

**City of Stanwood  
Regular Meeting of the Planning Commission  
October 13, 2025 | 6:30 PM**

**Minutes**

**1. Call to Order**

Planning Commission Chair, Patrick Hosterman called the meeting to order at 6:30 PM.

**2. Roll Call**

Planning Commissioners Present:

Eric Warnat

Richard Craig

Patrick Hosterman (Commission Chair)

Cody Davis (Commission Vice Chair)

Jeff Wheatley

Planning Commissioners Absent:

Melissa Toner

Gabrielle Braley

Staff Present:

Patricia Love, Community Development Director

Ty Schroeder, Senior Planner

Audrey Rotrock, Associate Planner

Others Present:

Dan Haskins (Online)

**3. Public Requests and Comments**

**Name**

**City**

**Topic**

**4. Approval of Minutes**

**a. Planning Commission September 8, 2025 Minutes**

The minutes of the September 8, 2025, Planning Commission meeting were unanimously approved as written.

**5. New Business**

**a. Municipal Code Update: SEPA Thresholds**

The purpose of this item was for the Planning Commission to review, discuss and provide feedback on potential changes to the State Environmental Policy Act (SEPA) categorical exemption levels adopted in the Stanwood Municipal Code. SEPA was adopted in 1971, at a time when Washington State did not

yet have modern environmental regulations in place. Before the adoption of critical areas ordinances, shoreline regulations, stormwater standards, or other environmental protection codes, SEPA served as the primary mechanism for evaluating and mitigating environmental impacts associated with government actions and private development proposals.

In 1990, the Growth Management Act (GMA) fundamentally changed the regulatory landscape by requiring cities and counties to adopt comprehensive land use plans, critical areas protections, and development regulations that directly addressed environmental concerns. GMA ensured that environmental protections were embedded within local development codes rather than relying solely on SEPA review. Post GMA, the function of SEPA has changed. Rather than acting as the baseline for environmental protection, SEPA is now primarily used as a supplemental review tool. It provides a city with authority to apply conditions to projects when potential impacts are identified that are not otherwise regulated or mitigated by existing local codes and standards.

The Legislature has adopted new threshold levels to support the development of infill housing as part of the state strategy to encourage urban growth in already-developed areas. By increasing these thresholds, more infill projects can qualify for exemption from detailed environmental review under SEPA. This policy reflects a deliberate effort to make housing development more efficient and to remove regulatory barriers that might otherwise slow or discourage construction within existing urban boundaries.

#### Commissioner Questions & Comments

- How many Mitigated Determinations of Non-Significance (MDNS's) have been issued in the last 5 years, for example?
  - About 3 MDNS's have been issued in the last 5 years.
- What is the benefit to increasing the thresholds?
  - All Type 3 permits will be noticed and given 2 comment periods, allowing everyone (Public, City, other Agencies) to view and comment on the projects.
  - The City will be reviewing all the same SEPA conditions/impacts. Many of the reviews will now be required by the Stanwood Municipal Code (SMC). SEPA is intended to cover anything the code did not, creating a thorough review.
- Commissioners want to be sure there is no way that any of the required reviews can be skirted by changing the thresholds.
- Allowing the public to comment on projects is important to the Commissioners.
- Some Commissioners feel the increase in thresholds is too much for our small Community.

#### **b. Municipal Code Update: Nonconforming Uses, Structures and Land**

Across Stanwood, many lots, structures, and uses were lawfully built or established before current zoning standards were adopted. As laws and regulations evolve, these older properties are allowed to continue operating under special conditions and are referred to as “legally nonconforming.” More commonly, people may recognize this concept by its familiar term: “grandfathering.”

Over time, ambiguities in the City’s nonconforming zoning regulations have created challenges. Inconsistent interpretations have caused uncertainty for property owners and staff. To address these issues, the proposed amendments are intended to bring greater clarity, improve transparency, and ensure fairness in land use administration. The goal is to balance the continuation of legally established nonconformities with the City’s long-term vision of bringing properties into compliance with current zoning standards whenever feasible.

The proposed amendments reaffirm that lots, structures, or uses that were legally established under past regulations are considered legal nonconformities. These may continue, subject to the following provisions and rules:

Abandonment: Establishes a 12-month period as the standard for presumed abandonment of a nonconforming use or building. Property owners have the opportunity to demonstrate that they did not intend to abandon the property.

Nonconforming Lots: This section provides clear guidance on when and how nonconforming lots may be developed.

Lot Merger for Nonconforming Lots of Record: When two or more adjacent nonconforming lots of record are under common ownership, the amendments require that they be combined into one legal conforming lot.

Nonconforming Structures: The amendments define the conditions under which nonconforming structures may be repaired, maintained, or expanded.

Nonconforming Uses: Legally established nonconforming uses may continue until they are abandoned or expanded or intensified.

Reconstruction Due to Natural Disasters: If a nonconforming building or use is damaged or destroyed by an event beyond the owner’s control, such as an earthquake, flood, storm, landslide, mudslide, fire, or explosion, the amendments allow for reconstruction.

Variance Criteria: New provision that provides an option for property owners to apply for a variance from the nonconforming standards if necessary.

### Commissioner Questions & Comments

- Commissioners like that people can keep their property and the use.
- What could a landowner build on a non-conforming lot?
  - A landowner can build whatever they choose, as long as it meets the conditions of the code (setbacks, depth, width, etc.)
- Commissioners recommend adding language that would require ADA

upgrades when a building is improved over a certain percentage.

- Under the Abandonment amendment, a property would have to be "abandoned" for 12 or more months. It would not be considered abandoned if an owner was actively trying to re-open, or lease the property, for example.

### **c. Municipal Code Update: Permitted Uses**

The current Permitted Use Matrix and Use Standards were last updated in 2020, nearly five years ago. Since that time, significant changes have occurred, including the impacts of the COVID-19 pandemic, which altered how people work, live, and use space. Additionally, the City has updated its Comprehensive Plan, creating the need to reassess allowed uses for consistency with the community's long-term vision and recent state law changes.

The update will involve:

- Reviewing all permitted uses across zones to ensure consistency with the City's Comprehensive Plan and community vision.
- Revising or consolidating use categories where appropriate for clarity and efficiency.
- Developing or refining specific use standards to mitigate potential impacts (e.g., noise, traffic, light, or compatibility issues).

### Commissioner Comments & Questions

- Commissioners support a greater consolidation of the matrix. Review and refine uses, grouping categories as needed to improve clarity and efficiency.
- Commissioners would like more information on how mobile homes and manufactured homes could be of use in the Missing Middle Housing.
- Reexamine the treatment of prohibited uses - particularly manufactured home parks versus mobile home parks - identify state laws and current building industry standards.
- For Places of Worship, clearly define uses, locations where they are and are not allowed, development standards, and appropriate zoning.
- Consider whether residential uses should have occupancy limits for unrelated individuals within a household; verify if such limits are legally permissible. Commissioners expressed concern about parking impacts but support multi-generational households.
- Review the matrix for consistency and potential conflicts with state law.
- Consider reducing the number of definitions to more closely reflect the permitted use matrix.
- Clarify appropriate zoning for rehabilitation facilities and distinguish how these uses differ from homeless or transitional housing facilities.

- Summarize legal requirements for assisted living facilities, including building and AD compliance standards.
- Identify non-discretionary uses required by state law versus those the City can regulate at its discretion.
- Prepare a policy analysis linking the Permitted Use Matrix to the Comprehensive Plan.

**6. Unfinished Business**

**7. Miscellaneous Business**

- a. Reminder: The November Planning Commission Meeting is Scheduled for November 17, 2025**

**8. Recent Council Action on Commission Items**

- a. Staff update on Missing Middle Housing Ordinance Package**

**9. Upcoming Items**

- Continue to review Permitted Uses
- Public Hearing at the November meeting for Municipal Code Updates: SEPA Thresholds, and Nonconforming Uses, Structures and Land.

**10. Adjourn**

8:10 p.m.

City of Stanwood

Attest:

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Sid Roberts, Mayor

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Lisa Sokolik, City Clerk