



**ADMINISTRATIVE CODE INTERPRETATION
RELATED TO THE ADMINISTRATION OF CHAPTERS 14.36, 14.40, 14.44 AND 14.48 LSMC
FOLLOWING ADOPTION OF THE 2024 CONCURRENT REZONES**

1. Authority

Lake Stevens Municipal Code (LSMC) 14.04.120(a), allows city departments to administratively adopt guidelines, standards, reference materials, forms or other documents that aid the public, applicant, staff or decision-maker in interpreting the municipal code. LSMC 14.16C.035 outlines the process for administrative interpretations to clarify the provisions of this title. This code interpretation is initiated per the Director's initiative, pursuant to LSMC 14.16C.035(c). Code interpretations are intended to:

- (1) Clarify ambiguous provisions of the code applied to a specific project;
- (2) Determine nonconforming rights;
- (3) Determine whether a use is allowed in a particular zone; and
- (4) Interpret the meaning of terms.

2. Intent

This interpretation provides clarification on how to administer LSMC Chapters 14.36 (Zoning Districts and Zoning Map), 14.40 (Permissible Uses), 14.44 (Supplementary Use Regulations) and 14.48 (Density and Dimensional Regulations) following adoption of the 2024 Concurrent Rezones ([Ordinance 1189](#)) to the 2024 Comprehensive Plan Update, which:

- A. Consolidated the General Industrial (GI) and Light Industrial (LI) zoning districts into a single "Industrial" zoning district; and
- B. Eliminated the Planned Business District (PBD) zoning district.

The City of Lake Stevens will be amending these chapters in 2025 as an implementation item for the 2024 Comprehensive Plan. Until that time, this interpretation shall provide guidance for properties and proposals within the new Industrial zoning designation and the eliminated PBD district that were not vested to the LSMC prior to the effective date of Ordinance 1189 (October 30, 2024). For general information on vested rights in Washington state, please see the following [MRSC overview](#).

3. Process/Review Criteria

Issue: The adoption of Ordinance 1189 resulted in the elimination of the General Industrial and Light Industrial (which were combined into a single "Industrial" zoning designation) and Planned Business District (affected properties for which were rezoned to Multifamily Residential, Public/Semi-Public, and Commercial District) zoning designations. This has resulted in several LSMC chapters that reference zoning districts that no longer exist.

Per state law, land use and building permits for properties and proposals within the eliminated LI, GI and PBD zoning districts that were legally vested prior to October 30, 2024 shall continue to be subject to the current LSMC standards and regulations for the duration of their effective vesting period. In addition, properties within the eliminated PBD zoning district that did not have vested proposals or uses prior to October 30, 2024 shall be subject to the standards and regulations for their new zoning district, as reflected in Ordinance 1189, defined in Chapter 14.36 LSMC, and regulated in other applicable LSMC chapters, including the Supplementary Use Regulations in LSMC Section 14.44.090.

However, the new Industrial zoning designation established by Ordinance 1189 is not defined in Chapter 14.36 LSMC, and minor differences in standards and regulations exist between the previous LI and GI zones. These include:

1. *Chapter 14.40 (Permissible Uses)* Per Table 14.40-II (Table of Nonresidential Uses by Zones), there are five (5) differences in permissible uses between the LI and GI zoning districts:
 - Level II/III healthcare facilities, which are outright permitted in the LI zone but not permitted in the GI zone.
 - Heavy manufacturing, which is outright permitted in the GI zone but requires a Type II administrative conditional use permit (ACUP) in the LI zone.
 - Soil processing, which is outright permitted in the GI zone but requires an administrative conditional use permit (ACUP) in the LI zone.
 - Automobile and motorcycle racing tracks, which require an ACUP in the GI zone but are not permitted in the LI zone.
 - Public places of adult entertainment, which require an ACUP in the GI zone and a Type III conditional use permit (CUP) in the LI zone.
2. *Chapter 14.48 (Density and Dimensional Regulations)*. All utility facilities other than neighborhood facilities. Per Table 14.48-II (Nonresidential Density and Dimensional Standards, there is one (1) difference between the LI and GI zoning districts:
 - a) The maximum height is 45 feet in the LI zone and 55 feet in the GI zone.

The 2024 Comprehensive Plan includes updated goals, policies and background information in the Land Use Element (Chapter 2), which provides the policy foundation for implementing ordinances. As discussed on page 2-18 and shown on the Future Land Use Map (Figure 2.4), the city opted to consolidate the previous General Industrial and Light Industrial land use designations into a single “Industrial” land use designation. Page 2-21 notes that as part of the 2024 Comprehensive Plan Update the city also opted to consolidate the three previous industrial zoning districts – LI, GI and the General Industrial Development Agreement (GIDA) – into a single zoning. This was done in the interest of simplifying the standards and regulations within the Lake Stevens Industrial Center, as recommended by a [2023 analysis](#) and guided by Land Use Element Goal 2.6 (Promote an Active, Healthy and Diverse Lake Stevens Industrial Center).

Given the 2024 Comprehensive Plan’s focus on simplifying industrial uses and development standards under a single Industrial land use designation and implementing zoning district, there is adequate policy direction to evaluate proposals within the new Industrial zoning district under the existing LSMC, until which time a subarea plan is adopted for the LSIC (as called for in Policy 2.6.6) and updated LSMC code language can be adopted. Until that time, and for the purposes of providing the flexibility and permissive regulatory environment referenced in the 2024 Comprehensive Plan, where there are currently differences in permissible uses, development standards and land use review processes between the previous GI and LI zones, the

more permissive standard/process shall apply, until which time updated code language is adopted. This is supported by the Determination of Non-significance (DNS) issued for the 2024 Comprehensive Plan and Concurrent Rezones, which found that adequate local, state and federal regulations are in place to avoid any potential significant environmental impacts.

3. Interpretation and Implementation

Per this interpretation, the city has determined that:

- a) Until a subarea plan and/or zoning regulations for the Lake Stevens Industrial Center are adopted, when differences exist between the permissible uses, development standards, and land use review processes identified in the LSMC for the General Industrial (GI) and Light Industrial (LI) zones, the more permissive standard shall apply to the newly created Industrial zoning district. This includes the following specific uses/standards:
 - Level II/III healthcare facilities, heavy manufacturing and soil processing uses are outright permitted.
 - Automobile and motorcycle racing tracks and public places of adult entertainment uses require a Type II ACUP.
 - The maximum building height is 55 feet.
- b) The uses, standards and review processes identified for the Light Industrial, General Industrial, and Planned Business District zoning districts shall no longer apply, unless a property or proposal was legally vested to the code prior to October 30, 2024.



December 19, 2024

Russell Wright
Community Development Director

Date

This code interpretation is a Type I Review and is issued pursuant to LSMC 14.16C.035 and may be appealed to the Hearing Examiner pursuant to LSMC 14.16A.210(b)(1). Appeals must be filed within 14 days after the date of this interpretation and must be filed with a written description of the specific aspect being appealed, any supporting evidence and filing fee pursuant to LSMC 14.16B.115.