



ASSISTED LIVING FACILITY USE IN COMMERCIAL DISTRICT ZONING OUTSIDE SUBAREAS

1. Authority

The Department of Planning and Community Development has established procedural policies and guidelines authorized under Lake Stevens Municipal Code (LSMC) 14.04.120(a) which states that city departments may administratively adopt guidelines, standards, reference materials, forms, or other documents that aide the public, applicant, staff, or decision-maker in interpreting and administering the Lake Stevens Municipal Code (LSMC). Chapter 14.16C.035 of the LSMC provides a process for administrative interpretations, including that of determining whether a use is allowed in a particular zone.

2. Intent

Determine whether an assisted living facility is a permissible use in the Commercial Zoning District outside of established subarea boundaries.

3. Applicable Code Sections and Analysis:

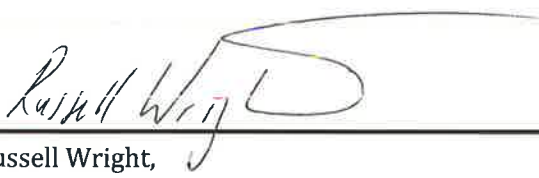
1. LSMC Table 14.40-I does not contain a column for the Commercial Zoning District even though the Commercial Zoning District exists on the City's zoning map.
2. Only one area (north of Soper Hill Road and east of SR-9) in the city contains Commercial District zoning outside of subarea boundaries per the City's zoning map.
3. An assisted living facility is classified under the definition of a Level 2 Health and Social Service Facility per the definitions in LSMC 14.08.
4. Level 2 facilities are only permissible outright in the Planned Business District (PBD), are conditional uses in the HUR and MFR zoning districts, and are accessory uses in the P/SP zoning district per Table 14.40-I.
5. The zoning regulations for the Commercial District are specified under Chapter 14.38 – Subarea Plans, of the LSMC.
6. LSMC 14.38.020(b) describes the purpose and intent of the district and lists the permissible uses and special regulations.
7. Health care services are listed under 14.38.020(b)(2) as a secondary use in the district.
8. LSMC 14.38.030(c) states *Principal uses are the preferred uses of the zoning district, while secondary uses are also allowed uses, but should be subordinate in a mixed-use configuration, whether in a vertical or horizontal configuration. The principal uses should be located along primary street frontages.*
9. The city has recently interpreted (in conjunction with the revisions to the zoning code adopted via Ordinance No. 1027) that if a secondary use is the only proposed use on a property and it is not located in a mixed-use development, that the secondary use is permissible.

4. Interpretation Conclusion

The Lake Stevens Municipal Code is silent on whether uses in the Commercial District outside of subarea boundaries are permissible since it is not listed in Table 14.40-I. The zoning regulations for uses in the Commercial District are located in 14.38.020 instead of Table 14.40-I, as all other properties with this zoning are located in subareas. Logically, the uses listed under 14.38.020 should by extension, also be the uses permitted in the Commercial District located outside of subareas.

Therefore, the interpretation is that health care services, including an assisted living facility, shall be permitted in the Commercial District zone outside of subarea boundaries.

The city intends to revise Table 14.40-I to reflect the current zoning map districts with a future code amendment.



Russell Wright,
Planning and Community Development Director

September 13, 2018

Date of Administrative Determination