacks: (See setback Table) Structure Height: 25' above Original or 31' above finished (Whichever is less) Lot Coverage: 30% for Structure Impervious Surface: 60% of Lot	<u>No Change</u> Required	Updates to these requirements must be the same for all unit types except Accessory Unit Area (As noted).
Duplexes/Stacked Flats	NA		Same as Above
Cottage Houses	NA	<u>20% shared open space - Decision: Contiguous, rectangular, no driveways, no parking, between units</u>	Minimum setbacks between new units may be considered. Configuration and what can/can't be in the 20% shared open space
Courtyard Apartments	NA	<u>Requires a "shared courtyard"</u>	Define what "shared courtyard" looks like
Accessory Dwelling Unit (Attached or detached) - ADU/DADU	The gross floor area of an accessory dwelling unit shall not exceed six percent of the lot area and shall contain not less than 220 square feet and not more than 850 gross square feet, excluding any related garage area.	<u>Same standards except: May not establish a maximum gross floor area requirement for accessory dwelling units that is less than 1,000 square feet</u>	Minimum setbacks between new units may be considered

Current Setback Standards:
The setback from the shoreline of Lake Washington is 50 feet.
The setback from a public right-of-way is 25 feet.
The setback from a private lane provided to serve the lot or provided on the lot to serve other building sites is 25 feet.
The setback from a property line dividing private property is 10 feet.
The setback from a private lane on adjacent property which does not include rights of use by the lot in question is 10 feet.
The setback from a panhandle driveway is 10 feet.

Subdivision

Decisions from previous meetings have been bolded and underlined below. Comments have been added where appropriate.

Subdivision	Current Standard	New Minimum Required	Jurisdictional discretion
Short Plat	Allowed - Review process includes Planning Commission, Council, and SEPA	Administrative review and SEPA exempt	Work to update administrative and application process is part of a different project - Outlined as part of HB 5290 work
Unit Lot Subdivision	NA	Must be allowed to the Unit density	Reasonable Minimum dimensional standards can be implemented
Zero Lot Line Subdivision	NA	Must be allowed to the Unit density	This acts as a subset of Unit Lot Subdivision. Additional criteria could be created based on fire safety compliance

Parking and Access

Decisions from previous meetings have been bolded and underlined below. Comments have been added where appropriate.

Parking and Access	Current Standard	New Minimum Required	Jurisdictional discretion
Single Family Homes	4 on site spots	No Change	Number of spots may be increased or decreased
Duplexes/Stacked Flats	NA	2 on site spots per unit	Number of spots may be decreased
Cottage Houses	NA	2 on site spots per unit	Number of spots may be decreased
Courtyard Apartments	NA	2 on site spots per unit	Number of spots may be decreased
Accessory Dwelling Unit (Attached or detached) - ADU/DADU	2 on site spots in addition to the single family home requirement.	No on site spots when located within 1/2 mile of a "Major Transit Stop" 2 on site spots in addition to single family home unless lot is under 6000 SF in which case only 1 spot.	Number of spots may be decreased. Definition of "Major Transit Stop" is being debated as it has different definitions in different house bills. Standard still applies, but may have different impacts based on what definition is settled on by state.
Private Lanes	A private lane may serve no more than 7 building sites	NA - Must treat Middle Housing similar to Single Family.	Review this based on safety, access, and fire requirements. Possible update to clarify Unit count instead of building site.

Design Standards

Design Standards	Current Standard	New Minimum Required	Jurisdictional Discretion
Single Family Homes	NA	Must Be Similar for all.	Design Standards could be developed for the Town. Examples provided in packet materials
Duplexes/Stacked Flats	NA		
Cottage Houses	NA		
Courtyard Apartments	NA		
Accessory Dwelling Unit (Attached or detached) - ADU/DADU	Entry can not face public street Owner Must Occupy ADU or single family home		
Additional Housing Types (not listed above)			

Updates without Flexible thresholds

- Owner Occupancy can not be required
- Maximum of 2 person Occupancy restriction of an ADU can not be required
- Design Review must be Administrative
- Shoreline Master program to be updated with required development

4.2 – Unit Lot Subdivisions

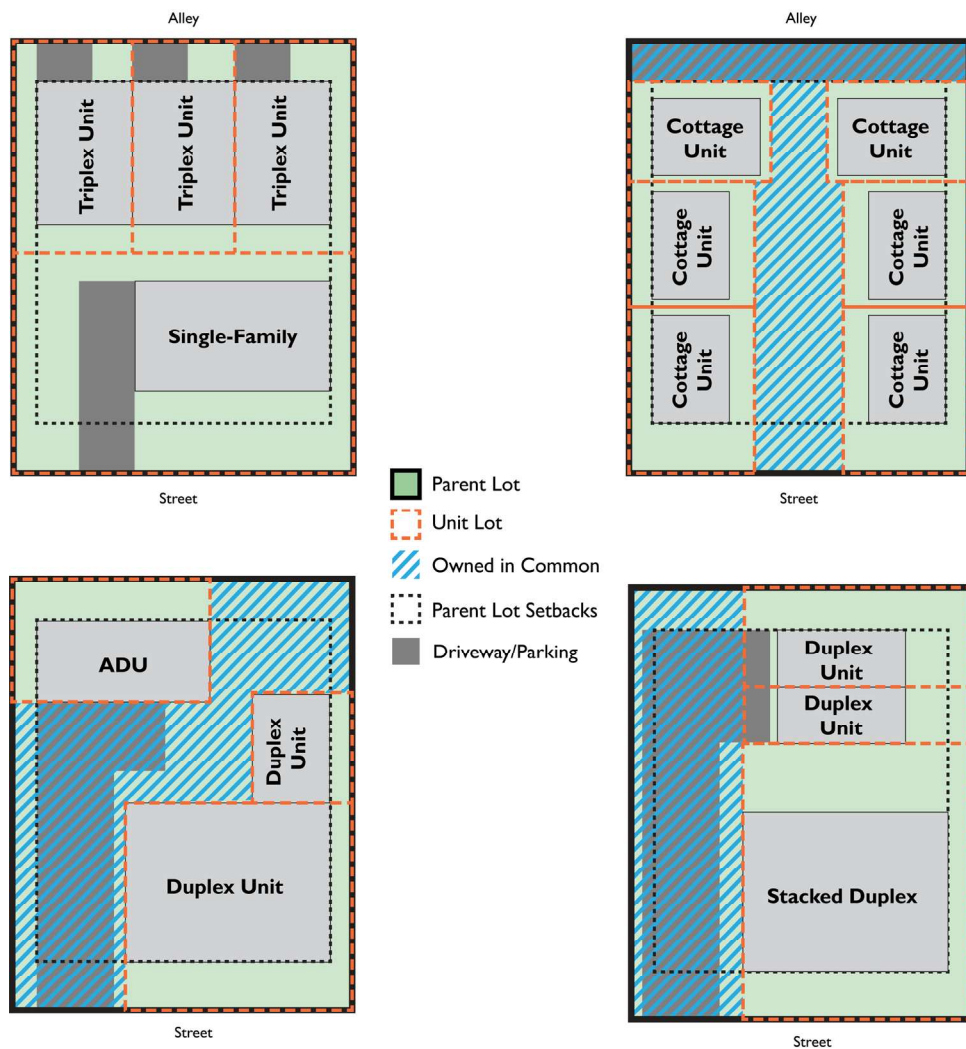
Unit lot subdivisions create new lots similar to a subdivision. The main difference and advantage of a unit lot subdivision is flexibility of zoning dimensional standards, such as minimum lot size, setbacks, and lot

coverage. Additionally, unit lot subdivision allows fee simple ownership of land for all middle housing types. Unit lot subdivisions can be an attractive tool for increasing homeownership opportunities.

Under [Senate Bill 5258 \(chapter 337, laws of 2023\)](#) local jurisdictions must allow for unit lot short subdivisions, as codified in RCW 58.17.060(3):

All cities, towns, and counties shall include in their short plat regulations procedures for unit lot subdivisions allowing division of a parent lot into separately owned unit lots. Portions of the parent lot not subdivided for individual unit lots shall be owned in common by the owners of the individual unit lots, or by a homeowners' association comprised of the owners of the individual unit lots.

Jurisdictions must implement this requirement by their next periodic comprehensive plan update.



Examples of unit lot subdivision configurations. Source: MAKERS

This chapter provides model unit lot subdivision standards with provisions commonly used by Washington cities. See a list of code examples from cities that have adopted unit lot subdivision rules in the References below.

The unit lot subdivision standards below should be supplemented with approval findings, which may or may not be similar to required findings for short subdivision. Jurisdictions may also need to amend their local

project review requirements to specify submittal materials for unit lot subdivision permit applications, should they differ from short subdivision or subdivision requirements.

Example Unit Lot Subdivision Standards

- X. Unit lot subdivisions. A lot may be divided into separately owned unit lots and common areas, provided the following standards are met.¹⁰³
1. *Process.* Unit lot subdivisions shall follow the application, review, and approval procedures for a short subdivision or subdivision, depending on the number of lots.
 2. *Applicability.* A lot to be developed with middle housing or multiple detached single-family residences, in which no dwelling units are stacked on another dwelling unit or other use, may be subdivided into individual unit lots as provided herein.
 3. *Development as a whole on the parent lot, rather than individual unit lots, shall comply with applicable design and development standards.*
 4. *Subsequent platting actions and additions or modifications to structure(s) may not create or increase any nonconformity of the parent lot.*
 5. *Access easements, joint use and maintenance agreements, and covenants, conditions and restrictions (CC&Rs) identifying the rights and responsibilities of property owners and/or the homeowners' association shall be executed for use and maintenance of common garage, parking, and vehicle access areas; bike parking; solid waste collection areas; underground utilities; common open space; shared interior walls; exterior building facades and roofs; and other similar features shall be recorded with the county auditor.*
 6. *Portions of the parent lot not subdivided for individual unit lots shall be owned in common by the owners of the individual unit lots, or by a homeowners' association comprised of the owners of the individual unit lots.*¹⁰⁴
 7. *Notes shall be placed on the face of the plat or short plat as recorded with the county auditor to state the following:*
 - a. *The title of the plat shall include the phrase "Unit Lot Subdivision."*
 - b. *Approval of the development on each unit lot was granted by the review of the development, as a whole, on the parent lot.*
 8. *Effect of Preliminary Approval.* Preliminary approval constitutes authorization for the applicant to develop the required facilities and improvements, upon review and approval of construction drawings by the public works department. All development shall be subject to any conditions imposed by the city on the preliminary approval.

¹⁰³ [RCW 58.17.060\(3\)](#)

¹⁰⁴ The owner of a detached single-family residence may propose developing middle housing on their lot while retaining ownership of the existing residence using unit lot subdivision.

9. *Revision and Expiration. Unit lot subdivisions follow the revision and expiration procedures for a short subdivision.*

10. *Definitions.*

- a. *"Lot, parent" means a lot which is subdivided into unit lots through the unit lot subdivision process.*
- b. *"Lot, unit" means a lot created from a parent lot and approved through the unit lot subdivision process.*
- c. *"Unit lot subdivision" means the division of a parent lot into two or more unit lots within a development and approved through the unit lot subdivision process.*

Local Policy Choice

Short Subdivisions

RCW 36.70A.635(5) states, in part: *...A city must also allow zero lot line short subdivision where the number of lots created is equal to the unit density required in subsection (1) of this section.* As Tier 1 cities must allow up to six units per lot, then they must allow at least six lots to be created in through a short subdivision process.

Under [RCW 58.17.020\(6\)](#), a "short subdivision" is the division or redivision of land into four or fewer lots, tracts, parcels, sites, or divisions for the purpose of sale, lease, or transfer of ownership. However, RCW 58.17.020(6) states that the legislative authority of any city or town may by local ordinance increase the number of lots, tracts, or parcels to be regulated as short subdivisions to a maximum of nine.¹⁰⁵ At a minimum, however, Tier 1 cities who limit short subdivisions to four lots need to raise the number to six lots.

All cities and towns interested in streamlining the subdivision process and promoting middle housing should set the maximum number of lots, tracts or parcels that can be created in a short subdivision to nine, as authorized by RCW 58.17.020(6) and encouraged by [RCW 36.70A.600\(1\)\(k\)](#). Short subdivisions require an administrative process and are typically reviewed and approved on a faster timeline than a subdivision.

Administrative Review of Preliminary and Final Plats

RCW 36.70A.600(1) encourages cities to:

- Adopt standards for administrative approval of final plats pursuant to RCW 58.17.100
- Adopt ordinances authorizing administrative review of preliminary plats pursuant to RCW 58.17.095

Discussion

Unit Lot Subdivision on Vacant Land

A unit lot subdivision may take place prior to development, during development, or afterwards. For example, a homeowner could use a unit-lot subdivision to sell a backyard to a developer who then builds a duplex on the unit lot.

¹⁰⁵ This authority was established in 2002 by SB 5832.

Unit Density and Dimensional Standards in Unit Lot Subdivisions

For the purpose of subdividing middle housing units into individual unit lots within a parent lot, the unit density standards apply only to the parent lot. Likewise, minimum lot size, setbacks, lot coverage, parking minimums and maximums, and FAR are applied to parent lots rather than individual lots.

Accessory Dwelling Units in Unit Lot Subdivisions

Two issues associated with ADU's and unit lot subdivisions warrant clarification:

- First, unit lot subdivisions may also be used to create individual unit lots for ADUs, both in attached or detached forms, except in the case where the ADU is stacked over or under the primary residence (stacked ADU forms may alternatively subdivide the ADU as a condominium). See the diagram on page 87 for an example site plan illustrating a detached ADU on its own unit lot.
- Secondly, RCW 36.70A.681(1)(c), requires cities and counties to allow at least two accessory dwelling units (ADUs) on all "lots" that are located in all zoning districts within an urban growth area that allow for single-family homes. The reference to "lots" here effectively means parent lots and not unit lots, as RCW 36.70A.681(1)(e) clarifies that the ADU provisions apply to lots that meet the minimum lot size required for the principal housing unit.

Zero Lot Line

The term "zero lot line" is used in several times in RCW 36.70A.635. State law does not define "zero lot line" nor "zero lot line subdivision."

Cities should interpret "zero lot line" to mean the physical state of a building located, or permitted to be located, on one or more property lot lines. This state can be achieved where a zoning setback requirement is zero feet, within attached townhouse developments on individual lots, or through other code mechanisms. This can also be achieved in a unit lot subdivision.

References

Examples of unit lot subdivision standards adopted by Washington cities:

- [Algona – Unit Lot Subdivision Frequently Asked Questions and Tips \(Short\)](#)
- [Arlington Municipal Code 20.44.020](#)
- [Bellevue – Unit Lot Subdivision Project Page and Code Amendments](#)
- [Edmonds Municipal Code 20.75.045](#)
- [Everett Municipal Code 19.27](#)
- [Lynnwood Municipal Code 19.40](#)
- [Mountlake Terrace Municipal Code 17.09](#)
- [Shoreline Municipal Code 20.30.410\(B\)\(4\)](#)
- [Snohomish Municipal Code 14.215.125](#)
- [Spokane Municipal Code 17G.080.065](#)
- [Wenatchee Municipal Code 11.32.080](#)

14.215.125 Fee Simple Unit Lot Subdivisions.

A. *Purpose.* The purpose of this section is to allow subdivision of certain housing types listed as allowed uses in Chapter [14.207](#) SMC where subdivision is not otherwise possible due to conflicts between characteristics of the development type and applicable dimensional standards in Chapter [14.210](#) SMC. In such cases, the unit lot subdivision process provides opportunities for fee simple ownership of land as an alternative to condominium ownership. Unit lot subdivision applies the dimensional standards in Chapter [14.210](#) SMC to the overall site, the "parent lot," while allowing flexibility in the dimensional standards for the subordinate "unit lots." This section is not intended to permit uses or densities that are not otherwise allowed in the land use designations in which a unit lot subdivision is proposed.

B. *Applicability.*

1. Only sites located in the following zoning districts may be subdivided into individual lots pursuant to this section:
 - a. Low Density Residential;
 - b. Medium Density Residential;
 - c. High Density Residential;
 - d. Commercial;
 - e. Business Park;
 - f. Historic Business District;
 - g. Pilchuck District; or
 - h. Single-Family Residential, only for accessory dwelling units (ADUs) pursuant to Chapter [14.170](#) SMC.
2. Only sites developed or proposed to be developed with the following types of development may be subdivided into individual lots pursuant to this section:
 - a. One or more duplexes; or
 - b. Townhouses; or
 - c. Detached dwellings or cottage housing pursuant to Chapter [14.175](#) SMC;
 - d. Manufactured home parks pursuant to Chapter [14.180](#) SMC; or
 - e. Accessory dwelling units pursuant to Chapter [14.170](#) SMC.

3. For previously developed lots, eligibility for unit lot subdivision shall be subject to compliance with all standards applicable to the parent lot and proposed unit lots. Inconsistency of existing development with the provisions of this section shall not constitute justification for a variance under Chapter [14.70](#) SMC.

C. *Deviation From Dimensional Standards.* The overall development on the parent lot proposed for subdivision shall maintain consistency with the development standards applicable to the zoning district and the land use type at the time the application is vested, as specified by the applicable code provisions and this section. Subsequent additions or modification to the structure(s) shall not create any nonconformity of the parent lot. Deviation from setback, lot width, and lot area standards in Chapter [14.210](#) SMC may be approved for individual unit lots through a unit lot subdivision, subject to any limitations in this section. Structures on unit lots and structures divided by unit lots that conform to a recorded unit lot subdivision shall not be considered nonconforming under Chapter [14.80](#) SMC.

D. *Subdivision of Cottage Housing and Detached Dwelling Developments on a Single Lot.*

1. Setbacks from the perimeter property lines of the parent lot shall conform to the setbacks for the underlying zoning district where the development is proposed.
2. The minimum lot size for detached dwelling developments shall be 3,500 square feet. Cottage housing developments do not have a minimum lot size requirement.
3. Each dwelling unit shall be subject to the design standards referred to in SMC [14.175.030\(D\)](#) except where they conflict with the provisions of this section.
4. Unit lots shall comply with all other provisions of SMC [14.210.215](#), except that lot lines shall be used in place of internal boundaries of exclusive use.

E. *Mobile Home Parks.* Mobile home parks shall be eligible for unit lot subdivision where consistent with the criteria and standards in Chapter [14.180](#) SMC, except that the unit lot subdivision and administrative development plan shall serve in lieu of the recorded development plan.

F. *Approval Process.* Unit lot subdivisions of four or fewer lots shall be processed in the same manner as short plats, as a Type 3 permit pursuant to Chapter [14.20](#) SMC. Unit lot subdivisions of five or more lots shall be processed as plats, as a Type 4 permit pursuant to Chapter [14.20](#) SMC. For subdivision of undeveloped land, the required site development plan process may be incorporated into the plat process.

G. *Approval Criteria.* In addition to any other standards and approval criteria applicable to a unit lot subdivision proposal, including but not limited to criteria in Chapters [14.65](#) and [14.210](#) SMC and this chapter, proposals shall be subject to the following:

1. Each unit lot shall have individual sewer service, water service, and a power meter specific to that unit.
2. Except for accessory dwelling units, private usable open space of at least 400 square feet, exclusive of required parking, shall be provided for each dwelling unit on the same unit lot as the dwelling unit it serves. Such areas shall have a minimum dimension of 15 feet and shall be usable.

3. Parking shall be calculated and designed for each lot in compliance with Chapter [14.235](#) SMC, although parking required for a dwelling may be provided on a different lot or tract within the parent lot as long as the right to use that parking is formalized by an easement declared on the plat. Where parking is provided on a different lot or tract the following sections of Chapter [14.235](#) SMC shall not apply or shall be modified as indicated:

- a. SMC [14.235.070](#), Joint Uses of Parking Facilities.
- b. SMC [14.235.080](#), Conditions Required for Joint Use.
- c. SMC [14.235.090](#), Location of Parking Spaces.
- d. SMC [14.235.130\(G\)](#), Backing into Streets: backing into private streets shall be allowed.
- e. SMC [14.235.130\(M\)](#), Tandem Parking: tandem parking shall be allowed for all types of development. (Ord. 2240, 2012; Ord. 2353, 2018; Ord. 2444, 2022; Ord. 2495, 2024)

The Snohomish Municipal Code is current through Ordinance 2512, passed December 3, 2024.

Disclaimer: The city clerk's office has the official version of the Snohomish Municipal Code. Users should contact the city clerk's office for ordinances passed subsequent to the ordinance cited above.

[City Website: www.snohomishwa.gov](http://www.snohomishwa.gov)

[City Telephone: \(360\) 568-3115](tel:(360)568-3115)

[Hosted by General Code.](#)

Chapter 19.19 - TRANSPORTATION IMPACT FEES

19.19.010 - Purpose and authority.

- A. This chapter is enacted pursuant to the city's police powers, the Growth Management Act as codified in RCW Chapter 36.70A ("the Act") and the impact fee statutes as codified in RCW 82.02.050 through 82.02.100.
- B. The purpose of this chapter is to:
 1. Develop a program consistent with the city's comprehensive plan for joint public and private financing of public streets and roads ("transportation facilities") consistent with the capital facilities plan of the city of Mercer Island comprehensive plan, as such transportation facilities are necessitated in whole or in part by development in the city;
 2. Ensure adequate levels of service in transportation facilities;
 3. Create a mechanism to charge and collect fees to ensure that all new development bears its proportionate share of the capital costs of transportation facilities reasonably related to new development, in order to ensure the availability of adequate transportation facilities at the time new development occurs; and
 4. Ensure fair collection and administration of such impact fees.
- C. The provisions of this chapter shall be liberally construed to effectively carry out its purpose in the interest of the public health, safety and welfare.

(Ord. 16C-01 § 1)

19.19.020 - Definitions.

Affordable housing unit means (1) an owner-occupied housing unit affordable to households whose household income is less than 80 percent of the King County median income, adjusted for household size, as determined by the United States Department of Housing and Urban Development (HUD), and no more than 30 percent of the household income is paid for housing expenses (e.g., mortgage, property taxes, hazard and mortgage insurance and homeowner's dues (if applicable), or (2) a renter-occupied housing unit affordable to households whose income is less than 60 percent of the King County median income, adjusted for household size, as determined by HUD, and no more than 30 percent of the household income is paid for housing expenses (rent and appropriate utility allowance). In the event that HUD no longer publishes median income figures for King County, the city may use another method as it may choose to determine the King County median income, adjusted for household size. The code official will make a determination of sales prices or rents that meet the affordability requirements of this chapter.

Capital facilities plan means the capital facilities element of the city of Mercer Island's comprehensive plan.

City means the city of Mercer Island.

Developer means the person or entity that owns or holds purchase options or other development control over property for which development activity is proposed.

Development activity means having any construction or expansion of a building, structure or use, any change in use of a building or structure, or any change in the use of land that creates additional demand for transportation facilities.

Dwelling unit means a dwelling as defined in MICC 19.16.010. For purposes of this chapter, an accessory dwelling unit as regulated in MICC 19.02.030 is considered an adjunct to the associated primary structure and is not charged a separate impact fee.

Encumbered means impact fees identified by the city as being committed as part of the funding for a transportation facility for which the publicly funded share has been assured or building permits sought or construction contracts let.

Impact fee means a payment of money imposed upon development activity as a condition of development approval to pay for transportation facilities needed to serve new growth and development, that is reasonably related to the new development that creates additional demand and need for public facilities, that is a proportionate share of the cost of the public facilities, and that is used for facilities that reasonably benefit the new development. "Impact fee" does not include a reasonable permit or application fee.

Impact fee schedule means the table of impact fees to be charged per unit of development, computed by the formula contained in the transportation impact fee rate study, indicating the standard fee amount per unit of development that shall be paid as a condition of such development within the city.

(Ord. 16C-01 § 1)

19.19.030 - Impact fee program elements.

- A. The city shall impose impact fees on every development activity in the city for which an impact fee schedule has been established.
- B. Any impact fee imposed shall be reasonably related to the impact caused by the development and shall not exceed a proportionate share of the costs of system improvements that are reasonably related to the new development. The impact fee formula shall account in the fee calculation for future revenues the city will receive from the development.
- C. The impact fee shall be based on the capital facilities element adopted by the city as part of the city's comprehensive plan and on the city's six-year transportation improvement program.

(Ord. 16C-01 § 1)

19.19.040 - Fee calculations.

- A. The fee shall be calculated based on the methodology set forth in the transportation impact fee rate study.
- B. Any impact fee imposed shall be reasonably related to the impact caused by the development and shall not exceed a proportionate share of the cost of system improvements that are reasonably related to the new development. The impact fee formula shall take into account the future revenues the city will receive from the development, along with system costs related to serving the new development.
- C. For the purpose of this chapter, mobile homes shall be treated as single-family dwellings and duplexes shall be treated as multifamily dwellings.
- D. The methodology shall provide for a credit for transportation facilities or sites actually provided by a developer which the city finds acceptable.

(Ord. 16C-01 § 1)

19.19.050 - Assessment and collection of impact fees.

- A. The city shall collect impact fees, based on the city's permit and impact fee schedule, from any applicant seeking a building permit from the city.
- B. All impact fees shall be collected from the applicant prior to issuance of the building permit unless the use of an independent fee calculation has been approved or unless the applicant applies for deferred payment of impact fees pursuant to MICC 19.19.060. The fee shall be calculated based on the impact fee schedule in effect at the time the building permit is issued unless otherwise required pursuant to MICC 19.19.060.
- C. For building permits within new subdivisions approved under chapter 19.08 MICC (Subdivisions), a credit shall be applied for any dwelling unit that exists on the land within the subdivision prior to the subdivision if the dwelling unit is demolished. The credit shall apply to the first complete building permit application submitted to the city subsequent to demolition of the existing dwelling unit, unless otherwise allocated by the applicant of the subdivision as part of approval of the subdivision.
- D. The city shall not issue the required building permit unless and until the impact fees set forth in the impact fee schedule have been paid.
- E. The city may impose an application fee, as provided for in the city's adopted permit and impact fee schedule, to cover the reasonable cost of administration of the impact fee program. The fee is not refundable and is collected from the applicant of the development activity permit at the time of permit issuance.

19.19.060 - Option for deferred payment of impact fees.

An applicant may request, at any time prior to building permit issuance, and consistent with the requirements of this section, to defer to final inspection the payment of an impact fee for a residential development unit. The following shall apply to any request to defer payment of an impact fee:

- A. The applicant shall submit to the city a written request to defer the payment of an impact fee for a specifically identified building permit. The applicant's request shall identify, as applicable, the applicant's corporate identity and contractor registration number, the full names of all legal owners of the property upon which the development activity allowed by the building permit is to occur, the legal description of the property upon which the development activity allowed by the building permit is to occur, the tax parcel identification number of the property upon which the development activity allowed by the building permit is to occur, and the address of the property upon which the development activity allowed by the building permit is to occur. All applications shall be accompanied by an administrative fee as provided for in the city's adopted permit and impact fee schedule.
- B. The impact fee amount due under any request to defer payment of impact fees shall be based on the schedule in effect at the time the applicant provides the city with the information required in subsection A of this section.
- C. Prior to the issuance of a building permit that is the subject of a request for a deferred payment of impact fee, all applicants and/or legal owners of the property upon which the development activity allowed by the building permit is to occur must sign a deferred impact fee payment lien in a form acceptable to the city attorney. The deferred impact fee payment lien shall be recorded against the property subject to the building permit and be granted in favor of the city in the amount of the deferred impact fee. Any such lien shall be junior and subordinate only to one mortgage for the purpose of construction upon the same real property subject to the building permit. In addition to the administrative fee required in subsection A of this section, the applicant shall pay to the city the fees necessary for recording the lien agreement with the King County recorder.
- D. The city shall not approve a final inspection until the transportation impact fees identified in the deferred impact fee payment lien are paid in full.
- E. In no case shall payment of the impact fee be deferred for a period of more than 18 months from the date of building permit issuance.
- F. Upon receipt of final payment of the deferred impact fee as identified in the deferred impact fee payment lien, the city shall execute a release of lien for the property. The property owner may, at his or her own expense, record the lien release.

- G. In the event that the deferred impact fee is not paid within the time provided in this subsection, the city shall institute foreclosure proceedings under the process set forth in RCW Chapter 61.12.
- H. An applicant is entitled to defer impact fees pursuant to this section for no more than 20 single-family dwelling unit building permits per year in the city. For purposes of this section, an "applicant" includes an entity that controls the applicant, is controlled by the applicant, or is under common control with the applicant.

(Ord. 16C-01 § 1)

19.19.070 - Exemptions.

The following development activity is exempt or partially exempt from the payment of transportation impact fees:

- A. Reconstruction, remodeling or construction of any form of affordable (low-income) housing units, as defined in this chapter, may request an exemption of 80 percent of the required impact fee. Any claim for an exemption for affordable housing units must be made prior to payment of the impact fee, and any claim not so made shall be deemed waived. Prior to any development approval, the owner shall execute and record against the property in the King County real property title records a city-prepared covenant that shall guarantee that the affordable housing shall continue, which covenant shall run with the land, address annual reporting requirements to the city, price restrictions and household income limits and be consistent with the provisions of RCW 82.02.060(3) as now adopted or hereafter amended. In the event that the exempt housing unit is no longer used for affordable (low-income) housing as defined in this chapter, the current owner shall pay the applicable impact fees in effect at the time of conversion.
- B. Rebuilding of legally established building(s) destroyed or damaged by fire, flood, explosion, act of God or other accident or catastrophe, or remodeling of existing legally established building(s), or replacing demolished legally established building(s); provided, that a complete building permit for construction or reconstruction is submitted to the city within 12 months of the date of the loss or demolition, as the case may be, and so long as no additional dwelling units are created or change of use from one category on the impact fee schedule to another category on the impact fee schedule occurs. If such change of use occurs, the impact fee will be calculated based on the impact fee of the new use minus the impact fee of the prior use, based on the rates in the impact fee schedule pursuant to MICC 19.19.050.
- C. Condominium projects in which existing dwelling units are converted into condominium ownership and where no new dwelling units are created.
- D.

Any development activity that is exempt from the payment of an impact fee pursuant to RCW 82.02.100, due to mitigation of the same system improvement under the State Environmental Policy Act.

- E. Any development activity for which transportation impacts have been mitigated pursuant to a condition of plat approval to pay fees, dedicate land or construct or improve transportation facilities, unless the condition of the plat approval provides otherwise; and further provided, that the condition of the plat approval predates the effective date of fee imposition.
- F. Any development activity for which transportation impacts have been mitigated pursuant to a voluntary agreement entered into with the city to pay fees, dedicate land or construct or improve transportation facilities, unless the terms of the voluntary agreement provide otherwise; and further provided, that the agreement predates the effective date of fee imposition.
- G. Retail and restaurant uses as defined in chapter 19.16 MICC.

(Ord. 16C-01 § 1)

19.19.080 - Determination of the fee, adjustments, exceptions and appeals.

- A. The city shall determine a developer's impact fee, according to the impact fee schedule.
- B. The fee amount established in the schedule shall be reduced by the amount of any payment previously made for the lot or development activity in question, either as a condition of approval or pursuant to a voluntary agreement.
- C. Whenever a developer is granted approval subject to a condition that the developer provide a transportation facility acceptable to the city, the developer shall be entitled to a credit for the actual cost of providing the facility, against the fee that would be chargeable under the formula provided by this chapter. The cost of construction shall be estimated at the time of approval, but must be documented, and the documentation confirmed after the construction is completed to assure that an accurate credit amount is provided. If construction costs are less than the calculated fee amount, the difference remaining shall be chargeable as a transportation impact fee.
- D. The standard impact fees may be adjusted, if one of the following circumstances exist; provided, that any discount set forth in the fee formula fails to adjust for the error in the calculation or fails to ameliorate for the unfairness of the fee:
 - 1. The developer demonstrates that an impact fee assessment was improperly calculated; or
 - 2. Unusual circumstances identified by the developer demonstrate that if the standard impact fee amount was applied to the development, it would be unfair or unjust.
- E. A developer may provide studies and data to demonstrate that any particular factor used by the city may not be appropriately applied to the development proposal.
- F.

Any appeal of the decision of the city with regard to fee amounts shall follow the process for the appeal of the underlying development application, as set forth in the Mercer Island City Code. Any errors in the formula identified as a result of the appeal should be referred to the council for possible modification.

- G. Impact fees may be paid under protest in order to obtain a permit or other approval of development activity.

(Ord. 16C-01 § 1)

19.19.090 - Impact fee accounts and refunds.

- A. Impact fee receipts shall be earmarked specifically and retained in a special interest-bearing account established by the city solely for the city's transportation impact fees. All interest shall be retained in the account and expended for the purpose or purposes for which impact fees were imposed. Annually, the city shall prepare a report on the impact fee account showing the source and amount of all moneys collected, earned or received, and capital or system improvements that were financed in whole or in part by impact fees.
- B. Impact fees for transportation system improvements shall be expended by the city for capital improvements including but not limited to transportation planning, land surveys, land acquisition, site improvements, necessary off-site improvements, construction, engineering, architectural, permitting, financing, and administrative expenses, and any other expenses which could be capitalized, and which are consistent with the city's capital facilities element of its comprehensive plan or the city's six-year transportation improvement program.
- C. Impact fees may be used to recoup costs for system improvements previously incurred by the city to the extent that new growth and development will be served by the previously constructed system improvements.
- D. In the event that bonds or similar debt instruments are issued for the advanced provision of capital facilities for which impact fees may be expended and where consistent with the bond covenants, impact fees may be used to pay debt service on such bonds or similar debt instruments to the extent that the facilities or improvements provided are consistent with the requirements of this section.
- E. Impact fees shall be expended or encumbered by the city for a permissible use within ten years of receipt by the city, unless there exists an extraordinary or compelling reason for fees to be held longer than ten years.
- F. The current owner of property on which an impact fee has been paid may receive a refund of such fees if the impact fees have not been expended or encumbered within ten years of receipt of the funds by the city on transportation facilities intended to benefit the development activity for which the impact fees were paid. In determining whether impact fees have been encumbered,

impact fees shall be considered encumbered on a first-in, first-out basis. The city shall notify potential claimants by first-class mail deposited with the United States Postal Service addressed to the owner of the property as shown in the county tax records.

- G. An owner's request for a refund must be submitted to the city in writing within one year of the date the right to claim the refund arises or the date that notice is given, whichever date is later. Any impact fees that are not expended or encumbered by the city in conformance with the capital facilities element within these time limitations, and for which no application for a refund has been made within this one-year period, shall be retained and expended consistent with the provisions of this section. Refunds of impact fees shall include any interest earned on the impact fees.
- H. Should the city seek to terminate any or all transportation impact fee requirements, all unexpended or unencumbered funds, including interest earned, shall be refunded to the current owner of the property for which a transportation impact fee was paid. Upon the finding that any or all fee requirements are to be terminated, the city shall place notice of such termination and the availability of the refunds in a newspaper of general circulation at least two times and shall notify all potential claimants by first-class mail addressed to the owner of the property as shown in the county tax records. All funds available for refund shall be retained for a period of one year. At the end of one year, any remaining funds shall be retained by the city, but must be expended by the city, consistent with the provisions of this section. The notice requirement set forth above shall not apply if there are no unexpended or unencumbered balances within the account or accounts being terminated.
- I. A developer may request and shall receive a refund, including interest earned on the impact fees, when:
 - 1. The developer has not received final plat approval, the building permit, the mobile home permit, the site plan approval, nor final approval for the development activity as required by statute or city code including the International Building Code; and
 - 2. No impact on the city has resulted. "Impact" shall be deemed to include cases where the city has expended or encumbered the impact fees in good faith prior to the application for a refund. In the event that the city has expended or encumbered the fees in good faith, no refund shall be forthcoming. However, if, within a period of three years, the same or subsequent owner of the property proceeds with the same or substantially similar development activity, the owner shall be eligible for a credit. The owner must petition the city and provide receipts of impact fees paid by the owner for a development of the same or substantially similar nature on the same property or some portion thereof. The city shall determine whether to grant a credit, and such determinations may be appealed by following the procedures set forth in MICC 19.19.080.

J.

Interest due upon the refund of impact fees required by this section shall be calculated according to the average rate received by the city on invested funds throughout the period during which the fees were retained.

(Ord. 16C-01 § 1)

19.19.100 - Fee schedule, review of schedule and updates.

- A. The transportation impact fees shall be adopted in the development and construction fee schedule based on the most recent rate study approved by the city council and updated annually thereafter as described in MICC 19.19.100 (B).
- B. Transportation impact fee rates shall be updated annually using the following procedures:
 - 1. The code official shall use the Construction Cost Index for Seattle (June-June) published by the Engineering News Record to calculate annual inflation adjustments in the impact fee rates. The transportation impact fees shall not be adjusted for inflation should the index remain unchanged.
 - 2. The indexed impact fee rates shall be effective January 1.
- C. The code official shall review the transportation impact fee rates annually to determine if a new transportation impact fee rate study is necessary and recommend to the city council when a new study should be prepared.

(Ord. 16C-01 § 1; Ord. No. 22C-06, § 1, 6-7-2022)

D. IMPACT FEES		
Type	Basis of Fee	Fee
School Impact Fees		
Single Family	School impact fees reduced to zero by MISD 8/2020	\$0
Multi Family		\$0
Transportation Impact Fees		
Single Family 1-2 dwellings, per dwelling unit	2022 Transportation Impact Fee Rate Study (Fehr and Peers)	\$4,388.23
Multi Family, per dwelling unit		\$1,961.12
Senior Housing, per dwelling unit		\$1,307.06
Care Facility, per dwelling		\$980.56
Lodging, per guest room		\$2,754.66
Commercial Services, per square foot of gross floor area		\$8.22
Auto Service Center, per square foot of gross floor area		\$9.62
Bank, per square foot of gross floor area		\$63.75
School, per student		\$654.06
Daycare, per square foot of gross floor area		\$5.19
Institutional, per square foot of gross floor area		\$3.17
Light Industry/Industrial Park per square foot of gross floor area		\$2.34
Warehousing/Storage, per square foot of gross floor area		\$0.85
Restaurant, per square foot of gross floor area*		\$20.39
Quick Restaurant/Coffee Shop, per square foot of gross floor area*		\$73.17
General Retail, per square foot of gross floor area*		\$25.30
Supermarket, per square foot of gross floor area*		\$31.75
Gas Station, per pump		\$37,835.11
Administrative Office, per square foot of gross floor area		\$6.72
Medical/ Dental Office, per square foot of gross floor area		\$18.34
Recreation, per square foot of gross floor area	\$0.21	
*These retail and restaurant uses are exempt from paying impact fees; City pays Transportation Impact Fee Fund.		
Park Impact Fees		
Single Family	2022 Parks Impact Fee Rate Study (BERK)	\$6,416.97
Multi Family		\$3,996.21

Volume of Earth		
Up to 100 cubic yards	\$267	Base fee
101 to 1,000 cubic yards	\$811	Base fee
1,001 to 10,000 cubic yards	\$915	Base fee
10,001 to 100,000 cubic yards	\$1,195	Base fee
100,001 or more cubic yards	\$1,492	Base fee
Clear and grade re-review	\$266	Per hour
Re-inspection fee-excess inspection caused by the contractor	\$266	Per hour
Non-Native, invasive, or noxious weed removal more than 2,500 sq. ft. and less than 1 acre with site restoration	\$0	No charge
Clear & Grade with Infrastructure Improvements	\$2,727	Deposit

Code Enforcement Penalties (SMC 23.100)		
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Infraction		Up to \$1,000
Stop work order		Up to \$1,000
Sign illegally placed on public property	\$25	Per sign
Noncompliance		
1 to 15 days	\$100 - \$250	Per day
16 to 31 days	\$250 - \$500	Per day
31+ days	\$500 - \$1,000	Up to \$500 per day (\$50,000 maximum)
Violation of an approved permit and/or permit conditions	\$1,000	
Environment damage/critical areas violations		Up to \$25,000, plus the cost of restoration.
Unlawful tree removal or damage		\$1,500 per inch of diameter at breast height of tree removed or damaged

Impact Fees		
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Park impact fees (SMC 21.08.040.K)		
Single-family residence	\$6,739	Per dwelling unit
Multi-family unit	\$4,362	Per dwelling unit
Street impact fees (SMC 21.08.030.K)		
Single-family residence	\$14,204.27	Per dwelling unit
Townhouse/low-rise condominium	\$10,969.63	Per dwelling unit
Multi-family unit/apartment	\$8,719.45	Per dwelling unit
School impact fees		
Lake Washington School District		
Single-family residence	\$7,723.50	Per dwelling unit
Multi-family unit	\$528.00	Per dwelling unit
Issaquah School District		
Single-family residence	\$23,264.30	Per dwelling unit
Multi-family unit	\$5,270.60	Per dwelling unit
Snoqualmie Valley School District		
Single-family residence	\$13,848.58	Per dwelling unit
Multi-family unit	\$9,587.21	Per dwelling unit
School impact administration fee	\$144	

Public Works Review and Permit Fees		
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Engineering Review Fees		
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Drainage Adjustment Review	\$2,757	Flat fee
Public Works Standard Deviation Review	\$2,757	Flat fee
Review, not otherwise listed (1/2 hour minimum)	\$192	Per hour
Preliminary Short Plat (up to 9 lots) - up to 28 hours	\$6,692	Base fee
Preliminary Plat (10 or more lots) - up to 54 hours	\$11,727	Base fee