

PLANNING COMMISSION MEETING AGENDA



City of Lake Stevens Vision Statement

By 2030, we are a sustainable community around the lake with a vibrant economy, unsurpassed infrastructure and exceptional quality of life.

August 21, 2023 - 6:00 PM

HYBRID at The Mill's Sawyers room, 1808 Main Street or Via Zoom

<https://us02web.zoom.us/j/84312149973> Meeting ID: 843 1214 9973

- 1. Call to Order**
- 2. Roll Call**
- 3. Guest Business**
- 4. Action Items**
 - A. Minutes of August 7, 2023 Planning Commission Meeting
 - B. Minutes of June 26, 2023 Planning Commission Meeting
- 5. Discussion Items**
 - A. Code Clean Up
- 6. Commissioner Report**
- 7. Planning Director's Report**
- 8. Adjourn**

Russ Wright,
Nico Faz

THE PUBLIC IS INVITED TO ATTEND

The City of Lake Stevens strives to provide accessible opportunities for individuals with disabilities. Please contact Human Resources, City of Lake Stevens ADA Coordinator, (425) 622-9400, 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, (800) 833-6384, and ask the operator to dial the City of Lake Stevens City Hall number.

PLANNING COMMISSION MEETING MINUTES



Hybrid-via Zoom or in the Mill's Sawyers Room

8-7-2023

CALL TO ORDER:	6:00 pm by Chair Mike Duerr
MEMBERS PRESENT:	Chair Mike Duerr, Commissioner Janice Huxford, Commissioner Bruce Morton Commissioner Linda Hoult, Commissioner Nathan Packard
MEMBERS ABSENT:	Vice-Chair Jennifer Davis and Conner Davis
STAFF PRESENT:	Community Development Director Russ Wright, Planning Manager Christi Schmidt and Clerk Jennie Fenrich
OTHERS PRESENT:	Councilmember Ryan Donahue

Chair Mike Duerr called the meeting to order at 6:00 p.m. and led the Pledge of Allegiance.

City Clerk Kelly Chelin swore in new Commissioner Nathan Packard.

Roll Call: Absence for Vice-Chair Jennifer Davis and Commissioner Conner Davis were excused. Motioned by Commissioner Hoult, seconded by Commissioner Morton (5-0-0-2).

Guest business: None

Action Items: Minutes for June 26th, 2023 were not available and will be presented next meeting.

Discussion Items:

2024 Comprehensive Plan- City Staff and a hired consultant completed the mandatory review of the current Comprehensive Plan and have identified necessary changes. A Community Engagement Plan has also been created. Aquafest weekend (8/4/2023) was the kickoff for the public survey. Over the next year, the City will hold public workshops over plan elements, proposed land use map changes in response to new targets, issue an environmental determination, and revise plan chapters.

91st Streetscape Revitalization- Community Development Director Russ Wright gave a PowerPoint presentation on the vision of the 91st Ave. NE revitalization. He asked the Commission to take the public survey so their feedback on the various versions would be considered.

Commissioner Report: Commissioner Hoult has noticed a larger number of dead animals on the roads and wonders what the uptick is about. She also commented on homelessness and wishes the State would provide more services.

Commissioner Duerr welcomed Commissioner Nathan Packard.

Commissioner Huxford welcomed Commissioner Nathan Packard.

Director Report: Community Development Director Wright updated the Commission of future agenda items. Code Clean-up will resume and Planning Commission will hold the first hearing on this in September.

Adjourn: Commissioner Hoult motioned to close the meeting, seconded by Commissioner Morton to adjourn at 6:40 p.m. The motion carried (5-0-0-2).

Jennie Fenrich, Planning Commission Clerk

PLANNING COMMISSION MEETING MINUTES



Hybrid-via Zoom or in the Mill's Sawyers Room

6-26-2023

CALL TO ORDER: 6:00 pm by Chair Mike Duerr

MEMBERS PRESENT: Chair Mike Duerr, Vice Chair Jennifer Davis, Commissioner Janice Huxford, Commissioner Bruce Morton, Commissioner Connor Davis and Commissioner Linda Hoult

MEMBERS ABSENT: None

STAFF PRESENT: Community Development Director Russ Wright, Senior Planner Christi Schmidt, Associate Planner Jill Needham and Planning Clerk Jennie Fenrich

OTHERS PRESENT: Councilmember Ryan Donahue

Chair Mike Duerr called the meeting to order at 6:00 p.m. and led the Pledge of Allegiance.

Roll Call: All present

Guest business: None

Action Items: Minutes for June 5, 2023, motioned to approve made by Commissioner Morton, seconded by Commissioner Huxford as written (6-0-0-0).

Housing Action Plan: Community Development Director Wright presented a review of the Housing Action Plan process. He asked if the Planning Commission is ready to move their recommendation to City Council.

Commissioner Duerr moved and Commissioners Huxford seconded to forward to City Council. Motion passed (6-0-0-0).

Discussion Items: Senior Planner Schmidt and Associate Planner Needham presented the 2023 Comprehensive Plan updates. There are three amendments proposed. M-1 is a city-initiated request to change the parcel referred to as "Cedarwood property", parcel 300698100010200 from Medium Density Residential (MDR) to Public/Semi-Public. M-2 is city-initiated change from HDR to Commercial for parcel nos. 0042800001500 and 001445700002604. This property was purchased as Commercial the last map amendment update, it was changed to HDR. M-3, a citizen-initiated request, Thelma and Kim Chapman ask to rezone three parcels 00385500402200 (3.52 acres) and 00385500402202 (1 acre) /

00385500402203 (0.72 acres) at 10311 Lundeen Parkway from Mixed Use to MDR with an associated rezone from Mixed-Use to R8-12.

Commissioner Reports: Commissioner C. Davis reported that both Boy's and Girl's high school track teams are District Champions. He expressed disappointment in the Council and Mayor for not signing the Pride Proclamation to show respect for all those who live in our city.

Chair Duerr stated his disappointment in the Council and Mayor for not signing the Pride Proclamation.

Commissioner J. Davis stated her disappointment in the Council and Mayor for not signing the Pride Proclamation. She read the statement that she will be reading at City Council meeting on June 27th.

Director Report: Community Development Director Wright commented that the Climate Action Plan the Planning Commission forwarded to City Council has passed. He also confirmed the Planning Commission meetings for the remainder of the summer will be Mondays July 17th, August 7th and 21st at The Mill.

Adjourn: Commissioner Hoult motioned to close the meeting, seconded by Commissioner Morton to adjourn at 7:22 p.m. The motion carried (6-0-0-0).

Jennie Fenrich, Planning Commission Clerk

PLANNING COMMISSION STAFF REPORT



Agenda Date: 8/21/2023

Subject: Code Clean Up

Contact Person/Department: Russ Wright, Nico Faz, Community Development

Budget Impact:

Legal Review: No

RECOMMENDATION(S)/ACTION REQUESTED:

This is an informational briefing only. Staff requests commissioners review the draft changes and provide feedback to incorporate in future revisions.

SUMMARY/BACKGROUND:

The purpose of this briefing is to discuss various land use code revisions which clarify intent, improve language consistency, and maximize administration efficiency. The proposed changes are organized into three categories: housekeeping, minor updates for clarification, and substantial updates based on changing situations or interpretation (**Attachment 1**). There is some overlap across the categories – in such cases the changes will be grouped together for ease of review. Today's meeting is the commission's first overview of proposed strike-through language across all categories (**Attachment 2**). There are additional changes in each category that will be presented at a future briefing.

APPLICABLE CITY POLICIES:

ATTACHMENTS:

1. Attachment 1
2. Attachment 2

Attachment 1

Code Cleanup - 2023				
Number	Amendments	Notes	Level	Status
Housekeeping - Revise codes for clarity, fixing references, deleting text				
1	Definitions	Revise and add definitions as needed	Housekeeping	Done
	Additional definitions	Review and consider additional definitions for Adult family home, Kitchen,Eligible facilities defintion	Housekeeping	Pending
2	Design Reivew	14.16C.050(c) update submittal requirments and references	Housekeeping	Done
3	Remove duplicate Home Occupation code	14.16C.070 remove duplicate code section for home occupations	Housekeeping	Done
4	Subdivisions	14.18.030(b) changed to draft copies 14.18.035 updated language for digital requirements 14.18.040 (d) gender neautrality and (s) added "plat or"	Housekeeping	Done
		14.18.060(a,d,e and f) updated to align with state law and more clearly define a review process for alteration consisetne with other code sections.	Update	Done
5	Correct street name in Subarea code	14.38.040 footnote 10 replace "SE" with "NE"	Housekeeping	Done
6	Correct Boundary Line Adjustments title	14.38.200 correct section title to 14.18.200	Housekeeping	Done
7	Remove duplicate Temporary Public Structures code	14.44.048 remove duplicate code section for temporary public structures	Housekeeping	Done
8	Screening and Trees	14.76.124(b) removed references to SR, UR, and HUR and exception	Housekeeping	Done
9	Gender Neuttrality - Titles 4 and 14,	Updates made to titles 4 and 14 under the adminsitration of Planning and Community Development	Housekeeping	Done

Updates - Changes to existing internal regulations for increased clarity or to fix internal inconsistencies				
10	Dimensional Standards	14.48.045 reinstate exception for accessory structures within side and rear setbacks removed by Ordinance 1080 Table 14.48-I Footnote 3 updated to clarify that 2,800 square feet is a proxy to determine density and Footnote 6 updated to clarify application of maximum impervious surfaces in previously developed projects and new projects.	Update	Done
11	Signs	14.38.100(3) Provide definitions for main and secondary façade as well as applicability of section (vii) to project area. 14.68.015(d)(5) review horizontal distance between temporary non-commercial signs base on site charactersitics - greater flexibility in areas without site obstructions 14.68.015(d)(3-4) clarify height measurement of signs 14.68.030(5) change timeframe from 10 days to 30 days 14.68.060(b) clarify applicability and exception for subdivision signs.	Update	Pending
	Clarify Parking Requirements	14.38.060 harmonize parking requirements between CBD and downtown subarea	Update	Pending
	Clarify Health Care Services	14.08.010 clarify relationship between Health Care Services and Leveled Facilities	Update	Pending
	Geologically Hazardous Areas	Review LSMC 14.88.630 as it relates IRC for steep slopes	Update	Pending

Substantial - Changes to provide clarification through new administrative determinations or changes in law				
12	Duplex	Update Section 14.48.020 to comply with changes in state law - no restrictions on size	Substantial	Done
13	Accessory Dwelling Units	Revised per HB 13.37	Substantial	Done
14	Interpretation of Lot Status	from city attorney - If a nonconforming lot has ever been in the same ownership as an adjacent lot or lots, at any time after the date it becomes nonconforming, and the owner thereof develops or uses the two or more lots as a single unit, then the nonconforming lot is deemed to have been combined with the adjacent lot or lots which are used a single unit to the extent necessary to create a conforming lot and may only be used in accordance with this title as a single, conforming lot REmove (i) as this is redundant with Sectoin (e).	Substantial	Done
15	Modify Temporary Use	14.16C.110(c) allow temporary real estate offices to continue use until all units are sold Review LSMC 14.16C.110(c) Permitted Temporary Uses	Substantial	Partially done
	Adult family home	RCW 70.128 – AFH section / 70.128.010 – Definition, Operation without a license, Fees, Inspection, Suspension of license, Requirements	Substantial	Pending
	Street standards	Review street standards for private tracts	Substantial	Pending
	Home daycare	Update to comply with changes in state law	Substantial	Pending

Attachment 2

2023 Code Cleanup Strikethrough Language

1. Definitions:

14.08.010 Definitions of Basic Terms.

"Accessory dwelling unit" means a dwelling unit located on the same lot as a single-family housing unit, duplex, triplex, townhome, or other housing unit.

"Attached accessory dwelling unit" means an accessory dwelling unit located within or attached to a single-family housing 6-unit, duplex, triplex, townhome, or other housing unit.

Adult Family Home. A residential home in which a person or persons provide personal care, special care, room, and board to more than one but not more than six adults who are not related by blood or marriage to the person or persons providing the services. An adult family home may provide services to up to eight adults upon approval from the Department of Social and Health Services, pursuant to RCW 70.128.010. See RCW 70.128 for further information on exemptions, licensing, operations, fee schedules, inspections, and more.

"Detached accessory dwelling unit" means an accessory dwelling unit that consists partly or entirely of a building that is separate and detached from a primary / principal residence or other housing unit on the same property.

Fire Marshal. The City of Lake Stevens Fire Marshal or designee.

Planned Residential Development. A development constructed on at least one acre under a single application, planned and developed as an integral unit, and consisting of single-family detached residences and may be combined with two-family residences, multifamily residences, public/semi-public amenities (e.g., usable open space, a community center, recreational facilities, etc.), or a combination thereof.

Note: Additional changes will be added to this section.

2. Design Review.

Section 14.16C.050

(c)(2) Design Review Submittal Requirements. ~~Two color, hard copies and~~ One electronic copy is required for each submittal for review.

(d)(2) Structures are subject to the design guidelines or standards adopted per subsection (b) of this section when developed under specified regulations listed below, except when the project meets the limitations in Section [14.16C.020](#)(d):

- (i) Planned neighborhood developments (Section [14.16C.080](#));
- (ii) Planned residential developments (Section ~~14.44.020~~ [14.18.300](#)); and
- (iii) Innovative Housing Options Program (Chapter [14.46](#)).

Note: All other sections remain unchanged.

3. Remove duplicate Home Occupation code:

14.44.015 Home Occupations.

~~(a) The purpose of this section is to allow small-scale commercial occupations incidental to residential uses to be located in residences while guaranteeing all residents freedom from excessive noise, traffic,~~

~~nuisance, fire hazard, and other possible effects of commercial uses being conducted in residential neighborhoods.~~

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

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

~~(1) The total area devoted to all home occupation(s) shall not exceed 25 percent of the floor area of the dwelling unit or 500 square feet, whichever is less. Areas within attached garages and storage buildings shall not be considered part of the dwelling unit for purposes of calculating allowable home occupation area but may be used for storage of goods associated with the home occupation;~~

~~(2) The home occupation may be located in the principal dwelling, except that those related to growing or storing of plants used by the home occupation(s) may be in an accessory structure. If located in an accessory structure, the area devoted to the occupation, as described in subsection (c)(1) of this section, shall be based upon the floor area of the dwelling only;~~

~~(3) No business activity may occur outside of any buildings on site, including displays of goods, stock in trade or other commodities;~~

~~(4) Not more than one person outside of the family shall be employed on the premises;~~

~~(5) The home occupation shall in no way alter the normal residential character of the premises;~~

~~(6) No objectionable noise, fumes, odor, or dust shall be allowed;~~

~~(7) The home occupation(s) shall not use electrical or mechanical equipment that results in:~~

~~(i) A change to the fire rating of the structure(s) used for the home occupation(s);~~

~~(ii) Visual or audible interference in radio or television receivers, or electronic equipment located off premises; or~~

~~(iii) Fluctuations in line voltage off premises;~~

~~(8) No equipment or material may be stored, altered or repaired on any exterior portion of the premises;~~

~~(9) Sales shall be limited to:~~

~~(i) Products accessory to the home occupation (e.g., shampoo for beauty shop, etc.);~~

~~(ii) Merchandise which is produced on the premises; and/or~~

~~(iii) Mail order, internet and telephone sales; and~~

~~(iv) With appointment for pick up or off-site delivery;~~

~~(10) Services to patrons shall be arranged by appointment or provided off site;~~

~~(11) In addition to required parking for the dwelling unit, one on-site parking stall shall be provided when services are rendered on-site;~~

~~(12) The home occupation(s) may use or store a vehicle for pickup of materials used by the home occupation(s) or the distribution of products from the site, provided:~~

~~(i) No more than two such vehicles shall be allowed;~~

~~(ii) Such vehicles shall not be parked within any required setback areas of the lot or on adjacent streets; and~~

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

~~(13) Signs in connection with the home occupation shall comply with the restrictions of Chapter 14.68, Signs; and~~

~~(14) No sales or services will be conducted on the premises which will generate more than 10 average daily round trips per day by customers except for day care.~~

~~(d) The following is a nonexhaustive list of examples of enterprises that may be granted a home occupation permit if they meet the foregoing standards:~~

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

~~(2) Workshops, greenhouses, or kilns;~~

~~(3) Dressmaking or hairdressing studios; and~~

~~(4) Day care.~~

~~(e) Prohibited home occupations are enterprises which may create objectionable noise, fumes, odor, dust or electrical interference and may involve hazardous materials or on-site storage of petroleum products, and which are not compatible with residential development. The following is a nonexhaustive list of examples of such prohibited enterprises:~~

~~(1) Automobile, truck and heavy equipment repair;~~

~~(2) Autobody work or painting;~~

~~(3) Parking and storage of heavy equipment;~~

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

~~(5) Marijuana production, processing or retail facility; or~~

~~(6) Similar types of enterprises.~~

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

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

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

~~(i) Modification. The Planning Director shall have authority to grant an administrative modification to the standards listed in subsection (c) of this section, provided the use is consistent with the purposes of this chapter and will be operated in harmony with the character of and create no significant impact to the residential neighborhood. The Planning Director is authorized to approve administrative modifications only in cases of unique circumstances, such as large property acreage, remote site access or site location, or small scale of use, when these circumstances ensure the commercial operation remains incidental to~~

~~the dwelling and in no way alters the normal residential character of the premises. No modification shall be granted which would be detrimental to the public health, or welfare or the environment.~~

~~(j) In-Home Day-Care Standards:~~

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

~~(2) There shall be minimal, if any, change in the outside appearance of the residence.~~

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

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

~~(5) The day care provider shall provide written notification to immediately adjoining property owners of the intent to locate and maintain a facility and provide a copy of the notification to the Planning Department. (Ord. 908, Sec. 5, 2014; Ord. 811, Sec. 4 (Exh. 3), 2010)~~

4. Subdivisions

Section 14.18.015 Review of Subdivisions

No person may subdivide property except in accordance with the provisions of this title. Subdivisions and short subdivisions are subject to a three-step approval process. The first step is approval of the preliminary plat, the second is approval and construction of the infrastructure necessary to serve the subdivision, and the third step is for approval of the final plat. Each step requires a separate application and fee as set by Council resolution.

Note: All other sections remain unchanged.

Section 14.18.030 Application for Final Plat Approval

(b) Draft copies of the following information:

Section 14.18.035 Approval of Final Plats

(d) The applicant shall also provide all final plat maps and engineered as-builts in digital form, in a format approved by the city .

Note: All other sections remain unchanged.

Section 14.18.040 Content of the Final Plat.

(d) The name, registration number, and seal of the professional land surveyor responsible for preparation of the plat, and a certification on the plat by said surveyor to the effect that (1) it is a true and correct representation of the land actually surveyed by or under the surveyor's supervision; (2) that the exterior plat boundary, and all interior lot corners have been set on the applicant's property by or under the surveyor's supervision using appropriate permanent materials, with a field traverse with a linear closure of one to 10,000 and corresponding angular closure as specified in WAC 173-303-610; and (3) that all street centerline monuments (points of intersection, points of curve, points of tangency, etc.) within the plat and all intersections with existing street centerlines have been monumented with concrete monuments in case or other permanent material approved by the City.

(s) The following declaration: "All conditions of the preliminary plat or short plat, embodied within the Form of Decision [recorded in Book ____, Page ____ of the Snohomish County Registry/which is attached hereto as Exhibit ____], shall remain conditions of construction of the public improvements."

Note: All other sections remain unchanged.

Section 14.18.060 Alterations of Subdivisions

- (a) If an applicant wishes to alter a subdivision or short subdivision or any portion thereof, except as provided in Section 14.18.065, that person shall submit an application to the Department of Planning and Community Development requesting the alteration. The application shall contain the signatures of the majority of persons having an ownership interest in lots, tracts, parcels, sites or divisions within the subdivision or short subdivision or in that portion to be altered.
 - (1) Upon receiving an application for an alteration of a short subdivision or subdivision, the Planning Director or designee shall provide a notice of application to all owners of property within the subdivision, per Chapter 14.16B-Part II for short subdivisions and Chapter 14.16B-Part III for subdivisions.
 - (2) The notice shall establish a date for a public hearing or provide a person receiving notice to request a public hearing within 14 days of issuance of the notice of application. The Hearing Examiner shall conduct the hearing.
- (b) The Planning Director shall have the authority to determine whether the proposed alteration constitutes an administrative modification, per LSMC 14.16C.025 or a major alteration. Major alterations are those which substantially change the basic design, density, open space, or other similar requirements or provisions.
 - (1) When the alteration meets the requirements of this section and LSMC 14.16C.025, the alteration will be reviewed as a Type II Administrative Modification.
 - (2) When the alteration exceeds the requirements of this section and LSMC 14.16C.025, the alteration shall be reviewed by the same body that reviewed the original application. The criteria for approval of such a modification shall be those criteria governing the permit which is the subject of the proposed alteration.
- (c) If the subdivision or short subdivision is subject to restrictive covenants, which were filed at the time of the approval, and the application for alteration would result in the violation of a covenant, the application shall contain an agreement signed by all parties subject to the covenants providing that the parties agree to terminate or alter the relevant covenants to accomplish the purpose of the alteration of the subdivision or short subdivision or any portion thereof.
- (d) The City shall determine the public use and interest in the proposed alteration and may deny or approve the application for alteration. If any land within the alteration is part of an assessment district, any outstanding assessments shall be equitably divided and levied against the remaining lots, parcels, or tracts, or be levied equitably on the lots resulting from the alteration. If any land within the alteration contains a dedication to the general use of persons residing within the subdivision, such land may be altered and divided equitably between adjacent properties.
- (e) After approval of the alteration, the City shall order the applicant to produce a revised drawing of the approved alteration of the subdivision or short subdivision, and after signature the final plat or final short plat shall be filed with Snohomish County to become the lawful plat or short plat of the property.
- (i) (f) This section shall not be construed as applying to the alteration or replatting of any plat or short plat of State-granted shore lands.

Note: All other sections remain unchanged.

5. Correct street name in Subarea code

Section 14.38.040 Dimensional Regulations.

10. Building heights in the CBD and P/SP zoning districts west of Main Street between North Lakeshore and 16th Street ~~SE~~ NE may not exceed 45 feet.

Note: All other sections remain unchanged.

6. Correct Boundary Line Adjustments

Section ~~14.38.200~~ 14.18.200 Boundary Line Adjustments

Note: All other sections remain unchanged.

7. Remove duplicate Temporary Public Structures code

~~Public agencies may erect and use temporary structures (e.g., portable school classrooms, civic uses, emergency command centers, health and social services centers, etc.) upon demonstrating that such a use is in the public benefit and that the use is temporary in nature. Permits for temporary public structures shall expire one year after issuance, but may be renewed annually by the Planning Director upon demonstration of demonstrated public benefit. (Ord. 468, 1995)~~

Note: All other sections remain unchanged.

8. Screening and Trees

Section 14.76.124 Shade Trees on Residential Lots

(b) The minimum number of required trees depends on the zoning district in which the site falls, as follows:

R4, WR - three trees/lot

R6, R8-12 - two trees/lot

Note: All other sections remain unchanged.

9. Gender Neutrality

Section 4.04.060 Procedure for Obtaining License

(c) No person shall engage in any business for which a license is required under this section without being registered and licensed in compliance with the provisions of this chapter; nor shall any person holding such a business license suffer or allow any other person for whom separate license is required to operate under or display their license.

Section 4.04.150 Suspension or Revocation of License – Grounds

(c) It is unlawful for any person whose license has been revoked, denied or suspended to keep the license issued to him/her in his/her possession or under their control, and the same shall immediately be surrendered to the Planning and Community Development Department. When revoked or denied, the license shall be cancelled, and when suspended the Planning and Community Development Department shall retain the same during the period of suspension.

4.04.220 Penalties

(b) Any taxpayer who engages in or carries on any business subject to a tax hereunder without having a business license, shall be guilty of a separate violation of this chapter for each day during which the business is so operated.

Section 14.16A.180(b) Performance Standards

(2) In addition, an augmented performance security may be required by the Public Works Director to cover the cost of installing any system-wide public improvements that an applicant has agreed to install as part of an approved project where the lack of installation would cause the system to fail or not be completed in a timely manner.

(4) Submission of a performance security may be waived by the Public Works Director if, in the director's opinion, said guarantee of installation is not necessary.

Section 14.16A.265 Appeals

(c) Effect of Appeal. Decisions on Type I, Type II, Type III, and Type IV permits are assumed valid unless overturned by an appeal decision. An appeal stays all actions by the Planning Director seeking enforcement of or compliance with the order or decision appealed from, unless the Planning Director finds that a stay would cause imminent peril to life or property, in which case proceedings shall not be stayed except by order of the Hearing Examiner or a court.

Section 14.16C.115 Variances

(C)(2) If the applicant complies strictly with the provisions of this title, the applicant can make no reasonable use of the owned property;

Section 14.04.070 No Use or Sale of Land or Buildings Except in Conformity with Title Provisions.

(a) Subject to Chapter [14.32](#) (Nonconformities), no person may use, occupy, or sell any land or buildings or authorize or permit the use, occupancy, or sale of land or buildings under their control except in accordance with all of the applicable provisions of this title.

Section 14.56.150 Inspection of Public Improvements Required Prior to Issuance of Final Permits.

All public improvement work shall be inspected by the Public Works Director or designee prior to issuance of any final land use or building permit.

Section 14.60 Building Sewer Permits

(c) A permit which includes building sewer work on private property only may be issued to the owner of the property or to a registered building sewer contractor, or qualified City employee, but such permit shall not allow the owner to connect the building sewer to a public sewer except through the normal opening of a wye, tee, or stub under the supervision of the Public Works Director or designee.

Section 14.60.250 Reuse of Building Sewers

Old building sewers, including septic tank lines, may be used only when they are found, on examination and test by the Public Works Director, to meet all requirements of this chapter. The owner or the owner's agent shall demonstrate to the Public Works Director that no connection to such building sewer or septic tank line exists which conveys any material prohibited by LSMC Section 6.04.210 (Unlawful Discharge into Public Sewers).

14.18.015 Review of Subdivisions.

No person may subdivide his land except in accordance with the provisions of this title. Long and short subdivisions are subject to a three-step approval process. The first step is approval of the preliminary plat, the second is approval and construction of the infrastructure necessary to serve the plat, and the third step is for approval of the final plat. Each step requires a separate application and fee as set by Council resolution.

Section 14.60.270 Building Sewer Construction Requirements

(e)(8) With respect to building sewer connections to public sewers in or adjacent to Lake Stevens, the excavation for the connection into the public sewer or stub serving the public sewer and the connection thereto shall be made only under the visual inspection of the Public Works Director or designee.

Section 14.72.080 Satellite Parking

(c) The developer wishing to take advantage of the provisions of this section must present satisfactory written evidence that the developer has the permission of the owner or other person in charge of the satellite parking spaces to use such spaces. The developer must also sign an acknowledgement that the continuing validity of his permit depends upon his continuing ability to provide the requisite number of parking spaces.

Note: All other sections of Title 4 and 14 remain unchanged.

10. Dimensional Standards

Section 14.48.045 Accessory Structures

(a) In single-family residential zones, accessory structures must meet the following conditions:

- (1) The gross floor area of all accessory structures shall not exceed 200 square feet without a building permit;
- (2) The height of the accessory structure shall not exceed 12 feet without a building permit; and
- (3) The accessory structure may be set back five feet from rear and side property lines but shall be no closer to the front property line than the front setback.

Table 14.48-I

Table 14.48-I: Residential Density and Dimensional Standards¹

Zoning District	Lot Size		Lot Width	Front Setback ²	Side Setback	Rear Setback	Maximum Impervious Area ⁶	Maximum Height
R4	8,000 sq ft		60 feet internal 65 feet corner	25 feet	15 total (no less than 5 feet one side)	20 feet	50%	35 feet
WR	9,600 sq ft		variable - not less than 50 feet	25 feet	15 total (no less than 5 feet one side)	20 feet ⁷	40% ⁵	35 feet
R6	6,000 sq ft		50 feet internal 55 feet corner	20 feet	10 total (no less than 5 feet one side)	15 feet	55%	35 feet
R8-12 ³	Detached	4,000 sq ft	45 feet internal	15 feet (25 feet max.) ⁸	10 total (no less than 5 feet one side)	10 feet	65%	35 feet

Table 14.48-I: Residential Density and Dimensional Standards¹

Zoning District	Lot Size		Lot Width	Front Setback ²	Side Setback	Rear Setback	Maximum Impervious Area ⁶	Maximum Height
			50 feet corner					
	Attached	2,800 sq ft	16 feet internal 26 feet corner	15 feet (25 feet max.) ⁸	10 feet between other districts or buildings on site	10 feet	75%	45 feet
MFR	None		20 feet ⁴	Variable	10 feet between other districts or buildings on site	10 feet between other districts	80%	55 feet

Notes:

1. Unless otherwise stated, the dimensional standards refer to minimum requirements.
2. The minimum required setback for garages is 20 feet from the front lot line to ensure sufficient space for cars to park in driveways without blocking sidewalks.
3. The R8-12 zoning district applies two sets of development standards depending on if the project is a detached single-family or attached townhouse development. Developments may apply a mix of standards if both types of housing are represented in the project up to the maximum adjusted gross density. For attached units, the 2,800 square foot lot size is used to determine overall lot density per Section 14.48.085 as the actual configuration of lots for attached units will vary greatly by site.
4. Twenty-foot minimum street frontage.
5. Per Lake Stevens Shoreline Master Program.
6. The allowance for maximum impervious surfaces shall apply to new subdivisions, short subdivisions, infill development and multifamily developments on parcels with adequate stormwater facilities developed under the current Washington State Department of Ecology Stormwater Management Manual for Western Washington or hereafter revised. The lot coverage for lots or developments created prior to 2020 shall be 40 percent for single-family zones (R4, R6 and WR), 65 percent for the R8-12 zoning district and 80 percent for multifamily developments. Any applicant requesting an increase in impervious surfaces to current standards, on existing developed parcels, shall demonstrate that the cumulative increase of impervious surfaces will not impact the overall capacity of the existing stormwater system or the increase in impervious surface cannot be mitigated including the cumulative impervious surface for the entire subdivision or development project as developed.
7. The Lake Stevens Shoreline Master Program requires a 50-foot buffer from the lake and 10-foot setback. On Waterfront Residential parcels separated from the lake by roads the rear (upland) setback is 20 feet; otherwise, rear setbacks from the water will be per the Lake Stevens Shoreline Master Program.
8. The maximum driveway length is mandatory for standard platted lots. Exceptions to this standard may be considered on a case basis for infill lots and lots with unique site conditions including but not limited to critical areas, topography and location of easements and utility corridors.

11. LSMC 14.68.060 Total Allowable Sign Area

- (a) The total area devoted to all signs on any lot shall not exceed the limitations set forth in this section. All signs except temporary signs and subdivision signs shall be included in this calculation. Per 14.68.090, residential properties may only have subdivision signs if they are adjacent to the entrance to a residential subdivision or multi-family development.

Note: Additional changes will be added to this section.

12. Duplexes

Section 14.48.020

Duplexes and two-family conversions in single-family zones shall be allowed on all residential lots having at least the minimum square footage required for one dwelling unit on a lot in such district.

13. LSMC 14.44.045 Accessory Dwelling Units (ADU) is hereby amended to read,

The installation of two accessory dwelling units (ADU) in any configuration (attached or detached) shall be allowed in residential zoning districts with a primary residence subject to specific development and design standards.

- (a) Purpose. The purpose of allowing ADUs is to:

- (1) Offer a means for residents to remain in their homes and neighborhoods, despite rising costs of living, while obtaining rental income, companionship, security and services.
- (2) Expand housing options for residential property owners, particularly family caregivers, adult children, aging parents, and families seeking smaller households.
- (3) Provide another means for homeowners to reinvest in and improve their residential property.
- (4) Develop housing units in single-family neighborhoods that are appropriate for people at a variety of stages in the life cycle.
- (5) Promote a broader range of affordable housing options in Lake Stevens.
- (6) Comply with the goals and policies of the Housing Element in the Comprehensive Plan.
- (7) Protect neighborhood stability, property values, and the single-family residential appearance of the neighborhood by ensuring that ADUs are installed under the conditions of this section.

- (b) Development Standards.

- (1) The ADUs may be within, attached to, or detached from the principal dwelling unit or as part of a legally permitted accessory structure.
- (3) An ADU can be constructed to a maximum size of up to 50 percent of the principal dwelling unit's total gross floor area, or to a maximum size of 1,000 square feet of total gross floor area, whichever is less.
 - (i) Buildings and garages detached from the principal dwelling shall be excluded from the total gross floor area calculation.
 - (ii) If the ADU is completely located on a single floor within the footprint of an existing legally permitted structure, the Director or designee may allow an increased size to efficiently use the floor area, so long as all other standards set forth in this section and title are met.
- (4) ADUs shall not be smaller than 250 square feet of gross floor area.

- (6) Individual ADUs can be conveyed separately as condominium units per Chapter 64.34 RCW, subject to an approved binding site plan per Chapter 14.18-Part II. .
- (7) The construction of an ADU shall conform to all applicable standards in the building, plumbing, electrical, mechanical, fire and any other applicable codes, laws, rules, and regulations as adopted by the City and/or State, including but not limited to the development standards applicable to the underlying zone where the ADU is being proposed.
- (8) An ADU shall be on a foundation as regulated by the current International Residential Code.
- (9) Applicants shall obtain all necessary approvals from agencies with jurisdiction over utility infrastructure.
- (10) The construction of ADUs shall not require the construction of frontage improvements in the public right-of-way pursuant to Section 14.56.170.
- (11) The impact fee for accessory dwelling units shall be no more than 50 percent of the impact fee imposed on the principal unit per the currently adopted fees resolution.

(c) Parking

- (1) One off street parking space per ADU unit is required on lots smaller than 6,000 square feet.
- (2) Two off street parking space per ADU unit are required on lots of 6,000 square feet or more.
- (3) No parking spaces are required for ADU's within one-half mile of a walking distance of a major transit stop as defined in RCW XX unless the city demonstrates implementation of this subsection will be significantly less safe for vehicle drivers or passengers, pedestrians, or bicyclists than if the jurisdiction's parking requirements were applied to the same location for the same number of detached houses.
- (d) The provisions of this section do not apply to lots with designated critical areas or their buffers per Chapter 14.88.

14. 14.16C.078 Legal Lot Status Determination.

(c) Determination Process.

- (3) If a nonconforming lot has ever been in the same ownership as an adjacent lot or lots, at any time after the date it becomes nonconforming, and the owner thereof develops or uses the two or more lots as a single unit, then the nonconforming lot is deemed to have been combined with the adjacent lot or lots which are used a single unit to the extent necessary to create a conforming lot and may only be used in accordance with this title as a single, conforming lot.
- (f) Alternate Decision Criteria for Determining Lot Status. The Planning Director or designee may determine that a parcel is a legal lot of record when the parcel meets one or more of the following criteria:
 - (3) For consideration for an alternative determination of lot status, the applicant shall demonstrate that:
 - (i) The parcel substantially meets or can meet current zoning standards per Title 14 including but not limited to access to public utilities, site access, road, sidewalk, stormwater, lot size, setbacks, etc.; and
 - (ii) The parcel does not adversely impact public health or safety; and
 - (iii) The parcel does not adversely affect or interfere with the implementation of the Comprehensive Plan.

- (iv) For purposes of reviewing the status of preexisting parcels, parcels within 10 percent of lot size standards shall be considered to substantially meet the current standards unless the Planning Director or designee determines that public health or safety impacts are present.

Note: Additional changes will be added to this section.

15. LSMC 14.16C.110 Temporary Use is hereby amended to read,

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

- (i) If situated in a residential zone, the office may only be used for sale activities related to the plat in which it is located.
- (ii) If situated in a commercial zone, the office may only be used for sales related to the model or display home itself.
- (iii) Within a period of one month of the last residential property within the subdivision being sold ~~one year~~, the use of the building for a temporary real estate sales office shall terminate, and the building shall be used exclusively thereafter for uses permitted within that zone and shall meet all building and fire codes applicable thereto, or shall be immediately removed.

Note: Additional changes will be added to this section.