



## PLANNING COMMISSION AGENDA

Regular Meeting Date: 04/07/2021

### BY REMOTE PARTICIPATION ONLY

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Meeting ID: 893 6305 8812 +1 253 215 8782 US (Tacoma)

Planning Commission  
Meeting:

First Wednesday of  
every Month @ 6:00pm

Planning & Community  
Development  
Department

1812 Main Street  
Lake Stevens, WA  
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[www.lakestevenswa.gov](http://www.lakestevenswa.gov)

Municipal Code

Available online:

[www.codepublishing.com/WA/LakeStevens/](http://www.codepublishing.com/WA/LakeStevens/)

- **CALL TO ORDER 6:00pm**  
  
Pledge of Allegiance
- **ROLL CALL**
- **GUEST BUSINESS**
- **ACTION ITEMS**
  1. Approve minutes for 03/03/2021
- **DISCUSSION ITEM**

Briefing:

  1. Proposed Code Amendment to Reduce Marijuana Processing Facility Buffers  
Senior Planner Levitan
  2. Shoreline Master Program (SMP) Introduction  
Senior Planner Levitan
- **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, March 03, 2021

CALL TO ORDER: 6:00 pm by Chair Cronin

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

MEMBERS ABSENT: None

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

OTHERS PRESENT: Councilmembers Steve Ewing and Gary Petershagen

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

**Roll Call:** All present.

**Guest business:** None

**Approval of Minutes:** Motion by Commissioner Welch to approve the minutes for 02-03-2021, seconded by Commissioner Hoult (7-0-0-0).  
Motion by Commissioner Hoult to approve the minutes for 02-17-2021, seconded by Commissioner Huxford (7-0-0-0).

**Discussion items:**

The first item on the agenda was a briefing on SEPA Flexible Thresholds for Minor New Construction, presented by Senior Planner Levitan. Senior Planner Levitan provided an overview of input at the February 16 City Council workshop meeting. Several councilmembers requested a more quantitative analysis of the proposed flexible thresholds, including how things such as grading amounts and impervious surface compared between the different types of exempt development (single family, multifamily, etc.). Staff presented the findings of that analysis and concluded that it supported the Council-recommended increases to the exemption thresholds, as shown in the far-right column of Table 1 of the March 3 staff report.

After discussion amongst the Commissioners, they expressed their support for the proposed thresholds and directed staff to schedule the proposal for a public hearing.

Associate Planner Gassaway briefed the Commission on a proposed amendment to the Land Use Code to address Lot Status. The amendment would establish clear and objective review and decision criteria for determining legal lot status, which is required before development of a lot can be approved. Lot status determinations would be reviewed as a Type I land use application with Community Development Director approval.

Commissioners were generally agreeable to this proposal and directed staff to come back for an additional work session before moving on to the public hearing stage.

**Commissioner Reports:**

No report.

**Director's Report:**

No report.

MOTION: Moved by Commissioner Hoult, seconded by Commissioner Welch to adjourn the meeting at 6:40 p.m. The motion carried (7-0-0-0).

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Jennie Fenrich, Planning Commission Clerk

DRAFT



*One Community Around the Lake*

## Staff Report Lake Stevens Planning Commission

Planning Commission Briefing

Date: **April 7, 2021**

Subject: **Update on Proposed Code Amendment to Reduce Marijuana Processing Facility Buffers**

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

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### **SUMMARY:**

The Planning Commission held work sessions on [January 6](#), [January 20](#), and [February 17](#), 2021 to discuss a citizen-initiated land use code amendment (LUA2020-0189) 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 remains 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. The applicant's representative provided documentation on how their proposed processing facility would address odor control and mitigation, as well as, for comparison, buffer requirements for alcohol and tobacco retailers.

At the conclusion of the February 17 work session, staff noted its intent to discuss the proposed amendment with the City Council. The City Council held a work session on the proposed buffer reduction at their [March 30 special meeting](#). The meeting also included a discussion of a potential licensing fee for marijuana production and processing facilities that would be used to help mitigate the impacts of marijuana businesses on the surrounding community, and could be used to fund a full-time code enforcement officer (to investigate odor complaints and other issues) as well as infrastructure improvements in the industrial area to help diversify business types.

Councilmembers were generally supportive of the proposed code amendment to reduce the minimum buffer between processing facilities and child-care centers to 225 feet, especially when considering the potential to utilize a licensing fee to help address noncompliance with the existing odor performance standards in [LSMC 14.44.097](#). Councilmembers also raised the possibility of implementing a cap on marijuana processing facilities, which are currently exempt from the 70,000-sf cap on marijuana production facilities established in [LSMC 14.44.097\(f\)\(2\)](#). The city previously had a combined cap of 100,000 sf that applied to both processing and production facilities, but that was amended by [Ordinance 958](#) to remove the cap on processing facilities. Staff could modify the scope of the proposed code amendment to include a separate cap on processing facilities, should commissioners feel one is warranted. One option would be to have a sunset date on the processing cap, at which point the cap would expire or the city could opt to extend or modify it.

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### **ACTION REQUESTED OF PLANNING COMMISSION AND NEXT STEPS:**

This is an informational briefing and no action is requested at this time. Staff is requesting additional feedback on the proposed amendment and whether it is ready to be scheduled for a public hearing, which will require notice to the public and Department of Commerce. As a Type VI legislative amendment, the proposal includes a public hearing before both the Planning Commission to make a recommendation on the proposed amendment, and a City Council public hearing to consider the recommendation.



*One Community Around the Lake*

## Staff Report City of Lake Stevens Planning Commission

Date: April 7, 2021

**Subject:** Introduction to 2021 Shoreline Master Program Update

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

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**ACTION REQUESTED:** No formal action is required. Staff will introduce potential amendments to the city's Shoreline Master Program (SMP) and solicit additional

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### **BACKGROUND/ HISTORY:**

The Shoreline Management Act (SMA) was approved by the Washington state legislature in 1971 and is codified in [RCW 90.58](#). The SMA requires that jurisdictions develop and administer a Shoreline Master Program (SMP) for shorelines within their jurisdiction, which in Lake Stevens includes the lake (Lake Stevens), Stitch Lake, and portions of Catherine Creek and Little Pilchuck Creek. The SMP applies to these waters of the state, associated wetlands and floodways/floodplains, and shorelands, which are defined as those lands with 200 feet of the ordinary high-water mark (OHWM) of waters of the state. The majority of uses within the shorelands of Lake Stevens are single-family residential and have a zoning designation of Waterfront Residential (WR) and corresponding shoreline designation of Shoreline Residential.

The city adopted the Snohomish County SMP in 1974 and completed its first major update to the SMP in 2013. The city last updated its SMP in June 2019 as part of a state-mandated periodic review to comply with amendments to state laws and guidance. The adoption of [Ordinance 1057](#) is reflected in the [current version of the SMP](#), which includes numerous policies, regulations and development standards for topics such as:

- Shoreline environment designations
- Permitted uses
- Public access
- Environmental protection
- Permitting process (exemptions, variances, conditional uses, substantial development)
- Setbacks and other development standards
- Docks and dock maintenance
- Bulkheads and shoreline stabilization/armoring (including maintenance)
- Non-conforming uses

Per [RCW 90.58.080\(4\)\(b\)](#), the city is not required to update its SMP until June 30, 2028. However, over the course of the last two years, staff has identified a few items and conflicts that warrant a minor update to the SMP. The amendments would be much smaller in scale than the 2013 and 2019 SMP updates, which included major changes to the content and structure of the plan as well as significant public outreach and involvement. Locally initiated SMP amendments are addressed in [WAC 173-26-110](#) or through the optional joint review process established in [WAC 173-26-104](#), and must include, at a minimum:

- Public participation, including at least one public hearing
- Consultation with any agency, tribe or person with interest or responsibility relating to the shoreline
- Consultation with the Department of Ecology
- Compliance with the State Environmental Policy Act (SEPA)

Staff has identified the following list of items for inclusion in the 2021 SMP Update, and would welcome additions or revisions identified by commissioners:

1) Revise language regarding multifamily development

In Summer 2020, the city convened the Waterfront Residential Task Force (WRTF) to explore potential amendments to LSMC Title 14 (Land Use Code) to allow small scale multifamily residential (MFR) development (triplexes, fourplexes, townhouses) – which are permitted in the city’s other single family residential zoning districts - within the WR zone. The majority opinion from the WRTF was to not expand permitted uses in Title 14 MFR development within the WR zone, which both the Planning Commission and City Council agreed with.

The SMP currently identifies MFR development as a permitted use in the Shoreline Use Matrix (Table 2) and includes some criteria, policies, regulations and definitions related to MFR development. Staff is proposing to amend these sections to reflect recent policy direction.

2) Update shoreline environment designation for Lake Stevens Rowing Club boathouse

In 2020 the city purchased a property along 17<sup>th</sup> PI NE east of the North Cove Park public boat launch that is now the home of the recently relocated boathouse for the Lake Stevens Rowing Club. As part of the 2020 Comprehensive Plan docket, staff had proposed to amend the Shoreline Environment Designation for this property and three other properties. However, the Department of Ecology notified staff that even such a minor SMP map amendment would require a formal SMP amendment.

As such, staff is proposing to amend the shoreline designation for 12308 17<sup>th</sup> PI NE to Urban Conservancy, which is intended to allow a variety of park and recreation uses. City staff had originally proposed to amend the shoreline designations of three additional properties on the south side of 17<sup>th</sup> PI NE to be consistent with goals and policies in the Downtown Lake Stevens Subarea Plan. However, the City Council opted against approving the associated land use and zoning amendments for the other three properties (to allow for commercial development), so no SMP map amendment is required.

3) Update language related to non-conforming uses and lots

Chapter 7.H of the SMP includes language regarding the continuance, expansion, modification, and abandonment of non-conforming uses and lots. Some of the language is inconsistent with the code language in [LSMC 14.32](#) (Nonconforming Situations). This has at times created ambiguity and confusion, especially as it relates to the expansion or reconstruction of single-family residences within the required 60-foot building setback, which in many areas of the lake covers a large portion of a lot’s buildable area. Staff is proposing to update the language in Chapter 7.H to clarify the nonconforming provisions and establish more clear and objective criteria.

4) Boundary changes to reflect Southeast Interlocal Annexation, if approved

If the Southeast Interlocal Annexation is approved, the Shoreline Environment Designation map would be modified to reflect the new city boundaries. The city has already adopted shoreline designations for the portion of its UGA along the lakefront, including an Urban Conservancy designation for Sunset Park.

Staff is happy to discuss any additional SMP amendments that commissioners would like to explore at the April 7 meeting.

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**NEXT STEPS:**

Staff will initiate the update process with the Department of Ecology and work on developing the most effective work plan and public outreach for the proposed amendments.