



Planning Commission
Meeting:

First Wednesday of
every Month @ 7:00pm

Planning & Community
Development
Department

1812 Main Street
Lake Stevens, WA
98258 (425) 377-3235

www.lakestevenswa.gov

Municipal Code

Available online:

www.codepublishing.com/WA/LakeStevens/

PLANNING COMMISSION AGENDA

Regular Meeting Date: 08 / 15 / 18

CALL TO ORDER: 7:00pm

Pledge of Allegiance

ROLL CALL

GUEST BUSINESS

ACTION ITEMS

1. Approval of June 6, 2018, minutes
2. Approval of June 13, 2018, minutes

DISCUSSION ITEMS

1. Wireless Communication Facilities
2. Residential Zoning overview

Senior Planner Machen
Community Development Director

COMMISSIONER REPORTS

PLANNING DIRECTOR'S REPORT

ADJOURN

SPECIAL NEEDS

The City of Lake Stevens strives to provide accessible opportunities for individuals with disabilities. Please contact City of Lake Stevens ADA Coordinator, at (425) 377-3227 at least five business days prior to any City meeting or event if any accommodations are needed. For TDD users, please use the state's toll-free relay service.

PLANNING COMMISSION REGULAR MEETING MINUTES

Community Center
1808 Main Street, Lake Stevens
Wednesday, June 6, 2018

CALL TO ORDER: 7:00 pm by Chair Janice Huxford

MEMBERS PRESENT: Janice Huxford, Jennifer Davis, Tracey Trout, Vicki Oslund and Linda Hoult

MEMBERS ABSENT: Karim Ali

STAFF PRESENT: Community Development Director Russ Wright and Senior Planner Josh Machen, Associate Planner Dillon Roth, Clerk Jennie Fenrich

OTHERS PRESENT: Councilmember McDaniel, Councilmember Petershagen

Excused Absence: Motion was made by Commissioner Hoult to excuse Karim Ali's absence. Commissioner Davis seconded. Motion passed 5-0-0-1.

Guest business. Scott Erie shared that he does not believe that the new road proposed on the Sedona development does not meet code and should not be allowed as submitted.

Action Items:

1. Commissioner Hoult made a motion Commissioner Trout seconded to approve the May 16, 2018 minutes as amended. Approved 5-0-0-1.

Public Hearing:

PC Chair Opens Meeting - Commissioner Huxford asked for a motion to open the public hearing for LUA2017-0171 ADU Code Amendment.

Staff Presentation Associate Planner Dillon Roth presented the staff report and gave background on the process for this amendment. The new code makes it easier to permit Accessory Dwelling Units. These changes would allow residents to build an additional unit on their property to either house family or rent out for additional income. The added benefit also help the City meet the requirements for affordable housing.

Commissioner's questions for staff- Commissioner Davis asked for clarification on the wording of the definition of and ADU. Associate Planner Roth explained the reasons for the words "a unit that provides the basic requirements of shelter, heating, cooking and sanitation or any combination of these". The commission discussed how would it be possible to exclude any of the requirements. Examples were given by Planner Roth of how applications have come in and would not comply with current ADU requirements and this gives the Planning Department flexibility to determine if it is an ADU.

Comments from the audience- Many citizens gave their opinion of the proposed amendment and all were in favor.

Commission Action-Commissioner Davis made a motion to forward the Planning Commission's recommendation to City Council to approve the Final Plat ADU amendment. Commissioner Hoult seconded it. The motion carried 5-0-0-1.

Opening of the Hearing - Commissioner Huxford asked for a motion to open the public hearing for LUA2018-0035 Temporary Encampment Code Amendment. Commissioner Trout moved and Commissioner Hoult seconded. Motion passed 5-0-0-1.

Staff Presentation Senior Planner Josh Machen presented the staff report and gave background on the process for this amendment. WCIA audit found we didn't have any regulations regarding temporary encampments. City Council has asked for some regulations to be set in place.

Commissioner's questions for staff- Commissioner Oslund asked if insurance will be required and whose responsibility will it be to purchase it. Community Development Director Wright suggested we add language into the recommendation to Council that address this.

Comments from the audience- A suggestion was made to have a monetary fine be assessed to the sponsoring group if any violations occurred. Another comment asked how logically we could get them to leave when their allotted time was over. There were concerns that it will have an impact on home values. She is not in favor of the amendment. Another citizen wondered who will be liable when a resident of the encampment threatens or hurts a resident.

Commissioner Hoult made a motion to close the public comment and Commissioner Davis seconded. Motion carried. 5-0-0-1.

Comments from the Commissioners- Chair Huxford suggests responsibility and liability be on the sponsor's shoulder. Senior Planner Machen said he made this amendment as restrictive as possible. Director Wright agrees with the recommendation of requiring insurance. Any issues that arise will be dealt with by code enforcement.

Commission Action-Commissioner Davis made a motion to forward the Planning Commission's recommendation to City Council to approve the Temporary Encampment amendment with an add. Commissioner Hoult seconded it. The motion carried 5-0-0-1.

Commissioner Reports

Commissioner Davis commented on the DOT video that was made providing information on the Trestle issues. She also thanked the City for their quick response on getting Wyatt Park safety under control. Commissioner Hoult requested that if new material is submitted prior to the Planning Commission meeting, could commissioners be called to be advised. Commissioner Oslund received comments that there were

Planning Director Report: none

Future Agenda Items

Public Hearing on Downtown Plan

Adjourn. Motion to adjourn by Commissioner Hoult, seconded by Commissioner Davis.
Motion carried 5-0-0-1. Meeting adjourned.

Janice Huxford, Chair

Jennie Fenrich, Clerk, Planning &
Community Development

DRAFT

PLANNING COMMISSION REGULAR MEETING MINUTES

Community Center
1808 Main Street, Lake Stevens
Wednesday June 13, 2018

CALL TO ORDER: 7:00 pm by Chair Janice Huxford

MEMBERS PRESENT: Chair Janice Huxford, Vicky Oslund, Tracey Trout, Linda Hoult, Jennifer Davis

MEMBERS ABSENT: Karim Ali

STAFF PRESENT: Community Development Director Russ Wright and Clerk Jennie Fenrich

OTHERS PRESENT: Councilmembers Rauchel McDaniel, Gary Petershagen and Brett Gailey

Unexcused Absence: Chair Huxford noted that Commissioner Ali is not present and not excused.

Guest business: none

Action Items: none

Public Hearing:

Chair Huxford asked for a motion to open the public hearing, Commissioner Hoult moved to open the hearing and Commissioner Trout seconded. Approved 5-0-0-1.

Community Development Director Russ Wright presented an overview of the Downtown Subarea Plan and the process that has led up to this Hearing. During tonight's hearing the Planning Commission will make their recommendation to the City Council. Director Wright explained the Scoping Process, Environmental Review, Subarea Plan Overview including the North Cove Park redesign, Commercial Growth and proposed Zoning. Director Wright spoke about parking, acknowledging there has been concern. There most likely will be a combination of street, public and paid and surface lots. There will be a formal connection from Main Street to Hwy 92.

Prior to the Commissioners' discussion, Chair Huxford noted for transparency that Commissioner Trout was a resident in the area that we are discussing tonight and asked if there were any objections. None were expressed.

Commissioner Oslund asked what the estimation of the number of guests the hotel would accommodate. Commissioner Trout asked about parking for the guests, Director Wright responded that it would probably be 100 guests and the parking could be underground or on site depending where the hotel is placed. Commissioner Trout asked for clarification on the zoning that was being proposed for the lake outflow to Mixed Use zone. Director Wright stated there won't be any building on the outflow. The topic of height restrictions came up next. Commissioners discussed affordable housing and the opportunity to be able to be flexible on incentives for builders and not block lakefront views.

Capital funds were discussed next, we have an allocation of dollars in the State budget. Director Wright said these funds will be used for North Cove Park and Main Street renovation.

Comments from the audience:

Land Use- none

Zoning- none

Capital- none

Marc Kochel asked about the parking in the new vision. He wanted to make sure the boat parking is retained.

Cyndi Whitsell-Fraiser is sad that there will be nothing historic left in the build-out.

Tom Thorliefson made a suggestion to leave war memorial in place and build around it. He also gave his thoughts on how to keep the museum in place.

Chris Oakes suggested the City maintain the small rambler at the end of park and make it a boat rental business and extend the beach and have vendors sell food, have some fire-pits.

Steve Wicklund wants to save the town's history and wants the plan to include some history to remain.

Loren Sperry is concerned that there is not enough parking. He also wants to make sure there is flexibility in the plan.

Chairperson Huxford asked for a motion to close the public comment portion. Commissioner Hoult made the motion to close, Commissioner Trout seconded, Motion passed 5-0-0-1.

Commissioner Trout make a motion to approve the Land Use Elements of the Subarea Plan. Commissioner Hoult seconded. Motion passed 5-0-0-1.

Commissioner Hoult mad a motion to approve Zoning Amendments of the Subarea Plan, including removing FAR requirements and additional height restrictions. Commissioner Davis seconded. Motion carried 5-0-0-1.

Commissioner Oslund made a motion to recommend the Planned Action Ordinance. Commissioner Hoult seconded. Approved 5-0-0-1.

Commissioner Reports: Commissioner Hoult thanked the public for their participation tonight and Chair Huxford invited everyone to Aquafest.

Director Report: None

Adjourn: Motion by Commissioner Hoult to adjourn Commissioner Trout 2nd. Motion carried 5-0-0-1. Meeting adjourned at 8:26 p.m.

Janice Huxford, Chair

Jennie Fenrich, Clerk, Planning & Community Development



Staff Report
City of Lake Stevens
Planning Commission
Briefing
Date: **August 15, 2018**

SUBJECT: LUA2018-0108- City initiated code amendment regarding Small Cell Wireless Communications

CONTACT PERSON/DEPARTMENT: Joshua Machen, *Senior Planner* / Russ Wright, *Community Development Director*

SUMMARY:

The City is drafting new and revised regulations regarding wireless communication facilities. The proposed project would involve three primary components:

- General review of our existing wireless communication ordinance to ensure compliance with the Spectrum Act.
- Adoption of a model ordinance, which has been developed by a consortium of cities and legal counsel that addresses small cell facilities and networks.
- Adoption of a franchise agreement template, which the City would use to enter agreements with wireless providers to simplify processing of small cell facility networks within public rights-of-way.

ACTION REQUESTED OF PLANNING COMMISSION:

Review the following attachments:

- A. Section 6409(a) Spectrum Act
- B. Model Chapter Implementing the FCC regulations related to the Spectrum Act
- C. Matrix comparison of small cell facility ordinance features adopted by other Washington jurisdictions

Then provide staff feedback on primary concerns as we draft new and revised regulations to govern wireless communication facilities.

Background:

1. *Spectrum Act* - Section 6409(a) of the Middle Class Tax Relief and Job Creation Act of 2012 (Attachment A) (known as the Spectrum Act) mandates that a State or local government approve certain wireless broadband facilities siting requests for modifications and collocations of wireless transmission equipment on an existing tower or base station that does not result in a substantial change to the physical dimensions of such tower or base station. In October 2014, the Federal Communications Commission unanimously approved rules interpreting Section 6409(a). The City needs to modify our regulations to be consistent with the Spectrum Act and the FCC rules.

2. *Small Cell Facilities* - Over the past several legislative sessions both Mobilitie and Verizon have pursued legislative and regulatory routes to create laws and regulations that enable the build-out of small cell deployment. Mobilitie has filed a Petition of Declaratory Ruling with the FCC and Verizon is lobbying the Washington State legislature. These avenues are aimed at:

- restricting cities' ability to regulate their rights-of-way,
- manage the build out the personal wireless facilities,
- limit the time a city has to respond to siting requests, and
- cap the amount a city may charge for the use of city owned infrastructure.

A little over a year ago, the City joined a consortium of Cities working with the Law offices of Ogden Murphy and Wallace to analyze and draft responses to Mobelite's FCC Petition and Verizon's proposed legislation.

While to date these the proposed petition and bills have not passed the FCC nor the Washington State legislature, the consortium members have drafted model ordinances that can be used by jurisdictions to help facilitate the permitting and siting of small cell facility networks. Staff will seek direction on these proposed model ordinances in future meetings with the Planning Commission as it tailors the model ordinance for Lake Stevens.

Purpose of Code Amendment

Bring the City's codes and regulations into compliance with the Spectrum Act and the adopted FCC rules regarding the permitting and siting of wireless communication facilities. Modify the city regulations to recognize the changing technology related to small-cell facility networks and put into place regulations defining small cell facilities and permitting procedures to allow their development along with proper aesthetic and concealment regulations. The code amendments would also alter or develop templates for franchise agreements for wireless providers to allow deployment of small cell facility networks within the City rights-of-way.

Framework for Proposed Regulations

1. *Spectrum Act*-regulations would be drafted to comply with the Spectrum Act specifically the following key provisions need to be incorporated into the Lake Stevens Municipal Code:
 - **Eligible Facility Modification (EFM's)** - specific provisions will be drafted to allow certain modifications to eligible facilities in accordance with the act. These provisions often include collocation or swapping of existing antennas etc. Our codes need to be updated regarding the specific timelines (shot clock) for issuing these types of permits.
 - **Wireless Communication Facilities (WCF's)** - specific provisions will be drafted to permit new WCF's throughout the City including processes for new towers and tower height allowances that meet industry needs. Provisions could also include aesthetic design regulations and screening requirements.

A draft model chapter implementing the Spectrum Act has been attached for your review and comment (Attachment B)

2. *Small Cell Facility Network* - as indicated above, the city participated in a multi-jurisdictional consortium addressing small cell facility networks throughout the state and specifically within Lake Stevens. The consortium has worked with the cellular industry to develop model ordinances and franchise agreements to allow the establishment of small cell facility networks within cities.

- **Model Ordinance** - the staff is currently reviewing the draft model ordinance and will be presenting the planning commission draft regulations related to the siting of small cell facilities in a future meeting. This packet contains a comparison matrix prepared by the consortium which demonstrates the variety of regulations that could be included in the regulations (Attachment C).
- **Franchise Agreement** - a couple of Cities in the consortium have developed franchise agreements with wireless providers to provide simplified processing of small cell facility networks within public rights-of-way. The staff will be drafting regulations to guide the acceptance and adoption of such franchise agreements for small cell facilities. The planning commission will be asked to review and comment on the draft regulations related to franchise agreements at a future meeting.

Next steps

The purpose of this briefing is to introduce you to the Spectrum Act, the FCC rules implementing that act and to give you a primer regarding proposed small cell facility networks and the need for franchise agreements for the use of public rights-of-way. The staff has provided a model chapter for review and consideration, as we develop ordinances to address wireless communication facilities for the future.

Attachments

- A. Section 6409(a) of the Middle Class Tax Relief and Job Creation Act of 2012
- B. Model Chapter Implementing “Spectrum Act” regulations (Prepared by National League of Cities)
- C. Small Cell Ordinance Matrix (Prepared by City Consortium)

Middle Class Tax Relief and Job Creation Act of 2012 (AKA Spectrum Act)

SEC. 6409. WIRELESS FACILITIES DEPLOYMENT.

(a) Facility Modifications.—

(1) In general--Notwithstanding section 704 of the Telecommunications Act of 1996 (Public Law 104-104) or any other provision of law, a State or local government may not deny, and shall approve, any eligible facilities request for a modification of an existing wireless tower or base station that does not substantially change the physical dimensions of such tower or base station.

(2) **Definition.** Eligible facilities request.--For purposes of this subsection, the term ``eligible facilities request'' means any request for modification of an existing wireless tower or base station that involves--

- (A) collocation of new transmission equipment;
- (B) removal of transmission equipment; or
- (C) replacement of transmission equipment.

(3) **Applicability of environmental laws.**--Nothing in paragraph (1) shall be construed to relieve the Commission from the requirements of the National Historic Preservation Act or the National Environmental Policy Act of 1969.

Attachment B

Wireless Facility Siting: Model Chapter Implementing Section 6409(a)-(Spectrum Act)

Note: This model chapter is meant to provide a framework for the Planning Commission to consider as the City develops regulations to comply with Federal timeframes to act on Eligible Facilities and requests for modifications to existing wireless towers or base stations that do not substantially change the physical dimensions of such towers or base stations.

I. PURPOSE

This Chapter implements Section 6409(a) of the Middle Class Tax Relief and Job Creation Act of 2012 (“Spectrum Act”),¹ as interpreted by the Federal Communications Commission’s (“FCC” or “Commission”) Acceleration of Broadband Deployment Report & Order,² which requires a state or local government to approve any Eligible Facilities Request for a modification of an existing tower or base station that does not result in a substantial change to the physical dimensions of such tower or base station.

II. DEFINITIONS

For the purposes of this Chapter, the terms used have the following meanings:

- a. *Base Station.* A structure or equipment at a fixed location that enables FCC-licensed or authorized wireless communications between user equipment and a communications network. The term does not encompass a tower as defined herein or any equipment associated with a tower. Base Station includes, without limitation:
 - i. Equipment associated with wireless communications services such as private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul.
 - ii. Radio transceivers, antennas, coaxial or fiber-optic cable, regular and backup power supplies, and comparable equipment, regardless of technological configuration (including Distributed Antenna Systems (“DAS”) and small-cell networks).
 - iii. Any structure other than a tower that, at the time the relevant application is filed with [jurisdiction] under this section, supports or houses equipment described in paragraphs (a)(i)-(a)(ii) that has been reviewed and approved under the applicable zoning or siting process, or under another State or local regulatory review process, even if the structure was not built for the sole or primary purpose of providing that support.

The term does not include any structure that, at the time the relevant application is filed with [jurisdiction] under this section, does not support or house equipment described in (a)(i)-(ii) of this section.

- b. *Collocation.* The mounting or installation of transmission equipment on an eligible support structure for the purpose of transmitting and/or receiving radio frequency signals for communications purposes.
- c. *Eligible Facilities Request.* Any request for modification of an existing tower or base station that does not substantially change the physical dimensions of such tower or base station, involving:

- i. Collocation of new transmission equipment;
 - ii. Removal of transmission equipment; or
 - iii. Replacement of transmission equipment.
- d. *Eligible support structure.* Any tower or base station as defined in this section, provided that it is existing at the time the relevant application is filed with [jurisdiction] under this section.
- e. *Existing.* A constructed tower or base station is existing for purposes of this section if it has been reviewed and approved under the applicable zoning or siting process, or under another State or local regulatory review process, provided that a tower that has not been reviewed and reviewed because it was not in a zoned area when it was built, but was lawfully constructed, is existing for purposes of this section.
- f. *Site.* For towers, other than towers in the public rights-of-way, the current boundaries of the leased or owned property surrounding the tower and any access or utility easements currently related to the site, and, for other eligible support structures, further restricted that area in proximity to the structure and to other transmission equipment already deployed on the ground.
- g. *Substantial Change.* A modification substantially changes the physical dimensions of an eligible support structure if it meets any of the following criteria:
 - i. For towers, other than towers in the public rights-of-way, it increases the height of the tower by more than 10% or by the height of one additional antenna array with separation from the nearest existing antenna not to exceed twenty feet, whichever is greater; for other eligible support structures, it increases the height of the structure by more than 10% or more than ten feet, whichever is greater;
 - ii. For towers, other than towers in the public rights-of-way, it involves adding an appurtenance to the body of the tower that would protrude from the edge of the tower more than twenty feet, or more than the width of the Tower structure at the level of the appurtenance, whichever is greater; for other eligible support structures, it involves adding an appurtenance to the body of the structure that would protrude from the edge of the structure by more than six feet;
 - iii. For any eligible support structure, it involves installation of more than the standard number of new equipment cabinets for the technology involved, but not to exceed four cabinets; or, for towers in the public rights-of-way and base stations, it involves installation of any new equipment cabinets on the ground if there are no pre-existing ground cabinets associated with the structure, or else involves installation of ground cabinets that are more than 10% larger in height or overall volume than any other ground cabinets associated with the structure;
 - iv. It entails any excavation or deployment outside the current site;
 - v. It would defeat the concealment elements of the eligible support structure; or
 - vi. It does not comply with conditions associated with the siting approval of the construction or modification of the eligible support structure or base station

equipment, provided however that this limitation does not apply to any modification that is non-compliant only in a manner that would not exceed the thresholds identified in paragraphs (g)(i)-(g)(iv) of this section.

- h. *Transmission Equipment.* Equipment that facilitates transmission for any FCC-licensed or authorized wireless communication service, including, but not limited to, radio transceivers, antennas, coaxial or fiber-optic cable, and regular and backup power supply. The term includes equipment associated with wireless communications services including, but not limited to, private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul.
- i. *Tower.* Any structure built for the sole or primary purpose of supporting any FCC-licensed or authorized antennas and their associated facilities, including structures that are constructed for wireless communications services including, but not limited to, private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul, and the associated site.

III. APPLICATION REVIEW

- a. *Application.* The City shall prepare and make publicly available an application form which shall be limited to the information necessary for the City to consider whether an application is an Eligible Facilities Request. The application may not require the applicant to demonstrate a need or business case for the proposed modification.
- b. *Type of Review.* Upon receipt of an application for an Eligible Facilities Request pursuant to this Chapter, the planning department shall review such application to determine whether the application so qualifies.
- c. *Timeframe for Review.* Within 60 days of the date on which an applicant submits an application seeking approval under this Chapter, the City shall approve the application unless it determines that the application is not covered by this Chapter.
- d. *Tolling of the Timeframe for Review.* The 60-day review period begins to run when the application is filed, and may be tolled only by mutual agreement by the City and the applicant, or in cases where [jurisdiction's reviewing body] determines that the application is incomplete. The timeframe for review is not tolled by a moratorium on the review of applications.
 - i. To toll the timeframe for incompleteness, the must provide written notice to the applicant within 30 days of receipt of the application, specifically delineating all missing documents or information required in the application.
 - ii. The timeframe for review begins running again when the applicant makes a supplemental submission in response to the City's notice of incompleteness.
 - iii. Following a supplemental submission, the City will notify the applicant within 10 days that the supplemental submission did not provide the information identified in the original notice delineating missing information.

The timeframe is tolled in the case of second or subsequent notices pursuant to the procedures identified in paragraph (d) of this section. Second or subsequent notices of incompleteness may not specify missing documents or information that were not delineated in the original notice of incompleteness.

- b. *Interaction with Section 332(c)(7).*⁹ If the City determines that the applicant's request is not covered by Section 6409(a) as delineated under this Chapter, the presumptively reasonable timeframe under Section 332(c)(7), as prescribed by the FCC's Shot Clock order, will begin to run from the issuance of the City's decision that the application is not a covered request. To the extent such information is necessary, the City may request additional information from the applicant to evaluate the application under Section 332(c)(7), pursuant to the limitations applicable to other Section 332(c)(7) reviews.
- c. *Failure to Act.* In the event the City fails to approve or deny a request seeking approval under this Chapter within the timeframe for review (accounting for any tolling), the request shall be deemed granted. The deemed grant does not become effective until the applicant notifies the applicable reviewing authority in writing after the review period has expired (accounting for any tolling) that the application has been deemed granted.
- d. *Remedies.* Applicants and the City may bring claims related to Section 6409(a) to any court of competent jurisdiction.

Comparison of Small Cell Ordinances

Mobilite Consortium

	Spokane	Sammamish	Kirkland	Kenmore
Planning/ PW	Planning	Planning	Planning	Planning
Small Cell	Franchise required	N/A	Consolidated Permit - separate section	Master permit allowed
1. Permitted Use	Yes, if concealed and not with 50' of R zone (tied to arterial collector streets)	If height complies	Admin. permit - utility and replacement poles (24' diameter)	Permitted if under 65', otherwise CU restrictions
2. Conditional Use	If over height (60'), near R zone or new pole	If height (40' -120') exceeded or new pole	New towers in non residential zones (HE) / residential zone (council)	Over height utility, poles, certain zones
3. By Zone	Residential zone limits	Height varies	Residential zone limits	By zone
Macro Tower				
1. Permitted Use	Collocation encouraged	If height complies	Height limitations - minimum necessary to function	Collocation only, all new towers are CU
2. Conditional Use		If height exceeded	Waiver powers	Non-residential zone, downtown excluded
3. Hierarchy	Residential zones & new towers - - enhanced application - tech renewal - 332 criteria if tower in residential zone	Applies to small cell and macro towers (macro permitted in ROW if height complies) separate hierarchy for base stations (utility pole issue)	Departures authorized for height except residential zones	Location premises and <i>T-Mobile</i> carve out
Size of Small Cell	State definition	No limit if concealed	No limit, subject to concealment	State definition
Height	By zone 60' -150'	By zone 40'-120'	40' residential + minimum height necessary to function & utility pole + 15' (small cell)	Pole - height limit (no extension) Tower - underlying zone
Concealment	Additional height with concealment criteria	Criteria, individual approval (admin or quasi judicial) based on zone	Concealment & design compatibility	Specific utility pole criteria; design review elsewhere
Cessation of Use/ Renewal	Yes	Yes	Yes	Yes
Use of Experts at Applicants Expense	Yes	RF radiation & coverage	Yes - <i>T-Mobile</i> review of alternative sites	Yes
Light Poles	Prohibited	Prohibited	Permitted	Yes- priority 7 on hierarchy (of 9)
New Poles in ROW	N/A	CU	Replacement only - new pole treated as tower (CU)	N/A
Park and Open Space	Hierarchy preferred	Hierarchy preferred	N/A	N/A - Screening required from adjacent tower use
Schools, Church, Synagogues, Residential Use in ROW	New concealed structures permitted in residential zone on non-residential use	3rd on hierarchy as "non residential use", timely	N/A	Yes, as concealment (in steeple)
Shot Clocks				
1. 6409(a)	Eligible facilities -request	Permitted if not approved	Eligible facilities - 60 day	Eligible facilities - "expedited time frame"
2. Collocations & Pole Attachments	N/A	N/A	90 days	N/A

N/A : Not Addressed

	Spokane	Sammamish	Kirkland	Kenmore
3. New Towers & Tower Replacement	N/A	N/A	150 days	N/A
Failure to Act		Approved only for 6409(a)	Approved only for 6409(a)	
Bulk Provisions				
1. Sound/ Noise	Yes	Yes	Yes	Yes
2. Lighting	Yes (FAA)	Yes	Yes (FAA)	Yes
3. Landscaping (base stealth)	Stealth	Yes	Yes	Yes
4. Set Back	N/A	Flexible	Yes, towers	Yes
5. Separation	Yes, Macro Towers	No	N/A	
6. Signage	Yes	Yes	Yes	Yes
Pre Submittal Review	N/A	N/A	Yes	Yes - where CU required
Application	N/A	N/A	Defer to Planning official	N/A
Completeness	N/A	N/A	Yes, 28 days	N/A
Historic district Review	N/A	N/A	Special process	N/A
View Protection	N/A	N/A	Yes	N/A
Collocation Required	Yes	Yes	Yes	Yes

N/A : Not Addressed



Staff Report
City of Lake Stevens Planning Commission

Planning Commission Briefing
Date: **August 15, 2018**

SUBJECTS: Zoning Code Updates

CONTACT PERSON/DEPARTMENT: Russ Wright, *Community Development Director*

SUMMARY: Discuss model for updating zoning code standards

ACTION REQUESTED OF PLANNING COMMISSION: No action requested at this time.

The City Council and Mayor have discussed an interest in reviewing the zoning requirements for the High Urban Residential Zoning District and establishing a new zoning district of Compact Residential for proposed annexation areas. Part of the discussion has been based on concerns over minimum lot sizes and setbacks in our high-density zones. Other issues should be considered as well including an audit of all dimensional standards and density assumptions across all zoning districts.

For the Planning Commission's consideration, staff has prepared two matrices that show lot size and density standards along with setback and other dimensional standards. Staff would like to create an outreach program to discuss these issues with an advisory committee comprised of interested citizens and industry constituents. The goal would be to agree on a model for density, lot sizes and revised dimensional standards over the fall with public hearings this winter.

The current model being proposed by staff is a hybrid of a form-based approach and a standard prescriptive approach that creates:

- A clear way to determine density based on net units per acre;
- Modified lot sizes that correspond more closely to dimensional standards; along with
- Variable standards to achieve diversity across and throughout individual neighborhoods.

The current proposal also responds to community concerns related to perceived lack of private open space and crowded neighborhoods by adding lot depth requirements and proposing adjustments to setbacks. Another more recent issue proposed for discussion is capping impervious area at the time of initial construction to allow future residents the ability to customize their lots in the future.

A parallel project to address concerns over neighborhood parking and road configurations will be brought forward separately. The goal of this project will be to review standards for small private roads within neighborhoods and define an off-street parking ratio for small lot developments.

ATTACHED:

1. Proposed Residential Zoning Changes Matrix
2. Proposed Dimensional Standard Changes Matrix

Proposed Residential Zoning Changes						
Zone	Existing Density units per acre	Proposed Density units per acre	Lot Size Existing	Lot Size Proposed	Lot Width Existing	Lot Width Proposed
MFR	≥14 units per acre	≥12 - Net	3000 sq ft	3000 sq ft	50-feet	50-feet (entire lot)
HUR Detached	8-11 units per acre	8-9 - Net	3600 sq ft	4000-5000 sq ft	40-feet	40-feet internal 50-feet corner / perimeter
HUR Attached	8-11 units per acre	10-11 - Net	3600 sq ft	3000 sq ft	40-feet	30-feet internal 40-feet corner
SR	4.5 units per acre gross	4 SFR - Net	9600 sq ft	8000 - 9200 sq ft	80-feet	70-feet internal 80-feet corner
WR	4.5 units per acre gross	4 SFR - Net	9600 sq ft	8000 - 9200 sq ft	50-feet	variable - not less than 50-feet
UR	5.8 units per acre gross	5 SFR - Net	7500 sq ft	6000 - 6500 sq ft	60-feet	60-feet internal 65-feet corner
CR		6.5 SFR - Net		4500-5500 sq ft		45-feet internal 50-foot perimeter 55-feet corner

Proposed Dimensional Standard Changes							
Zone	Existing Front Setback	Proposed Front Setback	Existing Side / Rear Setback	Proposed Side / Rear Setback	Proposed Lot Depth	Existing Impervious Area	Proposed Impervious Area
MFR	10-feet	variable	0-feet	10-feet between other districts	variable	0%	80%
HUR	15 - feet (25-feet max. subareas)	15 - feet (25-feet max.)	5-feet / 5-feet	15 total (no less than 5-feet oneside) / rear 10-feet	100-feet	65%	65% (no more than 60% at time of application)
SR	25-feet	25-feet	5-feet / 5-feet	15 total (no less than 5-feet oneside) / rear 20-feet	115-feet	40%	40% (no more than 35% at time of application)
WR	25-feet	25-feet	5-feet / 5-feet	15 total (no less than 5-feet oneside) / rear 20-feet	115-feet	40%	40% (no more than 35% at time of application)
UR	20-feet	20-feet	5-feet / 5-feet	15 total (no less than 5-feet oneside) / rear 10-feet	100-feet	40%	40% (no more than 35% at time of application)
CR	20-feet	20-feet (25-feet max.)		15 total (no less than 5-feet oneside) / rear 10-feet	100-feet		50% (no more than 45% at time of application)

Note: The idea of variable lot sizes would provide diversity in neighborhoods with certain lots being larger while some could be smaller allowing a broader range of housing options.