



PLANNING COMMISSION AGENDA

Regular Meeting Date: 02/03/2021

BY REMOTE PARTICIPATION ONLY

[Zoom mtg](#)

Join Meeting here: <https://us02web.zoom.us/j/82682660210>

Call in: 253 215 8782
Meeting ID: 826 8266 0210

Doc2

Planning Commission
Meeting:
First Wednesday of
every Month @ 7:00pm

Planning & Community
Development
Department

1812 Main Street
Lake Stevens, WA
98258 (425) 622-9430
www.lakestevenswa.gov

Municipal Code

Available online:
www.codepublishing.com/WA/LakeStevens/

- **CALL TO ORDER 6:00pm**
Pledge of Allegiance

- **ROLL CALL**

- **GUEST BUSINESS**

- **ACTION ITEMS**
1. Approve minutes for 01-20-2020

DISCUSSION ITEMS

- | | |
|--|---------------------------|
| 1. Proposed amendment to Marijuana Code | Sr Planner Levitan |
| 2. Introduction to 2021 Comprehensive Plan | Sr Planner Levitan |
| 3. Permissible Use Table | Assistant Planner Needham |

- **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) 622-9419 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

Remote Participation
Wednesday, January 20, 2021

CALL TO ORDER: 6:00 pm by Chair Cronin

MEMBERS PRESENT: Jennifer Davis, Janice Huxford, John Cronin, Todd Welch, Linda Hoult, Mike Duerr and Vicki Oslund

MEMBERS ABSENT: None

STAFF PRESENT: Community Development Director Russ Wright, Senior Planner Levitan and Clerk Jennie Fenrich

OTHERS PRESENT: Councilmembers Gary Petershagen and Steve Ewing

Chair Cronin called the meeting to order at 6:00 pm and led the pledge of Allegiance.

City Clerk, Kelly Chelin issued the Oath of Office to Planning Commissioner Todd Welch.

Roll Call: All present.

Guest business: None

Approval of Minutes: Motion by Commissioner Welch, to approve the minutes for-01-06-2021, with one correction, seconded by Commissioner Hoult (7-0-0-0).

Discussion items:

Senior Planner Levitan gave a briefing to discuss potential amendments to the City's State Environmental Policy Act (SEPA) thresholds that would make certain levels of infill development exempt from SEPA Review. Adopting an infill exemptions ordinance would be in addition to the amendments to the SEPA minor new construction thresholds previously discussed by commissioners and would be limited to specific areas identified by the city. Commissioners expressed concern that further exempting for infill development from SEPA review might result in adequate analysis of potential environmental impacts, including to critical areas. There was also concern that a blanket exemption would allow commercial developers too many loopholes to circumvent environmental regulations. Director Wright responded that there are a number of local, state, and federal regulations in place that address and help mitigate potential environmental impacts, as summarized in an attachment at the December 16 meeting . The Commission asked for additional information on the review processes in place for development that would be exempt from SEPA review.

Senior Planner Levitan brought back answers to questions raised by commissioners at their January 6 meeting regarding the citizen-initiated Marijuana Facilities code amendment that would reduce the minimum buffer distance between processing

facilities and childcare centers. Several commissioners were not in favor of recommending the proposed change to Council. The applicant's representative asked the Commission if they would grant him the opportunity to provide additional responses and material to them, including mapping of buffer radii and additional information on odor control.

Chair Cronin made a motion to allow additional information to be presented for their review. Commissioner Hoult seconded. Vote approved (7-0-0-0).

Commissioner Reports:

Commissioner Huxford reported she had the opportunity to visit the Hartford flooding area with Mayor Gailey to observe recent mitigation measures that aim to alleviate flooding in the area.

Director's Report: No report.

MOTION: Moved by Commissioner Todd Welch, seconded by Commissioner Hoult to adjourn the meeting at 8:05 p.m. The motion carried (7-0-0-0).

Jennie Fenrich, Planning Commission Clerk



One Community Around the Lake

Memo from Staff Lake Stevens Planning Commission

Planning Commission Briefing

Date: **February 3, 2021**

Subject: **Additional Applicant Info for Proposed Amendments to Marijuana Facility Buffers**

Contact Person/Department: David Levitan, *Senior Planner*

SUMMARY:

The Planning Commission held work sessions on [January 6](#) and [January 20](#), 2021 to discuss a citizen-initiated land use code amendment that would reduce the required buffer between marijuana processing facilities and child-care centers from 1000 feet to 225 feet (LUA 2020-0189) so long as the distance between the facilities via the most direct publicly accessible route was at least 1,000 feet. Several commissioners raised questions and concerns about reducing the buffer distance based on existing marijuana odor issues in the Hartford Industrial area and potential impacts on young children, and indicated they were unlikely to support the proposed amendment at the public hearing stage.

At the conclusion of the January 20 work session, the applicant's representative (David Toyer) requested an opportunity to provide additional information to the Planning Commission in support of the proposed amendment. Commissioners agreed to hold a third work session to discuss the proposed amendment, and Mr. Toyer has prepared the following attachments, which he will discuss in more detail at the February 3 meeting.

Attachment 1 includes a letter, series of maps, and photos of the subject property that aim to provide additional context regarding the location and operation of the proposed processing facility as well as the existing buffer requirements for marijuana facilities (and for comparison, alcohol and tobacco businesses.) Attachment 2 includes a second letter that details the technology that would be used to help control odor at the proposed processing facility.

ACTION REQUESTED OF PLANNING COMMISSION AND NEXT STEPS:

This is an informational briefing and no action is requested at this time. Staff requests that Mr. Toyer be given the opportunity to discuss the two attachments and answer questions from commissioners. Staff will be holding a work session with the City Council later in February to discuss the proposed amendment and requests any additional feedback and guidance from commissioners in advance of that meeting. As a Type VI legislative amendment, the proposal will require a public hearing before both the Planning Commission and City Council.

ATTACHMENTS:

Attachment 1: Applicant Letter with Supporting Maps and Photos

Attachment 2: Applicant Letter on Proposed Odor Control Technology



January 27, 2021

Lake Stevens Planning Commission
1812 Main Street
Lake Stevens, WA 98258

LAND USE CODE AMENDMENT TO LSMC 14.44.097 MARIJUANA FACILITIES

Dear Commissioners,

Thank you for the opportunity to speak at your last commission meeting and for the added time to bring back additional information that can aid in the discussion of the amendment we have proposed on behalf of our client JOCO Investments, LLC.

This letter will address the following:

1. Differences in tobacco, marijuana, and alcohol use separation requirements
 - i. Including discussion of the criteria allowing cities to reduce the 1,000-foot buffer
2. Discussion of the attached land use mapping
3. Photos of the area in question

We are preparing additional information on odor control, which we will submit via a separate letter later today.

Differences in tobacco, marijuana, and alcohol use separation requirements

Tobacco, marijuana, and alcohol are all legal, regulated substances that because they are known to have varying effects on individuals have been regulated by the State for reasons of public health and safety.

Tobacco/Vaping:

There are many restrictions on the sale, location of use, and packaging/labeling (child resistant) can be found in RCWs 70.160 (prohibition on smoking in indoor public places and workplaces), 28A.210.310 (prohibition of tobacco use on school grounds), 9.91.025 (restrictions on smoking on and near transit), 70.155 (prohibitions on access to minors), etc. Unlike marijuana regulations, tobacco/vaping can be sold in nearly all retail stores with the only location of use restrictions being within 25 feet of building entrances, exits, windows and ventilation.

Alcohol:

Alcohol, like tobacco, is allowed to be purchased at most retail locations, including locations near child-care facilities, public places (e.g. parks, etc.). For example, alcohol can be sold at the Lake Stevens Mini-Mart, Lake Market, Jay's Market, Creekside Restaurant, Lake Stevens Brewing Company, Francisco's, Buzz Inn, etc.

State law only requires "notice" be given to public institutions (e.g. libraries, parks, community centers, transit centers), churches, and schools within 500 feet of the premises of the liquor license. The law further provides that the State Board may not issue a license where the licensed premise would be *within 500 feet of a tax-supported public elementary or secondary school measured along the most direct route over or across established public walks, streets, or other public passageway from the main entrance of the school to the nearest public entrance of the premises proposed for license*, provided the school objects by letter. RCW 66.24.010

One of the maps accompanying this letter shows how close alcohol and tobacco retail stores (yellow) are to child-care (red), church (white) and public institutions/schools (blue) by radius, not by walking distance (which is in some cases a shorter distance).

Marijuana

The separation requirements for marijuana related uses from specific facilities like child-care centers, parks, schools, etc. are contained in RCW 69.50.331(8)(a) and (b). Subsection (8)(a) establishes a 1,000 foot separation requirement based on straight-line distance between the marijuana use and the facilities mentioned above.

However, subsection (8)(b) allows a city, county, or town to permit a licensed marijuana use within 1,000 feet of the but not less than 100 feet of those facilities provided that the “*distance reduction will not negatively impact the jurisdiction's civil regulatory enforcement, criminal law enforcement interests, public safety, or public health.*”

The Applicant for this land use code amendment is seeking a reduction from 1,000 feet to 225 feet for marijuana processing only as it is distinctly different from production/growing and retail uses when examined for civil regulatory enforcement, criminal law enforcement interests, public safety, or public health. Specifically,

Processing must be fully contained within a building, surrounded by perimeter fencing, monitored by security systems, non-descript in appearance, not open to the public, and required to have odor control systems (which are more advanced than the ones typically used for production/growing). As a result of these requirements, reducing the distance between this type of marijuana use and other facilities:

- would not negatively impact civil regulatory enforcement as there are already other marijuana uses nearby that the city has civil regulatory responsibility for
- would not impact criminal law enforcement interests as there are already other marijuana uses nearby that must be patrolled, but in this case the use must be contained, secured and without public access
- would not impact public safety as the facility is required to be contained, secured and without public access (also see pictures attached hereto)
- would not impact public health as there are already other marijuana uses in the area; the specific use addressed by this code amendment is required to be contained, inaccessible to the public, and have odor control; and this marijuana use would not directly impact the possession or use of marijuana by persons adjacent to or near this business
- would have no impact on discouraging or encouraging any resident of the neighborhood where the child-care facility is located from possessing or using marijuana in their residence nearby the child-care

Additionally, the proposed amendment only addresses the distance between this one type of marijuana use and child-care facilities. It does not impact the distance requirements to any other facilities, such as playgrounds, schools, library, community recreation center, etc.

Discussion of Land Use Mapping

We have included two land use maps with this letter. The first, as mentioned above, shows the proximity of schools, churches, community parks, etc. relatively to businesses with licenses to sell tobacco/vaping products, as well as licenses to serve or sell alcohol.

The purpose of this mapping is to provide perspective on the proximity of various uses to public facilities, child-care facilities, etc.

We assert that the mapping demonstrates an adjustment to the straight-line buffer between a marijuana processing facility and a child-care facility would have no more impact than the existing proximity between licensed child-care facilities and downtown retailers of alcohol, tobacco, and vaping products because this specific marijuana use would still be over 3,800 feet of walking distance as measured along the most direct route over or across established public walks, streets, or other public passageway from the main entrance to the nearest (by straight line) child-care facility.

The maps show there is a greater separation between the uses than what exists for alcohol and tobacco/vaping facilities. Further, one thing the map does not show is that current law doesn't even prohibit the the storage of alcohol, tobacco/vaping, or cannabis from being at a child-care facility. The law only requires that those substances are not in the licensed area and that they are inaccessible

to children.¹

Alcohol and Tobacco/Vaping Map

This map depicts alcohol and tobacco licensed businesses (yellow) relative to child-care (red), church (white) and public institutions/schools (blue). And the map includes the following radii to show straight-line separation:

- **Yellow** Dash-Dot Line – shows the 500-foot radius around alcohol and tobacco/vaping licensed businesses
- **Red** Dash-Dot Line – shows a 1,000-foot radius around the two licensed child-care facilities nearby
- **Blue** Dash-Dot Line – shows a 25-foot buffer around the perimeter of schools, parks, libraries, community centers and other public places (indoor/outdoor)
- **White** Dash-Dot Line – shows a 1,000-foot by radius around the identified church downtown

As mentioned above, state law does not require separation between a seller of tobacco/vaping and facilities such as schools, churches, parks, etc. However, the state law does limit alcohol licenses to no closer than 500 feet by public walking path from schools, provided the school provides an objection. The 500 feet by public walking path is different than the 500-foot radius shown on this map; however, there are licensed alcohol retailers and premises as close as approximately 550 feet from Mt. Pilchuck Elementary School, approximately 525 feet of Lake Stevens Middle School, and approximately 320 feet of Kid's Way Child Care

Marijuana Use & Separation Map

This map analyzes the distances between existing marijuana related uses and existing, licensed child-care facilities, as well as the Applicant's approved marijuana processing location and existing, licensed child-care facilities. The map includes:

- Parcels Outlined in **Red** – existing, licensed daycare facilities
- **Red** Dash-Dot-Dot Line – 1,000-foot straight-line radius around existing, licensed child-care facilities
- **Green** Highlighted Parcels – existing, permitted marijuana uses
- **Purple** Parcel – Code Amendment Applicant's Location
- **Light Blue** Line – Industrial Zone within the City Limits
- **Dark Blue** Line – Industrial Zone outside City Limits
- **Yellow** Line – 1,000-foot straight-line radius around the Industrial Zones
- **Orange** Highlighted Parcels and Radii – "What-if" scenarios that show potential future in-home child-care facilities and a 1,000-foot buffer around them

Pictures from the Site

Our firm went out and took some pictures showing the separation that exists between the child-care facility and our client's facility (copies of these are attached). There is fencing around the child-care facility, fencing around the homes between the child-care facility and the JOCO location, there is a treed greenbelt along the child-care facility's east property line, fencing around the JOCO facility, and the JOCO facility is approximately 7 to 10 feet in elevation below that of the child-care facility. The JOCO facility cannot be seen by and is in no way accessible from the child-care facility.

Closing Remarks

In summary, we respectfully request the Commissioners move the code amendment forward based on the following:

- The reduced buffer will continue to provide a separation of between the used as evidenced by the mapping, site pictures, and other information provided.
- The reduced buffer can be done in compliance with conditions of RCW 69.50.331(8)(b)

¹ Note that WAC 110-305-4050 and WAC 110-305-4025 address drugs, alcohol, and tobacco within in-home child-care facilities, prohibiting illegal drugs on the premises, the consumption of alcohol during operation hours, and prohibiting smoking within 25 feet. It further requires that tobacco must be stored in an "inaccessible" place. WAC 110-300-0420, "Prohibited Uses" applies to child-care centers and early learning programs, requiring licensed providers to store alcohol and tobacco in a place inaccessible to children, and cannabis out of the licensed space and within a space that is inaccessible to children.

- The marijuana use in question is different from production (growing) and retail operations
- The marijuana use will not directly impact the “amount of drugs” in our community as it does not create new retail stores in or adjacent to the city

The proposed amendment simply allows Lake Stevens to benefit from new capital investment in a processing (manufacturing) facility that will result in new property tax revenues and living wage jobs.

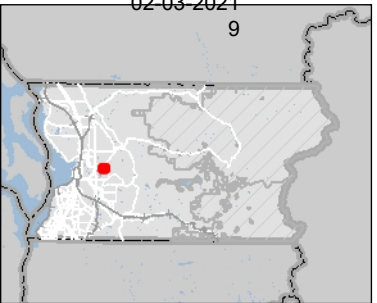
Thank you for your consideration.

Sincerely,

David Toyer
President

Attachments:

- Colored area maps of land use and distances
- Photographs of JOCO property



Legend

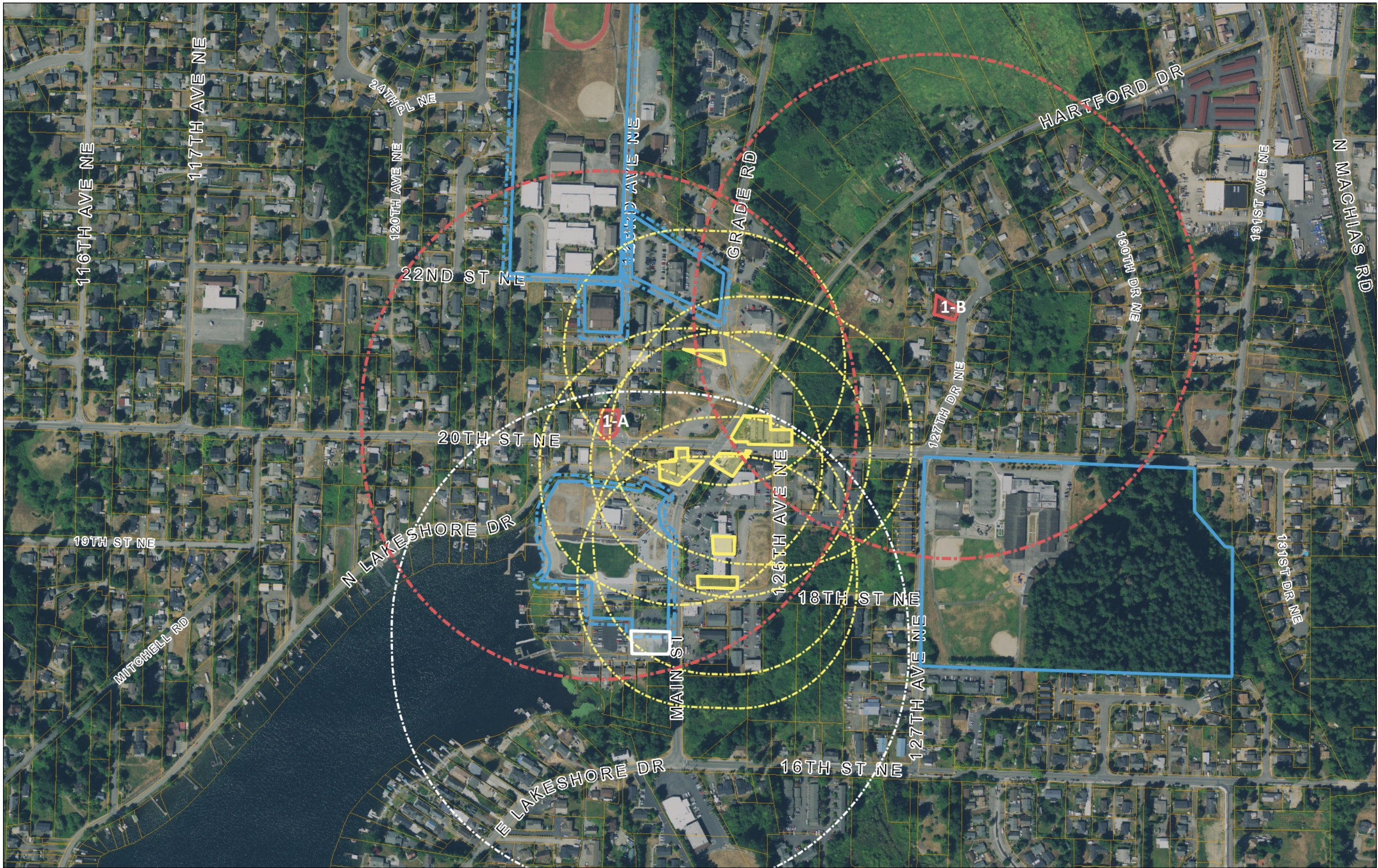
☐ Snohomish County Tax Parcels

1: 4,800



Notes

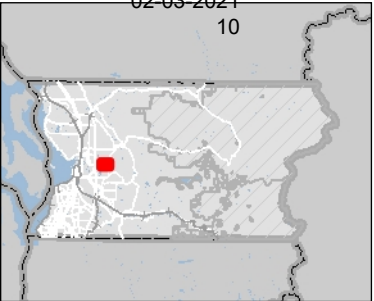
This map was automatically generated using Geocortex Essentials.



800.0	0	400.00	800.0	Feet
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Projection: NAD_1983_StatePlane_Washington_North_FIPS_4601_Feet
Planning and Development Services, Snohomish County

All maps, data, and information set forth herein ("Data"), are for illustrative purposes only and are not to be considered an official citation to, or representation of, the Snohomish County Code. Amendments and updates to the Data, together with other applicable County Code provisions, may apply which are not depicted herein. Snohomish County makes no representation or warranty concerning the content, accuracy, currency, completeness or quality of the Data contained herein and expressly disclaims any warranty of merchantability or fitness for any particular purpose. All persons accessing or otherwise using this Data assume all responsibility for use thereof and agree to hold Snohomish County harmless from and against any damages, loss, claim or liability arising out of any error, defect or omission contained within said Data. Washington State Law, Ch. 42.56 RCW, prohibits state and local agencies from providing access to lists of individuals intended for use for commercial purposes and, thus, no commercial use may be made of any Data comprising lists of individuals contained herein.



Legend

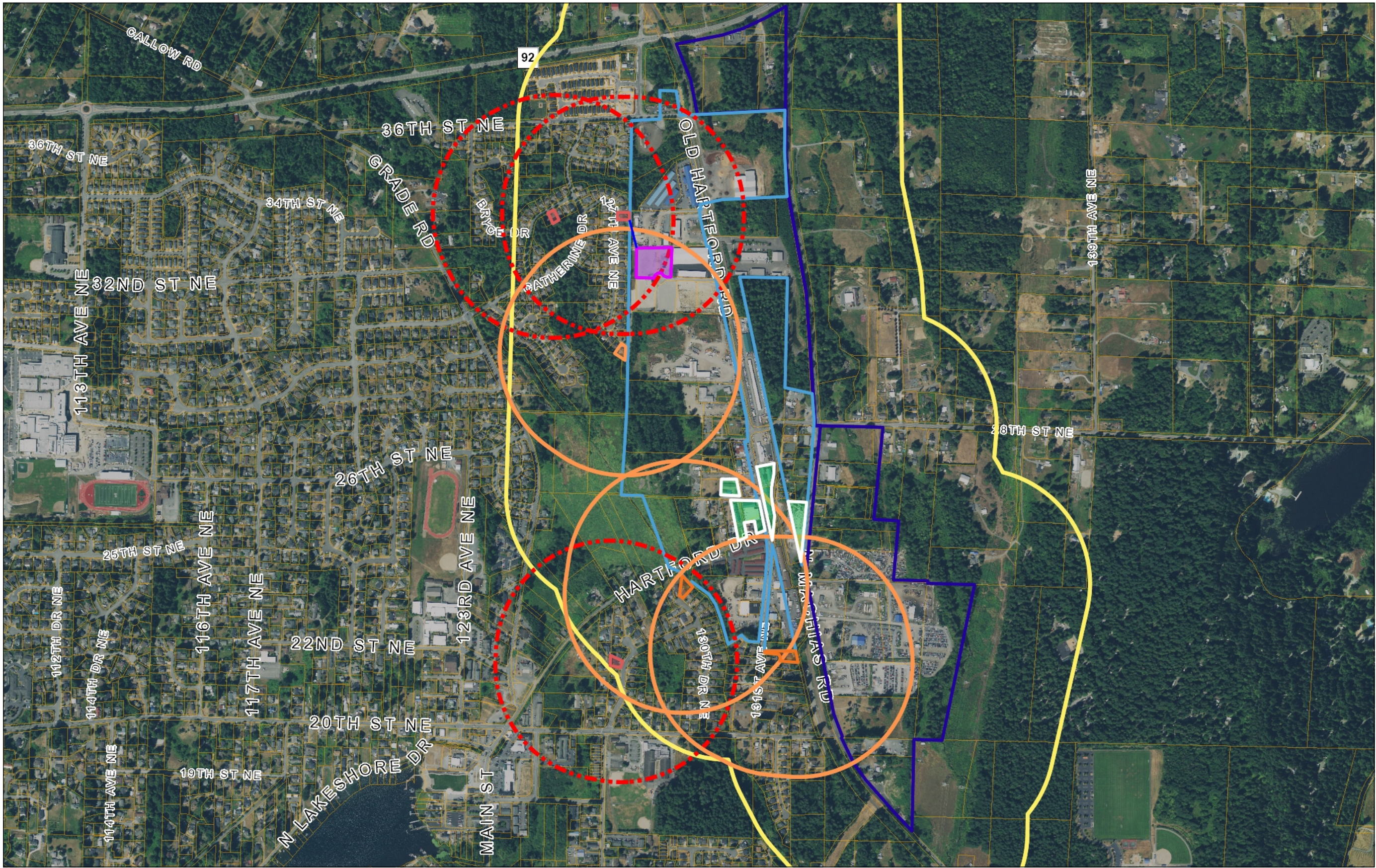
☐ Snohomish County Tax Parcels

1: 10,000



Notes

Blue/Lt Blue = LI/GI Zones; Yellow = 1,000 ft from LI/GI; Red = Licensed Child-care; Orange = What-if Child Care; Green/White = Ex. Marijuana; Purple = Applicant



1,666.7	0	833.33	1,666.7	Feet
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Projection: NAD_1983_StatePlane_Washington_North_FIPS_4601_Feet
Planning and Development Services, Snohomish County

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Legend

- 100 foot (outside LIDAR)
- Snohomish County Tax Parcels

1: 2,400



400.0 0 200.00 400.0 Feet

Projection: NAD_1983_StatePlane_Washington_North_FIPS_4601_Feet
Planning and Development Services, Snohomish County

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Notes

This map was automatically generated using Geocortex Essentials.





One Community Around the Lake

Staff Report City of Lake Stevens Planning Commission

Proposed 2021 Comprehensive Plan Docket

Date: February 3, 2021

Subject: 2021 Comprehensive Plan Docket Introduction

Contact Person/Department: David Levitan, Senior Planner

ACTION REQUESTED: No formal action is required. Staff will introduce the proposed 2021 Comprehensive Plan Docket, on which the Planning Commission will hold a public hearing on February 17 and make a recommendation to City Council regarding ratification.

SUMMARY: City staff will introduce proposed city-initiated amendments to the Comprehensive Plan land use map and city-initiated text amendments that include annual updates to the land use element, parks element, public services and utilities element, capital facilities element and administrative updates. The City is also proposing updates to the Shoreline Master Program and development of an infrastructure analysis plan for the Hartford/North Machias industrial area.

BACKGROUND/ HISTORY:

Under the Growth Management Act, the city can amend its Comprehensive Plan and Future Land Use Map once per year, with a few exceptions, through an annual docket process. Lake Stevens citizens have the opportunity to propose [citizen-initiated amendments](#) through January 31; none have been received as of January 28. The Planning Commission is scheduled to hold a public hearing on February 17, 2021 and make a recommendation to City Council to ratify the 2021 Docket. City Council will then hold a public hearing in March to ratify the 2021 Docket.

The city is proposing city-initiated map amendments; text amendments to the land use element, parks element, public services and utilities element and capital facilities element; updates to the Shoreline Master Program; and other minor administrative amendments to the Comprehensive Plan. A summary of the amendments is included below, which may include additional non-substantive changes identified during the update process.

1. T-1 - Chapter 2 - Land Use Element

Updated text and maps/figures will provide consistency with proposed map changes; reflect recently completed (Southeast Interlocal, Machias Industrial) and pending (if any) annexations; and incorporate recent county planning efforts, such as the 2021 Buildable Lands Report.

2. T-2 - Shoreline Master Program

SMP updates will reflect recommendations from the Waterfront Residential Task Force, Planning Commission and City Council to prohibit multifamily residential development in the Shoreline Residential Environment (Waterfront Residential zone). The map of Shoreline Environment

designations will also be updated to be consistent with the new land use and zoning designations (public/semi-public) for the recently acquired city property near the North Cove Park boat launch that will be the new location of the Lake Stevens Rowing Club boathouse.

3. T-3 - Chapter 5 – Parks, Recreation and Open Space Element

Amendments will include minor revisions to project and facility descriptions, such as the next phase of North Cove park improvements and the new location of the Lake Stevens Rowing Club boathouse on 17th PI NE.

4. T-4 - Chapter 7 - Public Services and Utilities Element

Portions of the Southeast Interlocal Annexation Area are located within the boundaries of the Snohomish School District, which will require the city to adopt the district's Capital Facilities Plan by reference following completion of the annexation. Updates will also reflect any changes needed for partner agencies including the Lake Stevens School District, Lake Stevens Fire District, and Snohomish Regional Fire and Rescue.

5. T-5 - Chapter 9 - Capital Facilities Element

Amendments will include updates to the list of park, facility and road projects in Tables 9.1 and 9.2 of the Capital Facilities Element.

6. T-6 – Infrastructure Analysis Plan for Hartford/North Machias Industrial Area

In an effort to reduce barriers to development and increase employment in the city's industrial zones off of Hartford Drive and North Machias Road, the city will be completing a targeted subarea planning process that focuses on utility and transportation infrastructure in the area, including the extension of sewer service. Findings from the analysis may be incorporated into Chapter 7 – Public Services and Utilities Element and Chapter 9 – Capital Facilities Element.

7. T-7 - Along with the above-defined text amendments, staff will also include standard administrative amendments including the Cover, Title Page, Table of Contents, Executive Summary, Introduction and Appendices (including SEPA Addenda).

The city-initiated map amendments and concurrent rezone applications include the following:

1. M-1 - Update Comprehensive Plan Map to reflect changes to city/UGA boundaries resulting from recent annexations.
2. M-2 - Update Zoning Map to reflect changes to city/UGA boundaries resulting from recent annexations.

NEXT STEPS:

Planning Commission is scheduled to hold a public hearing on February 17, 2021, at the conclusion of which they will make a recommendation to City Council on ratification of the 2021 Docket. Staff will complete the required public noticing in advance of the hearing and incorporate any proposed changes/additions to the docket based on Commission feedback. The public hearing packet will include an analysis of how each proposed amendment is consistent with the annual amendment and ratification criteria.



One Community Around the Lake

Staff Report Lake Stevens Planning Commission

Planning Commission Briefing

Date: **February 3, 2021**

Subject: **Update on Revising the Permissible Use Chapter (LSMC 14.40)**

Contact Person/Department: Jill Needham, *Assistant Planner*

David Levitan, *Senior Planner*

SUMMARY:

Staff has developed a draft of the residential and special use table and has revised the non-residential use table introduced at the last regular meeting on January 6 meeting. Staff will continue to fill in the non-residential and special use table for commissioner review at future meetings.

ACTION REQUESTED OF PLANNING COMMISSION:

This is an informational briefing and no action, other than general feedback, is requested at this time.

BACKGROUND / DISCUSSION:

On January 6, staff held a work session with commissioners to introduce the first draft of the new non-residential use table. Based on commissioner comments, staff has amended several use categories in the table, most notably consolidating amusement/recreational uses and adding Level III healthcare facilities. Staff is now requesting initial feedback from commissioners on the other two use tables: residential uses (Attachment 1) and special uses (Attachment 2). Both tables are structured similarly to the non-residential table with NAICS codes being in the left column and uses grouped together within subcategories. These three tables are designed to replace the large table in LSMC 14.40.

Residential Use Table

The draft residential table has been streamlined to improve use descriptions and reduce redundancies. Existing subsections have been removed and the six categories have been consolidated into two: 1) General Residential and 2) Accessory & Miscellaneous Uses. Examples of the consolidation include removing duplex conversions, and instead just having a general duplex category. Multifamily conversions have been consolidated with townhomes, apartments, and other multifamily configurations. Triplexes and fourplexes have been added with footnotes referencing the eligibility and performance standards found in the infill housing code (14.46 Part III).

Letters indicating the required review and approval process (P, A, or C) have also been added to this draft; P = Permitted outright, A = Permitted with Administrative Conditional Use Permit, and C = Permitted with a Conditional Use Permit. In a residential context, the current use table uses "PA" to indicate uses that are permitted outright when the subject property is an acre or less in size but require an Administrative Conditional Use Permit (ACUP) when the property is one acre or greater. PAC is used to differentiate the process by number of units (four or less permitted outright, five to 12 requiring an ACUP, and 13 or

greater requiring a Conditional Use Permit (CUP). In contrast with the current table, staff has primarily eliminated combinations of letters (PA or PAC). In an effort to reduce the need for redundant or unnecessary land use reviews, staff has also worked to identify uses that have adequate performance standards in place to support uses being outright permitted. Specific performance standards to ensure uses are appropriate for their surroundings will be discussed at subsequent meetings.

Uses highlighted in Attachment 1 are those that staff have been identified as requiring additional discussion. For example, staff recognizes that both mobile/manufactured home parks and boarding houses help fill an important need for below market rate housing. Within single-family zones, the City's current process for mobile/manufactured home parks is dependent on the number of units and as such is shown as "PAC" in the current use table. Staff plans to revisit both of these items at a later meeting and assign permit processes and/or performance standards to ensure compliance.

Special Use Table

The draft special use table (Attachment 2) primarily consists of schools, parks and other government/public uses such as essential public facilities, as well as larger scale uses such as stadiums, amphitheaters, arboretums or nature preserves. Essential public facilities, as established by [WAC 365-196-550](#), are regulated by LSMC 14.16C.060. These uses include facilities that are often hard to site such as solid waste transfer stations, utility facilities, and fire stations. This table shares a similar structure to the other two tables, with NAICs codes in the left column. Letters P, A, and C will be filled in after further discussion on whether it is more appropriate to expand performance standards for these uses or require them to undergo the CUP process. Like the residential table draft, staff plans to eliminate combinations of letters that require unnecessary CUPs in favor of more specific performance standards to reduce potential impacts and ensure development is suitable for surroundings.

At the Commission's future meetings, staff intends to discuss how to better utilize performance standards and the CUP/ACUP process. After staff solicits direction from the Commission, staff will work to bring forward more complete versions of the non-residential use table and special use table, including the review process for each zoning district and footnotes to relevant sections of the code. Staff will also prepare updated code sections regarding:

- How the non-residential and special use tables interact with the principal and secondary uses outlined in the Subarea code (LSMC 14.38), and how to better connect the two chapters, including for commercial areas outside of subarea boundaries;
- How the residential use table interacts with the Innovative Housing and Infill Chapter (LSMC 14.46), as property owners are often unaware that triplexes and fourplexes are permitted in the majority of the city's residential zoning districts; and
- The appropriate level of director discretion for evaluating similar uses.

Once more developed drafts of the tables are available, staff intends to make them available on the city's website and will reach out to the development and business communities as well as Lake Stevens residents to solicit public feedback.

Attachments

Attachment 1: Draft Residential Use Table

Attachment 2: Draft Special Use Table

NAICS Code	Use	R4	WR	R6	R8-12	MFR	LB	MU	PBD	LI	GI	P/S P
GENERAL RESIDENTIAL												
N/A	Single Family Detached, site built or modular	P	P	P	P	P						
N/A	Single Family Attached, site built or modular	P	P	P	P	P		P				
N/A	Class A or B mobile home	P	P	P	P	P						
N/A?	Mobile/ manufactured home park											
N/A	Apartment(s) above permitted nonresidential use ²					A	P	P	P			
N/A	Cottage housing development ¹	P	P	P	P	P			P	P		
N/A	Duplexes	P ⁴	P ⁴	P ²	P ⁴	P			P			
N/A	Apartments	P ³ /C ⁴				P			P			
N/A	Townhomes/rowhouses				P	P			P			
N/A	Triplexes ⁵	P		P	P							
N/A	Fourplexes ⁷	P		P	P							
N/A	Any residential use above a permitted non-residential use						P	P	P			
MISCELLANEOUS & ACCESSORY USES												
N/A	Accessory Dwelling Units	P ⁶	P ⁸	P ⁸	P ⁸	P ⁸		P ⁸				
721310	Rooming Houses, Boarding Houses	A	A	A	A	A		P	P			
N/A	Mobile/ manufactured home or apartment used exclusively for a night watchman and his/her family ⁷									A	A	
N/A	Tourist Homes	A	A	A	A	A	A	A	A			
N/A	In-Home Daycare	P	P	P	P	P		P	P			
N/A	Home Occupations	P	P	P	P	P	P	P	P	P	P	
N/A	Planned Residential Developments	C		C	C	C						
N/A	Level 1 Healthcare Facility	P	P	P	P	P		P				A

¹ Developments pursuant to Chapter [14.46](#) require an administrative or conditional use permit for less than 13 dwelling units and a conditional use permit for 13 or more dwelling units.

² Subject to Section [14.48.010](#) (Minimum Lot Size Requirements).

³ Existing multifamily structures, located in the R4 zoning district, annexed into the City on or after January 1, 2006, are allowed and considered conforming land use, so long as the structure is not expanded and/or replaced.

⁴ Any requests to expand and/or replace (regardless of reason) an existing multifamily, located in the R4 zoning district, annexed into the City on or after January 1, 2006, shall require a conditional use permit and comply with the supplemental regulations found in Part V of Chapter 14.44, Supplementary Use Regulations.

⁵ Subject to Chapter [14.46](#) Part I and III

⁶ Subject to 14.44.045

⁷ Subject to Section [14.44.065](#) (Accessory Apartment in Industrial Zones).

N/A	Level 2 Healthcare Facility				C	C			P			A
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NAICS Code	Use	R 4	W R	R6	R8-12	MFR	LB	MU	PBD	LI	GI	P/SP
PARKS & OPEN SPACE												
N/A	Parks, playgrounds (public and private)											
71290	Nature parks, preserves											
712130	Zoos, botanical gardens, arboretums											
812220	Cemeteries											
EDUCATIONAL & CULTURAL												
813110	Places of worship											
514120	Libraries											
712110	Museums, art gallery											
N/A	Community centers											
GOVERNMENTAL & REGIONAL												
922110	Court											
N/A	Civil defense operations											
N/A	Military reserve, National Guard centers											
491110	Post offices											
ESSENTIAL PUBLIC FACILITIES												
611110	Elementary and secondary schools											
6115, 6116	Trade or vocational schools											
611310	Colleges, universities, community colleges											
922160, 922120, 611910	Fire stations, police stations, ambulance services, rescue squads											
458199, 458103	Airports											
562111, 562212	Solid waste transfer stations, recycling centers, sanitary landfills											
N/A	Community/Neighborhood or regional utility facilities											
4851, 4821	Bus stations, train stations											
WIRELESS COMMUNICATION FACILITIES												
N/A	Small wireless facilities (towers/antennas 50 feet or less in height) ¹											
N/A	Large wireless facilities (towers/antennas 50 feet or more in height)											

N/A	Macro facilities collocation on existing structures ²											
N/A	Eligible facility modifications ³											
RESOURCE & AGRICULTURAL												
1131, 1132, 1133	Silvicultural Operations											
