

# PLANNING COMMISSION MEETING AGENDA



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## *City of Lake Stevens Vision Statement*

*We are a thriving community that promotes a vibrant economy, preserves natural beauty, and supports an exceptional quality of life for all.*

November 5, 2025 - 6:00 PM  
**Hybrid In-Person at The Mill or Remote via Zoom**  
[Zoom Link](#)

**or call in at: 253-215-8782** Meeting ID: 89790456679 Passcode: 155190

- 1. Call to Order**
- 2. Roll Call**
- 3. Guest Business**
- 4. Action Items**
  - A. Approve October 15, 2025 Meeting Minutes
- 5. Public Hearing**
  - A. STEP and Co-Living Housing Code Amendments Public Hearing (LUA2025-0182) David Levitan
- 6. Discussion Items**
  - A. Discussion of Phase I Process Code Amendments David Levitan
- 7. Commissioner Report**
- 8. Planning Director's Report**
- 9. Adjourn**

### **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 STAFF REPORT



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**Agenda Date:** 11/5/2025

**Subject:** Approve October 15, 2025 Meeting Minutes

**Contact Person/Department:** , Community Development

**Budget Impact:**

**Legal Review:** No

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**RECOMMENDATION(S)/ACTION REQUESTED:**

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**SUMMARY/BACKGROUND:**

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**APPLICABLE CITY POLICIES:**

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**ATTACHMENTS:**

1. 10-15-25 Planning Commission Minutes

# PLANNING COMMISSION MEETING MINUTES



HYBRID/REMOTE AND IN-PERSON AT THE MILL

October 15, 2025

- CALL TO ORDER:** 6:00 PM by Commissioner Michael Duerr
- MEMBERS PRESENT:** Commissioner Bruce Morton, Commissioner Mike Duerr, Commissioner Nathan Packard, Commissioner Connor Davis and Council Liaison Ryan Donoghue, Chair Janice Huxford via phone
- MEMBERS ABSENT:** Vice-Chair Jennifer Davis was absent. Commissioner Morton moved, and Commissioner Packard seconded, a motion to excuse Commissioner Jennifer Davis’s absence. The motion passed unanimously.
- STAFF PRESENT:** Principal Planner David Levitan, Planning Manager Christi Schmidt, Planning Director Russ Wright, Administrative Assistant Dawn Erickson
- OTHERS PRESENT:** None

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

Roll Call: As noted above.

Guest business: None.

Approval of Minutes: The September 17, 2025 meeting minutes were approved as written. Chair Huxford made the motion, and Commissioner Morton seconded. The motion passed unanimously.

Discussion Items: Planning Manager Schmidt reviewed proposed (draft) changes, which were provided in the meeting packets as strike-through and clean versions of LSMC 14.110 Concurrency Management System and LSMC 14.112 Traffic Impact Mitigation Fees, as well as related summaries of administrative documents. She stated the purpose of the proposed changes is to refine concurrency standards to be compliant with the level of service (LOS) specified in the Comprehensive Plan, to incorporate industry best practices for multimodal street and sidewalk standards, and to update traffic impact fee methodology and the latest ITE trip generation data. Staff also emphasize clarifying exemptions and new terminology to be consistent with the RCWs.

Regarding 14.110, Commissioner Morton liked that the minimum threshold ensures that individual homeowners are not affected, but pointed out that on page 8 of the strikethrough version under “Improvements shall not create a significant safety hazard,” the word “significant” should be removed.

Next Planning Manager Schmidt discussed the Concurrency Handbook, which has proposed changes to help guide staff and developers in calculating transportation impact fees and traffic reports. She also stated that the Concurrency Certificate will become a separate document issued to developers with the development application. She also shared a tracking matrix to track project trip thresholds and square footage for various uses. This will help staff prepare an annual report to City Council to update the CIP transportation projects. Traffic reports are available in the Permitting Portal, and people are always welcome to contact PCD with questions.

Planning Manager Schmidt also reviewed changes to LSMC 14.112, which will have updated methodology for calculating traffic impact fees and ITE trip generation data, new terminology, clarify exemptions, provide multi-modal requirements, and update the LOS standards to match the Comprehensive Plan. She also reviewed the revised Traffic Impact Zone (TIZ) map.

Commissioner Packard asked why three zones? Director Wright explained that different traffic patterns create different impacts, requiring different zones with specific rates. Packard expressed concern that this disincentivizes economic development in some zones. Fee methodology allows for some funds dispersion for significantly large capital projects. It does not appear to affect decisions regarding where companies decide to locate. Concurrency is looking out into the future for the whole good of the system; the impact fees enable us to collect fees to offset the impact created. Commissioner Duerr asked how the fees were set. Planning Manager Schmidt stated that staff surveyed surrounding cities and presented the data to Council last night. Our fees are higher in one zone, and the city is looking at ways to remain competitive and still pay for capital projects.

Planning Manager Schmidt then reviewed the Traffic Impact Fee (TIF) Program Developers Worksheet, which is how developers calculate their fees. It is being revised to include multi-modal and pass-by trips, and match up with LOS and methodology in the Comprehensive Plan. The threshold is not for providing impact fees; it is a threshold for providing a traffic impact analysis. She also shared the Traffic Impact Fee Cost Basis, the implementation document that staff uses, and offered to send a draft copy to anyone who requests one.

The next steps include one or more work sessions with the Council on traffic impact fees for 2026, which may refine some capital project lists and change allocations for the TIF zones. Then, there will be a PC work session with the final draft documents. Based on council input, the public hearing previously scheduled for November 5, 2025, will be postponed. Packard asked about non-vehicle trips, when increased due to development, and how they are considered in the calculations. Director Wright explained the Comprehensive Plan's Transportation element included a new multi-modal methodology, which are weighted, to establish a fair and equitable fee for the project. The city does have the option to evaluate peak hours other than PM if the situation warrants (schools, coffee stand).

Principal Planner Levitan gave a quick update on STEP housing. Council supported the supplemental use regulations addressing the dual approach, but had protective buffer thoughts around parks, schools and childcare centers. They think the requirements regarding supplemental use regulations and expanded public noticing requirements are sufficient. Still, they had trouble finding the nexus between public health and safety concerning the increased buffer. HB1998 in the 2024 legislative session amendment regarding co-living housing (boarding houses), requiring jurisdictions to treat them the same as MFR. We will include this in the STEP housing discussion. The city's code already treats boarding houses this way.

### Commissioner Reports:

- Commissioner Packard commented that, after discussions with some small businesses, the cost of moving a business already established within the city is too high, which may drive business out of the city.
- Commissioner Connor Davis brought up the lack of enforcement regarding the small e-bikes being driven all over the city, citing noise and the potential for danger
- Commissioner Morton asked about the riparian buffers. Principal Planner Levitan said there has been discussion with WDFW, which indicated support for alternative buffers, particularly for non-fish-bearing streams
- Commissioner Duerr requested that any material changes to the agenda after its initial posting be emailed to the commissioners.

### Director's Report

Director Wright asked Council Liaison Donoghue to address the Commissioners regarding the e-bike issue. Council Liaison said the complication of the e-bike issue is that the riders are juveniles, which requires a special administrative process. The city is aware and working on a solution. Director Wright announced that Everett had signed an ILA for development across the waterline.

Adjourn: Motion by Commissioner Morton, seconded by Commissioner Connor Davis, to adjourn the meeting at 7:02 p.m. The motion carried unanimously.

Respectfully,

Dawn Erickson, Administrative Assistant

# PLANNING COMMISSION STAFF REPORT



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**Agenda Date:** 11/5/2025

**Subject:** STEP and Co-Living Housing Code Amendments Public Hearing (LUA2025-0182)

**Contact Person/Department:** David Levitan, Community Development

**Budget Impact:**

**Legal Review:** No

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## **RECOMMENDATION(S)/ACTION REQUESTED:**

Hold a public hearing and forward a recommendation to City Council on LUA2025-0182, a city-initiated land use code amendment to revise definitions, permissible uses, development standards and supplementary use regulations for STEP housing and co-living housing, to comply with recent changes to the Growth Management Act (GMA).

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## **SUMMARY/BACKGROUND:**

Over the last five years, the Washington State Legislature has passed several bills that (when signed by the governor) have amended the [Growth Management Act](#) (GMA) and require cities to plan for and adopt development regulations for a full spectrum of housing types. These include:

- [House Bill \(HB\) 1220](#) in 2021, which required cities to plan for housing at all income levels and household sizes through their comprehensive plans and to adopt development regulations for what is known as “STEP” housing – emergency shelters (S), transitional housing (T), emergency housing (E), and permanent supportive housing (P). Emergency housing and shelters must be permitted in any zoning district that allows hotels, while transitional housing and permanent supportive housing (PSH) must be permitted in any zoning district that allows hotels or residential units. Cities may also adopt a variety of development regulations (such as spacing, occupancy, and licensing requirements) related to STEP housing so long as they are related to public health and safety; and

- [HB 1998](#) in 2024, which required cities to adopt regulations allowing co-living housing – residential sleeping units that are independently rented and lockable and provide living and sleeping space, with residents sharing kitchen facilities – in any zoning district that allows at least six multifamily residential (MFR) living units per lot, including mixed-use development.

Staff briefed the Planning Commission at multiple work sessions about potential amendments to the Lake Stevens Municipal Code (LSMC) in advance of the December 31, 2025 adoption deadline, including:

- [May 21, 2025](#), during which staff introduced the concept and definitions of STEP housing and presented a range of code development approaches from different cities in the region ([staff report](#) and [video](#)).
- [June 2, 2025](#), where commissioners continued their discussion of the desired scope and scale of potential code language ([staff report](#) and [video](#))
- [August 18, 2025](#), where commissioners were introduced to [draft code language](#) and provided their initial feedback ([staff report](#) and [video](#))
- [September 17, 2025](#), where commissioners discussed potential protective buffers between emergency housing/shelters and land uses frequented by minors such as schools, childcare centers, libraries and parks ([staff report](#) and [video](#))
- [October 15, 2025](#), where staff introduced the limited changes needed related to co-living housing and shared feedback from the City Council’s September 23 discussion of STEP housing ([Council meeting video](#)), and where the majority of commissioners present affirmed their desire to maintain protective buffers between emergency housing/shelters and other uses despite some pushback from City Council ([staff report](#) and [video](#)).

## **PROPOSAL AND STAFF RECOMMENDATION**

Staff incorporated feedback from the Planning Commission and City Council into the proposed code language included in Attachment 1, on which the Planning Commission will hold a public hearing and make a recommendation to City Council for potential adoption (following a separate Council public hearing). The primary components of the code amendment include:

- New/revised definitions in Chapter 14.08 LSMC (Definitions) for STEP housing, co-living housing, and other related terms;
- Changes to LSMC Table 14.16A-I to add a new Type II “Emergency Housing and Shelter Permit” land use process, which all emergency housing and shelters would be required to obtain to demonstrate their compliance with the new supplementary use regulations (discussed below);
- Changes to Chapter 14.40 (Permissible Uses) and Chapter 14.38 (Subarea Plans) to allow STEP housing in those zones required by state law and co-living housing in those zones that allow MFR housing with at least six units;

- A new set of supplementary use regulations (LSMC 14.44.100) for emergency housing and shelters (see below for additional details and discussion); and
- Changes to LSMC Table 14.72-I (Parking Requirements) to establish parking requirements for STEP housing and co-living housing. The proposed standards for STEP housing are based on a site-specific analysis, whereas those for co-living housing are prescriptive and based on the requirements of HB 1998.

The bulk of the Planning Commission's discussion focused on a two-step approach to STEP housing, with transitional housing and PSH being outright permitted uses (with no supplementary use regulations or land use permit required) while emergency housing and emergency shelters would require a Type II land use permit and be subject to a new set of supplementary use regulations. LSMC 14.44.100 would require the following for emergency housing and shelter uses:

- A Type II land use permit, which requires public notice to properties within 300 feet of the project site;
- Development of a Site Management Plan, which would include contact information, an Operations and Safety Plan, and a parking analysis;
- Adherence to health and safety and nuisance activity provisions;
- A minimum distance of 500 feet between individual emergency housing and shelter uses; and
- A minimum distance of 500 feet between emergency housing and shelter uses and protected uses such, which are defined as schools and childcare centers.

The draft regulations reviewed by the Planning Commission originally included parks and libraries as protected uses also subject to the 500-foot buffer. Upon further review of the [buffer map options](#) prepared for the Planning Commission's September 17 meeting, staff believes that inclusion of parks and libraries would not meet the intent of HB 1220, in that it would effectively prohibit the siting of emergency housing and shelters with Downtown Lake Stevens. As several commissioners had previously expressed their openness to removing parks and libraries from the protective buffer requirement, and several councilmembers questioned whether there was an adequate nexus between public health/safety concerns and the proposed buffers, staff proposes limiting protective buffers to schools and childcare centers. Commissioners are welcome to discuss, deliberate and provide direction on this approach during the November 5 public hearing as part of their recommendation.

## **FINDINGS AND CONCLUSIONS**

Per [LSMC 14.16C.075\(f\)](#), the City Council (following a recommendation from the Planning Commission) shall make the following findings when approving land use code amendments:

1. The amendment is consistent with the Lake Stevens Comprehensive Plan.

- Housing Element Policy 3.2.3: Encourage a range of independent living, assisted living and skilled care facilities affordable to seniors and other special-needs residents at a variety of income levels throughout the city.
- Housing Element Policy 3.2.4: Allow emergency housing and emergency shelters in all zoning districts where hotels are permitted and adopt a clear and objective process and standards for their siting, with a focus on areas within proximity of transit and services.
- Housing Element Policy 3.2.5: Allow permanent supportive housing and transitional housing in all zones where either residential uses or hotels are allowed.
- Land Use Element Goal 2.1: Provide sufficient land area to meet the projected needs for housing, employment and public facilities within the City of Lake Stevens
- Land Use Element Policy 2.1.1 – Accommodate a variety of land uses to support population and employment growth, consistent with the city's responsibilities under the Growth Management Act, Regional Growth Strategy and the Countywide Planning Policies
- Land Use Element Policy 2.1.2 – Encourage and allow a diverse mix of housing types throughout the city to meet the needs of current and future residents. Land Use Element Goal 2.2: Achieve a well-balanced and well-organized combination of residential, commercial, industrial, open space, recreation and public uses

**Conclusion** – Adoption of the city-initiated amendment is consistent with the goals and policies of the city's Comprehensive Plan, which specifically call for STEP housing to be permitted as consistent with the GMA and encourage a wide variety of housing types, including co-living housing. As the city continues to grow and expand, it needs to periodically assess and revise the types of uses permitted in different zoning districts to ensure it meets its residential and employment targets.

2. The amendment complies with the Growth Management Act (RCW 36.70A.106).
  - The amendments have been drafted to comply with recent amendments to the GMA adopted by the passage of HB 1220 (2021) and HB 1998 (2024).
  - Code amendments are subject to review by the Washington State Department of Commerce.
  - The city provided the required 60-day notice to the Department of Commerce on September 25, 2025 with its intent to amend several LSMC sections. The Department of Commerce acknowledged the proposed amendment under Submittal ID 2025-S-9911.
  - If approved by the City Council, staff will file the final ordinance with the Department of Commerce within 10 days of its adoption.

**Conclusion**– The proposed code amendment has met all Growth Management Act requirements.

3. The amendment serves to enhance the public health, safety and welfare.

**Conclusion** – The recommended amendments will provide clear and objective standards and a defined land use review process for STEP housing and co-living housing, creating a zoning framework to help meet the city’s 2044 housing growth targets and provide housing opportunities for current and future residents, as required by HB 1220. The proposed supplementary use regulations for emergency housing and emergency shelters are intended to enhance the public health, safety and welfare while still allowing for diverse housing types for which the city has a documented need.

### **Public Notice and Comments**

- Land use code amendments are reviewed through the city’s Type VI legislative review process identified in [LSMC 14.16B.605-660](#), which requires the Planning Commission to hold a public hearing and make a recommendation to City Council.
- The city published a joint Notice of Public Hearing and SEPA Determination of Non-significance (DNS) in the Everett Herald on October 24 and October 31, 2025. The notice was also posted at City Hall and on the city website.
- As of October 29, no public or agency comments have been received in response to the Notice of Public Hearing or the SEPA threshold determination (see below). If comments are received prior to the hearing, the comments will be distributed on the night of the hearing.
- Planning Commission held five work sessions to discuss the proposed amendments and review draft code language, while the City Council was briefed during a September 23, 2025 work session.

**Conclusion** – The city has met all public notice requirements per Chapter 14.16B LSMC.

### **State Environmental Policy Act (SEPA) (Chapter 197-11 WAC and Title 16 LSMC)**

- City staff prepared an environmental checklist under the State Environmental Policy Act (SEPA) and determined that the proposal is unlikely to have significant adverse environmental impacts.
- The city issued a [Determination of Non-significance](#) (DNS) for the proposal on October 22, 2025, which was distributed to the Department of Ecology SEPA Register, local tribes, and state and local jurisdictions, and noticed concurrently with the Notice of Public Hearing.

**Conclusion** – The proposed code amendment has met all local and state SEPA requirements.

**Staff Recommendation**

Forward a recommendation to City Council to APPROVE the proposed amendments to LSMC Chapters 14.08, 14.16A, 14.38, 14.40, 14.44, and 14.72 (LUA2025-0182), as shown in Attachment 1. City Council is tentatively scheduled to hold a public hearing to consider the Planning Commission's recommendation on November 25, 2025.

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**APPLICABLE CITY POLICIES:**

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**ATTACHMENTS:**

1. Attachment 1 - Draft Code Language

## 14.08 – Definitions

### *New Definitions*

*Co-Living housing.* A residential development with sleeping units that are independently rented and lockable and provide living and sleeping space, and residents share kitchen facilities with other sleeping units in the building. Local governments may use other names to refer to co-living housing including, but not limited to, congregate living facilities, single room occupancy, rooming house, boarding house, lodging house, and residential suites.

*Emergency housing.* Temporary indoor accommodations for individuals or families who are homeless or at imminent risk of becoming homeless and is intended to address basic health, food, clothing, and personal hygiene needs of individuals or families. Emergency housing may or may not require occupants to enter into a lease or an occupancy agreement (RCW 36.70A.030(14)).

*Emergency shelter.* A facility that provides a temporary shelter for individuals or families who are currently homeless. Emergency shelter may not require occupants to enter into a lease or an occupancy agreement. Emergency shelter facilities may include day and warming centers that do not provide overnight accommodations (RCW 36.70A.030(15)).

*Permanent supportive housing.* Subsidized, leased housing with no limit on length of stay that prioritizes people who need comprehensive support services to retain tenancy. It utilizes admissions practices designed to use lower barriers to entry than typical for other subsidized or unsubsidized rental housing, especially related to rental history, criminal history, and personal behaviors. Permanent supportive housing is paired with on-site or off-site voluntary services designed to support a person living with a complex and disabling behavioral health or physical health condition who was experiencing homelessness or was at imminent risk of homelessness prior to moving into housing to retain their housing and be a successful tenant in a housing arrangement, improve the resident's health status, and connect the resident of the housing with community-based health care, treatment, or employment services (RCW 36.70A.030(31)).

*Tiny Houses.* Dwellings, including those on wheels, to be used as permanent housing with permanent provisions for living, sleeping, eating, cooking and sanitation built in accordance with the state building code (RCW 35.21.686).

*Transitional housing.* A project that provides housing and supportive services to homeless persons or families for up to two years and that has as its purpose facilitating the movement of homeless persons and families into independent living.

**Table 14.16A-I: Classification of Permits and Decisions**

| Type of Review  | Land Use Actions and Permits   | Recommendation By | Public Hearing Prior to Decision | Permit-Issuing Authority             | Administrative Appeal Body and Hearing   |
|---|--|-------------------|----------------------------------|--------------------------------------|--|
| <p>TYPE II</p> <p>Administrative with Public Notice</p> | <ul style="list-style-type: none"> <li>• Administrative Conditional Use (formerly Special Use)</li> <li>• Administrative Variance</li> <li>• Binding Site Plans</li> <li>• <a href="#">Emergency Housing and Shelter Permit</a></li> <li>• Final Plats (short subdivision and subdivisions)</li> <li>• Major Land Disturbance</li> </ul> | <p>None</p>       | <p>None</p>                      | <p>Planning director or designee</p> | <p>Hearing Examiner, except shoreline permits to State Shoreline Hearings Board, and Open Record</p> |

#### **14.38.020 Zoning Districts.**

The following zoning districts implement the goals, policies and distribution of land uses set forth in the subarea plans:

(a) Business District (BD). The purpose of this district is to promote community and regional employment and accommodate land uses such as corporate offices, general offices, research and development, medical clinics, technology, and light manufacturing and assembly. Secondary uses include warehousing, storage and distribution associated with a principal use and small-scale retail and services that support the principal uses and objectives of the district. This district should be located in areas with direct access to highways and arterials in addition to transit facilities, adequate public services and traffic capacity.

(1) Principal Uses.

- (i) Educational services (colleges and/or technical schools);
- (ii) Finance and insurance;
- (iii) Health care services;
- (iv) Light manufacturing and assembly;
- (v) Management of companies and enterprises;
- (vi) Professional, scientific, and technical services; and
- (vii) Transit-oriented development (including transit facilities/stops).

(2) Secondary Uses.

- (i) Food services;
- (ii) Information services;
- (iii) Personal services;
- (iv) Retail trade;
- (v) Wholesale trade;
- (vi) Warehousing, storage and distribution;
- (vii) Small wireless facilities/towers and antennas 50 feet tall or less; **and**
- (viii) Eligible facility modifications;
- (ix) Transitional housing and permanent supportive housing, as defined in Chapter 14.08; and
- (x) Emergency shelters and emergency housing, as defined in Chapter 14.08 and subject to the supplementary use criteria in LSMC 14.44.100.
- (xi) Co-Living Housing as defined in RCW 36.70A.535.

(b) Commercial District (CD). The purpose of this district is to accommodate the high-intensity retail needs of the community and regional market by attracting a mix of large to small format retail stores and restaurants to create a vibrant and unified regional shopping center. Transportation accessibility, exposure to highways and arterials with adequate public services and traffic capacity characterize this district.

(1) Principal Uses.

- (i) Accommodation services;
- (ii) Arts and entertainment;
- (iii) Food services;
- (iv) Retail trade; and
- (v) Transit-oriented development (including transit facilities/stops).

(2) Secondary Uses.

- (i) Amusement and recreation industries;
- (ii) Commercial parking structures/lots;
- (iii) Educational services (colleges and/or technical schools);
- (iv) Finance and insurance;
- (v) Health care services;
- (vi) Information services;
- (vii) Personal services;
- (viii) Professional, scientific, and technical services;
- (ix) Public administration;
- (x) Warehousing, storage and distribution;
- (xi) Small wireless facilities/towers and antennas 50 feet tall or less; and
- (xii) Eligible facility modifications.

(3) Residential Uses.

(i) Mixed use multifamily residential units including apartments, condominiums, and live/work units, where the majority of residential units are located above commercial uses;:-

(ii) Transitional housing and permanent supportive housing, as defined in Chapter 14.08; and  
(iii) Emergency shelters and emergency housing, as defined in Chapter 14.08 and subject to the supplementary use criteria in LSMC 14.44.100.

(iv) Co-Living Housing as defined in RCW 36.70A.535.

(e) Central Business District (CBD). The purpose of this district is to provide pedestrian-oriented commercial uses that serve the community and region by attracting a variety of small to mid-sized businesses along with high-density residential uses in proximity to other retail and residential areas. Building design and pedestrian-oriented features would support an active and pleasant streetscape. This district should include enhanced sidewalks, public spaces and amenities for pedestrians and cyclists that emphasize pedestrian movement over vehicular movement.

(1) Principal Uses.

- (i) Amusement and recreation;
- (ii) Arts and entertainment;
- (iii) Food services;
- (iv) Hospitality and lodging;
- (v) Personal services; and
- (vi) Small to mid-size retail trade.

(2) Secondary Uses.

- (i) Commercial parking structures/lots;
- (ii) Finance and insurance;
- (iii) Health care services;
- (iv) Professional, scientific, and technical services;
- (v) Public administration;
- (vi) Small wireless facilities/towers and antennas 50 feet tall or less; and
- (vii) Eligible facility modifications.

(3) Residential Uses.

(i) Mixed use multifamily residential units including apartments, condominiums, and live/work units, where the residential units are located above or behind commercial uses;

(ii) Transitional housing and permanent supportive housing, as defined in Chapter 14.08; and

(iii) Emergency shelters and emergency housing, as defined in Chapter 14.08 and subject to the supplementary use criteria in LSMC 14.44.100.

(iv) Co-Living Housing as defined in RCW 36.70A.535.

**14.40 – Permissible Uses**

**Table 14.40-I: Table of Residential Uses by Zones**

A blank box indicates a use is not allowed in a specific zone. Note: Reference numbers within matrix indicate special conditions apply.  
 P – Permitted Use; A – Administrative Conditional Use; C – Conditional Use (See Section 14.40.070 for explanation of combinations)

| NAICS Code                              | Use  | R4 | WR | R6 | R8-12 | MFR | LB | MU <sup>1</sup> | <del>PBD</del> <sup>2</sup> | BD | CB | CD | LI | GI | P/SP |
|---|--|----|----|----|-------|-----|----|-----------------|-----------------------------|----|----|----|----|----|------|
| <b>MISCELLANEOUS AND ACCESSORY USES</b> |  |    |    |    |       |     |    |                 |                             |    |    |    |    |    |      |
| 721310                                  | <del>Rooming houses, boarding houses</del> Co-Living Housing | A  | A  | A  | A     | P   | P  | P               |                             | P  | P  | P  |    |    |      |
|   | <u>Emergency Housing<sup>15</sup></u>                        |    |    |    |       |     | P  |                 |                             | P  | P  | P  |    |    |      |
|   | <u>Emergency Shelter<sup>15</sup></u>                        |    |    |    |       |     | P  |                 |                             | P  | P  | P  |    |    |      |
|   | <u>Permanent Supportive Housing</u>                          | P  | P  | P  | P     | P   | P  |                 |                             | P  | P  | P  |    |    |      |
| N/A                                     | Recovery housing   | P  | P  | P  | P     | P   |    |                 | P                           |    |    |    |    |    |      |
|   | <u>Transitional Housing</u>                                  | P  | P  | P  | P     | P   | P  |                 |                             | P  | P  | P  |    |    |      |
|   | Hotels, motels   |    |    |    |       |     | P  |                 | P                           | P  | P  | P  |    |    | A    |

15. Subject to supplementary use regulations in LSMC 14.44.100.

14.44.100 Emergency Housing and Emergency Shelters

(a) Purpose and Restrictions.

(1) The supplementary use regulations for emergency housing and emergency shelters, as defined in Chapter 14.08, are intended to provide clear and objective criteria to allow emergency housing while mitigating potential impacts to city residents, businesses, land uses and infrastructure.

(2) Restrictions.

(i) Applicants for emergency housing or emergency shelters shall obtain an emergency housing and shelter permit issued by the Department of Planning and Community Development.

(ii) Emergency housing and shelter permits are not transferable to another operator or location.

(b) Licensing and Registration.

(1) Emergency housing and emergency shelters are allowed in the zoning districts identified in Section 14.38.020 and Table 14.40-I LSMC.

(2) Emergency housing and emergency shelters require a Type II emergency housing and shelter permit application per Table 14.16A-I, applicable fees per the city's fee resolution, and a Site Management Plan as detailed in subsection (c).

(3) A renewal application shall be required every two years following initial application approval. The renewal shall be subject to any fees established by the city's fee resolution and shall document any changes to site operations from those described in the initial application.

(4) Any substantive changes to site operations, such as an increase in the number of residents served or the duration of stay, shall require a new application.

(5) Individual emergency housing and emergency shelter uses shall be separated by at least 500 feet between parcel boundaries, as confirmed by the city, based upon the Snohomish County Assessor's parcel data. Distance shall be measured as a radius from the edge of the parcel boundaries of the site.

(6) No emergency housing or emergency shelter use shall be located within 500 feet of the perimeter of a parcel which has at least one of the land uses listed below:

(i) Elementary or secondary school (public or private); or

(ii) Child care center, as defined in RCW 43.216.010(a);

(c) Site Management Plan Required

(1) The applicant shall prepare a Site Management Plan that includes the following information:

(i) The name, phone number, email address and postal address providing valid current contact information for the site operator. Any changes to the name or telephone number(s) of contact(s) must be submitted to the Department of Planning and Community Development within 14 days of the change and upon license renewal;

(ii) An Operations and Safety Plan that details:

- a. The target population served by the use (individuals, families, minors, etc.)
- b. The background/screening process for site residents
- c. The maximum and anticipated average duration of stay for residents
- d. The maximum number of residents, including for individual rooms/units/suites
- e. Entry, site access and security controls, including any limitations on hours of ingress/egress for residents and staff
- f. Any Code of Conduct (or similar) required to be signed by residents
- g. The number of employees/volunteers serving the site
- h. Supportive services (medical, social, etc.) provided at the site

(iii) A parking analysis documenting the number of parking spaces needed to meet the project's operational needs based on the number of residents and employees, anticipated vehicle ownership rate, average duration of stay and proximity to transit.

(d) Public Notice and Input

(1) Applicants for emergency housing or emergency shelters shall provide public notice to properties within 300 feet, as required for Type II land use applications and subject to the provisions of LSMC 14.16A.225.

(e) Health and Safety

- (1) All uses shall provide fire extinguishers, smoke detectors, carbon monoxide detectors and clearly marked exits and meet all other State building code and fire code requirements.
- (2) The city reserves the right to conduct inspections in response to health and safety complaints, subject to any fees identified in the current fees resolution.

(f) Nuisance Activity.

- (1) It shall constitute a public nuisance to allow any operations or activities that result in violation of Chapter 9.56 LSMC, Noise Control, or allow other nuisance activities as described in Chapter 9.60 LSMC, Nuisance Activity, or other applicable sections of this code.
- (2) All conditions which are determined by the Director or designee to be a nuisance activity shall be subject to enforcement pursuant to LSMC Title 17.

(f) Complaints and Enforcement.

(1) Complaints and enforcement are subject to the processes identified in Chapter 4.04 LSMC and LSMC Title 17 including any applicable fines and penalties.

(2) A new emergency housing and shelter permit will not be issued to the operator of a revoked emergency housing and shelter permit and business license until one year from the time of revocation has passed.

(3) Permits issued based on applications containing misrepresented or misleading information may be revoked.

**Table 14.72-I: Table of Parking Requirements**

| <b>Use</b>  | <b>Parking Requirement</b>  |
|---|---|
| Multifamily residences.                                   | 2 spaces per unit plus 1 additional space for every four units in the development, except multifamily units limited to senior citizens require only 1 space per unit.                                   |
| Level I health and social service facility.               | 3 spaces for every 5 beds except for uses exclusively serving children under 16, in which case 1 space for every 3 beds shall be required.  |
| Level II and III health and social service facility.      | To be determined by the Planning Director on a case-by-case basis.  |
| Group homes for juvenile offenders                        | 1 space for each staff person on site during the maximum shift plus 1 space for each facility vehicle plus 1 space for every 3 beds.  |
| <del>Rooming and boarding houses: Co-Living Houses.</del> | <del>0.25<sup>1</sup> spaces for each bedroom per sleeping unit. Sites within one-half mile of a major transit stop as defined in RCW 36.70A.535 are exempt from off-street parking requirements.</del> |
| Short-term rentals.                                       | 1 space per every 2 bedrooms rented plus 2 spaces for owner/agent when occupied.  |

| <b>Use</b>   | <b>Parking Requirement</b>  |
|--|---|
| Hotels and motels.   | 1 space for each room to be rented plus additional space (in accordance with other sections of this table) for restaurant or other facilities.  |
| Temporary emergency, construction, and repair residences.    | 2 spaces per dwelling unit plus one space per room rented out (see Accessory Uses, Section <a href="#">14.40.040</a> )  |
| <u>Emergency Housing and Emergency Shelters</u>              | <u>Approval of a project-specific parking analysis is required as part of the required Site Management Plan, per LSMC 14.44.100(c).</u>   |
| <u>Permanent Supportive Housing and Transitional Housing</u> | <u>To be determined by the Planning Director on a case-by-case basis, factoring in population served, access to street parking, availability of shared parking agreements, and other variables.</u> |

# PLANNING COMMISSION STAFF REPORT



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**Agenda Date:** 11/5/2025

**Subject:** Discussion of Phase I Process Code Amendments

**Contact Person/Department:** David Levitan, Community Development

**Budget Impact:**

**Legal Review:** No

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## **RECOMMENDATION(S)/ACTION REQUESTED:**

No action is required. Staff will provide an overview of Phase I of the Process Code Amendments (LUA2023-0188), which will be brought back before the Planning Commission for a public hearing on November 19, 2025 in advance of potential City Council adoption on December 9, 2025.

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## **SUMMARY/BACKGROUND:**

At their [October 4, 2023 meeting](#), the Planning Commission was introduced to several bills approved by the Washington State Legislature during the 2023 legislative session. Staff noted to commissioners that the city had already been planning several revisions to streamline and modernize Chapters 14.16A and 14.16B of the Lake Stevens Municipal Code (LSMC) as part of a "Process Code Update", which was included on the 2023 Long Range Planning Work Program and subsequently carried over to 2024 and 2025.

At their [December 10, 2024 meeting](#), the City Council approved an [interim ordinance](#) (Ordinance 1192) to revise [LSMC 14.16A.230](#) (Time Frames for Review) to comply with the first of these bills, [Senate Bill \(SB\) 5290](#). The interim ordinance updated the city's review timelines to comply with changes to the Local Project Review Act ([Chapter 36.70B RCW](#)), which established new reporting requirements, project exemptions, fee structures, and timelines for reviewing and issuing decisions on projects based on the type of application and review process, including whether public notice and/or a public hearing is required. The interim ordinance is effective until December 10, 2025.

| <b>Permit Status/Type</b>                              | <b>Existing</b> | <b>New</b> |
|--|-----------------|------------|
| Applications with No Public Notice (Type I)            | 120 days        | 65 days    |
| Applications with Public Notice (Type II)              | 120 days        | 100 days   |
| Applications with Public Notice and Hearing (Type III) | 120 days        | 170 days   |

The 2023 legislative session also passed [House Bill \(HB\) 1293](#), which amended [RCW 36.70B.160](#) and added a new section to the Growth Management Act ([RCW 36.70A.630](#)). HB 1293 requires local jurisdictions to include only clear and objective development regulations (standards or guidelines) related to the exterior design of new development.

Design review regulations in Lake Stevens are primarily found in [LSMC 14.16C.050](#), which establishes the applicability and process for design review and references the city’s [Design Guidelines](#) that were adopted by resolution as Exhibit C to [Ordinance 1068](#). As noted during the Planning Commission’s [May 7, 2025 meeting](#), staff has determined that the design guidelines are largely compliant with HB 1293. Additional work is expected to further streamline the review process and clarify design guidelines, but this work will not require formal adoption of an ordinance as the guidelines are not codified.

While staff still intends to undertake a larger scale overhaul of Chapters 14.16A and 14.16B, work on the Comprehensive Plan in 2024 and a variety of code amendments in 2025 (STEP housing, Critical Areas Ordinance, Traffic/Concurrency, etc.) has slowed this process. With Interim Ordinance 1192 set to expire and needing to be adopted as a permanent ordinance by the City Council’s December 9, 2025 meeting, staff has opted to bring forward a first phase of process code amendments, with the Planning Commission public hearing scheduled for November 19, 2025.

**Attachment 1** includes the interim ordinance (1192) for LSMC 14.16A.230, which will be adopted as part of this code amendment, while **Attachment 2** includes additional Phase I code language revisions, including revisions to LSMC 14.16C.050 (Design Review) and associated sections to comply with HB 1293. Both of these items were discussed during the May 7 meeting.

**Attachment 2** also includes several additional amendments that aim to further streamline the development/design review process by relying on the implementation of clear and objective standards, including:

- Changing Site Plan Review ([LSMC 14.16C.105](#)) from a Type II land use permit (subject to public noticing and comments) to a Type I land use permit (administrative), as this review is meant to be clear and objective in nature by

evaluating a project's conformance to adopted development standards and rarely results in public comments.

- Removing the required Notice of Application and optional public meeting for Design Review, as this conflicts with HB 1293's intent to make design review based on clear and objective standards and subject to a streamlined review process.
- Including new definitions for Design Review, Major Plat Alteration, and Minor Plat Alteration (see discussion of plat alterations below).
- Revising [LSMC 14.18.060](#) (Alterations of Subdivisions) to better and more clearly differentiate between major plat alterations and minor plat alterations, which establishes criteria to determine whether alterations long plats (10 or more lots) are required to go through a Type III process (Hearing Examiner public hearing) or can be reviewed as a Type II application (public notice but no public hearing). Table 14.16A-I includes a new Minor Plat Alteration permit under Type II reviews, a new Major Plat Alteration permit under Type III reviews and eliminates Plat Alterations from the list of Type V applications (requiring City Council approval), which appears to be a remnant from several years ago when plats were still approved by Council.

Finally, Table 14.16A-I has been updated to better align with all of the land use permits listed in the city's current Fees Resolution.

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### **APPLICABLE CITY POLICIES:**

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### **ATTACHMENTS:**

1. Attachment 1 - Interim Ordinance 1192, Permit Review Timelines
2. Attachment 2 - Additional Phase I Process Code Amendments

**CITY OF LAKE STEVENS**  
**Lake Stevens, Washington**  
**ORDINANCE NO. 1192**

**AN ORDINANCE OF THE CITY OF LAKE STEVENS, WASHINGTON ADOPTING INTERIM ZONING CODE REGULATIONS IN CHAPTER 14.16A LSMC TO COMPLY WITH UPCOMING CHANGES TO CHAPTER 36.70B RCW, LOCAL PROJECT REVIEW; ADOPTING FINDINGS AND CONCLUSIONS; PROVIDING FOR THE DURATION OF THIS ORDINANCE; IDENTIFYING A POTENTIAL DATE FOR THE PUBLIC HEARING; ESTABLISHING A WORK PROGRAM; AND PROVIDING FOR SEVERABILITY, AN EFFECTIVE DATE AND FOR SUMMARY PUBLICATION BY ORDINANCE TITLE ONLY.**

**WHEREAS**, the City of Lake Stevens is authorized to impose moratoria and interim land use controls (including zoning code amendments) pursuant to RCW 36.70A.390 and RCW 35A.63.220; and

**WHEREAS**, the Washington State Legislature adopted Second Substitute Bill (SB) 5290 concerning consolidating local permit review processes on April 17, 2023; and

**WHEREAS**, Section 7 of SB 5290 will become effective on January 1, 2025 and will amend RCW 36.70B.080, including the maximum time periods for local governments to issue a final decision for each type of complete project permit application identified in Chapter 36.70B RCW; and

**WHEREAS**, SB 5290 amended RCW 36.70B.080 to limit the collection of project permit application fees at the time of permit submittal to 80% of the total permit fee, and to require the refund of up to 20% of the permit fee if the time period timelines are not met, unless a local jurisdiction adopts at least three of the options in RCW 36.70B.160(1); and

**WHEREAS**, the City has adopted more than three of the measures listed in RCW 36.70B.160(1), including the use of on-call consultants to assist with permit review as needed; requiring public hearings only when they are required by state law; and making pre-application conferences optional but not required. As such, the city can require the payment of the entire project permit fee at the time of submittal and is not subject to the permit fee refund provisions in RCW 36.70b.080; and

**WHEREAS**, the City must amend its zoning code regulations to comply with Section 7 of 5290 by January 1, 2025; and

**WHEREAS**, as part of its adopted 2024 long-range planning work program and draft 2025 work program, the City is proposing to revise and consolidate multiple sections of Chapters 14.16A (Administration and Procedures) and 14.16B (Types of Land Use Review) LSMC in an effort to simplify and streamline its development code regulations; and

**WHEREAS**, the City is proposing that interim regulations be adopted to comply with SB 5290 while it works on larger amendments to Chapters 14.16A and 14.16B LSMC; and

**WHEREAS**, RCW 36.70A.390 and 35A.63.220 require the City to hold a public hearing on the interim zoning regulations within 60 days of their adoption; and

**WHEREAS**, RCW 36.70A.390 and 35A.63.220 allow for interim zoning ordinances to be effective for up to one year if a work plan is developed for related studies providing for such a longer period; and

**WHEREAS**, the City has developed a work plan for amendments to Chapters 14.16A and 14.16B, including permanent code language to comply with SB 5290, which is included in Exhibit A; and

**WHEREAS**, the Lake Stevens City Council will consider a recommendation from the Lake Stevens Planning Commission on permanent amendments to Chapters 14.16A and 14.16B, following public hearings before both bodies.

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF LAKE STEVENS, WASHINGTON, DO ORDAIN AS FOLLOWS:**

**Section 1.** The City Council hereby adopts the recitals expressed above as findings in support of this ordinance.

**Section 2.** LSMC Section 14.16A.230, entitled “Time Frames for Review”, is hereby amended for the term of this ordinance as follows, with additions shown by underline, deletions shown by ~~strikethrough~~, and all other sections and subsections remaining unchanged:

**14.16A.230 Time Frames for Review.**

(a) Purpose. RCW 36.70B.070 and 36.70B.080 ~~require establish~~ determination of completeness procedural requirements and maximum review time frames be established to ensure that project permit applications are reviewed and processed in a timely and predictable manner. This subsection establishes the time frames and procedures for a determination of completeness and final decision for Type I, II, III, IV or V reviews identified in Tables 14.16A-I and 14.16A-II. No time frames or completeness requirements are established by these statutes for Type ~~I or VI~~ legislative reviews.

(b) Computing Time. ~~Unless otherwise specified, a~~ All time frames are indicated as calendar days, not working days. For the purposes of computing time, the day the determination or decision is rendered shall not be included. The last day of the time period shall be included; ~~provided, that if it is a Saturday, Sunday, a day designated by RCW 1.16.050 or by the City’s ordinances as a legal holiday, then it also is excluded and the time period concludes at the end of the next business day.~~ Applications submitted electronically during non-working hours (weekdays from 5 pm – 8 am, weekends, and holidays) shall be considered to have been submitted the following business day.

(c) ~~Complete Determination of Completeness Process~~ Application Review Time Frame. The following procedures shall be applied to new applications requiring Type I, II, III, IV, or V reviews. Applications requiring Type ~~I or VI~~ review are excluded from this requirement.

(1) An application is considered complete for the purposes of this section when:

(i) ~~it~~ the application meets the submittal requirements established listed by the Planning Director on the applicable project permit application, including supplemental handouts and checklists; and

(ii) the application fee for the applicable project permit application(s) as listed in the city’s current fees resolution has been paid.

(2) and is sufficient for continued processing, even though additional information may be required or project modifications may be undertaken subsequently. The determination of completeness signifies

that the application is provides sufficient for continued processing information to process. It shall not preclude the Planning Director (or their designee) from requesting additional information or studies either at the time of the Notice of Completeness or subsequently, if new information is required to complete review of the application or substantial changes in the permit application are proposed.

(34) Within 28 days after receiving an application, the Planning Director or their designee shall mail, email, fax, or otherwise provide to the applicant a written determination that the application is complete, or that the application is incomplete, and what is necessary to make the application complete. The applicant has 90 days to submit the necessary information to the City.

(i) Type I applications shall not require the issuance of a written determination of completeness and shall be considered complete upon meeting the requirements in subsection (c)(1).

(i) If a Type I application fails to provide information as required in subsection (c)(1), However, a notice of incompleteness shall be issued within 28 days for Type I applications.

(42) If the Planning Director or their designee does not provide a written determination within the 28 days, the application shall be ~~deemed~~ considered complete at the end of the twenty-eighth day.

(53) If additional information is needed to make the application complete, the Planning Director shall notify the applicant whether the application is complete or what additional information is necessary within 14 days after an applicant has submitted the information identified by the Planning Director as being needed.

~~(4) An application is complete for purposes of this section when it meets the submittal requirements established by the Planning Director and is sufficient for continued processing, even though additional information may be required or project modifications may be undertaken subsequently. The determination of completeness shall not preclude the Planning Director from requesting additional information or studies either at the time of the Notice of Completeness or subsequently, if new information is required to complete review of the application or substantial changes in the permit application are proposed.~~

(65) To the extent known by the City, other agencies with jurisdiction over the project permit application shall be identified in the City's determination of completeness required by subsections (c)(1-5) of this section.

(7) For Type II, III, IV, and V applications, the notice of application shall be provided within 14 days after the determination of completeness, pursuant to RCW 36.70B.110 and Chapter 14.16B LSMC.

(d) Application Review and Decision Time Frames.

(1) ~~Final d~~ Decisions on Type II, III, IV, or V applications project permit applications shall not exceed ~~120 days~~ the following time frames from the date of the determination of completeness, unless the Planning Director makes written findings that a specified amount of additional time is needed for processing of a specific complete project application. Applications for developments that are complex or that have extensive or difficult issues may take additional time. The applicant and the City may mutually agree in writing to extend the time period or the application is covered by subsections (d)(2-5):-

(i) Type I Reviews: 65 days

(ii) Type II Reviews: 100 days

(iii) Type III, IV and V Reviews: 170 days

(2) Preliminary Plats. Pursuant to RCW 58.17.140, preliminary plats of any proposed subdivision and dedication shall be approved, disapproved, or returned to the applicant for modification or correction within 90 days from the date of filing thereof unless the applicant consents to an extension of such time period or the 90-day limitation is extended to include up to 21 days as specified under RCW 58.17.095(3). The 90-day period shall not include the time spent preparing and circulating an environmental impact statement by the local governmental agency. Preliminary plat applications that are reviewed concurrently with a Type II-V application shall be subject to the timelines established in subsection (d)(1).

(3) Final Plats and Short Plats. Pursuant to RCW 58.17.140, final plats and short plats shall be approved, disapproved, or returned to the applicant within 30 days from the date of filing thereof, unless the applicant consents to an extension of such time period.

(4) Consolidated reviews of multiple project permit applications shall be subject to LSMC 14.16A.220(g), and the time period for a final decision shall be the longest of the permit time periods identified in subsections (d)(1) and (d)(2).

(54) Appeals. The time period for consideration and decision on appeals shall not exceed 90 days for an open record appeal hearing and 60 days for a closed record appeal. The parties may agree in writing to extend these time periods. Any extension of time mutually agreed upon by the applicant and the City shall be in writing.

(65) Exemptions. The time limits established in this title do not apply if a project permit application:

- (i) Requires an amendment to the Comprehensive Plan or a development regulation;
- (ii) Requires approval of the siting of an essential public facility as provided in RCW 36.70A.200;
- (iii) Is reviewed as a Type I or VI permit;
- (iv) Is substantially revised by the applicant, in which case the time period shall start from the date at which the revised project application is determined to be complete;
- (v) Is listed in RCW 36.70B.140.

(e) Calculating Decision Time Frame. In determining the number of days that have elapsed after the City has notified the applicant that the application is complete for purposes of calculating the time for issuance of the notice of final decision, the following periods shall be excluded:

(1) Any period during which the applicant has been requested by the City to correct plans, perform required studies, or provide additional required information. If the City determines that the information submitted by the applicant is insufficient, it shall notify the applicant of the deficiencies. The period shall be calculated from the date the City notifies the applicant of the need for additional information until ~~the earlier of the date the local government determines whether the additional information satisfies the request for information or 14 days after the date the information has been provided~~ responsive information is resubmitted by the applicant to the City;

~~(2) Any period during which an environmental impact statement is being prepared following a determination of significance (DS) pursuant to Chapter 43.21C RCW, or if the City and the applicant in writing shall agree to a time period for completion of an environmental impact statement;~~

(2) Any period after an applicant informs the city in writing that they would like to temporarily suspend review of the application until the time that the applicant notifies the city in writing that they would like to resume the application.

~~(3) Any period for an administrative appeals of project permits, if an open record appeal hearing or a closed record appeal, or both, are allowed; or is filed until the appeal is resolved and any additional time period provided by the administrative appeal has expired.~~

(4) Any extension of time mutually agreed upon by the applicant and the City.

~~(f) Possible Extension of Time for Final Decision. If the City is unable to issue a final decision within the time limits provided herein, the applicant shall be provided written notice of this fact. The notice shall include a statement of reasons why the time limits have not been met and an estimated date for issuance of the notice of final decision. (Ord. 1015, Sec. 4 (Exh. C), 2018; Ord. 811, Sec. 2 (Exh. 1), 2010)~~

(f) The time for issuing a decision on a project permit application shall start over if an applicant proposes a change in use that adds or removes residential components from the original application that would make the application fail to meet the determination of procedural requirements for the new use.

**Section 3.** The Lake Stevens City Council will hold a public hearing on this matter no later than 60 days from the effective date of this ordinance. Following the public hearing, the City Council may take action to amend this ordinance, including the making of additional findings.

**Section 4.** The interim zoning code amendments adopted by this ordinance shall remain in effect for a period of one year from the effective date and shall automatically expire unless the same are extended as provided in RCW 36.70A.390 and RCW 35A.63.220 prior to that date, or unless the same are repealed or superseded by permanent amendments prior to that date.

**Section 5.** Pursuant to RCW 36.70A.106, a copy of this interim ordinance shall be transmitted to the Washington State Department of Commerce.

**Section 6.** Severability. If any section, clause, phrase, or term of this ordinance is held for any reason to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance, and the remaining portions shall be in full force and effect.

**Section 7.** Effective Date and Publication. A summary of this ordinance consisting of its title shall be published in the official newspaper of the City. This ordinance shall take effect and be in full force five days after the date of publication, subject to the expiration referenced in Section 4. .

**PASSED** by the City Council of the City of Lake Stevens this 10<sup>th</sup> day of December 2024.

  
Brett Gailey, Mayor

ATTEST/AUTHENTICATION:

  
\_\_\_\_\_  
Kelly Chelin, City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
Greg Rubstello, City Attorney

First and Final Reading: December 10, 2024


Published: 12/13/24

Effective Date: 12/18/24

ATTEST/AUTHENTICATION:

  
\_\_\_\_\_  
Kelly Chelin, City Clerk

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Greg Rubstello, City Attorney

First and Final Reading: December 10, 2024

Published: 12/13/24

Effective Date: 12/18/24

Exhibit A – Work Plan

## Lake Stevens Process Code Work Plan: Amendments to LSMC 14.16A and 14.16B and Related Sections

| <u>Item</u> | <u>Bill/LSMC</u> | <u>Section #</u> | <u>Item</u>   |
|-------------|------------------|------------------|---|
| 1           | HB 1293          | 1                | Clear and objective standards for design review   |
| 2           | HB 1293          | 2                | Expedited review for affordable housing   |
| 3           | SB 5290          | 1                | Exclude permits for interior alterations from site plan review  |
| 4           | SB 5290          | 6                | Clarifications to the determination of completeness process ( <i>Interim Ordinance 1192</i> )                               |
| 5           | SB 5290          | 7                | Update permit review timelines, partial refund of fees, and annual reporting requirements ( <i>Interim Ordinance 1192</i> ) |
| 6           | SB 5290          | 8                | Consideration of additional provisions to expedite permit processing  |
| 7           | LSMC             | 14.16A           | Revise permit expiration and extension policies.  |
|             |                  |                  | Determine appeal path for associated land use determinations  |
|             |                  |                  | Update security mechanisms in accordance with currently accepted types  |
|             |                  |                  | Revise consolidated permit process  |
|             |                  |                  | Review for consistency with state law including timelines   |
| 8           | LSMC             | 14.16B           | Remove redundancies between the two chapters  |
|             |                  |                  | Review for consistency with state law   |

## 14.08 – Definitions

### New Definitions

Design Review. An associated land use determination integrated into the permit review process by which projects are reviewed for compliance with city design standards and guidelines, which must be clear and objective when related to the exterior design of new development.

Major Plat Alteration. Plat alterations (not including short plat alterations) which substantially change the basic design, density, open space, or other similar requirements or provisions and do not meet the criteria in LSMC 14.16C.025.

Minor Plat Alteration. Plat alterations which meet the criteria in LSMC 14.16C.025.

## 14.16A – Administration and Procedures (To be further updated as part of Process Code Update)

**Table 14.16A-I: Classification of Permits and Decisions**

| Type of Review                                 | Land Use Actions and Permits   | Recommendation By | Public Hearing Prior to Decision | Permit-Issuing Authority        | Administrative Appeal Body and Hearing  |
|--|--|-------------------|----------------------------------|---------------------------------|---|
| TYPE I<br>Administrative without Public Notice | <ul style="list-style-type: none"> <li>• Administrative Deviation</li> <li>• Administrative Modifications</li> <li>• <u>Adult Family Home</u></li> <li>• Associated Land Use Determinations</li> <li>• Boundary Line Adjustments</li> <li>• Change of Use</li> </ul> | None              | None                             | Department director or designee | Hearing Examiner, except shoreline permits to State Shoreline Hearings Board, and Open Record |

**Table 14.16A-I: Classification of Permits and Decisions**

| Type of Review                                     | Land Use Actions and Permits   | Recommendation By | Public Hearing Prior to Decision | Permit-Issuing Authority | Administrative Appeal Body and Hearing |
|--|--|-------------------|----------------------------------|--------------------------|--|
| TYPE I<br><br>Administrative without Public Notice | <ul style="list-style-type: none"> <li>• Code Interpretations</li> <li>• <u>Concurrency Certification</u></li> <li>• <u>Design Review</u></li> <li>• Events</li> <li>• Floodplain Development Permits</li> <li>• Home Occupations</li> <li>• Legal Lot Status Determinations</li> <li>• Master Sign Program</li> <li>• Minor Land Disturbance</li> <li>• Mobile Food Vendors</li> <li>• Multifamily Tax Exemption</li> <li>• Pasture Plan</li> </ul> |                   |                                  |                          |  |

**Table 14.16A-I: Classification of Permits and Decisions**

| Type of Review                                 | Land Use Actions and Permits  | Recommendation By | Public Hearing Prior to Decision | Permit-Issuing Authority | Administrative Appeal Body and Hearing |
|--|---|-------------------|----------------------------------|--------------------------|--|
| TYPE I<br>Administrative without Public Notice | <ul style="list-style-type: none"> <li>• Reasonable Use Exceptions</li> <li>• Short-Term Rentals</li> <li>• Signs</li> <li>• <a href="#">Site Plan Review</a></li> <li>• Temporary Uses</li> <li>• <a href="#">Waste Management Plan</a></li> <li>• Zoning Verification Letter</li> </ul> |                   |                                  |                          |  |

| Type of Review                            | Land Use Actions and Permits  | Recommendation By | Public Hearing Prior to Decision | Permit-Issuing Authority      | Administrative Appeal Body and Hearing  |
|---|---|-------------------|----------------------------------|-------------------------------|---|
| TYPE II Administrative with Public Notice | <ul style="list-style-type: none"> <li>• Administrative Conditional Use <del>(formerly Special Use)</del></li> <li>• Administrative Variance</li> <li>• Binding Site Plans</li> <li>• <u>Binding Site Plan Revision</u></li> <li>• <del>Final Plats (short subdivisions and subdivisions)</del></li> <li>• Major Land Disturbance <del>(with or without Class IV Forest Practices)</del></li> <li>• <u>Minor Plat Alteration</u></li> <li>• Planned Action Certification</li> <li>• SEPA Review (early or when not combined with another permit)</li> <li>• Shoreline Substantial Developments</li> <li>• Short <del>Plat Subdivision,</del></li> <li>• Short <del>Plat Subdivision,</del> Alterations</li> </ul> | None              | None                             | Planning Director or designee | Hearing Examiner, except shoreline permits to State Shoreline Hearings Board, and Open Record |

|  |  |  |  |  |  |
|--|--|--|--|--|--|
| <p>TYPE II<br/>Administrative<br/>with Public<br/>Notice</p> | <ul style="list-style-type: none"> <li>• <u>Short Subdivision, Final</u></li> <li>• Short <del>Plat</del> <u>Subdivision, Vacations</u></li> <li>• <del>Site Plan</del> <u>Reviews</u></li> <li>• <u>Subdivision, Minor Alteration</u></li> <li>• <u>Subdivision, Final</u></li> <li>• Temporary Encampments (as modified by Section 14.44.038)</li> </ul> |  |  |  |  |
|--|--|--|--|--|--|

| Type of Review  | Land Use Actions and Permits  | Recommendation By                    | Public Hearing Prior to Decision | Permit-Issuing Authority | Administrative Appeal Body and Hearing   |
|---|---|--------------------------------------|----------------------------------|--------------------------|--|
| <p>TYPE III<br/><br/>Quasi-Judicial,<br/>Hearing Examiner</p> | <ul style="list-style-type: none"> <li>• Conditional Uses</li> <li>• <u>Subdivision, Preliminary Plats</u></li> <li>• Shoreline Conditional Uses</li> <li>• Shoreline Variances</li> <li>• Variances</li> <li>• <u>Subdivision, Major Alteration</u></li> </ul> | <p>Planning Director or designee</p> | <p>Open Record</p>               | <p>Hearing Examiner</p>  | <p>Superior Court, except shoreline permits to State Shoreline Hearings Board, and Closed Record</p> |
| <p>TYPE V<br/><br/>Quasi-Judicial,<br/>City Council</p>       | <ul style="list-style-type: none"> <li>• <del>Plat</del> <u>Alterations</u></li> <li>• <del>Plat</del> <u>Vacations</u></li> <li>• Right-of-Way Vacations</li> </ul>  | <p>Planning Director or designee</p> | <p>Open Record</p>               | <p>City Council</p>      | <p>None, appeal to Superior Court</p>  |

(e) Associated Land Use Determinations. Associated land use determinations are decisions that need to be made as part of another land use action or permit review, as set forth in Table 14.16A-II. Each type of determination has a separate review process determined by the Planning Director or Public Works Director, except design review, which is reviewed for compliance with city design review regulations pursuant to Section 14.16C.050. Associated land use determinations shall follow the appeal path for Type I reviews pursuant to Section 14.16B.710.

**Table 14.16A-II: Associated Land Use Determinations**

| <b>Associated Land Use Determinations</b>   |
|---|
| <ul style="list-style-type: none"> <li>• <u>Design Review</u></li> </ul>                        |
| <ul style="list-style-type: none"> <li>• EDDS Deviations</li> </ul>                             |
| <ul style="list-style-type: none"> <li>• Construction Plan Approval</li> </ul>                  |
| <ul style="list-style-type: none"> <li>• Miscellaneous Administrative Determinations</li> </ul> |
| <ul style="list-style-type: none"> <li>• Frontage Improvement Waiver</li> </ul>                 |
| <ul style="list-style-type: none"> <li>• Underground Utility Deviations</li> </ul>              |

**Chapter 14.16C Land Use Actions, Permits and Determination – Decision Criteria and Standards**

**14.16C.050 Design Review.**

(a) Design review is ~~required to review and make urban design decisions~~ an associated land use determination that is integrated into the development review process and will promotes visual quality throughout the City by evaluating development proposals for compliance with adopted design standards and guidelines. The purpose of design review includes but is not limited to the following:

- (1) To encourage and promote aesthetically pleasing and functional neighborhood residential, and commercial, mixed-use, public and industrial developments for the

citizens of Lake Stevens by establishing design review standards and guidelines including site layout, landscaping, parking and preferred architectural features;

(2) To establish clear and objective design standards and guidelines related to the exterior design of new developments that reflect design best practices and community priorities and provide certainty to project applicants.

(32) To implement the City's Comprehensive Plan policies and supplement the City's land use regulations, promote high-quality urban design and development, supplement land use regulation, promote a coordinated development of the unbuilt areas, improve walkability, lessen traffic congestion, provide light and air, prevent the overcrowding of land, and conserve and restore natural beauty and other natural resources;

(43) To encourage originality, flexibility, and innovation in site planning and development, including the architecture, landscaping and graphic design of proposed developments in relation to the City or subarea as a whole;

(54) To encourage low impact development (LID) by conservation and use of existing natural site features in order to integrate small-scale stormwater controls and to prevent measurable harm to natural aquatic systems from commercial, residential or industrial development sites by maintaining a more hydrologically functional landscape;

(65) To encourage green building practices in order to reduce the use of natural resources, create healthier living environments, and minimize the negative impacts of development on local, regional, and global ecosystems;

~~(6) To encourage creative, attractive and harmonious developments and to promote the orderliness of community growth, the protection and enhancement of property values for the community as a whole and as they relate to each other, the minimization of discordant and unsightly surroundings, the need for harmonious and high quality of design and other environmental and aesthetic considerations which generally enhance rather than detract from community standards and values for the comfort and prosperity of the community and the preservation of its natural beauty and other natural resources which are of proper and necessary concern of local government, and to promote and enhance construction and maintenance practices that will tend to prevent visual impairment and enhance environmental and aesthetic quality for the community as a whole;~~

(7) To aid in assuring that structures, signs and other improvements are properly related to their sites and the surrounding sites and structures, with due regard to the

aesthetic qualities of the natural terrain and landscaping, and that proper attention is given to exterior appearances of structures, signs and other improvements;

(8) To protect and enhance the City's community vision for living and working and thus support and stimulate business and industry and promote the desirability of investment and occupancy in business and other properties;

(9) To stabilize and improve property values to help provide an adequate tax base to the City to enable it to provide required services to its citizens;

(10) To foster civic pride and community spirit by reason of the City's favorable environment and thus promote and protect the health, safety and welfare of the City and its citizens; and

(11) To ensure compatibility between new and existing developments.

(b) The City Council shall adopt, update and maintain design guidelines or standards by ordinance. If design guidelines appear to conflict with other provisions of this title, the design guidelines shall prevail.

(c) Procedure. Applicants that seek design review shall follow the procedures established in Chapter 14.16B for a Type I permit process and as follows:

(1) Pre-Application Meeting. If design review is required, a pre-application meeting with the City is highly recommended prior to submittal of a formal application.

(2) Concurrent Review. Design review shall occur concurrently with associated applications for the same development via consolidated project review, as governed by Section 14.16A.220(g) and RCW 36.70B.120, unless specifically requested by the applicant to be reviewed separately.

~~(32)~~ Design Review Submittal Requirements. One electronic copy is required for each submittal for review.

(i) Buildings and Site Development Plans. The following information and materials shall be submitted to the City for review under this chapter:

a. A completed application.

b. Site plan at an engineering scale from one inch equals 20 feet to one inch equals 50 feet, showing:

1. Location of all proposed structures and any existing structures to be retained or incorporated into the development.

2. Location of building setback lines.
  3. Proposed pedestrian and vehicular circulation including driveways, access points, sidewalks and pedestrian pathways.
  4. Parking lot layout, design and, if applicable, loading areas.
  5. Public improvements including sidewalks, curbs, gutters, etc.
  6. Location of existing trees and vegetation to be retained.
- c. Building material samples and color chips.
  - d. Plans and section drawings depicting the relationship of the proposed project to abutting properties and buildings.
  - e. Building elevations and/or perspective renderings drawn to scale and indicating the exterior color and material composition (including mechanical equipment and screening).
  - f. Roof plan including the location of mechanical equipment.
  - g. A lighting plan, if required, adequate to determine the location, character, height and style of fixtures and the amount and impacts of spillover on adjacent properties.
  - h. A brief narrative description of the design elements or objectives of the proposal and discussion of the project's relationship to surrounding properties.
- (ii) Landscape Plans. The following information and materials shall be submitted to the City for review under this chapter:
- a. A completed application.
  - b. Site plan at an engineering scale from one inch equals 20 feet to one inch equals 50 feet, showing:
    1. Location of all proposed structures and any existing structures to be retained or incorporated into the development.
    2. Proposed pedestrian and vehicular circulation including driveways, access points, sidewalks and pedestrian pathways.
    3. Parking lot layout, design and loading areas if applicable.
    4. Public improvements including sidewalks, curbs, gutters, etc.

5. Location and size of existing trees and vegetation to be retained.
6. Plans and section drawings depicting the relationship of the proposed project to abutting properties and buildings.
7. Landscape plan showing the location of proposed plant materials, including a plant schedule identifying plants by common and scientific names, spacing, size at time of planting, size at maturity, location of any existing vegetation and trees to be retained, and special notes.
8. Photographs of proposed plant material.
9. Plans showing proposed grading/topography, drawn to the same scale as the landscape plan.

(iii) Sign Plans. Applicants shall submit conceptual sign plans for design review of a new multi-tenant structure and if off-site signage is proposed. All signs associated with a project undergoing design review are subject to the design guidelines and sign permit regulations in Chapters [14.38](#) and/or [14.68](#).

(iv) The Director may require the submission of such other information determined to be appropriate and necessary for a proper review of the requested action.

~~(3) Public Notice and Optional Public Meeting. A notice of application shall be completed pursuant to Section 14.16B.225 for new structures, as described in subsection (d) of this section. A design review public meeting is not required unless requested by a person within 14 days of issuance of the notice of application. The request for a public meeting shall be made in writing and submitted to the Planning and Community Development Department. The notice of application materials shall include a statement that a public meeting may be requested.~~

(4) Recommendation. A staff report of findings, conclusions and recommendations shall be forwarded to the Director or designee. The conclusions and recommendations shall indicate how the recommendations carry out the goals, policies, plans and requirements of the development design guidelines, [including compliance with clear and objective regulations related to exterior design](#). The findings shall be referenced to contested issues of fact, and the conclusions shall be referenced to specific provisions of the development design guidelines and review criteria incorporated therein, together with reasons and precedents relied upon to support the same. The conclusions shall make reference to the effect of the decision upon the Comprehensive Plan, as well as the effect of both approval and denial on property in the vicinity, on business or

commercial aspects, if relevant, and on the general public. The decision shall be based upon a consideration of the whole record of the application.

(d) Applicability.

(1) All new commercial, industrial, multifamily, civic and institutional structures, and large public assembly buildings including but not limited to places of worship, auditoriums and similar buildings, must comply with the design guidelines or standards adopted per subsection (b) of this section. Existing structures with exterior facade changes, that are not exempt by subsection (d)(4) of this section, must also comply with the adopted design guidelines to the greatest extent possible.

(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 [14.18.300](#)); and

(iii) Innovative Housing Options Program (Chapter [14.46](#)).

(3) No associated building or land use permit shall be issued for structures or uses which do not conform to the applicable guidelines or standards, except as allowed under subsection (d)(4) of this section.

(4) A building or land use permit may be issued for a structure without a design review permit, if any one of the following findings can be made by the permit-issuing authority:

(i) The structure is of a temporary nature which, in all likelihood, will be replaced by a permanent structure within a reasonable time frame.

(ii) The structure is minor to the overall use of the property and will not be noticeably visible from a public right-of-way.

(iii) The structure will not be visible from an existing, planned, or proposed public right-of-way.

(iv) The structure is pre-existing with proposed changes to portions of the facade that are not visible from public rights-of-way or are considered minor by the Community Development Director. For example, minor facade changes that do not trigger design review include a change to the facade color scheme, re-siding, re-roofing, replacement of doors and windows of the same size, or similar minor improvements that do not change the form or shape of the building. (Ord. 1179, Sec.

8, 2024; Ord. 1068, Sec. 2 (Exh. B), 2019; Ord. 1027, Sec. 3, 2018; Ord. 903, Sec. 19, 2013; Ord. 876, Sec. 12, 2012; Ord. 811, Sec. 4 (Exh. 3), 2010)

#### **14.16C.105 Site Plan Review.**

(a) The intent of this section is to establish procedures for reviewing site plans submitted as part of permit applications. Binding site plans are reviewed under Sections [14.18.105](#) through [14.18.180](#). The purpose of the site plan review process is to determine compliance with the City’s applicable development regulations and Comprehensive Plan provisions and to ensure the following have been achieved:

- (1) To coordinate the proposal, as is reasonable and appropriate, with other known or anticipated development on private properties in the area and with known or anticipated right-of-way and other public projects within the area;
- (2) To encourage proposals that embody good design principles that will result in high quality development on the subject property;
- (3) To determine whether the streets and utilities in the area of the subject property are adequate to serve the anticipated demand from the proposal; and
- (4) To review the proposed access to the subject property to determine that it is the optimal location and configuration for access.

(b) Scope. The review and approval of site plans shall be made as a part of the application approval process unless otherwise provided in this chapter. Site plan review and approval is required for all multiple-family, commercial, industrial, utility, shoreline development, public-initiated land use proposals, the expansion and exterior remodeling of structures, parking, and landscaping, and as otherwise specified in this title.

(c) Procedures. A site plan shall be submitted as part of all permit and project approval applications with the information required in subsection (d) of this section. Additional information may be required to conduct an adequate review. Each site plan application shall be reviewed as a ~~Type II~~ [Type I](#) review pursuant to Chapter [14.16B](#).

### **Chapter 14.18 – Subdivision, Boundary Line Adjustments and Binding Site Plans**

#### **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 Section 14.16C.025 minor plat alteration~~, or a major plat alteration. Major plat 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 Section [14.16C.025](#), the alteration will be reviewed as a Type II ~~administrative modification~~minor plat alteration.

(2) When the alteration exceeds the requirements of this section and Section [14.16C.025](#), the alteration shall be ~~considered a major plat alteration and be reviewed by the same body that reviewed the original application (the Hearing Examiner)~~. The criteria for approval of such a modification shall be those criteria governing the permit which is the subject of the proposed alteration.

## Chapter 14.44 – Supplementary Use Regulations

### ~~14.44.090 Planned Business District:~~

~~(a) The Planned Business District is designed to accommodate commercial or mixed use development on sites containing sensitive resources or other sites where, due to property-specific circumstances, detailed planning would benefit all property owners involved as well as the public by allowing for comprehensive site planning and a transfer of densities among parcels in order to avoid impacts to sensitive resources.~~

~~(b) Development of all contiguous properties within a Planned Business District shall be in conformance with a master development plan developed for each of the Planned Business Districts in conformance with subsection (g) of this section. A master~~

~~development plan is an area plan adopted by the City Council, which includes single and/or multiple ownerships of parcel(s) that relate through common objectives and design elements. The boundaries of the master development plan shall be an area generally delineated by principal/intermediate/minor arterial/collector streets within the PBD Zone.~~

~~(c) The master development plan shall not create a contract or be considered as absolutely binding upon the City or adjacent owners as to future development of adjacent land (unless so specified in a separate development agreement), but shall be used as a guide to landowners, developers, and the City.~~

~~(d) If a master development plan has not been adopted, property owners may request grading or building permits for existing or accessory structures. No new residential structures are allowed unless allowed as a permissible use pursuant to Chapter 14.40.~~

~~(e) The master development plan for any Planned Business District may be developed either by an applicant or group of applicants working collectively or by the City. However, the City is not obligated to do so.~~

~~(f) The master development plan shall be processed (and amended) as a conditional use permit. However, once a master development plan is adopted for a Planned Business District, all subsequent individual permitted uses shall be permitted through a site plan review and subsequent building permits and shall be consistent with the master development plan.~~

~~(g) Master development plans shall address the following:~~

~~(1) Site Design. A site plan for the entire Planned Business District shall be developed, indicating where the various land uses and the below listed elements will be located:~~

~~(2) Permitted Uses. Individual residential uses consistent with Table 14.40-I may be allowed when:~~

~~(i) An economic analysis is submitted with the master development plan application, supporting the change or mix of commercial and/or nonresidential uses and the increased need for residential development within the immediate area of the Planned Business District. The analysis, at a minimum, shall demonstrate that the potential commercial components being replaced by residential uses do not diminish the City's overall economic viability as set forth in the goals, policies, and strategies of the Comprehensive Plan; and~~

~~(ii) The uses proposed in the master development plan include at least five percent commercial and/or civic uses based on the total square footage of the use structure. If the exact residential square footage is not known at the time of~~

application for the master development plan, the applicant may use 1,500 per residential unit square footage factor to calculate the required commercial and/or civic use component; and

(iii) The residential development is proposed at a minimum of three dwelling units per acre on the site area allocated to the residential uses. A single-family residence may be permitted on sites where the property qualifies for a reasonable use provision pursuant to Sections 14.88.900 through 14.88.950. Development rights only shall be calculated using a base of three dwelling units per acre and may only be transferred to other sites within the same PBD master development plan area; and

(iv) Multifamily apartments shall be limited to 75 percent of the total residential uses on site. This provision does not apply to mixed use structures.

(3) Transportation and Circulation. The layout and design of all streets, rights-of-way, parking, ingress and egress, and mass transit facilities for the entire Planned Business District shall be provided.

(4) Utilities. The layout and design of all major utility facilities, including stations, main pipes, and detention facilities shall be provided.

(5) Recreational and Cultural Facilities. At least 10 percent of the portions of a Planned Business District that are not within sensitive areas or buffers shall be developed as usable open space. Such open space may be comprised of park space; public or private porches and patios, public trails, art facilities, or other similar uses which are intended to provide opportunities for recreational, cultural, or personal experiences.

(6) Critical Areas. All critical areas shall be identified and protected in conformance with Chapter 14.88 (Critical Areas). A protection and mitigation program for the entire site may be developed; provided, that mitigation for approved impacts shall be required at the time of the impact, regardless of whether the impact is located on the same parcel as the mitigation.

(7) Design. A master design concept shall be developed in conformance with the City's development design guidelines, addressing architecture, massing, signage, streetscape, street furniture, etc. All development within the Planned Business District shall then need to conform to the design concept. Innovative design concepts may be considered and approved pursuant to the design review process in Section 14.16C.050(f), when the applicant demonstrates the overall design complies with the City's Comprehensive Plan goals and policies. Design concepts and

~~requirements may be administered through the master development plan and subsequent site plan review.~~

~~(8) Landscaping. A landscaping concept shall be developed addressing plant species, design, installation, and maintenance. (Ord. 811, Sec. 44, 2010; Ord. 798, Sec. 6, 2009; Ord. 797, Sec. 5, 2009; Ord. 744, Sec. 4, 2007; Ord. 676, Sec. 34, 2003; Ord. 468, 1995)~~

## **Chapter 14.46 – Innovative Housing and Infill**

### **14.46.020 Application.**

Applications for an innovative housing project shall be made on forms provided by the City, pursuant to the permit path associated with the underlying permit. In addition, the following items shall be provided at the time of submittal:

- (a) Preliminary Development Plan. A preliminary development plan indicating property lines, proposed setbacks, proposed structures, parking, roads, infrastructure and open space/landscape areas, and other items identified in Section [14.16C.105](#), Site Plan Review.
- (b) A detailed description of how the proposed development is consistent and not in conflict with the surrounding ~~neighborhood character and~~ neighborhood design.
- (c) A detailed description of how the proposed development meets the purpose and goals of this chapter and complies with all the criteria and project parameters for an innovative housing project.
- (d) A detailed description of how the proposed development is applying development bonuses including but not limited to parking reductions, lot width reductions, and lot size reductions.
- (e) Additional information as required by the application forms provided by the City or deemed necessary by City staff to consider the application. (Ord. 1081, Sec. 3, 2020; Ord. 903, Sec. 37, 2013; Ord. 798, Sec. 7 (Exh. 2), 2009)

## **Chapter 14.68 – ~~Signs~~**

### ~~14.68.124 Incentive Provisions for Exceptional Efforts.~~

~~(a) To encourage the integration of signage into the visual framework of its location, special consideration may be given to signs of exceptional design. Special consideration may, at the Planning Director's discretion, result in a relaxation of the number, dimensional and locational standards specified in this chapter. No other standards may be relaxed. This~~

~~is not to be confused with a variance. It is to be based on an exceptional effort toward creating visual harmony between the sign, the building(s), and the site.~~

~~(b) Petitions for consideration of signs pursuant to this section shall be made to and decided by the Planning Director. The petition and application shall be presented with the entire sign plan to the Design Review Board with a narrative outlining the proposed plan addressing, but not limited to, the following:~~

- ~~(1) How the components of the sign improve legibility, readability, and aesthetics;~~
- ~~(2) The relationship of the proposed sign to the community vision for the zone, as expressed in the Comprehensive Plan, intent of the zone, and Development Design Guidelines. In the Central Business District in particular, signs designed to enhance the historic character of downtown may be given special consideration;~~
- ~~(3) Relationship of the sign to the immediate surroundings, including existing and proposed buildings, other signs, and landscape;~~
- ~~(4) Relationship of the sign to the business that the sign is to promote; and~~
- ~~(5) A colored rendering, showing the proposed sign, dimensions of the sign, and location of the sign. (Ord. 876, Sec. 21, 2012; Ord. 799, Sec. 2, 2009; Ord. 661, Sec. 4, 2002; Ord. 590, 1998; Ord. 468, 1995)~~