

CITY COUNCIL MEETING AGENDA



City of Lake Stevens Vision Statement

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

November 15, 2022 - 6:00 PM

TWO WAYS TO PARTICIPATE

In Person at The Mill, Sawyers Room, 1808 Main Street, Lake Stevens OR
Via Zoom at: <https://us02web.zoom.us/j/82262608239>, or calling in at 253-215-8782, Meeting ID 822 6260 8239

1. **Call to Order**
2. **Pledge of Allegiance** Mayor
3. **Roll Call**
4. **Approval of Agenda** Council President
5. **Citizen Comments**
6. **Guest Business**
 - A. Lake Stevens Industrial Center - Mackenzie Consultants Christi Schmidt
7. **City Department Report**
8. **Public Hearing**
 - A. Short Term Rentals Ordinance (LUA2022-0046) David Levitan
9. **Action Items**
10. **Discussion Items**
 - A. Update on Housing Needs Assessment and Housing Need Allocations David Levitan
 - B. Process/Timeline for Filling a Council Vacancy Gene Brazel
 - C. Draft Agenda for November 22, 2022 (Will be handed out at the meeting)
11. **Executive Session (Confidential Session of the Council)**
 - A. Property Acquisition
12. **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.

NOTICE: All proceedings of this meeting are audio recorded, except Executive Sessions.

CITY COUNCIL STAFF REPORT



Agenda Date: 11/15/2022

Subject: Lake Stevens Industrial Center - Mackenzie Consultants

Contact Person/Department: Christi Schmidt, Community Development

Budget Impact: None

Legal Review: No

RECOMMENDATION(S)/ACTION REQUESTED:

DISCUSSION

SUMMARY/BACKGROUND:

The Lake Stevens Industrial Center (LSIC) is an approximate 280-acre area located in the northeastern corner of the city; see attached Growth Centers and LSIC Area Maps (Attachments 1 and 2). The formation of the LSIC is zoned for General Industrial (GI) and Light Industrial (LI), which allows a wide range of industrial uses - see attached LSMC Permissible Use Matrix (Attachment 6). To move forward with the planning and development of this area, the city council authorized staff to hire MACKENZIE, ECONorthwest and the Riley Group (consulting team) to conduct an infrastructure and market analysis of the LSIC.

The purpose of the infrastructure analysis is to assess existing conditions of the area, such as critical areas along with sewer, stormwater, roads and availability of high-speed internet capability to support industrial and commercial uses. The road network to and from the industrial area will be analyzed to understand existing conditions, structural deficiencies and required upgrades to support the future growth and employment of the area. The existing conditions for both the stormwater and sanitary sewer service are attached (Attachments 7, 8, 9, 10 and 11). An outcome of the LSIC infrastructure analysis will be a phased infrastructure improvement plan/schedule with options for funding sources to assist and determine any need for expansion and infrastructure improvements.

The purpose of the market analysis is to assess regional and local economies and determine where the LSIC can complement the regional market and will identify the highest and best uses for the LSIC and determine what the targeted market/uses for the area will be.

The city will use the infrastructure and market analysis results to recommend options to diversify this area as a local employment center and to assist owners with their goals to develop their properties efficiently and to attract appropriate industries. Development of LSIC will be integral in helping the city meet its employment growth targets.

Process to Date:

On September 12, 2022, the city mailed an outreach letter to the property owners in the Industrial Center informing them of the LSIC planning process and asking for them to respond to the Stakeholder Interview Questions (survey). The purpose of the survey is to collect information about what owner's plans are for their property(ies), identify deficiencies in the infrastructure, and how owners would like to see the area develop, etc. A copy of both the Property Owners Outreach letter and the survey are attached for your reference (Attachments 3 and 4).

On September 27, 2022, the city held an Open House - approximately 10 owners attended. To date, the city has received three online survey responses and one hard copy for a total of four from property owners. A copy of the online property owner survey results is enclosed (Attachment 5). The additional public survey results will be provided later after further public input is obtained; currently there are 70 public surveys submitted by the closing date of October 14, 2022.

On October 19, 2022, the Planning Commission had a presentation from staff and its consulting team and were asked the four questions below that are being asked to the council this evening. The Planning Commission provided input and had a lengthy discussion which is summarized in the enclosed Planning Commission (Attachment 12).

The purpose of tonight's meeting is to introduce the consultant team to you and obtain input from the City Council and responses to the following questions:

1. What are the most significant issues facing the LSIC?
2. What changes should be made to the LSIC e.g., infrastructure, updated zoning, updated uses, etc.?
3. Are there ideas from other communities that you think may work here?
4. Limited residential (uses) housing is permitted in the industrial center, e.g., apartments over non-residential uses and lodging for security. Is this a use you think the city should maintain?

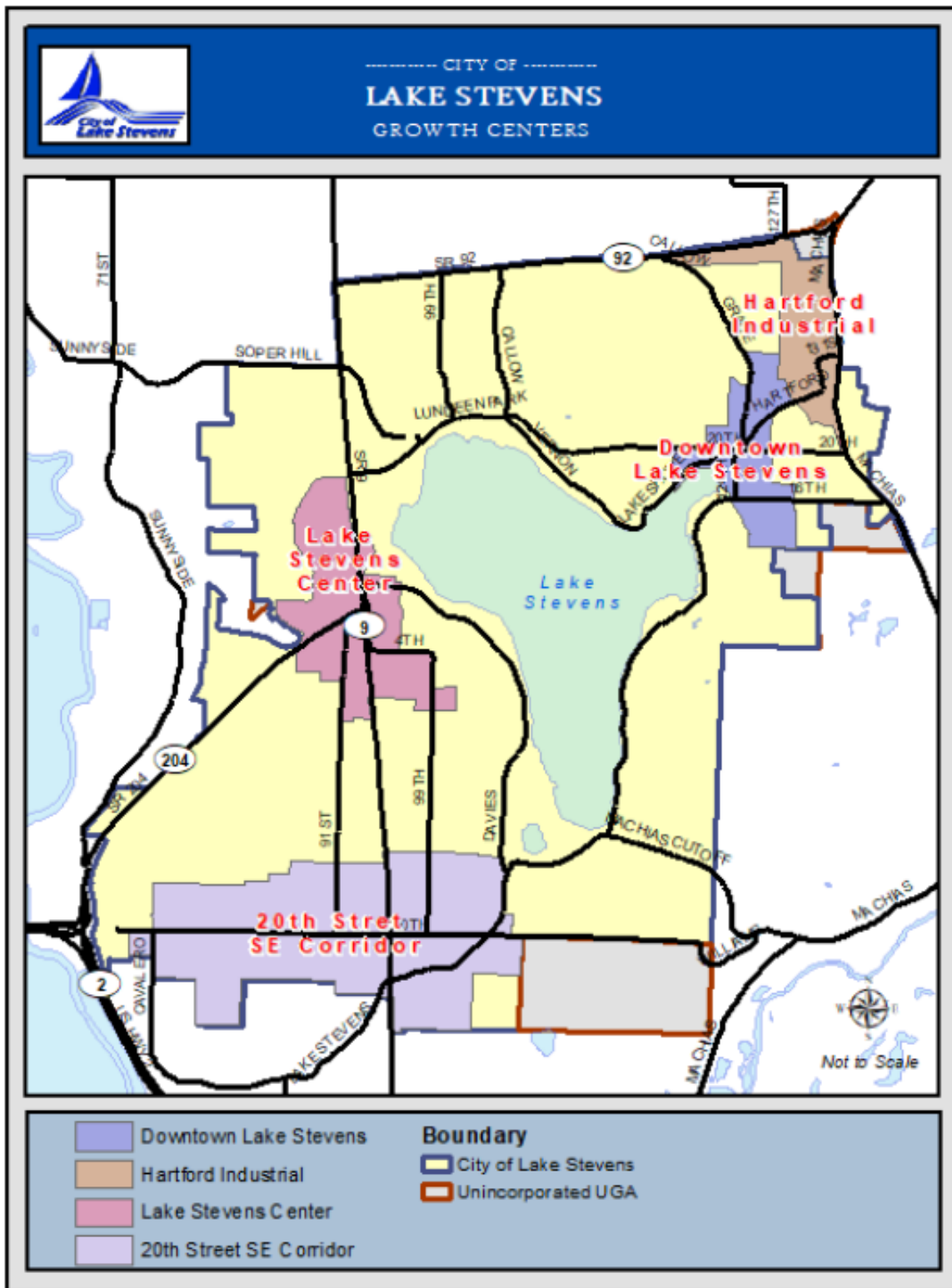
Schedule:

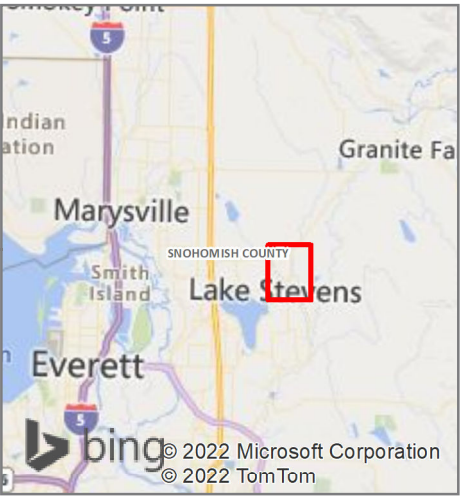
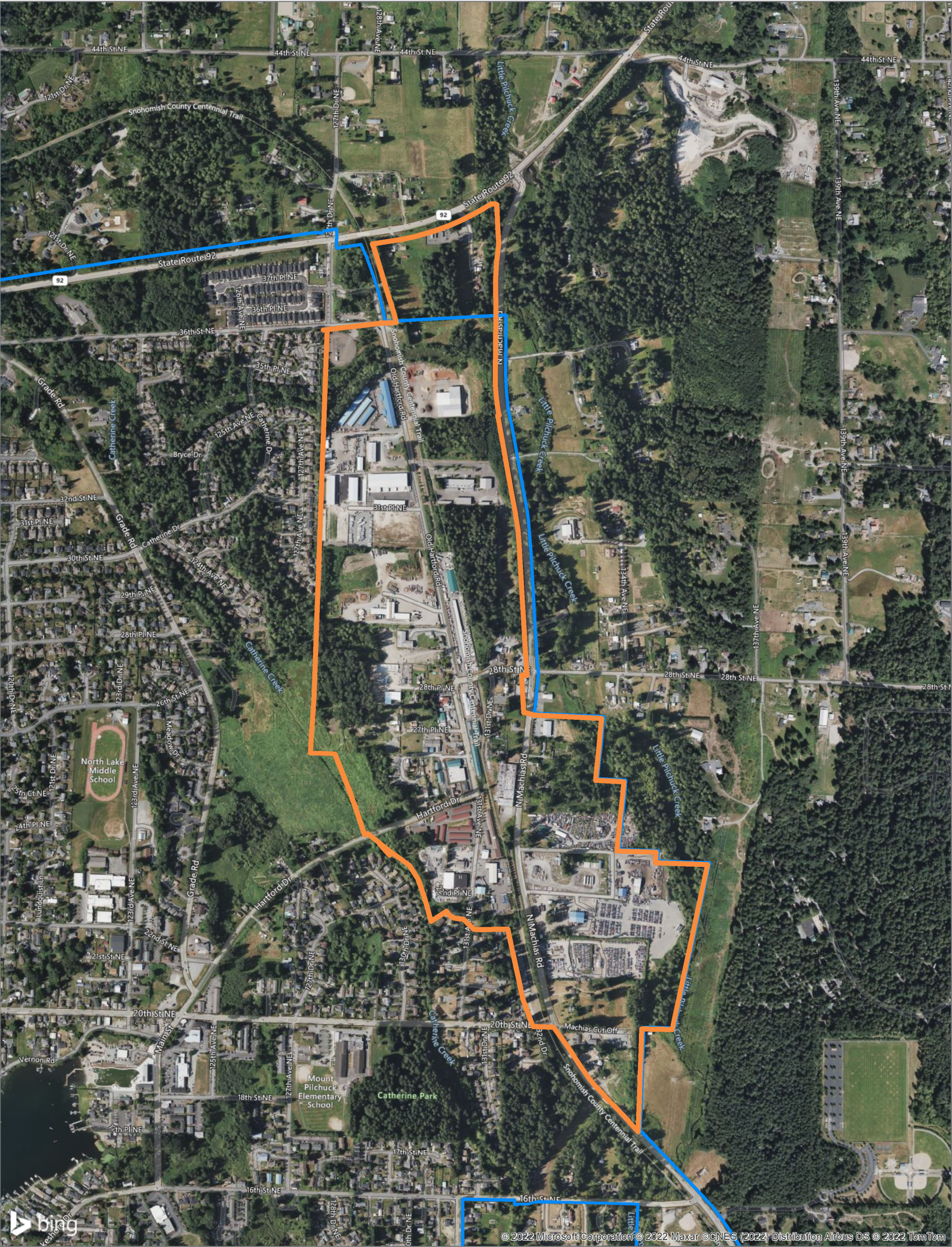
Event	Dates (Tentative)
Technical Background Data Gathering and Site Visits	August-October 2022
Meeting with Utility Districts	August 2022
Planning Commission Update	August 17, 2022
Outreach Letter Sent to Property Owners with Survey	September 12, 2022
Meeting with property owners	September 27, 2022
Meeting with stakeholders	September/October 2022
Planning Commission Input	October 19, 2022
City Council Input	November 15, 2022
Prepare Draft Study and Review with Staff	December
Work Session with City Council and Planning Commission	January
Review and Discuss Draft findings with Property Owners	Late January-February
Finalize Study	February
Present final study to City Council	March 2023

APPLICABLE CITY POLICIES:None

ATTACHMENTS:

1. Attachment 1 - Growth Centers Map
2. Attachment 2 - Lake Stevens Industrial Lands Analysis - Base Map
3. Attachment 3 - Property Owners Outreach Letter Sent 9-12-22
4. Attachment 4 - Stakeholder Interview Questions
5. Attachment 5 - Property Owner Completed Surveys
6. Attachment 6 - Chapter 14.40 Permissible Uses
7. Attachment 7 - Lake Stevens Stormwater Map
8. Attachment 8 - Lake Stevens Sanitary Sewer Service Map
9. Attachment 9 - Lake Stevens Drainage Basin Map
10. Attachment 10 -Lake Stevens Stormwater Service and Drainage Basin Map
11. Attachment 11 - Lake Stevens Environmental Constraints and Drainage Basin Map
12. Attachment 12 - PC Minutes 10-19-22
13. Presentation 2





CITY OF LAKE STEVENS INDUSTRIAL LANDS ANALYSIS
Lake Stevens, Washington

LEGEND

- Industrial Study Area
- City Limits

03456901,380

Feet

N

1 inch = 700 feet

SOURCE DATA:
Snohomish County Database,
July 2022

GEOGRAPHIC PROJECTION:
NAD 83 HARN, Washington North
Lambert Conformal Conic

Date: 8/15/2022

Map Created By: JBM

File: Lake Stevens Industrial Lands Analysis

Project No: 2220142.00

Attachment 2 - LSI Lands Analysis
Base Map

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Page 7 of 167



One Community Around the Lake

September 12, 2022

Name
Company
Address
City, State

Dear Property Owner:

The city of Lake Stevens has embarked on a market analysis and infrastructure study to identify highest and best uses for the Industrial Area, specifically emphasizing where the Lake Stevens Industrial Center (LSIC) can complement the regional market as one of the first steps to develop a subarea plan for this area. The city hired Mackenzie consultants to complete the LSIC analysis. You are receiving this notice as your property is located within the LSIC. As part of the city's outreach efforts, we hope you will provide feedback to the enclosed survey, or you can take it online at the City's Subarea Plan - Lake Stevens Industrial Center <https://forms.office.com/g/927Y5rhTrj>

A property owners stakeholder meeting is scheduled for **Tuesday, September 27, 2022 from 6:00-8:00 pm in The Sawyers Room (City Council Chambers) in The Mill Building at 1808 Main Street, Lake Stevens, WA 98258.** We invite you to attend this in person event to share your thoughts, gain more information and/or to meet the other property owners.

More information is available at [Subarea Planning | Lake Stevens, WA - Official Website](https://www.lakestevenswa.gov/subarea-planning) ([lakestevenswa.gov](https://www.lakestevenswa.gov))

Any questions can be directed to Christi Schmidt, AICP, Senior Planner at 425-622-9438 or by email at cschmidt@lakestevenswa.gov. Please complete and return your survey by October 14, 2022. You may return via email or by mail Attn: Christi Schmidt at City Hall, PO Box 257, Lake Stevens, WA 98258.

Sincerely,

Russell Wright
Community Development Director

Attached: Property Owner Survey

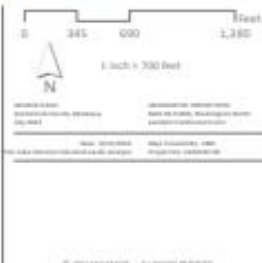
City of Lake Stevens
Planning & Community Development
1812 Main Street | PO Box 257 | Lake Stevens, WA 98258-0257
www.lakestevenswa.gov



CITY OF LAKE STEVENS INDUSTRIAL LANDS ANALYSIS **Lake Stevens, Washington**

LEGEND

- Industrial Study Area
- City Limits





MACKENZIE.

P 206.749.9993 ■ F 503.228.1285 ■ W MCKNZE.COM

Logan Building, 500 Union Street, #410, Seattle, WA 98101

Portland, Oregon ■ Vancouver, Washington ■ Seattle, Washington

ISSUE DATE: September 12, 2022

PROJECT NAME: Lake Stevens Industrial Center Infrastructure & Market Analysis

SUBJECT: Stakeholder Interviews Questions

INTERVIEW QUESTIONS

Purpose statement: The City of Lake Stevens has embarked in a market analysis and infrastructure study to identify highest and best uses for the Industrial Area, specifically emphasizing where the Lake Stevens Industrial Area can complement the regional market as one of the first steps to develop a subarea plan for this area. The City will use this information as a platform to diversify this area as a local employment center.

1. The City of Lake Stevens over the last decade has completed several subarea/community plan studies. Have you been involved in any of these efforts?
2. What elements of past efforts had the most influential results?
 - A. What is most important? What does the community want to see happen?
3. Who uses/visits the industrial district? When do you notice the most activity? What times of day? What seasons?
4. How do you see the industrial district connecting/interacting with the downtown subarea plan?
5. What issues must be addressed as the industrial district grows?
6. What would help the industrial district grow? What improvements do you want to see?

7. What is the biggest hurdle for the industrial district?
8. Are you a property/business owner within the industrial district (respond yes or no)? What amenities would you add to make businesses more successful?
9. What uses that are not in the industrial district now would make the district better?
10. How connected is the industrial district to other parts of Lake Stevens? Other areas in the region?
11. What are the top economic assets that make the industrial district competitive (i.e., access, land, labor, existing industry profile, natural resource)?
12. What is one thing that should never be changed?
13. How should infrastructure improvements be funded? What mechanisms would you support to fund improvements to the industrial center (impact fee increases, local improvement district, developer extensions, city capital funds, etc.)? If the timing could be increased, would you support forming a local improvement (taxing) district to assist in funding utility improvements?
14. How would you like to stay informed on the industrial lands analysis study? Please include your preferred contact information.

Attachment 5 - Survey Detailed Property Owner Results 10-13-22
(Four Owners Provided Written Comments)

View results

Respondent

1

Anonymous

17:01

Time to complete

1. Over the las decade, the City of Lake Stevens has completed several subarea/community plan studies. Have you been involved in any of these efforts?

☒ Yes

☐ No

2. What elements of past efforts had the most influential results?

Still awaiting outcome of 20th and Downtown. Both appear to be driven by developers rather than stakeholders/residents.

3. What was the most important element of past efforts? What does the community want to see happen?

Ease transportation issues. Increase economic growth/job creation. Quit abandoning rare land/buildings to pot grow/retail and self storage.

4. Who uses/visits the industrial district? When do you notice the most activity? What times of day? What seasons?

Marijuana retail causes traffic issues (not looking while pulling in or out. Pot smell is unacceptable. Crime has increased. All issues are constant.

5. How do you see the industrial district connecting/interacting with the downtown subarea plan?

I don't. Pot production has no place in the downtown vision.

6. What issues must be addressed as the industrial district grows?

Sewer needs to come in. Pot smell needs to be eliminated completely.

7. What would help the industrial district grow? What improvements do you want to see?

City needs to allow current stakeholders (aside from pot grow/retail) to improve/expand their business models without regulations such as landscaping. There have been efforts to expand to bring in building supply, plumbing supply, etc that have been abandoned due to over regulation.

8. What is the biggest hurdle for the industrial district?

Smell, pot retail, theft, lack of street lighting.

9. Are you a property/business owner within the industrial district?

☒ Yes

☐ No

10. What amenities would you add to make businesses more successful?

More police patrol, smell abatement, less regulation.

11. What uses that are not in the industrial district now would make the district better?

Businesses that actually employ people (rather than pot production and self/recreational storage).

12. How connected is the industrial district to other parts of Lake Stevens? Other areas in the region?

Not at all.

13. What are the top economic assets that make the industrial district competitive? (i.e., access, land, labor, existing industry profile, natural resource)

None of the above.

14. What is one thing that should never be changed?

Zoning

15. How should infrastructure improvements be funded?

Existing taxes/reallocate City and State funding. No LID tax on the existing businesses/owners.

16. What mechanisms would you support to fund improvements to the industrial center (impact fee increases, local improvement district, developer extensions, city capital funds, etc.)?

See above.

17. If the timing could be increased, would you support forming a local improvement (taxing) district to assist in funding utility improvements?

☐ Yes

☒ No

18. How would you like to stay informed on the industrial lands analysis study?
Please include your preferred contact information.

Via mail



MACKENZIE.

P 206.749.9993 ■ F 503.228.1285 ■ W MCKNZE.COM

Logan Building, 500 Union Street, #410, Seattle, WA 98101

Portland, Oregon ■ Vancouver, Washington ■ Seattle, Washington

ISSUE DATE: September 12, 2022

PROJECT NAME: Lake Stevens Industrial Center Infrastructure & Market Analysis

SUBJECT: Stakeholder Interviews Questions

INTERVIEW QUESTIONS

Purpose statement: The City of Lake Stevens has embarked in a market analysis and infrastructure study to identify highest and best uses for the Industrial Area, specifically emphasizing where the Lake Stevens Industrial Area can complement the regional market as one of the first steps to develop a subarea plan for this area. The City will use this information as a platform to diversify this area as a local employment center.

1. The City of Lake Stevens over the last decade has completed several subarea/community plan studies. Have you been involved in any of these efforts?

Yes. We were involved in the discussions during the run up to annex this area.
We were not property owners at that time but we encouraged the then-owner to sign the annexation proposal.

2. What elements of past efforts had the most influential results?

As stated above, our efforts in the annexation were fruitful, we convinced the largest land owner to again to the annexation.

- A. What is most important? What does the community want to see happen?

Sewer line along N. Machias would be the most significant game-changer.
Perhaps widening N. Machias, allowing for a turn lane in the center for business access

3. Who uses/visits the industrial district? When do you notice the most activity? What times of day? What seasons?

During the week day there is a lot of heavy-vehicle traffic, mostly semi-trucks pulling trailers with dirt and rocks. Year round.

4. How do you see the industrial district connecting/interacting with the downtown subarea plan?

I know there is a school, park, and several residential neighborhoods between the two areas but it would be nice to see more restaurants and retail shops come in.

5. What issues must be addressed as the industrial district grows?

Sewer access and road widths.

6. What would help the industrial district grow? What improvements do you want to see?

Sewer lines.

7. What is the biggest hurdle for the industrial district?

Location. It's tucked back in the woods, far from major highways. Access from hwy 92 is ok but then you hit N. Machias and it's just not set up to handle all the heavy truck traffic.

8. Are you a property/business owner within the industrial district (respond yes or no)? What amenities would you add to make businesses more successful?

Yes. I am the owner of Braven Metals, Mother Trucking, and Catapult Property. We own 24 acres in the industrial district.

Not clear on what amenities you mean.

9. What uses that are not in the industrial district now would make the district better?

I think its fine as is.

10. How connected is the industrial district to other parts of Lake Stevens? Other areas in the region?

Like I said in question 7. The location is not great. Access roads are narrow, winding, and mostly travel thru residential. Compared to other area industrial zones like Smokey Point the LS ID is a bit scattered and can be difficult to navigate for new-comers.

11. What are the top economic assets that make the industrial district competitive (i.e., access, land, labor, existing industry profile, natural resource)?

Road access

12. What is one thing that should never be changed?

Please do not further restrict the zoning and make it something like light-industrial. For a business like mine that would kill it.

13. How should infrastructure improvements be funded? What mechanisms would you support to fund improvements to the industrial center (impact fee increases, local improvement district, developer extensions, city capital funds, etc.)? If the timing could be increased, would you support forming a local improvement (taxing) district to assist in funding utility improvements?

I'm open to any solution really, if it means getting all utilities running down N. Machias faster.

14. How would you like to stay informed on the industrial lands analysis study? Please include your preferred contact information.

Email is fine (regular mail doesn't always get to me in a timley manner)
Kris Muhlestein CEO & Owner BRAVEN METALS
Kris@BravenMetals.com
Direct Office: 425-334-8625
Cell: 206-963-2234

City of Lake Stevens Industrial Area Usage Survey

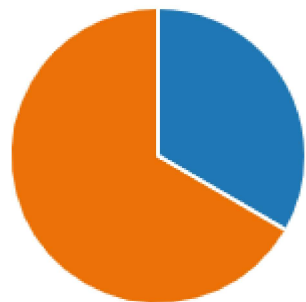
3
Responses

27:00
Average time to complete

Active
Status

1. Over the las decade, the City of Lake Stevens has completed several subarea/community plan studies. Have you been involved in any of these efforts?

● Yes 1
● No 2



2. What elements of past efforts had the most influential results?

2
Responses

Latest Responses
"I have not seen any previous efforts or results"
"Still awaiting outcome of 20th and Downtown. Both appear to..."

3. What was the most important element of past efforts? What does the community want to see happen?

1
Responses

Latest Responses

"Ease transportation issues. Increase economic growth/job creat...

4. Who uses/visits the industrial district? When do you notice the most activity? What times of day? What seasons?

3
Responses

Latest Responses

"I think it is about the same throughout the day, average use, ...

"Daily from 6am -8pm"

"Marijuana retail causes traffic issues (not looking while pullin...

5. How do you see the industrial district connecting/interacting with the downtown subarea plan?

3
Responses

Latest Responses

"It would be great to have a nice Industrial district- cleaner, mo...

"Only connection I see is just local businesses operating and th...

"I don't. Pot production has no place in the downtown vision."

6. What issues must be addressed as the industrial district grows?

3
Responses

Latest Responses

"Making it easier for my neighbor to the East clear his cotton w...

"Marijuana smell is very bad anywhere within half a mile of th...

"Sewer needs to come in. Pot smell needs to be eliminated com...

7. What would help the industrial district grow? What improvements do you want to see?

3
Responses

Latest Responses

"see above again"

"There are no things to go do or visit. It is all just companies op...

"City needs to allow current stakeholders (aside from pot grow/...

8. What is the biggest hurdle for the industrial district?

2
Responses

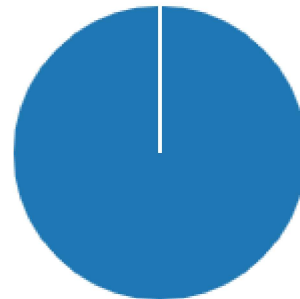
Latest Responses

"see above again"

"Smell, pot retail, theft, lack of street lighting."

9. Are you a property/business owner within the industrial district?

● Yes 3
● No 0



10. What amenities would you add to make businesses more successful?

3
Responses

Latest Responses

"see above again"

"Residential owner in the district but not a business owner"

"More police patrol, smell abatement, less regulation."

11. What uses that are not in the industrial district now would make the district better?

3
Responses

Latest Responses

"General improvements will make it more desirable for other b...
"Better quiet hours regulations of companies such as dumpster ...
"Businesses that actually employ people (rather than pot produ...

12. How connected is the industrial district to other parts of Lake Stevens? Other areas in the region?

3
Responses

Latest Responses

"I think it is connected pretty well. You can get to the district vi...
"Locals use the services of the Marijuana retail and the roofing ...
"Not at all."

13. What are the top economic assets that make the industrial district competitive? (i.e., access, land, labor, existing industry profile, natural resource)

3
Responses

Latest Responses

"At this time i don't think it is competitive compared to other di...
"Access is good and close to downtown for the few retail compa...
"None of the above."

14. What is one thing that should never be changed?

2
Responses

Latest Responses

"Keeping those on septic on septic system as the city sewer rat...
"Zoning"

15. How should infrastructure improvements be funded?

3
Responses

Latest Responses

"by existing taxes, i have been paying outrageous taxes, i don't ...

"There's no need, there is no mass groups of people visiting or g...

"Existing taxes/reallocate Clty and State funding. No LID tax on...

16. What mechanisms would you support to fund improvements to the industrial center (impact fee increases, local improvement district, developer extensions, city capital funds, etc.)?

2
Responses

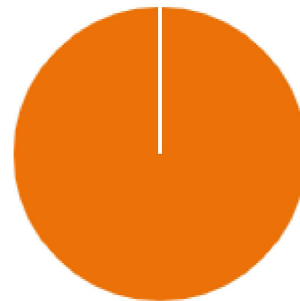
Latest Responses

"I don't know, i am not an expert on any of the options. I would...

"See above."

17. If the timing could be increased, would you support forming a local improvement (taxing) district to assist in funding utility improvements?

● Yes 0
● No 2



18. How would you like to stay informed on the industrial lands analysis study? Please include your preferred contact information.

3
Responses

Latest Responses

"daverucker@hotmail.com"

"Bbarnumboy@gmail.com "

"Via mail"

Attachment 6 - Chapter 14.40 Permissible Uses

Chapter 14.40 PERMISSIBLE USES

Sections:

- 14.40.010 Permissible Use Tables**
- 14.40.015 Uses within Subareas**
- 14.40.020 Use of the Designations P, A, C in Permissible Use Tables**
- 14.40.030 Permissible and Prohibited Uses**
- 14.40.040 Accessory Uses**
- 14.40.050 Use of Supplementary Use Regulations**
- 14.40.060 Change in Use**
- 14.40.070 Combination Uses**

Prior legislation: Ords. 468, 499, 511, 541, 588, 590, 606, 608, 639, 666, 676, 682, 744, 797, 798, 811, 821, 871, 876, 890, 894, 898, 903, 908, 958, 991, 1001, 1016, 1020, 1027, 1030, 1031, 1048, 1080 and 1096.

14.40.010 Permissible Use Tables.

Tables 14.40-I through 14.40-III, the Permissible Use Tables, set forth the permissible uses for the various zoning districts in the City established in Chapter [14.36](#), Part I, subject to other applicable provisions in this title. It should be read in close conjunction with the definitions of terms set forth in Section [14.08.010](#) and the other interpretative provisions set forth in this chapter. Permissible uses for the subarea zoning districts are not included in these tables, but are included in Section [14.38.020](#). (Ord. 1124, Sec. 2 (Exh. A), 2021)

14.40.015 Uses within Subareas.

Permissible and prohibited uses within adopted subarea plan boundaries (as identified on the Official Zoning Map) are listed in Section [14.38.020](#). Identified principal and secondary uses are both considered permissible uses, although principal uses are preferred. Per Sections [14.38.015](#) and [14.44.030](#) (Development within Adopted Subareas), regulations regarding permitted uses in Chapter [14.38](#) supersede those in other Title [14](#) chapters. (Ord. 1124, Sec. 2 (Exh. A), 2021)

14.40.020 Use of the Designations P, A, C in Permissible Use Tables.

The Permissible Use Tables (Tables 14.40-I through 14.40-III) set forth which uses are permitted in which zones. The letter "P" means the use is permitted or allowed in the indicated zoning district subject to all code requirements of this title. The letter "A" means the use requires an administrative conditional use permit (see Section [14.16C.015](#)), and the letter "C" means the use requires a conditional use permit (see Section [14.16C.045](#)). No letter means that use is not permitted in the indicated zoning district. (Ord. 1124, Sec. 2 (Exh. A), 2021)

14.40.030 Permissible and Prohibited Uses.

(a) The presumption established by this title is that all legitimate uses of land are addressed within the permissible use tables and are either allowed or not allowed thereby. But because the list of permissible uses set forth at the end of this chapter cannot be all-inclusive, those uses that are listed shall be interpreted liberally to include other uses that have similar impacts to the listed uses.

(b) Tables 14.40-I through 14.40-III include a column indicating the most similar classification code under the North American Industrial Classification System ("NAICS code"), where applicable. NAICS codes establish general categories of businesses and land uses, with more detailed subcategories. Consistent with subsection (a) of this section, NAICS codes may be used to evaluate whether uses with similar characteristics and impacts that are not explicitly listed in the use tables shall be permitted or permitted conditionally.

(c) Any proposed use not listed in the tables shall be determined as allowed or not allowed within a land use designation based on its consistency with the Comprehensive Plan and the purpose of the zoning district. If allowed, the use shall be classified by the Planning Director as outright permitted or requiring an administrative conditional use or conditional use permit using the most similar listed use. The Planning Director shall make that determination based on the physical characteristics of the use and its supporting structures, including scope, traffic generation, hours of operation and other potential impacts.

(d) Without limiting the generality of the foregoing provisions, the following uses are specifically prohibited in all districts:

- (1) Any use that involves the manufacture, handling, sale, distribution, or storage of any highly combustible or explosive materials in violation of the City's fire prevention code.
- (2) Stockyards, slaughterhouses, rendering plants.

(3) Use of a travel trailer, motor home, or other recreational vehicle as a permanent residence except those permitted in a manufactured/mobile home park as per Section [14.44.070](#). Recreational vehicles may be used as a temporary guest residence for up to two weeks without a permit, or up to three months within any one consecutive year upon approval by the Planning Director. Situations that do not comply with this subsection on the effective date of the ordinance codified in this chapter are required to conform within one year.

(4) Use of a motor vehicle parked on a lot as a structure in which, out of which, or from which any goods are sold or stored, any services are performed, or other business is conducted. This prohibition does not apply to temporary public services, such as bookmobiles, blood donation centers, public service information, etc., or temporary food vendors allowed pursuant to Section [14.44.085](#) (situations that do not comply with this subsection on the effective date of the ordinance codified in this chapter are required to conform within 30 days).

(5) *Repealed by Ord. 958.*

(6) Sewage/septic sludge recycling except when approved as an essential public facility pursuant to Section [14.16C.060](#). (Ord. 1124, Sec. 2 (Exh. A), 2021)

14.40.040 Accessory Uses.

(a) Tables 14.40-I through 14.40-III classify different principal uses according to their land uses, potential impacts and NAICS codes. When an activity, use or structure exists that is incidental and subordinate to a principal use on the same lot, it may be permitted as accessory to the principal use. For example, a swimming pool/tennis court complex associated with a residential subdivision or multifamily development is regarded as accessory to such principal uses, even though it would require an administrative conditional use permit if developed as a principal use. A use cannot be approved as an accessory use without a primary use to which it is subordinate.

(b) Without limiting the generality of subsection (a) of this section, the following activities, so long as they satisfy the general criteria set forth above, are specifically regarded as accessory to residential principal uses:

(1) Home occupations, subject to the standards of Section [14.44.015](#).

(2) Hobbies or recreational activities of a noncommercial nature.

(3) The renting out of rooms within a residential unit for a period of 30 or more days, so long as the household (including all renters) is consistent with the definition of "family" in Section [14.08.010](#).

(4) Yard sales or garage sales, so long as such sales are not conducted on the same lot for more than three days (whether consecutive or not) during any 30-day period.

(c) Without limiting the generality of subsections (a) and (b) of this section, the following activities shall not be regarded as accessory to a residential principal use and are prohibited in residential districts:

(1) Storage outside of a substantially enclosed structure of more than one motor vehicle that is unlicensed and nonoperational for a period of more than three months.

(2) Parking outside a substantially enclosed structure or a legally established vehicle accommodation area (as defined in Section [14.72.060](#)) of more than four motor vehicles between the building setback of the principal building and the street on any lot used for single-family or multifamily residential development. Parking on nonapproved surfaces is prohibited.

(d) When a land use permit is applied for, all anticipated accessory uses shall be explicitly disclosed, and made part of the findings. Subsequent accessory uses not disclosed shall be subject to the permit modification requirements of Section [14.16A.235](#) prior to commencing. (Ord. 1124, Sec. 2 (Exh. A), 2021)

14.40.050 Use of Supplementary Use Regulations.

The city has established specific supplementary use regulations that establish performance standards and requirements for certain types of land uses. Tables 14.40-I through 14.40-III utilize footnotes to indicate those uses for which supplementary use regulations or performance standards apply and provide citations and links to the applicable LSMC sections. (Ord. 1124, Sec. 2 (Exh. A), 2021)

14.40.060 Change in Use.

A change of use of property shall be reviewed pursuant to Section [14.16C.030](#). (Ord. 1124, Sec. 2 (Exh. A), 2021)

14.40.070 Combination Uses.

(a) When a combination use comprises two or more principal uses that require different types of permits (permitted use, administrative conditional use, or conditional use), then the permit authorizing the combination use shall be:

- (1) A conditional use permit if any of the principal uses combined requires a conditional use permit.
- (2) An administrative conditional use permit if any of the principal uses combined requires an administrative conditional use permit but none requires a conditional use permit.
- (3) A permitted use requiring Planning Director approval in all other cases. (Ord. 1124, Sec. 2 (Exh. A), 2021)

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 ¹	PBD ²	BD	CBD	CD	LI	GI	P/SP
GENERAL RESIDENTIAL															
N/A	Single-family detached, site built or modular	P	P	P	P	P									
N/A	Class A or B mobile home	P	P	P	P	P									
N/A	Mobile/manufactured home park	A	A	A	A	P									
N/A	Apartment(s) above permitted nonresidential use					A	P	P	P		P	P	P	P	
N/A	Cottage housing development ³	P	P	P	P	P			P						
N/A	Duplexes	P ⁴	P ⁴	P ⁴	P ⁴	P			P						
N/A	Apartments (five or more attached units)					P			P						
N/A	Townhomes/rowhouse ¹²				P	P			P						
N/A	Triplexes	P ⁵		P ⁵	P ⁵	P									
N/A	Fourplexes	P ⁵		P ⁵	P ⁵	P									
MISCELLANEOUS AND ACCESSORY USES															
N/A	Accessory dwelling units ⁶	P	P	P	P	P									
721310	Rooming houses, boarding houses	A	A	A	A	P		P							
N/A	Mobile/manufactured home or apartment used exclusively for a night watchman and his/her family ⁷												A	A	
N/A	Tourist homes	A	A	A	A	A		A							
N/A	In-home daycare ⁸	P	P	P	P	P		P	P						
N/A	Home occupations ⁸	P	P	P	P	P		P	P						
N/A	Farm animals ⁹														
N/A	Planned residential developments ¹⁰	P	P	P	P	P									
N/A	Recovery housing	P	P	P	P	P			P						
N/A	Level I healthcare facility	P	P	P	P	P		P							A
N/A	Level II healthcare facility				C	C			P						A
N/A	Secure community transition facilities												C	C	

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 ¹	PBD ²	BD	CBD	CD	LI	GI	P/SP
N/A	Group homes for licensed for juvenile offenders	C	C	C	C	C	P	P							
N/A	Temporary encampments ¹¹	P	P	P	P	P	P	P							

¹ Subject to Section [14.44.010](#) (Mixed Use)

² Subject to Section [14.44.090](#) (Planned Business District)

³ Subject to Chapter [14.46](#), Part II

⁴ Subject to Section [14.48.020](#) (Duplexes in Single-Family Zones)

⁵ Subject to Chapter [14.46](#), Part III

⁶ Subject to Section [14.44.045](#) (Accessory Dwelling Units), and only as accessory to a detached single-family residence

⁷ Subject to Section [14.44.065](#) (Accessory Apartment in Industrial Zones)

⁸ Subject to Section [14.44.015](#) (Home Occupations)

⁹ Subject to Section [14.44.075](#) (Farm Animals). Requires a pasture plan to be submitted pursuant to Chapter [5.18](#).

¹⁰ Subject to Section [14.18.300](#) (Planned Residential Developments)

¹¹ Subject to Section [14.44.038](#) (Temporary Encampments)

¹² Townhomes permitted as part of planned residential development (PRD) in single-family zones, subject to Section [14.18.300](#) (Planned Residential Developments)

(Ord. 1124, Sec. 2 (Exh. A), 2021)

Table 14.40-II: Table of Nonresidential 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	LB	MU ¹	PBD ²	BD	CBD	CD	LI	GI	P/SP
RETAIL ³										
N/A	Retail, small/medium scale (<10,000 sf floor area)	P	P	P	A	P	P	A	A	P
N/A	Retail, large scale (>10,001 sf floor area)		P	P			P	A	A	
N/A	Outdoor retail displays accessory to a retail use	P		P		P	P	P	P	P
N/A	Marijuana retail ⁴							P	P	
N/A	Open-air markets	P	P	P	P	P	P	P	P	P
444220	Outdoor plant nurseries, commercial greenhouses, farm supply stores	P					P	P	P	
423	Wholesale						P	P	P	
4411, 4412	Vehicle sales, new and used	P					P	P	P	
453930	Mobile home sales						P	P	P	

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	LB	MU ¹	PBD ²	BD	CBD	CD	LI	GI	P/SP
PERSONAL AND GENERAL SERVICES										
531130	Personal storage facilities ⁵	A ⁶					A	A	A	
447110, 447190	Gas station	P				P	P	P	P	
812910	Pet care, except veterinary and kennels	P	P	P	P	P	P	P	P	P
812910	Kennel				A	A	P	P	P	
6244	Daycare/preschool	P	P	P	P	P	P			
8111	Automotive repair, not including car washes	P					P	P	P	
811192	Car washes	P	P	P	P	P	P	P	P	
8121	Barber shops, beauty salons	P	P	P	P	P	P			
812220	Crematorium							P	P	C
812210	Funeral homes						P	P	P	P ⁷
8123	Dry-cleaning, laundry services	P	P	P	P	P	P	P	P	
8113	Heavy equipment rental						P	P	P	
76	Miscellaneous repair	P	P	P	P	P	P	P	P	
53211	Automobile rental	P					P	P	P	
53212, 5322-3	Miscellaneous equipment rental	P	P		P	P	P	P	P	
81293	Automobile parking	P	P	P		P	P	P	P	P
HEALTHCARE AND SOCIAL SERVICES										
N/A	Level III healthcare facility	P	A	P	P	P	P	P		A
6211, 6212, 6213	Medical, dental or other healthcare clinic	P	P	P	P	P	P	A	A	
OFFICE AND PROFESSIONAL SERVICES										
561920	Conference center ³				P	P	P	P	P	P
N/A	Offices, business or professional, (<4,000 sf floor area) ³	P	P	P	P	P	P	P	P	P
N/A	Offices, business or professional, medium scale (>4,001 sf floor area) ³		P	P	P	P	P	A	A	P
5211	Banks, including banks with drive-up windows ⁸	P	P	P	P	P	P	P	P	P
MANUFACTURING AND INDUSTRIAL										
N/A	Light manufacturing ⁹				P		P	P	P	
N/A	Heavy manufacturing ⁹							A	P	
31212, 31213, 31214	Wineries, distilleries, and breweries				P		P	P	P	
493	Warehousing				P		P	P	P	
423930	Salvage yards, junkyards, automobile graveyards, tow yards							A	P	
N/A	Marijuana processing/production							A	A	
N/A	Soil processing							A	P	
LEISURE, ACCOMODATION AND FOOD SERVICES										

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	LB	MU ¹	PBD ²	BD	CBD	CD	LI	GI	P/SP
N/A	Mobile food vending units (food trucks or similar vehicles, vending carts) ¹⁰	P	P	P	P	P	P	P	P	P
N/A	Mobile sales and delivery (ice cream trucks, mobile delivery, peddlers, and similar uses) (See Section 14.44.080)	P	P	P	P	P	P	P	P	P
722320	Catering	P	P	P	P	P	P	P	P	
7224	Restaurants	P	P	P	P	P	P	P	P	P
7225	Bars, taverns, wine bars	P	P	P	P	P	P	A	A	
721110	Hotels, motels	P		P	P	P	P			A
713950, 713990, 713120	Indoor amusement or recreation facility	P	P	P		P	P	A	A	P
N/A	Outdoor amusement, recreation, athletic, or exercise facility	P	P	P		P	P	A	A	A
N/A	Automobile and motorcycle racing tracks								A	A
N/A	Horseback riding or stable							A	A	A
713940	Indoor athletic and exercise facility	P	P	P		P	P	A	A	A
512131, 711110, 711130	Movie theatres or other indoor theaters	A	A	P		A	P	A	A	A
N/A	Public places of adult entertainment							C	A	

¹ Subject to Section [14.44.010](#) (Mixed Use)

² Subject to Section [14.44.090](#) (Planned Business District)

³ A retail or office use in a commercial zone is permitted, except adjacent to or across the street from a residential zone shall require an administrative or conditional use permit.

⁴ Subject to Section [14.44.097](#) (Marijuana Facilities)

⁵ Subject to Section [14.44.044](#) (Storage Facilities)

⁶ Permitted outright in the Local Business zone on a road designated as a State route or State highway, per Section [14.44.044](#)(b)

⁷ When accompanying a cemetery use

⁸ Subject to Section [14.44.350](#) (Drive-Through Windows)

⁹ A manufacturing or industrial use is permitted, except a use adjacent to or across the street from a residential zone, which will require an administrative or conditional use permit.

¹⁰ Subject to Section [14.44.085](#)

(Ord. 1124, Sec. 2 (Exh. A), 2021)

Table 14.40-III: Table of Special 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 ¹	PBD ²	BD	CBD	CD	LI	GI	P/SP
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 ¹	PBD ²	BD	CBD	CD	LI	GI	P/SP
PARKS AND OPEN SPACE															
N/A	Public parks and playgrounds	A	A	A	A	A	P	P	P	A	A	A	A	A	P
71290	Nature parks, preserves	P	P	P	P	P	A	A	A	A	A	A	A	A	P
712130	Zoos, botanical gardens, arboretums														A
812220	Cemeteries												P	P	P
CULTURAL															
813110	Places of worship	A	A	A	A	A	P	P	P	P	P	P			
514120	Libraries	A	A	A	A	A	P	P	P	P	A	A			P
712110	Museums, art gallery						P	P	P		P	P			P
813410	Social, fraternal clubs and lodges, union halls						P				P	P			
N/A	Community centers									P					P
N/A	Indoor stadium												A	A	A
N/A	Amphitheater												P	P	P
GOVERNMENTAL AND REGIONAL															
922110	Court								C	C	C				C
N/A	Civil defense operations												C	C	C
N/A	Military reserve, National Guard centers													C	C
491110	Post offices						P	P	P	P	P		P	P	P
	Temporary mobile or modular structures used for public services	P	P	P	P	P	P	P	P	P			P	P	P
N/A	Penal and correctional facilities, work release, pre-release, or similar facilities												C	C	C
ESSENTIAL PUBLIC FACILITIES															
611110	Elementary and secondary schools	C	C	C	C	C									P
6115, 6116	Trade and vocational schools					C	P	P		P	P	P	A		A
611310	Colleges and universities	C	C	C	C	C				P			C	C	C
922160, 922120, 611910	Fire stations, police stations, ambulance services, rescue squads	C	C	C	C	C	C	C	P	P	P	P	P	P	C
458199, 458103	Airports													C	
562111, 562212	Solid waste transfer stations, recycling centers, sanitary landfills													C	C

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 ¹	PBD ²	BD	CBD	CD	LI	GI	P/SP
221320	Sewage/septic sludge recycling center ⁵														
N/A	Utility facilities													P	P
4851, 4821	Bus stations, train stations, park and rides											P	P	P	
WIRELESS COMMUNICATION FACILITIES															
N/A	Small wireless facilities (towers/antennas 50 feet or less in height) ³	P	P	P	P	P	P	P	P	P			P	P	P
N/A	Large wireless facilities (towers/antennas 50 feet or more in height) ³	C		C	C	C	A	A					A	A	A
N/A	Macro facilities collocation on existing structures ⁴	P	P	P	P	P	P	P					P	P	P
N/A	Eligible facility modifications	P	P	P	P	P	P	P					P	P	P
RESOURCE AND AGRICULTURAL															
1131, 1132, 1133	Silvicultural operations												P	P	

¹ Subject to Section [14.44.010](#) (Mixed Use).

² Subject to Section [14.44.090](#) (Planned Business District).

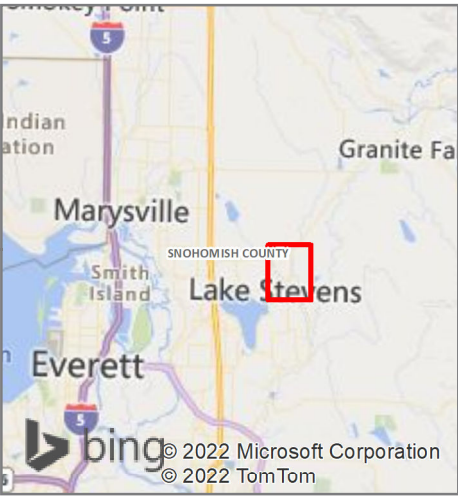
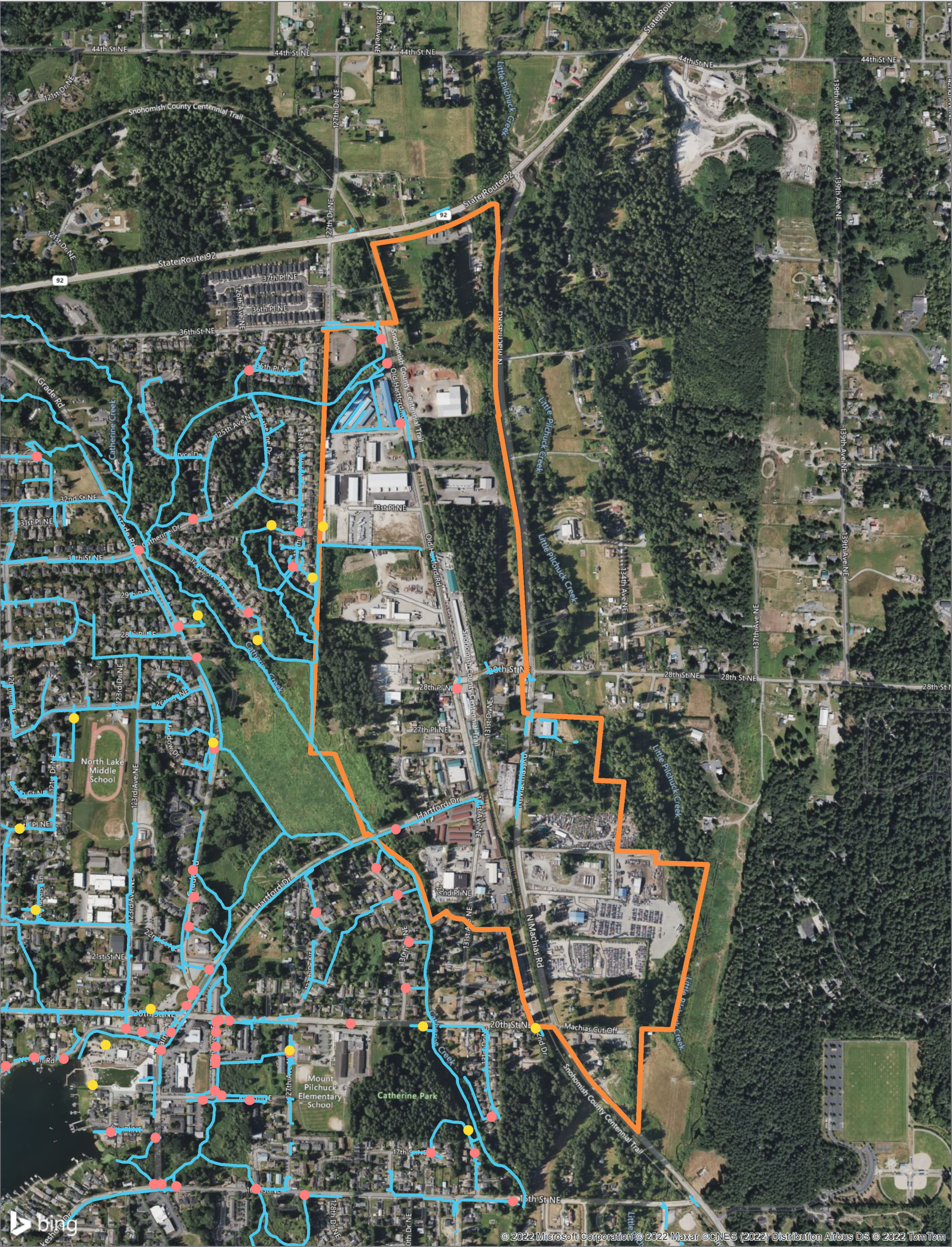
³ See regulations in Chapter [14.62](#) for specific regulations. See Chapter [14.38](#) for wireless facilities within subareas.

⁴ See specific regulations in Section [14.62.160](#).

⁵ Only allowed as an essential public facility pursuant to Section [14.16C.060](#).

(Ord. 1124, Sec. 2 (Exh. A), 2021)

[Mobile Version](#)



CITY OF LAKE STEVENS INDUSTRIAL LANDS ANALYSIS
STORM WATER SERVICE
Lake Stevens, Washington

LEGEND

- City Drainage Facilities
- Outfalls
- Stormwater Network
- Industrial Study Area

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Feet

N

1 inch = 700 feet

SOURCE DATA:
Snohomish County Database,
July 2022

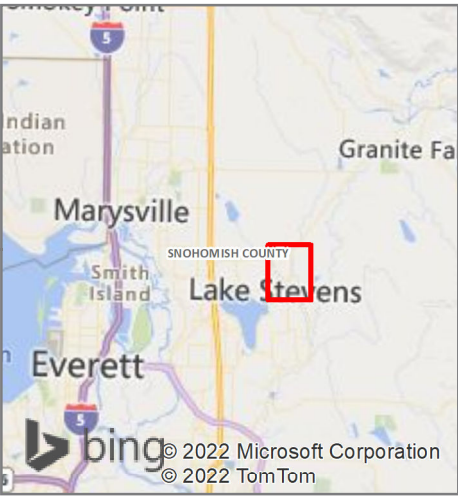
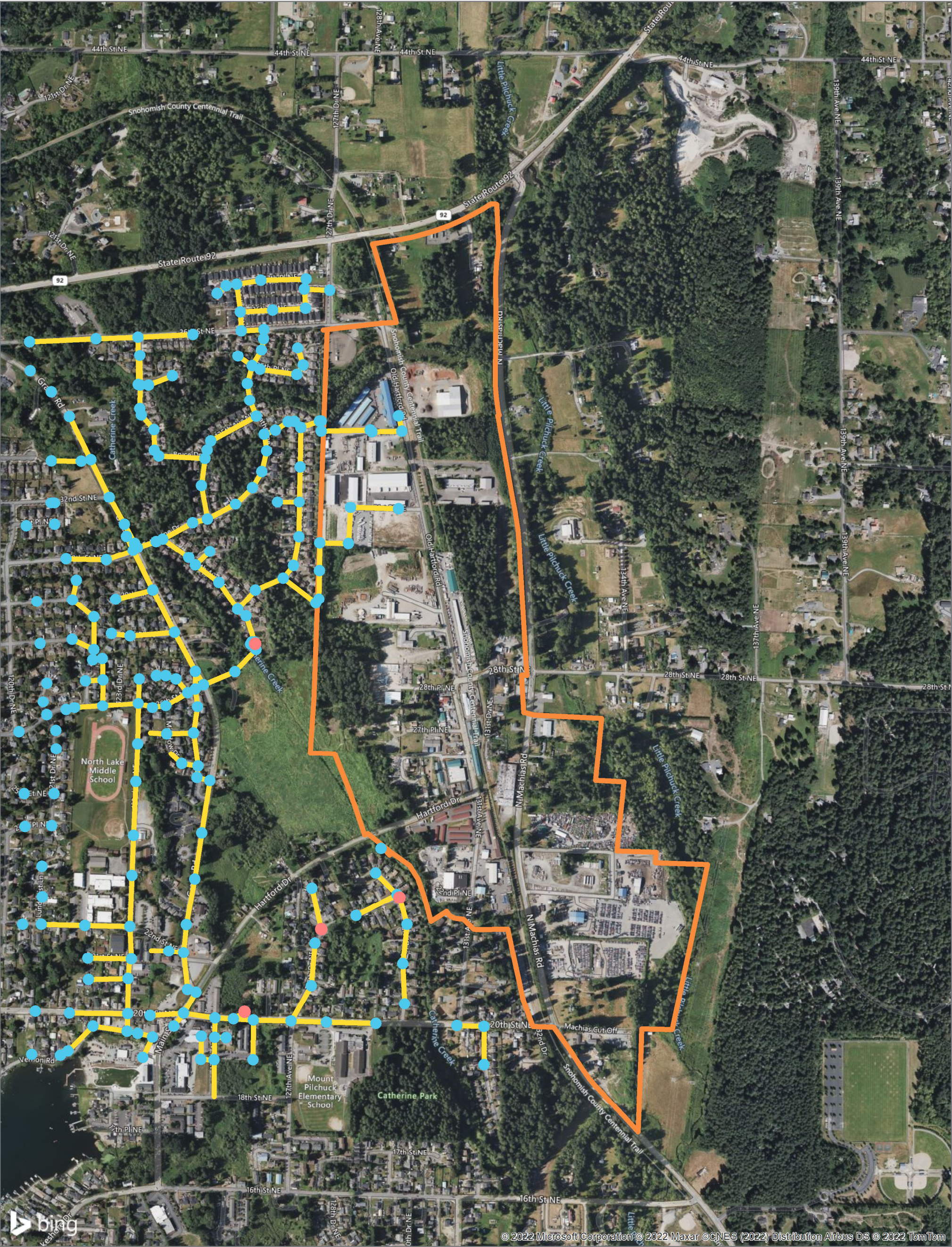
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File: Lake Stevens Stormwater Map

GEOGRAPHIC PROJECTION:
NAD 83 HARN, Washington North
Lambert Conformal Conic

Map Created By: JBM
Project No: 2220142.00

Attachment 7 - Lake Stevens
Stormwater Map

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CITY OF LAKE STEVENS INDUSTRIAL LANDS ANALYSIS
SANITARY SEWER SERVICE
Lake Stevens, Washington

- LEGEND**
- Lift Station
 - Manhole
 - Sewerline
 - Industrial Study Area

03507001,400

Feet

1 inch = 700 feet

↑

N

SOURCE DATA:
Snohomish County Database,
July 2022

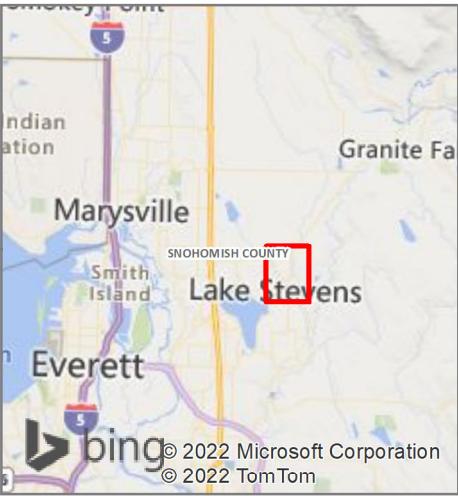
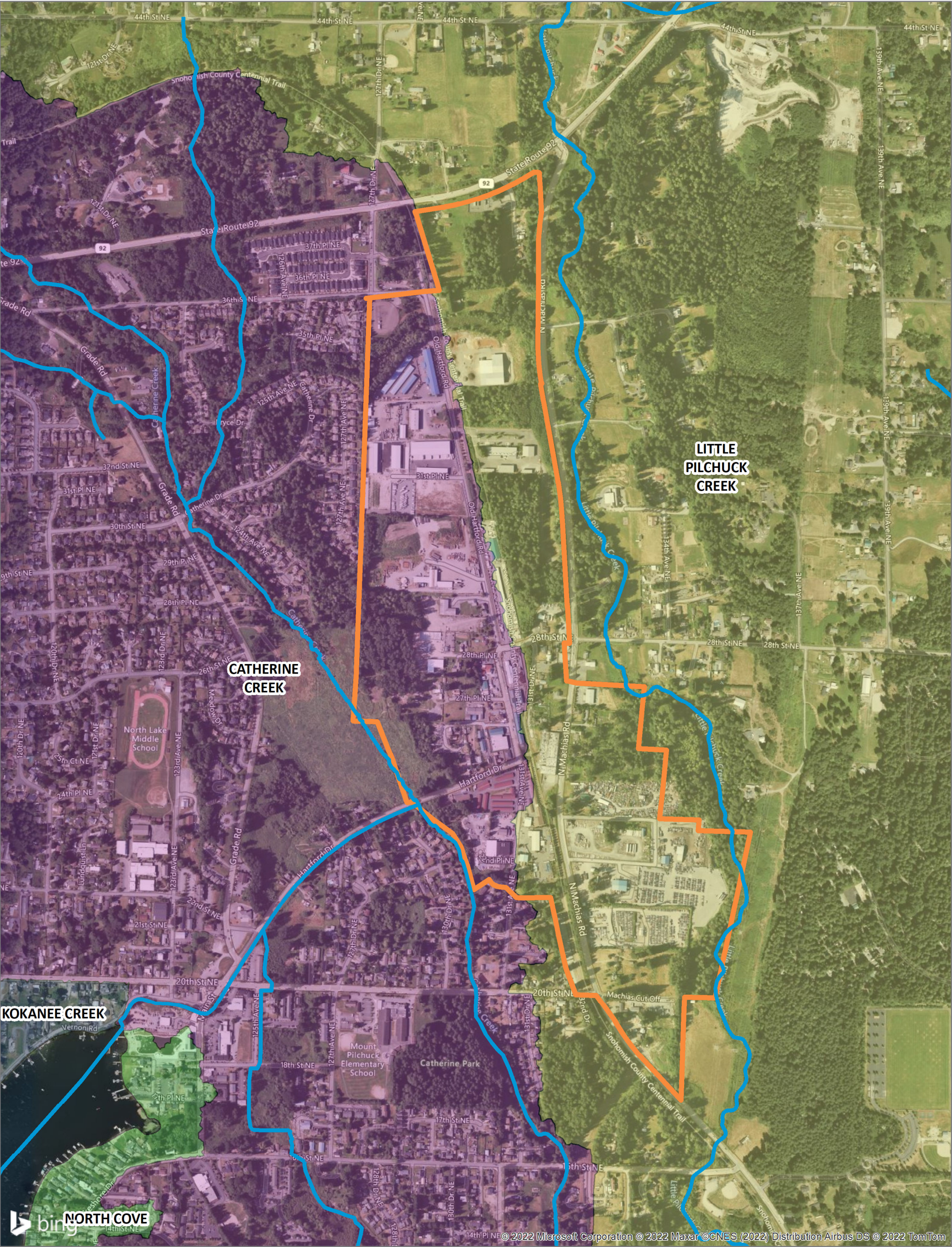
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NAD 83 HARN, Washington North
Lambert Conformal Conic

Date: 9/27/2022
File: Lake Stevens Sanitary Sewer Service

Map Created By: JBM
Project No: 2220142.00

Attachment 8

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CITY OF LAKE STEVENS INDUSTRIAL LANDS ANALYSIS
STORM WATER SERVICE & DRAINAGE BASINS
Lake Stevens, Washington

- LEGEND
- Stream
 - Catherine Creek
 - Kokanee Creek
 - Little Pilchuck Creek
 - North Cove
 - Industrial Study Area

03507001,400

Feet

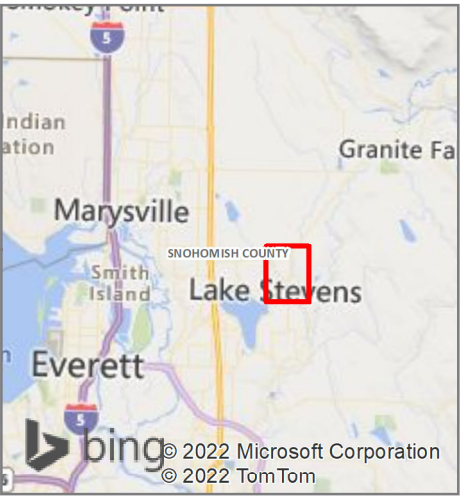
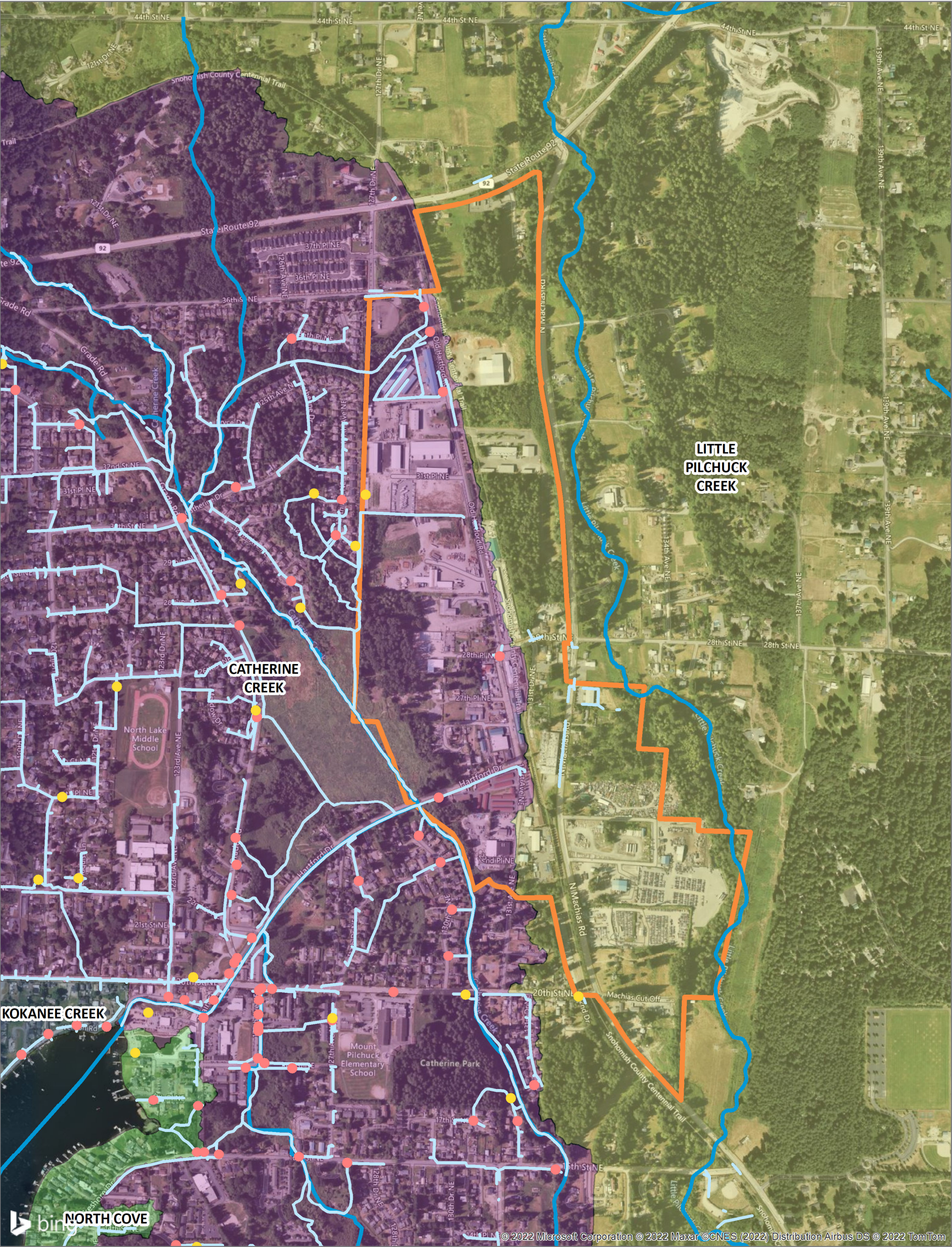
1 inch = 700 feet

SOURCE DATA:
Snohomish County Database
and City Data, 2022

GEOGRAPHIC PROJECTION:
NAD 83 HARN, Washington North
Lambert Conformal Conic

Date: 11/8/2022
File: Lake Stevens Drainage Basin Map

Map Created By: JBM
Project No: 2220142.00



CITY OF LAKE STEVENS INDUSTRIAL LANDS ANALYSIS
STORM WATER SERVICE & DRAINAGE BASINS
Lake Stevens, Washington

LEGEND

- Outfalls
- City Drainage Facilities
- Stormwater Network
- Stream
- Catherine Creek
- Kokanee Creek
- Little Pilchuck Creek
- North Cove
- Industrial Study Area

03507001,400

Feet

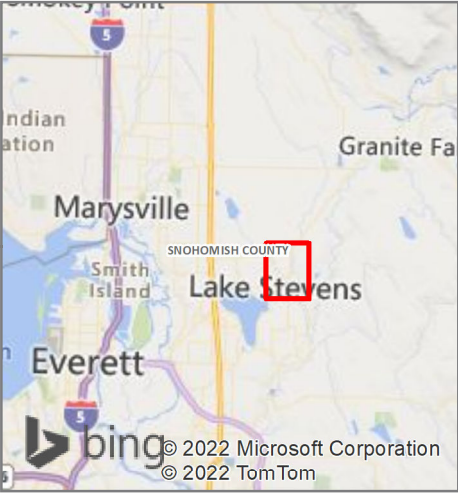
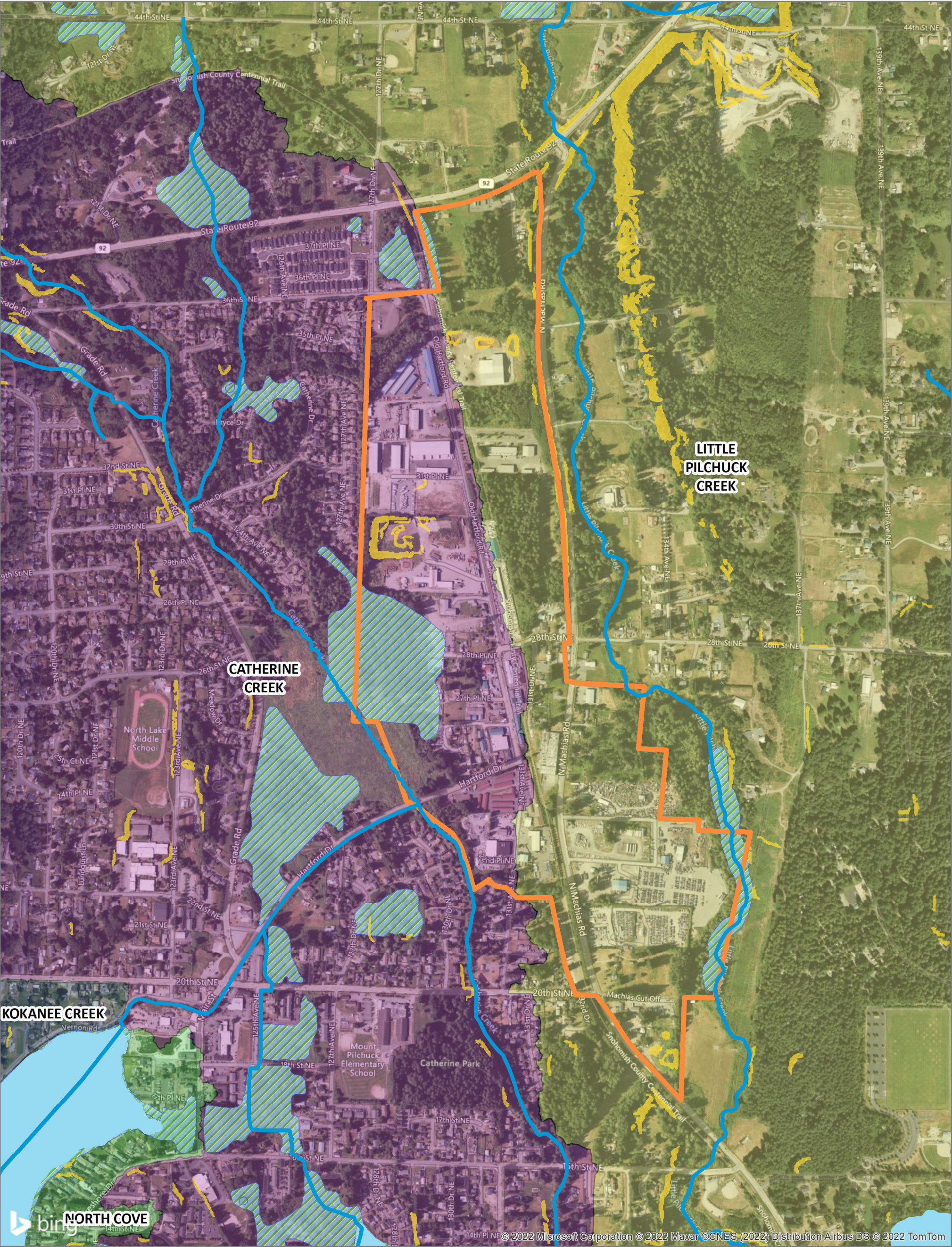
1 inch = 700 feet

SOURCE DATA:
Snohomish County Database
and City Data, 2022

DATE: 11/8/2022
FILE: Lake Stevens Drainage Basin Map

GEOGRAPHIC PROJECTION:
NAD 83 HARN, Washington North
Lambert Conformal Conic

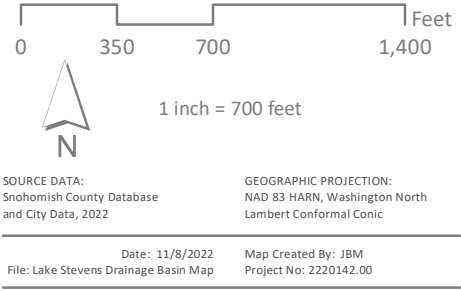
MAP CREATED BY: JBM
PROJECT NO: 2220142.00



CITY OF LAKE STEVENS INDUSTRIAL LANDS ANALYSIS ENVIRONMENTAL CONSTRAINTS & DRAINAGE BASINS Lake Stevens, Washington

LEGEND

- | | |
|---|---|
|  Water Body |  Kokanee Creek |
|  Steep Slope |  Little Pilchuck Creek |
|  Wetland |  North Cove |
|  Catherine Creek |  Stream |
| |  Industrial Study Area |



Attachment 11

PLANNING COMMISSION MEETING MINUTES



HYBRID/REMOTE AND IN PERSON AT THE MILL

October 19, 2022

CALL TO ORDER: 6:01 PM by Chair Todd Welch

MEMBERS PRESENT: Todd Welch, Mike Duerr, Linda Hoult, Janice Huxford, Jennifer Davis, John Cronin, and Connor Davis

MEMBERS ABSENT: *None*

STAFF PRESENT: Community Development Director Russ Wright, Planning Manager David Levitan, Senior Planner Christi Schmidt, and Clerk Cody Schwindt

OTHERS PRESENT: City Council Liaison Gary Petershagen and guests from BERK Consulting and MACKENZIE

Commissioner Welch called the meeting to order at 6:01 p.m. and led the Pledge of Allegiance.

Roll Call: All present

Guest business: None

Approval of Minutes: Minutes of October 5, 2022 were approved as written. Commissioner Linda Hoult motioned and Commissioner Connor Davis seconds (motion carried unanimously).

Lake Stevens Industrial Center Infrastructure and Marketing Analysis

Senior Planner Christi Schmidt provided a presentation on the Lake Stevens Industrial Center (LSIC), which is comprised of the Hartford Industrial area and an additional 66 acres annexed by the city in 2021. Christi introduced the consulting group MACKENZIE hired by the city to perform an infrastructure and market analysis of the LSIC before providing a history of the area as well as an update on utilities available in the area. Michael Chen of MACKENZIE then asked for Commission input and discussion on the following questions:

- 1) What are the most significant issues facing the LSIC?
- 2) What changes should be made to the LSIC e.g., infrastructure, updated zoning, updated uses, etc.?
- 3) Are there ideas from other communities that you think may work here?

- 4) Limited residential (uses) housing is permitted in the industrial center, e.g., apartments over non-residential uses and lodging for security. Is this a use you think the city should maintain?

Commissioners thanked staff and their consultants for the presentation and information and asked about opportunities for future Commission feedback on the analysis and plan. Commissioner Huxford is a property owner and investor in the Industrial Area and wanted to note this for full disclosure. Staff confirmed that commissioners would have additional opportunities to review the plan before it is forwarded to City Council.

Housing Action Plan Update

Planning Manager David Levitan provided an overview of the city's grant-funded Housing Action Plan and introduced the city's consultants (BERK Consulting) to discuss their preliminary findings from the Housing Needs Assessment (HNA). BERK representatives Andrew Bjorn and Dawn Couch summarized the draft HNA findings and how the city's zoning designations, demographic trends, and State mandates such as HB 1220 impact the city's housing work. The second half of the presentation focused on upcoming public engagement opportunities, which will include an online survey, targeted stakeholder interviews, and two community forums and will feed into the 2024 Comprehensive Plan Update. Commissioners were supportive of hosting the first community housing meeting in late November in lieu of their optional meeting and asked that staff provide early and repeated public notice about the meeting through multiple channels.

Commissioner Reports:

Commissioner Connor Davis reports that the school busses from Stevens Creek Elementary are having a difficult time navigating the roundabout at Soper Hill. Commissioner Cronin asks about the noticing policy for the 91st road closure, which Director Wright noted could be answered by the Public Works department. Commissioner Huxford noted that Council was scheduled to hold their public hearing for the short-term rentals ordinance on October 25. Commissioner Huxford also asked the city about a notice she saw about a drone photographic inventory being conducted of the shoreline; Director Wright responded that this work was part of a grant-funded project to assess shoreline conditions along the lake, including in the newly annexed area. Chair Todd Welch thanked all attendees for their presentations and participation.

Director's Report:

Community Development Director Wright provided an overview of the memorandum on coordination between the Planning Commission and City Council, which was based on conversations he had with *Planning Commission Chair* Todd Welch and *City Council Liaison* Gary Petershagen. The memo highlighted the statutory requirements of creating a Planning Commission and the duty of commissioners as well as potential methods for improving coordination, such as staff providing Council with more detailed quarterly reports on Commission activities and the Planning Commission chair possibly attending future Council retreat discussions on planning topics. Chair Welch noted that all information regarding Planning Commission and City Council can be found on the city website to access

minutes, meeting agendas, and live streamed meetings, and that the YouTube account that has a recording of all meetings available to watch at any time.

Chair Todd Welch confirmed that the Planning Commission will meet again November 2nd.

Adjourn: Moved by Commissioner Hoult, seconded by Commissioner Connor Davis to adjourn the meeting at 8:00 p.m. The motion carried unanimously.

Cody Schwindt, Planning Commission Clerk



One Community Around The Lake

City Council LS Industrial Center

CHRISTI SCHMIDT, SENIOR PLANNER

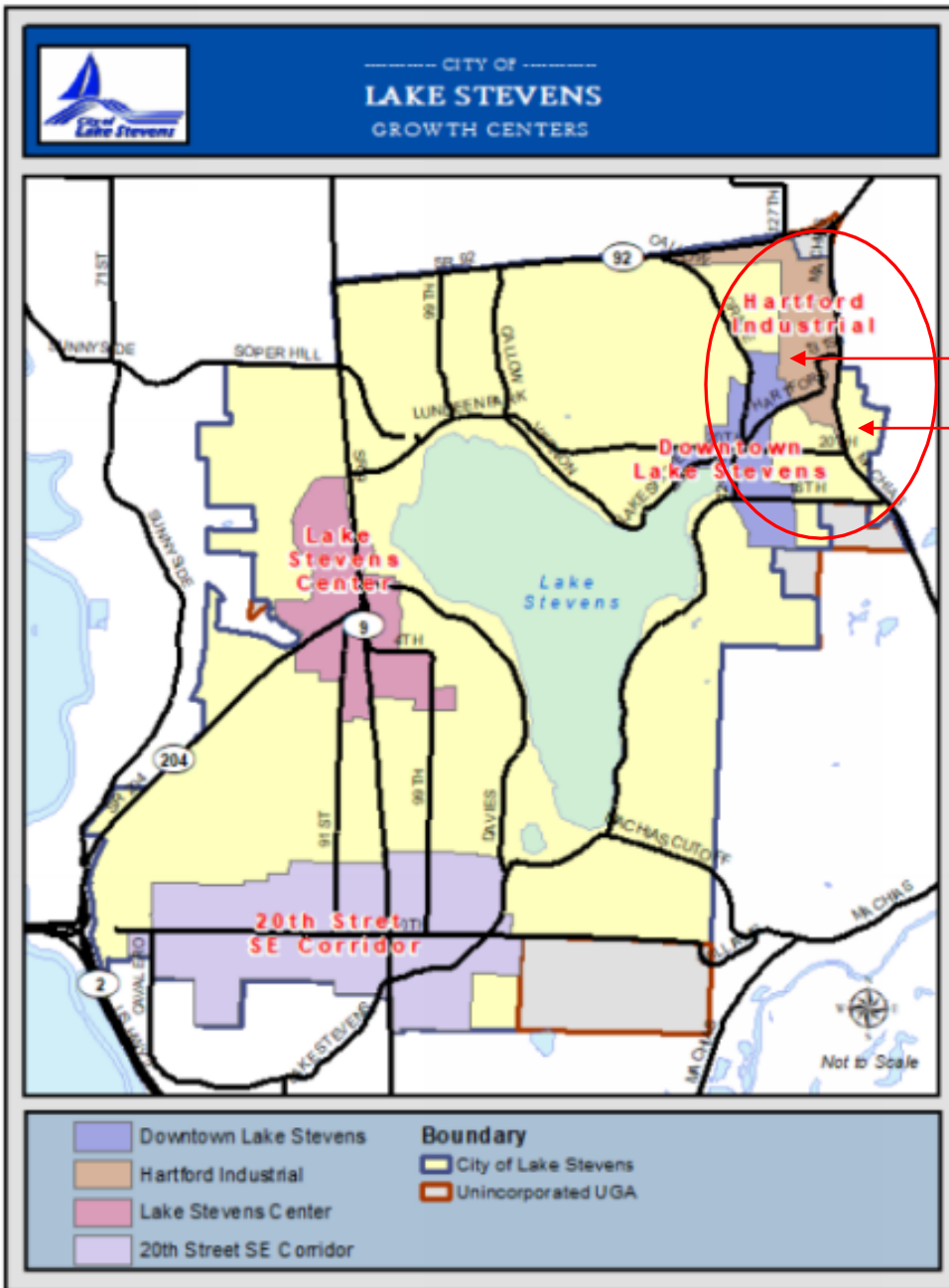
NOVEMBER 15, 2022

Purpose of Work Session

- LSIC background
- Process to date
- Introduce consultant team
- Provide summary of Planning Commission discussion
- Obtain input from City Council

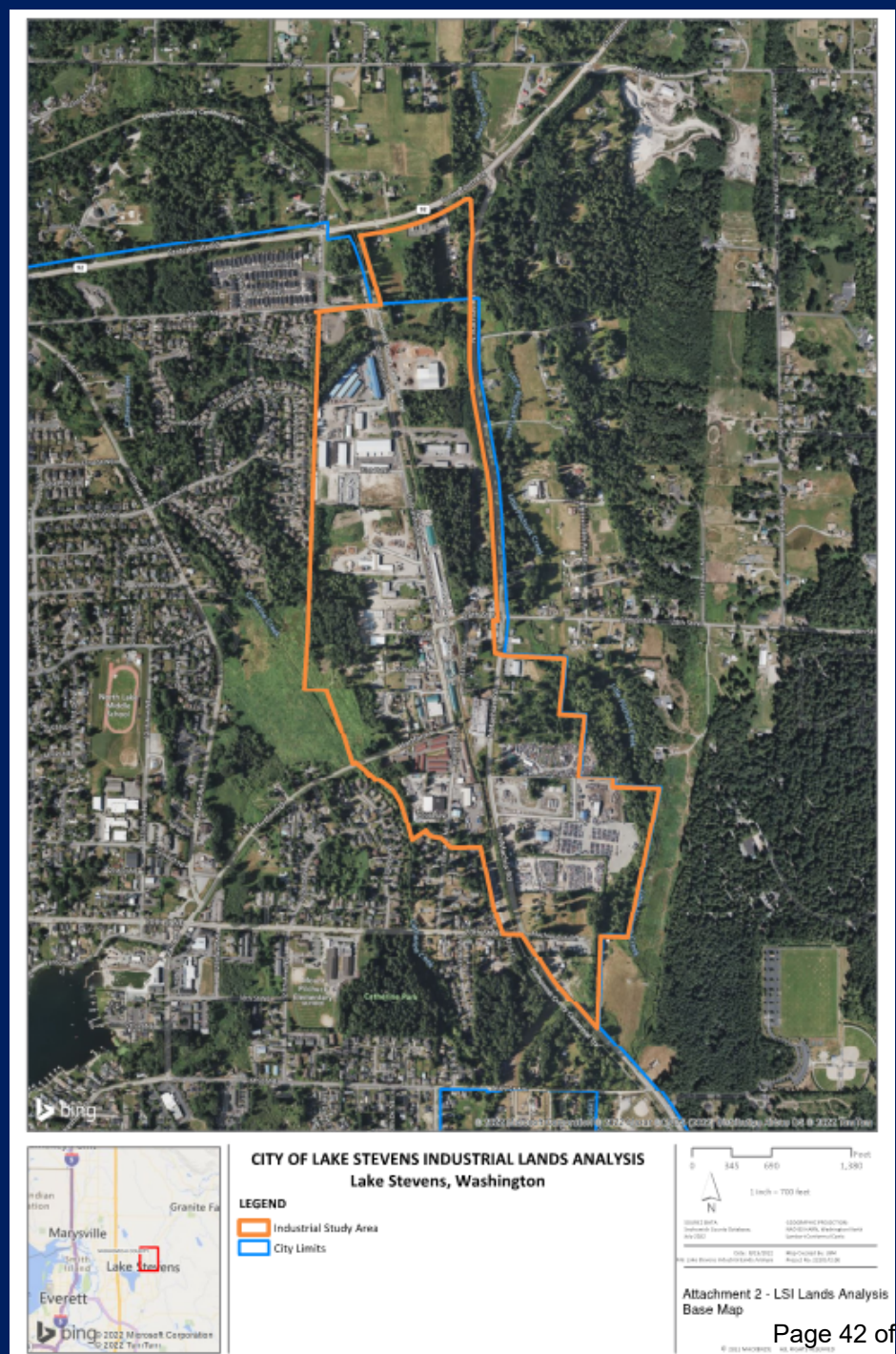
Background Information

- LSIC recently formed 280-acre
 - Hartford Industrial Area
 - Machias Industrial Area
- Last of the city's growth centers to be planned



Background Information

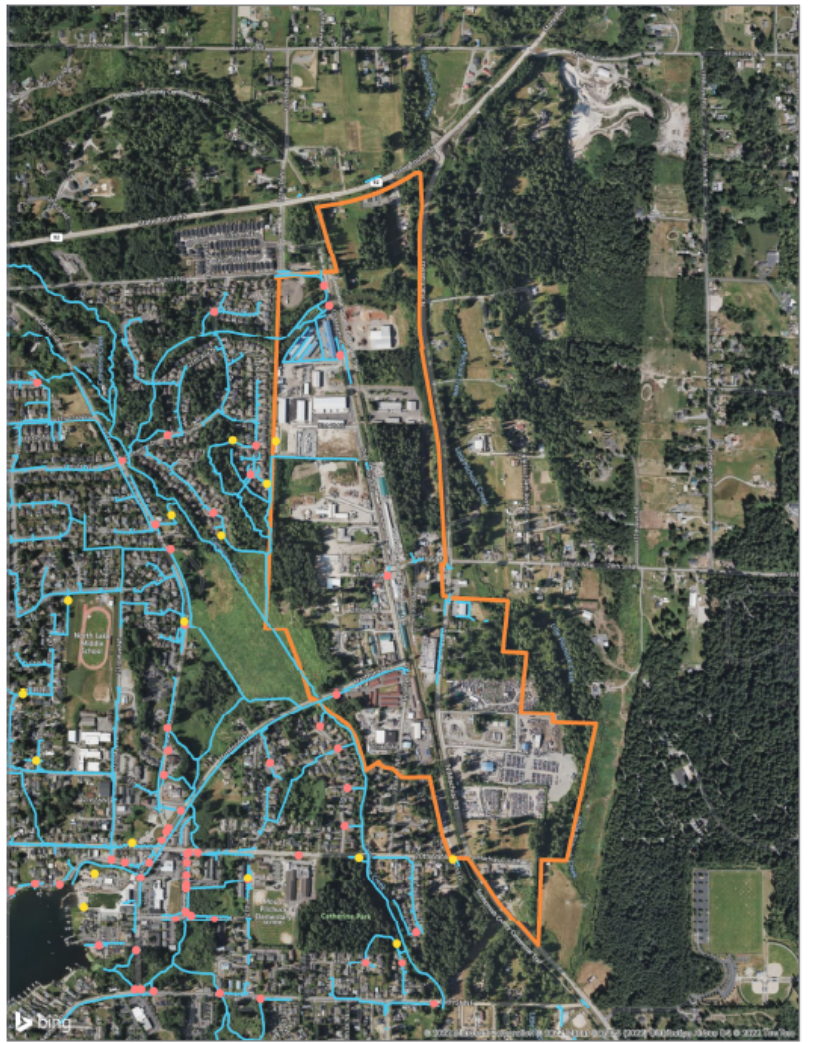
- City contract with **MACKENZIE, ECONorthwest & Riley Group** to conduct infrastructure & market analysis



Purpose of Infrastructure Analysis

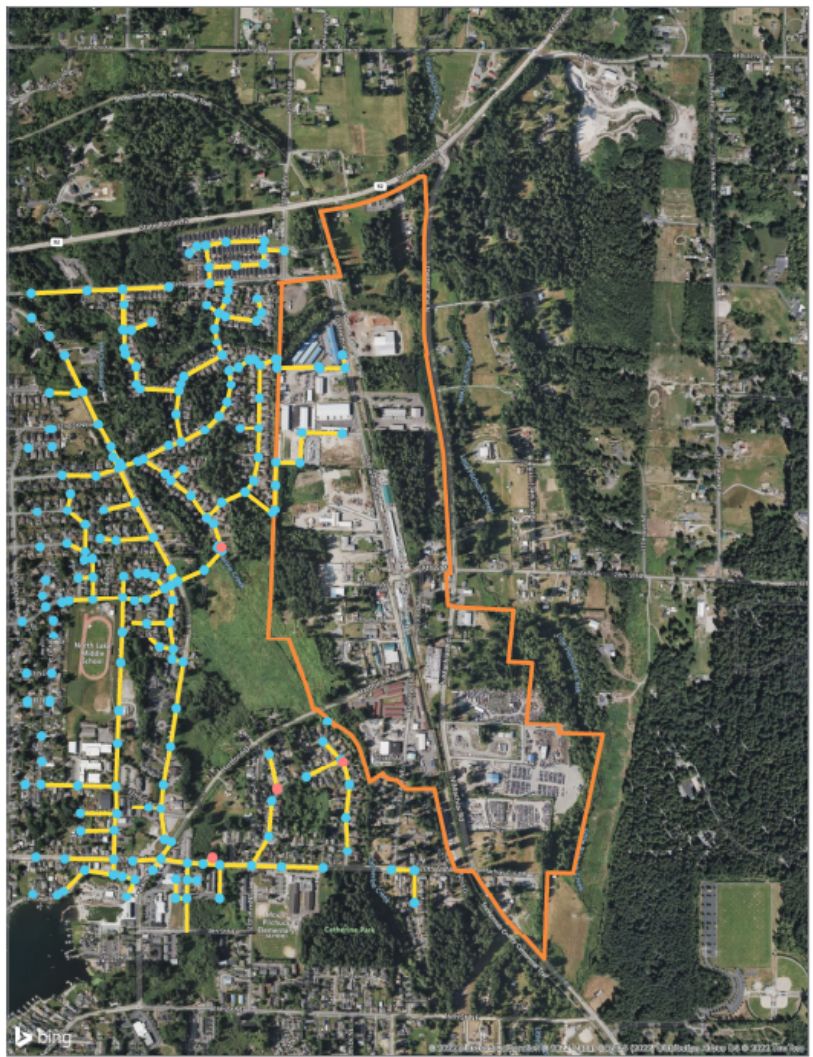
- **Infrastructure analysis is to assess existing conditions**
 - **Critical areas**
 - **Sewer,**
 - **Stormwater,**
 - **Roads; and**
 - **Availability of high-speed internet capability to support industrial and commercial uses.**

Existing Conditions



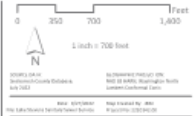
**CITY OF LAKE STEVENS INDUSTRIAL LANDS ANALYSIS
STORM WATER SERVICE
Lake Stevens, Washington**

- LEGEND**
- City Drainage Facilities
 - Outfalls
 - Stormwater Network
 - Industrial Study Area

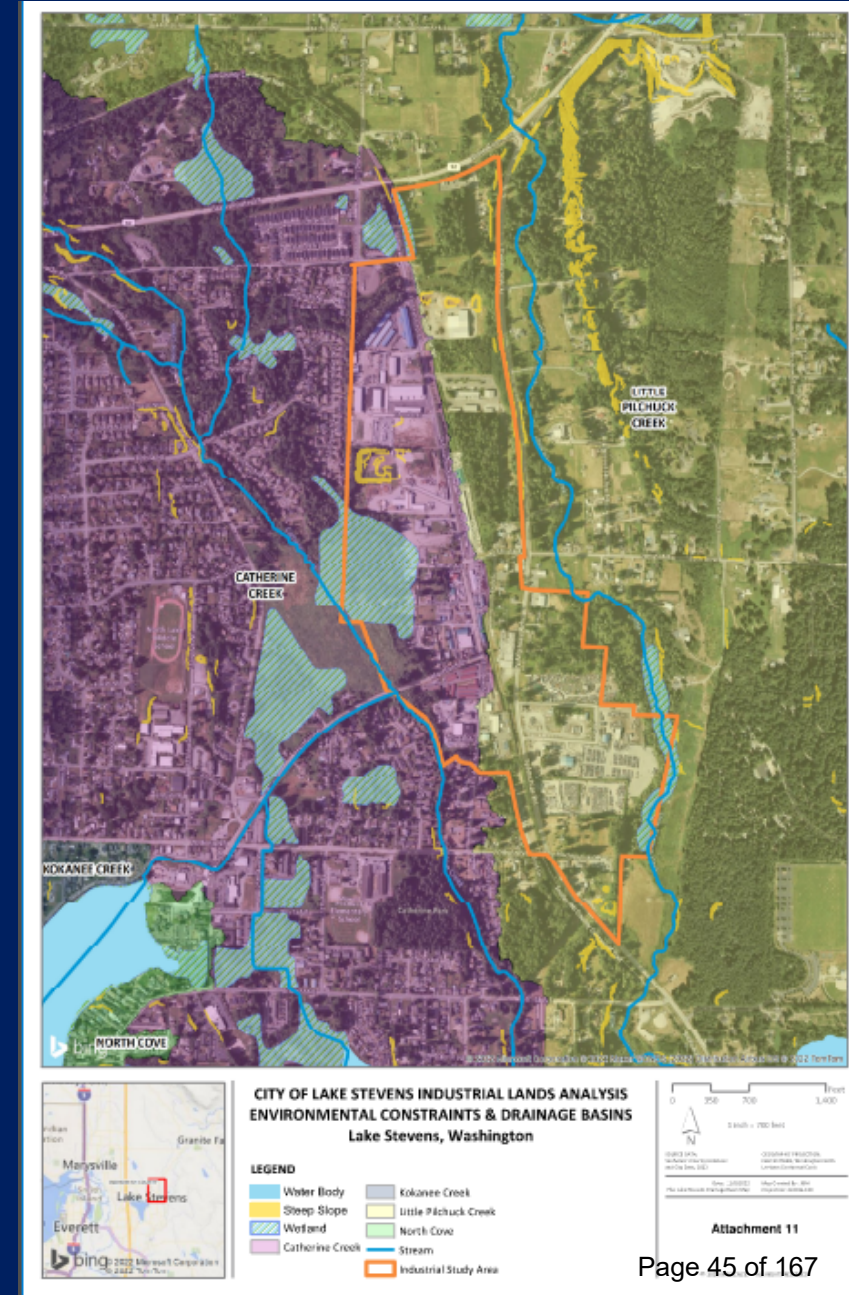
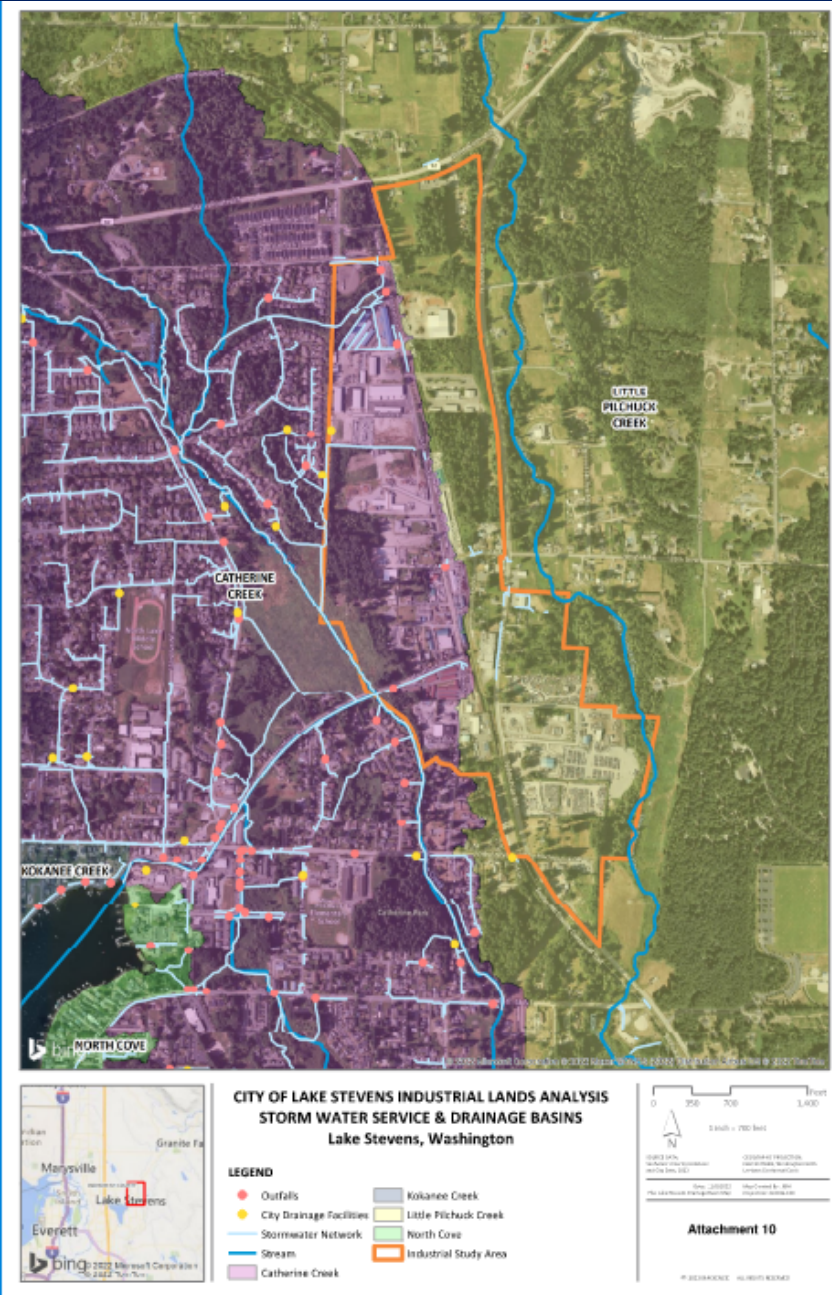


**CITY OF LAKE STEVENS INDUSTRIAL LANDS ANALYSIS
SANITARY SEWER SERVICE
Lake Stevens, Washington**

- LEGEND**
- Lift Station
 - Manhole
 - Sewerline
 - Industrial Study Area



Existing Conditions



Market Analysis

Chris Blakney
Project Director
ECONNorthwest

Process and Schedule

Schedule:

Event	Dates (Tentative)
Technical Background Data Gathering and Site Visits	August-October 2022
Meeting with Utility Districts	August 2022
Planning Commission Update	August 17, 2022
Outreach Letter Sent to Property Owners with Survey	September 12, 2022
Meeting with property owners	September 27, 2022
Meeting with stakeholders	September/October 2022
Planning Commission Input	October 19, 2022
City Council Input	November 15, 2022
Prepare Draft Study and Review with Staff	December
Work Session with City Council and Planning Commission	January
Review and Discuss Draft findings with Property Owners	Late January-February
Finalize Study	February
Present final study to City Council	March 2023



City Council Feedback

1. What are the most significant issues facing the LSIC?
2. What changes should be made to the LSIC e.g., infrastructure, updated zoning, updated uses, etc.?
3. Are there ideas from other communities that you think may work here?
4. Limited residential (uses) housing is permitted in the industrial center, e.g., apartments over non-residential uses and lodging for security. Is this a use you think the city should maintain?

Desired LSIC Permissible Uses?

Table 14.40-1: 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 ¹	PBD ²	BD	CBD	CD	LI	GI	P/SP
GENERAL RESIDENTIAL															
N/A	Single-family detached, site built or modular	P	P	P	P	P									
N/A	Class A or B mobile home	P	P	P	P	P									
N/A	Mobile/manufactured home park	A	A	A	A	P									
N/A	Apartment(s) above permitted nonresidential use					A	P	P	P		P	P	P	P	
N/A	Cottage housing development ³	P	P	P	P	P			P						
N/A	Duplexes	p ⁴	p ⁴	p ⁴	p ⁴	P			P						
N/A	Apartments (five or more attached units)					P			P						
N/A	Townhomes/rowhouse ¹²				P	P			P						
N/A	Triplexes	p ⁵		p ⁵	p ⁵	P									
N/A	Fourplexes	p ⁵		p ⁵	p ⁵	P									
MISCELLANEOUS AND ACCESSORY USES															
N/A	Accessory dwelling units ⁶	P	P	P	P	P									
721310	Rooming houses, boarding houses	A	A	A	A	P		P							
N/A	Mobile/manufactured home or apartment used exclusively for a night watchman and his/her family ⁷												A	A	
N/A	Tourist homes	A	A	A	A	A		A							
N/A	In-home daycare ⁸	P	P	P	P	P		P	P						
N/A	Home occupations ⁸	P	P	P	P	P		P	P						
N/A	Farm animals ⁹														
N/A	Planned residential developments ¹⁰	P	P	P	P	P									



Discussion?

CITY COUNCIL STAFF REPORT



Agenda Date: 11/15/2022

Subject: Short Term Rentals Ordinance (LUA2022-0046)

Contact Person/Department: David Levitan, Community Development

Budget Impact: Staff has proposed an initial application fee of \$500 and a renewal fee of \$100 for short-term rental permits as part of the changes to the city's fee schedule proposed in Resolution 2022-14, which will be considered by the City Council on November 22.

Legal Review: Yes

RECOMMENDATION(S)/ACTION REQUESTED:

1. **Hold a public hearing and take public testimony** on LUA2022-0046, a city-initiated land use code amendment that would repeal and replace LSMC 14.44.064 (Tourist Homes) with new regulations for short-term rentals and make changes to other associated LSMC chapters.
2. **Approve Ordinance No. 1139 (Attachment 1)** amending LSMC Chapters 14.08 (Definitions), 14.16A (Administration and Procedures), 14.40 (Permissible Uses), 14.44 (Supplementary Use Regulations) and 14.72 (Parking), which has been revised to incorporate Council feedback provided at their September 13, October 4, November 1 and November 8 meetings.

SUMMARY/BACKGROUND:

The city adopted supplementary use regulations for tourist homes (now more commonly known as short-term rentals) in 1998 ([LSMC 14.44.064](#)). These regulations have remained unchanged even as the popularity of short-term rentals (STRs) has increased exponentially, including several in Lake Stevens that appear to be operating without a business license or Administrative Conditional Use Permit (ACUP), as is currently required by city code. In response, the city's 2022 Long Range Work Program included a code amendment project that aimed to repeal and replace the code with a

set of clear and objective standards and regulations, a streamlined application process, and an appropriate balance between property rights and neighborhood concerns.

The Planning Commission held three work sessions on the proposed code amendment. At their [March 16, 2022 meeting](#), commissioners reviewed [early public comments](#), a [best practices guide to regulating STRs](#), and [draft code language](#) that incorporated both public comments and commissioner comments provided at earlier work sessions. Commissioners were generally supportive of the amendment and directed staff to make minor changes before bringing it back for the required public hearing.

The Planning Commission public hearing was held on [April 20, 2022](#), video of which is [available here](#). Five members of the public provided oral testimony and one member submitted written comment, with the majority expressing support for an owner occupancy requirement and the prohibition of unhosted rentals (the rental of an entire residence without the property owner or representative occupying the property). Chair Welch introduced two proposed amendments to staff's recommendation, including replacing the proposed prohibition on unhosted rentals with a requirement for a "local property representative" for unhosted rentals. Neither proposed amendment was approved for consideration as part of the Planning Commission's recommendation.

On [May 3, 2022](#), the City Council held a work session in advance of a planned May 10 public hearing to consider the Planning Commission's recommendation; video is [available here](#). Several councilmembers expressed concerns with components of the proposed code language, including the prohibition on unhosted rentals, the limit on party size, and the inspection requirements. Others were concerned that there had not been adequate outreach to operators of existing STRs. In response, on May 13 staff sent a letter to 22 property owners that they were able to identify from AirBNB and VRBO listings, soliciting feedback on the regulations recommended by the Planning Commission. Staff received three emails from current STR operators in response to that letter.

Staff provided [all public comments received through June 1, 2022](#) to the City Council as part of the [June 7, 2022](#) work session packet. Staff also prepared a [spreadsheet](#) identifying concerns raised by the Council during their May 3 work session, as well as potential options for revised code language that sought to address those concerns. Councilmembers reviewed these materials at their June 7 work session and ultimately felt that there were still several issues that needed to be resolved with the code and agreed with Mayor Gailey's recommendation to form a three-member subcommittee to refine the code language before bringing it back to the full City Council. Councilmembers Ewing, Frederick and Jorstad were subsequently appointed to that subcommittee.

On [September 13, 2022](#), the City Council held a public hearing to consider adoption of

[Ordinance 1139](#), Sections 2-6 of which included updated STR code language developed by the subcommittee between June 2022 and August 2022. The packet included [public comments received between June 6 and June 28, 2022](#), while public comments submitted between the September 9 publication of the packet and the September 13 public hearing were entered into the public record during the meeting by the City Clerk.

The public hearing ([video available here](#)) included a brief staff presentation followed by oral testimony from nine members of the public. Councilmembers deliberated on the code amendment and approved a motion to continue the public hearing to a future date to allow for an additional work session on October 4, 2022 to review requested project information and data. Councilmembers specifically requested information on Lake Stevens Police Department (LSPD) calls and incident reports related to short-term rentals to assess the general scale of law enforcement issues with STRs. Additionally, councilmembers wanted to better understand the subcommittee process and record, including materials reviewed and prepared by subcommittee members.

During their [October 4, 2022](#) work session, councilmembers were briefed on LSPD data for existing STRs ([video available here](#)). Based on the available data, there was not a correlation indicating properties currently listed on Airbnb and VRBO had significantly higher calls for police service than other properties. Councilmembers were also provided documentation on the subcommittee's various iterations of code language and outreach to staff that contributed to the proposed code amendments included in the September 13 version of Ordinance 1139.

At the conclusion of the October 4 work session, councilmembers directed staff to incorporate their comments into an updated Ordinance 1139 and to re-notice the public hearing for the earliest available date, and to allow for additional public comment in advance of and during the public hearing. Staff revised Ordinance 1139 and issued a new notice for an [October 25 public hearing](#).

At the beginning of their October 25 meeting, the City Council approved a motion to continue the STR public hearing to November 15 to allow for an additional work session on November 1. During their [November 1 work session](#), councilmembers reviewed and discussed the changes made to Ordinance 1139 since the October 4 work session, and requested several additional revisions ([video available here](#)). Council held an additional work session on [November 8](#) to review the changes in advance of the planned November 15 public hearing. Councilmembers were supportive of the proposed changes, which are reflected in Attachment 1 and include the following:

Section 2: Definitions (LSMC 14.08)

- Revise the definition of "Short-term rental operator or operator" to remove references to long-term tenants as potential operators.

Section 3: Administration and Procedures (LSMC 14.16A)

- Change the review process for a short-term rental from a Type I to a Type II permit, as shown in Table 14.16A-I.

Section 4: Permissible Uses (LSMC 14.40)

- Update footnote 8 for "Short-Term Rentals" in Table 14.40-I to note that the use is outright permitted in identified zoning district but subject to a Type II review process (recommended by staff for additional clarity).

Section 5: Short-Term Rentals Supplementary Use Regulations (LSMC 14.44.064)

- Subsections (a)(1) and (c)(1): Change the review process from a Type I permit to a Type II permit, with updated LSMC references.
- Subsection (b)(3): Revise to clarify that the intent of short-term rentals is to provide lodging of less than 30 days, and that gatherings for direct or indirect compensation are prohibited.
- Subsection (d)(6): Add language specifically referencing the insurance requirements found in Chapter 64.37 RCW.
- Subsection (e)(4): Change the period (from two years to one year) that the owner of a property with a revoked short-term rental permit must wait to apply for a new short-term rental permit.

Councilmembers also indicated their support for increasing the initial application fee for short-term rental permits to \$500 to account for the Type II review process, which is proposed to be added to the city fee schedule via Resolution 2022-14, the approval of which will be considered on November 22.

FINDINGS AND CONCLUSIONS

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

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

- 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 Goal 2.2: Achieve a well-balanced and well-organized combination of residential, commercial, industrial, open space, recreation and public uses
- Housing Element Policy 3.2.2: Support land uses and development regulations designed to increase housing opportunities for current and future residents, seniors, disabled, or other special-needs populations in proximity to shopping, health care, services, recreation facilities and public transportation.

Conclusions— Adoption of the city-initiated amendment is consistent with the goals and policies of the city's Comprehensive Plan. The proposed amendment aims to allow property owners to rent out their homes by utilizing a predictable and objective review process that also considers potential impacts on nearby properties.

2. The amendment is in compliance with the Growth Management Act (RCW 36.70A.106)

- Code amendments are subject to review by the Washington State Department of Commerce.
- The city provided the required notice to the Department of Commerce on March 18, 2022. Commerce acknowledged the proposed amendment under Submittal ID 2022-S-3775.
- If approved by the City Council, staff will file the final ordinance with the Department of Commerce within 10 days of its adoption.

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

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

Conclusions – The recommended amendment will simplify and streamline the review process for short-term rentals included in LSMC 14.44.064. Proposed code language addresses a variety of topics including parking requirements, good neighbor guidelines, and code enforcement. Short-term rentals will also be subject to health and safety standards identified in RCW 64.37.030.

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 Notice of Public Hearing for the Planning Commission public hearing in the Everett Herald on April 9 and April 15, 2022, and a Notice of Public Hearing for the City Council public hearing on April 25 and May 3, 2022, for the City Council public hearing. Following the Council subcommittee process, an updated Notice of Public Hearing for the City Council public hearing was published on September 2 and September 9, 2022, and the public hearing was re-noticed on October 14 and October 21, 2022. The notices were also posted at City Hall and on the [city's website](#).
- As noted above, one member of the public provided written testimony in advance of the April 20 Planning Commission public hearing and five members of the public provided oral testimony during the public hearing ([see video here](#)). Staff subsequently shared all public comments received on the topic through June 7 either as part of the June 7 Council work session packet or via email, and the Council accepted oral comments at their June 7 meeting.
- Written comments provided in advance of the September 13 public hearing were previously provided to Council, and nine members of the public provided oral testimony during the hearing. All public comments received between the September 13 public hearing and November 9 are included in Attachment 2, and any comments received following the publication of the November 15 meeting packet will be forwarded to City Council and entered into the public record.

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

State Environmental Policy Act (SEPA) (Chapter 97-11 WAC and Title 16 LSMC)

- The city determined that the proposal is categorically exempt from SEPA under WAC 197-11-800(19)(b) and issued a notice of SEPA exemption concurrently with the Planning Commission notice of public hearing on April 9, 2022.

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

APPLICABLE CITY POLICIES:

LSMC 14.44.064

ATTACHMENTS:

1. Attachment 1 - Ordinance 1139
2. Attachment 2 - Public Comments since September 13

CITY OF LAKE STEVENS
Lake Stevens, Washington
ORDINANCE NO. 1139

AN ORDINANCE OF THE CITY OF LAKE STEVENS, WASHINGTON REVISING LSMC CHAPTERS 14.08 (BASIC DEFINITIONS AND INTERPRETATIONS), 14.16A (ADMINISTRATION AND PROCEDURES), 14.40 (PERMISSIBLE USES), 14.44 (SUPPLEMENTARY USE REGULATIONS) AND 14.72 (PARKING); ADOPTING FINDINGS AND CONCLUSIONS; AND PROVIDING FOR SEVERABILITY, AN EFFECTIVE DATE AND FOR SUMMARY PUBLICATION BY ORDINANCE TITLE ONLY.

WHEREAS, the city adopted regulations for tourist homes, now more commonly known as short-term-rentals, in LSMC 14.44.064 via Ordinance 590; and

WHEREAS, the short-term rental market has significantly changed since the existing regulations were adopted in 1998, and the city has identified a need to update and modernize the code; and

WHEREAS, the Planning Commission held three work sessions to discuss the proposed amendments; and

WHEREAS, the City submitted the proposed amendment to the Washington State Department of Commerce for the required review (Submittal ID 2022-S-3907), with expedited review granted on April 25, 2022; and

WHEREAS, the city determined that the proposal is categorically exempt from the State Environmental Policy Act (SEPA) per WAC 19-11-800(19)(b); and

WHEREAS, the Lake Stevens Planning Commission held a duly noticed public hearing on April 20, 2022, during which five members of the public provided public comment; and

WHEREAS, at the conclusion of the April 20 public hearing, Planning Commission made a recommendation to amend LSMC Chapters 14.08, 14.40, 14.44 and 14.72; and

WHEREAS, the Lake Stevens City Council reviewed the Planning Commission's recommendation relating to the proposed amendment during work sessions on May 3, 2022 and June 7, 2022; and

WHEREAS, at the conclusion of their June 7, 2022 work session, the Lake Stevens City Council opted to form a subcommittee of three members to consider refinements to the code language recommended by the Planning Commission; and

WHEREAS, the subcommittee worked together to develop revised code language; and

WHEREAS, the Lake Stevens City Council held a duly noticed public hearing on the code language developed by the subcommittee and considered all public testimony on September 13, 2022; and

WHEREAS, the City Council approved a motion to continue the September 13 public hearing to a future date to allow for an additional workshop to gather additional information and discuss potential refinements to the code language; and

WHEREAS, the City Council held workshops on October 4, November 1 and November 8, 2022, during which they provided direction to staff on desired revisions to the proposed code language; and

WHEREAS, those updates are reflected in Sections 2 through 6 of this ordinance; and

WHEREAS, land use code amendments are Type VI legislative decisions which require a recommendation from the Planning Commission to City Council, based on written findings and conclusions, supported by evidence from an open-record hearing; and

WHEREAS, the Planning Commission made findings and conclusions to approve the code amendment as part of their recommendation, the language of which has since been revised by the Council subcommittee but which the City Council has determined still meets the findings and criteria outlined in LSMC 14.16C.075(f).

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

Section 1. The City Council hereby makes the following findings:

- A. This ordinance amending the City’s municipal code was sent to the Washington State Department of Commerce (2022-S-3907), as required by the Growth Management Act; no comments were received.
- B. The requirements of Chapter 14.16C.075 LSMC for land use code amendments have been met.
- C. As required by LSMC 14.16C.075(f), the adoption and amendment of codes are consistent with the Comprehensive Plan, comply with the Growth Management Act and advance the public health, safety and welfare.

Section 2. Chapter 14.08 LSMC, entitled “Basic Definitions and Interpretations,” is hereby amended by the addition of new definitions as follows (additions shown by underline, deletions shown by ~~strike through~~, and all other sections remain unchanged):

14.08.010 Definitions of Basic Terms.

Principal. A principal or governing member of any business entity, including but not limited to: LLC member/manager, president, vice president, secretary, treasurer, CEO, director, stockholder, partner, general partner, or limited partner.

Responsible party (definition related to short-term rentals only). The owner, property management company, or another person who is designated by the owner, in writing, to act on their behalf as the main contact for guests and who is responsible for addressing any complaints.

Short-term rental. A lodging use, other than a hotel or motel, in which all or part of a dwelling unit is rented to a person or group for a fee for fewer than thirty (30) consecutive nights, subject to the standards identified in LSMC 14.44.064. A dwelling unit, or portion thereof that is used by the same person or group for 30 or more consecutive nights is not a short-term rental.

Short-term rental operator or operator. Any person who is the owner of a dwelling unit established under this title, or portion thereof, who offers or provides that dwelling unit, or portion thereof, for short-term rental use as set forth in LSMC 14.44.064.

Short-term rental guest or guest. Any individual renting, occupying or present on the premises of a short-term rental at the invitation or permission of a short-term renter.

~~*Tourist Home.* A single family structure in which rooms are rented by the day or week.~~

Section 3. Chapter 14.16A, “Administration and Procedures,” is hereby amended as follows (additions shown by underline, deletions shown by ~~strike through~~, and all other sections remain unchanged):

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 II Administrative with Public Notice	• Shoreline Substantial Developments • <u>Short-Term Rentals</u> • Short Plats	None	Open Record	Planning director or designee	Hearing Examiner, except shoreline permits to State Shoreline Hearings Board, and Open Record

Section 4. Chapter 14.40, “Permissible Uses,” is hereby amended as follows (additions shown by underline, deletions shown by ~~strike through~~, and all other sections remain unchanged):

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 ¹	PBD ²	BD	CBD	CD	LI	GI	P/SP
MISCELLANEOUS AND ACCESSORY USES															
<u>N/A</u>	<u>Short-Term Rentals⁸</u>	P	P	P	P	P		P							
N/A	Tourist homes	A	A	A	A	A		A							

⁸ Subject to Type II review and requirements of LSMC 14.44.064.

Section 5. Chapter 14.44, “Supplementary Use Regulations,” is hereby amended as follows, with the entirety of Section 14.44.064 (“Tourist Homes”) repealed and replaced by a new section entitled “Short-Term Rentals,” which is shown below as clean text:

LSMC 14.44.064 – Short-Term Rentals

- (a) Purpose and Process – the purpose of establishing specific standards for short-term rentals is to minimize potential adverse impacts to residential areas, preserve housing stock, and allow property owners to efficiently use their properties.
 - (1) Short-term rentals are a Type II permit per Table 14.16-A-I and Chapter 14.16B LSMC – Part II. Short-term rentals will require a city business license (“license”) per Chapter 4.04 LSMC along with a supplemental short-term rental permit (“permit”) under this chapter.
 - (2) The Planning and Community Development Director or designee will evaluate the application for the short-term rental permit for compliance with the requirements of the provisions regulating short-term rentals in this Chapter and all other applicable sections of the Lake Stevens Municipal Code, and in particular the regulations related to nuisance activity in Chapter 9.60 and Noise Regulation in Chapter 9.56.
 - (3) Permits and licenses shall be issued for a period of one year, with the effective date running from the date of issuance.
 - i. The permit and license must be renewed annually with the department of Planning and Community Development, provided all the approval criteria continue to be met;
 - ii. It is the owner’s / operator’s responsibility to ensure that the short-term rental remains in substantial compliance with all applicable codes and relevant laws.
 - iii. It shall be unlawful for any person to offer or to rent a short-term rental without a valid short-term rental permit
- (b) Restrictions
 - (1) No more than two short-term rentals may be operated by any operator within the city. It is the intent of these regulations to limit the ownership and operation of short-term rentals to no more than two per individual, family living together, domestic partnership, those living as a family unit and/or acting as a principal in any business entity that has ownership of a residential unit. Assigning ownership and/or application for a short-term rental use by a principal(s) of a business entity to separate business entities or to separate individuals that are living together as a family, in a domestic partnership, or living as a family unit as a means of exceeding this limitation is not permitted.
 - (2) Short-term rental permits are not transferable to another operator or location.
 - (3) The intent of short-term rentals is to provide lodging of less than 30 days and does not include gatherings for direct or indirect compensation.
- (c) Licensing and Registration
 - (1) Permit application shall include a Type II land use application, fees, and written description of the proposed short-term rental identifying the following:
 - i. The name and address of the owner and person or company who will operate the short-term rental (operator);

- ii. The address of the structure where the short-term rental will occur;
 - iii. The area to be rented, including number of bedrooms, to overnight guests.
 - iv. Short-term rental permit fees shall be established by resolution of the City Council.
- (2) The owner / operator must provide valid contact information for a responsible party that will respond to potential issues pertaining to the short-term rental for inclusion on the city's short-term rental register every day the property is rented. Any changes to the name, or telephone number(s) of the responsible party must be submitted to the department of Planning and Community Development within 14 days of the change(s).
- (3) The owner / operator shall post a set of "good neighbor guidelines" in a conspicuous place in the short-term rental, on a form developed and approved by the city as part of the short-term rental permitting process that details the consumer safety requirements included in RCW 64.37.030 as well as the following information:
 - i. Contact information for nonemergency police services;
 - ii. The location of the rental's designated parking space(s);
 - iii. The location of emergency shut-offs; and
 - iv. The noise control prohibitions set out in Chapter 9.56 LSMC (Noise Control), including but not limited to the prohibition of Public Nuisances and Disturbance Noises in 9.56.040 LSMC and in particular subsections 5 (Devices creating and amplifying sound) and 6 (Quiet Time between 10 pm and 7 am).
- (d) Applicability and General Requirements – the following requirements shall apply to all short-term rentals.
 - (1) Short-term rentals are allowed only in the zoning districts identified in Table 14.40-I.
 - (2) Short-term rentals may be hosted or un-hosted residences where all or part of the structure is rented for transient lodging.
 - (3) No short-term rental can be used or occupied by more than eight total individuals at any time. No more than two guests, excluding children five years old and under, per bedroom are permitted per guest stay.
 - (4) Per LSMC Table 14.72-I, a minimum of one off-street parking space shall be provided per 1-2 rented bedrooms; two off-street parking spaces per 3-4 rented bedrooms; and three off-street parking spaces per 5 or more rented bedrooms.
 - i. Parking of boat trailers and recreation vehicles is only allowed when adequate off-street parking is provided, and the additional parking does not conflict with required parking.
 - (5) Applicable sales/use and other related state imposed lodging taxes must be timely paid to the State of Washington. Timely payments are the responsibility of the property owner.
 - (6) The short-term rental must comply with Chapter 64.37 RCW, including insurance requirements.
- (e) Complaints and Enforcement
 - (1) Complaints and enforcement are subject to the processes identified in Chapters 4.04 and 17.20 LSMC including any fines and penalties imposed for substantiated violations.

- (2) Multiple violations of the short-term rental code will result in progressive enforcement as identified in LSMC 17.20.030.
- (3) Violations of consumer safety are subject to the provisions in RCW 64.37.030.
- (4) A new short-term rental permit will not be issued to the owner / operator of a revoked short-term rental permit and business license until one year from the time of revocation has passed.

Section 6. Chapter 14.72, entitled “Parking,” is hereby amended as follows (additions shown by underline, deletions shown by ~~striketrough~~, and all other sections remain unchanged):

TABLE 14.72-I: TABLE OF PARKING REQUIREMENTS

Rooming and boarding houses	1 space for each bedroom.
<u>Short-Term Rentals</u>	<u>1 space for 1-2 bedrooms to be rented; 2 spaces for 3-4 bedrooms to be rented; 3 spaces for 5 or more bedrooms to be rented in addition to the required spaces for the primary residential use if a hosted short-term rental.</u>
Tourist homes, 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.

Section 7. 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 8. 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.

PASSED by the City Council of the City of Lake Stevens this 15th day of November 2022.

Brett Gailey, Mayor

ATTEST/AUTHENTICATION:

Kelly Chelin, City Clerk

APPROVED AS TO FORM:

Greg Rubstello, City Attorney

First and Final Reading: November 15, 2022

Published:

Effective Date:

Ordinance 1139 – Short-Term Rentals Code Amendment

David Levitan

From: Kelly Chelin
Sent: Tuesday, September 20, 2022 10:34 AM
To: David Levitan
Subject: FW: Short Term Rental - Please consider the impact of short term rentals on affordable housing and the Lake Stevens Police force

FYI. We sent this to Council but I noticed that you might not have seen it.



Kelly Chelin, *City Clerk*

City of Lake Stevens | Administration
1812 Main Street | PO Box 257
Lake Stevens, WA 98258
(425) 622-9412
kchelin@lakestevenswa.gov

NOTICE: All emails and attachments sent to and from the city of Lake Stevens are public records and may be subject to disclosure pursuant to the Public Records Act (RCW 42.56).

From: jennifer soler <jennifersoler125@hotmail.com>
Sent: Monday, September 19, 2022 6:07 PM
To: DeputyClerk <deputyclerk@lakestevenswa.gov>; Russell Wright <rwright@lakestevenswa.gov>; gbrazil@lakestevenswa.gov
Subject: Short Term Rental - Please consider the impact of short term rentals on affordable housing and the Lake Stevens Police force

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear City Council,

I am writing about my experience with VRBO which may help provide some insight on how disruptive a VRBO can be in a neighborhood and to a community. This experience is one example how short-term rentals could add to the shortage of affordable housing for families in the Lake Stevens area and could increase the Lake Stevens Law Enforcement work load.

This summer I was part of a group of women attending a regatta who rented a house through VRBO. Ten minutes after check in, the host alerted us that she was going to have a unknown male stay in the bottom half of the house and we could only use the top half of the house. There were only 3 beds upstairs and no secure door between the two areas. We did not stay and were threatened that we would not get our money back.

We called VRBO who was not helpful in addressing the conflict. After being on hold for an hour we were disconnected. The second time we asked if VRBO could call us back as they took our phone number. The answer was no and again we were disconnected. We had to drive 2 hours to find a place to stay as the rates in the area of the VRBO were incredibly high for last minute check in. The credit card company returned our money. VRBO 8 weeks later would agree not to charge us if we did not claim any damages. We were unable to charge VRBO for extra gas or expenses incurred as a result not going comfortable with the VRBOs host demands that we stay / share the house with an unknown male. VRBO does not stand by its product.

We found out from the neighbor that the host has done this to many people and that the police are at the property on a fairly frequent basis. This particular host intimidates people and double books her property. VRBO was not helpful managing the situation.

The part of this experience that I want to bring to your attention is that, the neighbor of the property informed us that the host does not own the rental property. The host is making money by renting several properties that are listed on VRBO and other short-term rentals. The neighbor also stated the community is trying to work with their city council to take care of the situation. They are tired of the Police and people being stranded outside the rental property. This one story may be helpful when you are thinking about how the regulations could be written to lessen the impact on affordable housing and the Police Force in Lake Stevens.

Jennifer Soler
Lake Stevens, WA

David Levitan

From: Kelly Chelin
Sent: Monday, October 3, 2022 7:31 AM
To: Gene Brazel; Russell Wright; David Levitan
Subject: FW: Short term rentals

Mayor/Council - please find an email comment below on STR. Thanks!

-----Original Message-----

From: James Gallegos <jameslgallegos@hotmail.com>
Sent: Friday, September 30, 2022 7:19 PM
To: DeputyClerk <deputyclerk@lakestevenswa.gov>
Subject: Short term rentals

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Please do not allow short term rentals in the City of Lake Stevens. We have a housing affordability issue as well as a housing shortage in the city currently. Allowing business owners (members of the city council) to buy up housing in order to destroy neighborhoods is just wrong and not in the interest of any of the citizens of the city. It will only benefit a very few (city council members) and harm the majority. The lake cannot sustain more recreation as the lake has become overcrowded. As a current lakefront home owner I have decided to sell my house that I have owned for 17 years because it is no longer enjoyable to live on the lake. It is now overcrowded and dangerous to recreate on the lake.

James L Gallegos
Systems Consultant
Dimensional Communications, Inc.
360.424.6164 ext 1331 V
206.467.1315 V
360.424.8872 F
Jamesg@dimensional.net
www.dimensional.net

[<https://www.lakestevenswa.gov/ImageRepository/Document?documentId=9326>]

[<https://www.lakestevenswa.gov/ImageRepository/Document?documentId=9315>]
Kelly Chelin, City Clerk

City of Lake Stevens | Administration
1812 Main Street | PO Box 257
Lake Stevens, WA 98258
(425) 622-9412
kchelin@lakestevenswa.gov

NOTICE: All emails and attachments sent to and from the city of Lake Stevens are public records and may be subject to disclosure pursuant to the Public Records Act (RCW 42.56).

David Levitan

From: Kelly Chelin
Sent: Monday, October 3, 2022 7:31 AM
To: Russell Wright; Gene Brazel; David Levitan
Cc: Caitlin Weaver
Subject: FW: STR Regulation
Attachments: k53oO-4607.PDF



Kelly Chelin, *City Clerk*

City of Lake Stevens | Administration
1812 Main Street | PO Box 257
Lake Stevens, WA 98258
(425) 622-9412
kchelin@lakestevenswa.gov

NOTICE: All emails and attachments sent to and from the city of Lake Stevens are public records and may be subject to disclosure pursuant to the Public Records Act (RCW 42.56).

From: Aileen <aileenspradlin@gmail.com>
Sent: Friday, September 30, 2022 5:16 PM
To: DeputyClerk <deputyclerk@lakestevenswa.gov>; Steve Ewing <sewing@lakestevenswa.gov>; Shawn Frederick <sfrederick@lakestevenswa.gov>; Anji Jorstad <ajorstad@lakestevenswa.gov>; Gary Petershagen <gpetershagen@lakestevenswa.gov>; Mary Dickinson <mdickinson@lakestevenswa.gov>; Marcus Tageant <mtageant@lakestevenswa.gov>; Kim Daughtry <kdaughtry@lakestevenswa.gov>; Brett Gailey <bgailey@lakestevenswa.gov>; rwright@lakestevens.gov; gbrazil@lakestevenswa.gov; David Levitan <dlevitan@lakestevenswa.gov>
Subject: Re: STR Regulation

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Please disregard attachment "unfinishedbusiness"

This is the correct Short Term Rental regulation link:

<https://mrsc.org/getmedia/77ccc272-9c6a-4ea6-a22c-5e072b96230b/k53oO-4607.PDF.aspx>

On Sep 30, 2022, at 4:11 PM, Aileen <aileenspradlin@gmail.com> wrote:

Dear City Officials,

Before you meet again to resume discussion surrounding STR regulation I am asking you to please review and consider these attached documents as a template for our city STR regulation.

If you haven't already done so, please also consider reaching out personally to city officials in Kirkland, Bellingham, Walla Walla, and Chelan County to gather additional information regarding their decisions to revise STR regulations after experiencing the impact to their residents from under regulated vacation rentals.

My family and two other families in our neighborhood had the very unpleasant experience of requesting a Code Enforcement after a neighboring property was purchased for the purpose of full time, un-hosted and unsupervised VRBO business in 2020.

At the time, we had no idea they were operating out of compliance with city regulations. It was after they inquired with us to provide parking for weddings at the property we reached out to City Hall.

We remain estranged from these property owners.

I earnestly request that you reconsider the owner occupancy requirement and draft a clear, comprehensive regulation with adequate enforcements that will protect the character and integrity of our existing neighborhoods.

Thank you,
Aileen Spradlin

<https://www.kirklandwa.gov/Government/Departments/Finance-and-Administration/Customer-Accounts/Apply-for-a-Business-License/Short-Term-Rentals-in-Kirkland>

<WebPage.pdf>

https://www.kirklandwa.gov/files/sharedassets/public/city-council/agenda-documents/2017/oct-17-2017/10b_unfinishedbusiness.pdf

<WebPage.pdf>

ORDINANCE O-4607

AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO SHORT-TERM RENTALS.

1 WHEREAS, public comment has brought forward concerns about
2 the impacts of unregulated short-term detached dwelling unit rentals in
3 the city of Kirkland; and
4

5 WHEREAS, such concerns have included absentee owners,
6 excessive numbers of residents and vehicles, blocked neighboring
7 driveways, noise, litter, trespasses and the use of detached dwelling
8 units as event venues; and
9

10 WHEREAS, public comment has also demonstrated that
11 appropriately regulated short-term rentals of residential units, including
12 both detached dwelling units and attached or stacked dwelling units,
13 help make it possible for owners of such residential units to be able to
14 afford to live in Kirkland thereby helping preserve affordable housing
15 stock, while also bringing visitors, students, tourism and economic
16 development benefits to the city; and
17

18 WHEREAS, Chapter 7.02 of the Kirkland Municipal Code,
19 Business Licenses and Regulations, requires business licenses in
20 connection with all activities and pursuits located and/or engaged within
21 Kirkland with the object of gain, benefit or advantage to the person
22 engaging in the same; and
23

24 WHEREAS, Chapter 7.02 KMC therefore applies to both short-
25 term rentals and long-term rentals as provided for herein; and
26

27 WHEREAS, rental agreements in excess of one month, which are
28 considered long-term rentals for purposes of this ordinance, remain
29 freely permitted subject to the business license requirements of Chapter
30 7.02; and
31

32 WHEREAS, the City Council wishes to add additional provisions
33 to Chapter 7.02 specifically applicable to short-term rentals of detached
34 dwelling units to address the regulatory concerns described above; and
35

36 WHEREAS, the Council further wishes to provide for the
37 enforcement of the requirements of Chapter 7.02 through amendments
38 to Chapter 1.12 KMC, Code Enforcement; and
39

40 WHEREAS, the Kirkland Zoning Code regulates similar types of
41 activities, including bed and breakfast houses and home occupations,
42 neither of which are considered short-term rentals for purposes of this
43 ordinance.
44

45 NOW, THEREFORE, the City Council of the City of Kirkland do
46 ordain as follows:

Section 1. Kirkland Municipal Code Section 1.12.020 is amended to read as follows:

1.12.020 Definitions.

As used in this chapter, unless a different meaning is plainly required:

(a) "Abate" means to repair, replace, remove, destroy or otherwise remedy a condition which constitutes a civil violation by such means, in such a manner and to such an extent as the applicable department director determines is necessary in the interest of the general health, safety and welfare of the community.

(b) "Act" means doing or performing something.

(c) "Applicable department director" means the director of the department or his or her designee.

(d) "Civil violation" means a violation for which a monetary penalty may be imposed as specified in this chapter. Each day or portion of a day during which a violation occurs or exists is a separate violation. Traffic infractions issued pursuant to Title 12 are specifically excluded from the application of this chapter.

(e) "Development" means the erection, alteration, enlargement, demolition, maintenance or use of any structure or the alteration or use of any land above, at or below ground or water level, and all acts governed by a city regulation.

(f) "Emergency" means a situation which in the opinion of the applicable department director requires immediate action to prevent or eliminate an immediate threat to the health or safety of persons or property.

(g) "Hearing examiner" means the Kirkland hearing examiner and the office thereof established pursuant to Chapter 3.34.

(h) "Omission" means a failure to act.

(i) "Person" means any individual, firm, association, partnership, corporation or any entity, public or private.

(j) "Person responsible for the violation" means any person who is required by the applicable regulation to comply therewith, or who commits any act or omission which is a civil violation or causes or permits a civil violation to occur or remain upon property in the city, and includes but is not limited to owner(s), lessor(s), tenant(s), or other person(s) entitled to control, use and/or occupy property where a civil violation occurs. For violations of the city sign regulations, this definition includes, but is not limited to, sign installers/posters, sign owners, and any other persons who cause or participate in the placement of a sign in a manner that constitutes a civil violation. For violations of city tree regulations, this definition includes any person who caused or participated in the removal of a tree in a manner that constitutes a civil violation.

(k) "Regulation" means and includes the following, as they now exist or are hereafter amended:

(1) Title 23 (Kirkland Zoning Code);

(2) Title 21, Buildings and Construction (including codes adopted by reference);

(3) Chapter 15.52 (Surface Water Management);

(4) Title 29 (Land Surface Modification);

(5) Chapter 19.04 (Obstructing Streets or Sidewalks);

- 100 (6) Chapter 11.76 (Junk Vehicles);
- 101 (7) Chapter 11.24 (Nuisances);
- 102 (8) The terms and conditions of any permit or approval issued by
- 103 the city, or any concomitant agreement with the city;
- 104 (9) Chapter 7.74 (Fair Housing Regulations);
- 105 (10) Chapter 16.05 (Retail Carryout Bags, including definitions set
- 106 forth in Chapter 16.04);
- 107 (11) Chapter 16.08 (Garbage Disposal); and
- 108 (12) Chapter 7.02 (Business Licenses and Regulations).
- 109 (l) "Repeat violation" means a violation of the same regulation in
- 110 any location by the same person for which voluntary compliance
- 111 previously has been sought within two years or a notice of civil violation
- 112 has been issued within two years.
- 113 (m) "Violation" means an act or omission contrary to a city
- 114 development regulation including an act or omission at the same or
- 115 different location by the same person and including a condition resulting
- 116 from such act or omission.

117
118 Section 2. Kirkland Municipal Code Section 7.02.030 is amended
119 to read as follows:

120
121 **7.02.030 Definitions.**

122 Where used in this chapter, the following words and terms shall have
123 the meanings as defined in this section, unless, from the context, a more
124 limited or different meaning is clearly defined or apparent:

125 (a) "Business" includes all activities, occupations, pursuits, or
126 professions located and/or engaged within the city, with the object of
127 gain, benefit or advantage to the person engaging in the same, or to
128 any other person or class, directly or indirectly, and includes nonprofit
129 enterprises.

130 (b) "Business license" means that document issued by the city
131 licensing the transaction of the indicated business by the person whose
132 name appears thereon for the stated period.

133 (c) "Engaging in business" means commencing, conducting or
134 continuing in any business within the city, whether or not an office or
135 physical location for the business lies within the city. "Engaging in
136 business" includes the performance of work or services by contractors,
137 consultants, representatives, agents or other persons within the city,
138 even though the office location of the contractor, consultant,
139 representative, agent or other person is not within the city limits; the
140 exercise of corporate or franchise powers, as well as the liquidation of
141 a business when the liquidators hold themselves out to the public as
142 conducting such business; acting as a solicitor or canvasser; short-term
143 and long-term rentals; and furnishing temporary employees and/or
144 workers to other businesses. By way of illustration only and without
145 being all-inclusive, a business with an office or physical location outside
146 the city limits which sells or leases personal property to buyers or
147 lessees in the city; accepts or executes a contract to perform
148 construction or installation services contracts in the city; solicits sales in
149 the city; or renders services to others in the city; is engaged in business
150 in this city, irrespective of whether or not such business maintains a
151 permanent place of business in the city.

152 (d) "Finance and administration director" or "director" means the
 153 city of Kirkland director of finance and administration or his/her
 154 designee.

155 (e) "Gross receipts" shall have its ordinary meaning and also
 156 means the value accruing from the business activity within the city or
 157 conducted from the city including compensation for the rendition of
 158 services (without any deduction for labor costs or the cost of materials
 159 used), sale of personal property (without any deduction for the cost of
 160 property sold), gains or dividends realized, rents, royalties,
 161 contributions, fees and commissions, all without any deduction for any
 162 expense, taxes, or losses.

163 (f) "Person" includes individual natural persons, any firm,
 164 corporation, association, sole proprietor, club, partnership, trust,
 165 receiver, administrator, executor, estate, company, independent
 166 contractor, society, any officer, agent, personal representative, any
 167 group of individuals acting as a unit, the United States or the state of
 168 Washington or any instrumentality thereof, and includes the singular
 169 and the plural.

170 (g) "City" means the city of Kirkland, Washington.

171 (h) "Year" means a calendar year, except where otherwise
 172 specified or when permission is obtained from the director to use a
 173 different fiscal year.

174 (i) "L&I" means the Washington State Department of Labor and
 175 Industries.

176 (j) "Place of business" or "office" includes, but is not limited to,
 177 the following: maintaining, occupying, or using a permanent building or
 178 facility, premises or other fixed location as an office or location for
 179 conducting business; residential units used for short-term or long-term
 180 rentals or leases, or a location where the regular business of the person
 181 is conducted and which is either owned by the person or over which the
 182 person exercises legal dominion and control; or a location which
 183 includes a business sign, mailing address, and permanent phone. A
 184 vehicle such as a pickup, van, truck, boat or other motor vehicle will not
 185 be considered a place of business for purposes of this chapter.

186 (k) "Casual or isolated sale" means a sale made by a person who
 187 is not engaged in the business of selling the type of property involved.
 188 Persons who hold themselves out to the public as making sales at retail
 189 or wholesale are deemed to be engaged in business, and sales made by
 190 them of the type of property which they hold themselves out as selling
 191 are not casual or isolated sales even though such sales are not made
 192 frequently.

193 (l) "Employee" means and includes each of the following persons
 194 who are not required by the city to have his/her/its own separate city
 195 of Kirkland business license:

196 (1) Any person who is on the business's payroll, and includes all
 197 full-time, part-time, and temporary employees or workers; and

198 (2) Self-employed persons, sole proprietors, owners, managers,
 199 and partners; and

200 (3) Any other person who performs work, services or labor at the
 201 business, including an independent contractor who is not required to
 202 have a separate city of Kirkland business license.

203 (m) "Contractor" means any person who, in the capacity of an
 204 independent contractor, contracts with any business, property owner or
 205 person to perform a particular job or jobs, whether the remuneration

received for performing the job or jobs is on a cost-plus basis, a flat sum basis or a salary computed at so much per hour.

(n) "Subcontractor" means any person who in the capacity of an independent contractor contracts with any contractor to perform a particular trade or job, whether the remuneration received for performing the job or jobs is on a cost-plus basis, a flat sum basis, or a salary basis computed at so much per hour.

(o) "Residential unit" means either a detached dwelling unit or an attached or stacked dwelling unit, as those terms are defined in the city's zoning code.

(p) "Short-term rental" means the rental of a residential unit for less than thirty days. A short-term rental is not a bed and breakfast house or home occupation as defined in the zoning code for purposes of this ordinance.

(q) "Long-term rental" means the rental or lease of a residential unit for a period of thirty days or more. A long-term rental is not a bed and breakfast house or home occupation as defined in the zoning code.

Section 3. Kirkland Municipal Code Section 7.02.050 is amended to read as follows:

7.02.050 Operating without a license.

(a) Any person who engages in or carries on a business without having obtained a business license when required to do so shall be guilty of a violation of this chapter for each day during which the business is so engaged in or carried on. Any person who fails or refuses to pay a fee required under this chapter, or any part thereof, on or before the due date, shall be deemed to be operating a business without having obtained a license to do so. Except as otherwise specified, any person violating this chapter shall be guilty of a misdemeanor crime and a civil violation under Chapter 1.12.

(b) A business failing to obtain or maintain a currently valid license and yet conducting business within the city is hereby declared to be a public nuisance. Any remedy provided by this code with respect to a public nuisance is in addition to other remedies provided under this chapter.

Section 4. Kirkland Municipal Code Section 7.02.070 is amended to read as follows:

7.02.070 Presumptions.

The following presumptions shall be made in interpreting and applying this chapter, unless rebutted as provided in this chapter:

(a) It shall be presumed that an entity that has been issued a Unified Business Identifier Number ("UBI") by the state of Washington is a separate business that is required to have its own city of Kirkland business license.

(b) It shall be presumed that an entity that has been issued a state industrial insurance account number, a state self-insurer number, or a state revenue tax reporting account number is a separate business that is required to have its own city of Kirkland business license.

(c) It shall be presumed that average annual gross receipts of an entity are at least twenty thousand dollars per each employee who

works for the entity in Kirkland except in the instances of short-term rentals and long-term rentals and leases of residential units.

(d) It shall be presumed that an owner, manager, and/or managing partner of a business that is more than sixty days late in paying any amount due under this chapter is willfully, knowingly and intentionally evading his or her legal duties under this chapter.

Section 5. Kirkland Municipal Code Section 7.02.200 is amended to read as follows:

7.02.200 Debt owed to city.

(a) Any amount due and unpaid under this chapter and any penalty thereon shall constitute a debt to the city and may be collected in the same manner as any other debt, including through code enforcement and court proceedings, and these remedies shall be in addition to all other existing remedies. Interest shall accrue on amounts owed to the city under this chapter at the same rate as provided for superior court judgments.

(b) Issuance of a business license does not forgive amounts owed to the city or penalties thereon.

Section 6. Kirkland Municipal Code Section 7.02.260 is amended to read as follows:

7.02.260 Suspension or revocation of license—Criteria.

The director may suspend or revoke a business license or permit when the licensee, officer or partner thereof, or another person with a legal interest in the license:

(1) Knowingly causes, aids, abets, or conspires with another to cause any person to violate any of the laws of this state or the city which may affect or relate to the licensed business;

(2) Has obtained a license or permit by fraud, misrepresentation, concealment, or through inadvertence or mistake;

(3) Is convicted of, forfeits bond upon, or pleads guilty to any offenses related to the operation of the licensed business;

(4) Makes a misrepresentation or fails to disclose a material fact to the city related to any of the obligations set forth in this chapter;

(5) Violates any building, life or public safety, fire or health regulation on the premises in which the business is located after receiving warning from the city to refrain from such violations;

(6) Is in violation of a zoning or building code or other material regulation of the city, including the responsibility to exercise best efforts to help ensure conflicts between short-term renters and neighbors are avoided as set forth in Section 7.02.300(3); or

(7) Is indebted or obligated to the city for past due fees or taxes, excluding special assessments such as LID assessments.

Section 7. A new Kirkland Municipal Code Section 7.02.300 is amended to read as follows:

7.02.300 Short-term Rentals—Special Provisions.

The following special provisions are applicable to short-term rentals of detached dwelling units:

(1) Short-term rentals are freely permitted as they relate to frequency and total number of days per year when an owner or authorized agent of an owner continuously occupies a portion of a short-term rental as his or her primary residence.

(2) Short-term rentals not exceeding a total of 120 days per year are permitted when (a) an owner or an authorized agent of the owner occupies all or a portion of the short-term rental as his or her primary residence for a total of at least 245 days per year and (b) a property manager identified to both the city and all short-term renters is continuously available and located within 15 miles of the short-term rental whenever the owner or an authorized agent of the owner is not occupying all or a portion of the short-term rental as his or her primary residence.

(3) Short-term rental agreements shall include provisions encouraging renters to exercise best efforts to avoid conflicts with neighbors related to issues such as noise, littering, parking and trespass, and the owner and authorized agent of the owner of a short-term residential unit shall be jointly responsible to the city for exercising best efforts to help ensure such conflicts are avoided as a condition of maintaining a business license under this chapter.

(4) There may be no more than two short-term rental agreements in effect at a single detached dwelling unit at any one time.

(5) The owners and authorized agents of owners of detached dwelling units that are the subject of short-term rental agreements are jointly responsible for ensuring compliance with all applicable city zoning code requirements, including those related to the number of unrelated people occupying the unit.

(6) The owners and authorized agents of owners of detached dwelling units that are the subject of short-term rental agreements are jointly responsible for ensuring compliance with the parking provisions applicable to bed and breakfast houses set forth in the zoning code.

(7) The director of finance and administration may impose such additional requirements as may be necessary, consistent with the police power authority of the city, to protect the public health, safety and welfare in the issuance of business licenses related to short-term rentals.

Section 8. A new Kirkland Municipal Code Section 7.02.310 is amended to read as follows:

7.02.310 Payment of Lodging Excise Tax on Short-term Rentals.

It shall be the responsibility of the person owning a residential unit used for a short-term rental to ensure the lodging excise tax provided for by Chapter 5.19 is timely paid.

Section 9. The provisions of this ordinance shall apply to all short-term rentals existing on or after the effective date hereof except to the extent necessary to avoid the impairment of existing short-term rental agreements as they may relate to rental dates and durations existing as of the effective date hereof.

364 Section 10. City staff shall provide an update to the City Council
365 on the performance of the short-term rental regulations, along with any
366 recommendations for improvements, no later than July 15, 2018.

367
368 Section 11. If any provision of this ordinance or its application
369 to any person or circumstance is held invalid, the remainder of the
370 ordinance or the application of the provision to other persons or
371 circumstances is not affected.

372
373 Section 12. This ordinance shall be in force and effect five days
374 from and after its passage by the Kirkland City Council and publication
375 pursuant to Section 1.08.017, Kirkland Municipal Code in the summary
376 form attached to the original of this ordinance and by this reference
377 approved by the City Council.

378 Passed by majority vote of the Kirkland City Council in open
379 meeting this 17th day of October, 2017.

380
381 Signed in authentication thereof this 17th day of October, 2017.



Amy Walen, Mayor

Attest:



Kathi Anderson, City Clerk

Approved as to Form:



Kevin Raymond, City Attorney



CITY OF KIRKLAND

City Attorney's Office
123 Fifth Avenue, Kirkland, WA 98033 425.587.3030
www.kirklandwa.gov

MEMORANDUM

To: Kurt Triplett, City Manager

From: Joe Sanford, Fire Chief
Heather Kelly, Emergency Manager
Kevin Raymond, City Attorney

Date: October 5, 2017

Subject: REVISIONS TO KIRKLAND MUNICIPAL CODE CHAPTER 3.20 RELATED TO
EMERGENCY MANAGEMENT

RECOMMENDATION:

City Council pass the attached ordinance making revisions to Kirkland Municipal Code ("KMC") Chapter 3.20 related to emergency management.

BACKGROUND DISCUSSION:

The City of Kirkland ("City") is in the process of taking steps to enhance its ability to respond quickly and effectively to the occurrence of a disaster or other emergency affecting the city of Kirkland, whether natural, human-made or technological in origin. The City's Office of Emergency Management ("OEM") is facilitating the development and adoption of Continuity of Operations ("COOP") and Continuity of Government ("COG") plans (collectively "Plan") to guide and support the City's emergency responses. Chapter 3.20 KMC includes a number of provisions that no longer reflect City practices and in some instances refer to repealed or re-codified state laws. As a result, and as an important part of the City's overall emergency planning efforts, Chapter 3.20 KMC is appropriate for amendment at this time.

What follows is a summary of the basis for the recommended code revisions, tracking existing Chapter 3.20 KMC, section by section:

Section 3.20.010

- Disasters and other emergencies are considered "incidents." "Events" are the result of government planning.
- Only the federal government can "declare" an emergency. State and local governments "proclaim" them.
- "Services" added to ensure definition is comprehensive and consistent with following sections.
- No emergency response can promise "all" services and functions will be carried out.
- Disaster and emergency planners now use the term "human-made" rather than "man-made," and typically include "technological" to account for this increasingly common incident form, e.g. computer system failures.

Section 3.20.020

- City can "help ensure" but cannot "ensure" success of disaster and emergency responses.
- Helpful in some isolated instances to clarify between "city" the local government and "city" the geographical area (i.e. by stating "city of Kirkland") as the terms are different and the code reviser will lower case all references to "city."
- Updated term under state law is "comprehensive emergency management plan." "Essential functions" considered more descriptive and less ambiguous than "government programs."

Section 3.20.030

- This unit of City government now referred to as an "office" rather than a "division."
- The presently-referenced WAC provision has been repealed.

Section 3.20.040

- Provides for appointment of Emergency Manager by Fire Chief, subject to approval of City Manager.

Section 3.20.050

- Chapter 118-07 WAC has been re-codified as Chapter 118-30 WAC.
- In this context, "ensure" is a better term than "insure."

Section 3.20.060

- The former emergency coordination center ("ECC") is now referred to as the emergency operations center ("EOC").
- There no longer exists a crisis action team ("CAT").
- Incident commanders ("ICs") vary depending on the type and scale of an incident and are typically deployed in the field. ICs therefore would not have a role overseeing operations from the EOC, which is the role of the Emergency Manager under the direction of the Director of Emergency Services (i.e. Fire Chief).

Section 3.20.070

- Considered helpful to include state law language conferring broad authority (together with specific examples) of City to respond to disasters and other emergencies without regard to time-consuming procedures and formalities otherwise required by law.

Section 3.20.080

- City now has an emergency management action team ("EMAT"), which has replaced the former emergency management task force ("EMTF").
- Membership of the EMAT has been modified to reflect current EMAT practice, including additions of City Attorney and Communications Manager.

Section 3.20.090

- Amends confusing, and two-tiered and in some instances antiquated "ratification of actions" language. The City Manager is ultimately responsible to the City Council for the City's response to an incident or other emergency. The City Manager will be expected to act immediately and likely before the Council will be able to meet. The intent of this

amended section is to make it clear that the City Manager is expected to act immediately, subject to action by the Council, including a ratification of prior acts, as soon as practicable.

Section 3.20.110

- Cleans up internal references to the emergency management compensation board, a creature of state law, and establishes board membership considered appropriate to a council-manager form of government (e.g. in addition to a Councilmember, City Manager rather than Mayor is a board member).

ORDINANCE O-4611

AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO EMERGENCY MANAGEMENT.

1 WHEREAS, the City of Kirkland ("City") is in the process of
2 enhancing its planning and ability to respond to natural, human-made
3 or technological disasters; and
4

5 WHEREAS, as part of such process the City is developing plans
6 providing for Continuity of Operations ("COOP") and Continuity of
7 Government ("COG"); and
8

9 WHEREAS, Kirkland Municipal Code ("KMC") Chapter 3.20
10 related to emergency management includes provisions that no longer
11 reflect City practices and therefore need to be revised to help meet the
12 City's emergency response needs, including through successful
13 implementation of the COOP and COG plans (collectively, "Plan").
14

15 NOW, THEREFORE, the City Council of the City of Kirkland do
16 ordain as follows:
17

18 Section 1. Kirkland Municipal Code Section 3.20.010 is amended
19 to read as follows:
20

21 **3.20.010 Definitions.**

22 For the purposes of this chapter the following terms shall have their
23 ordinary meaning and, in addition:

24 (a) "Emergency or disaster" means an incident event or set of
25 circumstances which:

26 (1) Demands immediate action to preserve public health, protect life,
27 protect public property, or to provide relief to any stricken community
28 overtaken by such occurrences, or

29 (2) Reaches such a dimension or degree of destructiveness as to
30 warrant the proclamation declaration of a state of emergency.

31 (b) "Emergency management" means the preparation for and the
32 carrying out of all emergency services and functions to mitigate, prepare
33 for, respond to, and recover from emergencies and disasters, and to aid
34 those victims suffering from injury or damage, resulting from disasters
35 caused by all hazards, whether natural, human-made or technological,
36 ~~or man-made~~, and to provide support for search and rescue operations
37 for persons and property in distress.
38

39 Section 2. Kirkland Municipal Code Section 3.20.020 is amended
40 to read as follows:
41

42 **3.20.020 Purpose.**

43 Because of the possibility of the occurrence of emergencies or disasters
44 of unprecedented size and destructiveness, and in order to help ensure
45 that preparations of the city will be adequate to deal with such disasters,
46 and generally to protect the public peace, health, and safety, and to

47 preserve the lives and property of the people of the city of Kirkland, it
 48 is the purpose of this chapter to provide for emergency management in
 49 the city in accordance with the city's comprehensive emergency
 50 management plan providing of Kirkland and to create an emergency
 51 management plan to provide for coordination of the city's emergency
 52 management and other essential government functions city of Kirkland's
 53 emergency management with other government programs.

54
 55 Section 3. Kirkland Municipal Code Section 3.20.030 is amended
 56 to read as follows:

57
 58 **3.20.030 Office Division created.**

59 There is hereby created, within the fire department, an office a division
 60 of emergency management to perform emergency management
 61 functions. The office division of emergency management is the city's city
 62 of Kirkland's local organization for emergency management for the
 63 purposes of RCW 38.52.070. For purposes of state regulation WAC 118-
 64 06-050(1)(b)(i), it is hereby specified that the division of emergency
 65 management represents only the city of Kirkland.

66
 67 Section 4. Kirkland Municipal Code Section 3.20.040 is amended
 68 to read as follows:

69
 70 **3.20.040 Director.**

71 The office division of emergency management shall be headed by the
 72 director of emergency services. The city manager shall appoint the fire
 73 chief as the director of emergency services. The director of emergency
 74 services shall be directly responsible to the city manager for the
 75 organization, administration, and operation of the office of emergency
 76 management division. The director of emergency services shall appoint
 77 an emergency manager, subject to the approval of the city manager.

78
 79 Section 5. Kirkland Municipal Code Section 3.20.050 is amended
 80 to read as follows:

81
 82 **3.20.050 Comprehensive emergency Emergency management**
 83 **plan.**

84 The director of emergency services shall create and maintain the city's
 85 comprehensive an emergency management plan which will also serve
 86 as the city of Kirkland's comprehensive emergency operations plan as
 87 described in Chapter 118-30 118-07 WAC. The city manager shall
 88 ensure insure that the city of Kirkland executes its comprehensive
 89 emergency management plan in the event of disaster and operates in
 90 accordance with said plan.

91
 92 Section 6. Kirkland Municipal Code Section 3.20.060 is amended
 93 to read as follows:

94
 95 **3.20.060 EOC ECC.**

96 The comprehensive emergency management plan shall provide for
 97 activation of the city's emergency operations center (EOC) emergency
 98 coordination center (ECC) or a crisis action team (CAT). Operation of
 99 the EOC ECC shall be under the direction of the director of emergency
 100 services by and through the emergency manager. incident commander

(IC). The emergency management plan shall provide for the designation of the IC, who will normally be the fire chief, the police chief, or the director of public works.

Section 7. Kirkland Municipal Code Section 3.20.070 is amended to read as follows:

3.20.070 Emergency powers.

In the event of an emergency or disaster coming within the scope of this chapter, the city of Kirkland shall have the broadest authority and greatest discretion consistent with state law the laws of the city of Kirkland and of the state of Washington with respect to emergency response and operation. These powers include, but are not limited to, those provided for in RCW 38.52.070; namely, the authority to act in light of the exigencies of an emergency situation without regard to time-consuming procedures and formalities prescribed by law (excepting mandatory constitutional requirements), including, but not limited to, budget law limitations, requirements of competitive bidding and publication of notices, provisions pertaining to the performance of public works, entering into contracts, the incurring of obligations, the employment of temporary workers, the rental of equipment, the purchase of supplies and materials, the levying of taxes, and the appropriation and expenditure of funds.

Section 8. Kirkland Municipal Code Section 3.20.080 is amended to read as follows:

3.20.080 Emergency management action team task force.

There is hereby established an emergency management action team (EMAT), ~~task force (EMTF)~~ which shall be composed of at least the following: director of emergency services, emergency manager, city attorney, communication manager, and one representative from each city department. The EMAT shall support the activities of the office of emergency management to help ensure that all city departments are prepared to help respond to needs in the city of Kirkland during and after a disaster ~~members of the city council, the city manager or designee; members of the CAT; the city attorney or designee; and the public information officer. The emergency management plan shall provide for meetings of the EMTF as a work group, meaning those members of the EMTF available to meet, as needed, shall for such meeting, be the EMTF work group. The city manager or designee shall chair the EMTF work group. The EMTF shall have as one of its functions, liaison to members of the city council who were not present at a work group meeting. Work group meetings may be called to address questions or implications of public health, safety and welfare relative to a disaster situation, particularly disaster recovery.~~

Section 9. Kirkland Municipal Code Section 3.20.090 is amended to read as follows:

3.20.090 Ratification of actions.

The incident commander shall have the authority to act on behalf of the city council, the mayor, and/or the city manager, subject to ratification ~~as soon as is practicable.~~ The city manager shall have the authority to

take action on behalf of the city in the event of an emergency or disaster, subject to ratification by the city council as soon as practicable council and/or the mayor pursuant to the emergency management plan, subject to ratification by the EMTF work group, the city council and/or the mayor.

Section 10. Kirkland Municipal Code Section 3.20.110 is amended to read as follows:

3.20.110 Emergency management compensation board.

There is hereby established an emergency management compensation board for the processing of claims arising from emergency management related activities. This board shall function as provided for in the emergency management plan and be guided by applicable state law such as RCW 38.52.210(2) through 38.52.260. The ~~emergency management claims compensation~~ board shall be composed of: one councilmember selected by the council; the city manager; the director of emergency services; the emergency manager; and the city attorney. The councilmember shall serve as the chair of the ~~compensation~~ board and the emergency manager ~~director of emergency services~~ shall serve as secretary of the board.

Section 11. Kirkland Municipal Code Section 3.20.120 is hereby repealed.

Section 12. If any provision of this ordinance or its application to any person or circumstance is held invalid, the remainder of the ordinance or the application of the provision to other persons or circumstances is not affected.

Section 13. This ordinance shall be in force and effect five days from and after its passage by the Kirkland City Council and publication pursuant to Section 1.08.017, Kirkland Municipal Code in the summary form attached to the original of this ordinance and by this reference approved by the City Council.

Passed by majority vote of the Kirkland City Council in open meeting this _____ day of _____, 2017.

Signed in authentication thereof this _____ day of _____, 2017.

Amy Walen, Mayor

Attest:

Kathi Anderson, City Clerk

Approved as to Form:

Kevin Raymond, City Attorney

PUBLICATION SUMMARY
OF ORDINANCE O-4611

AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO EMERGENCY MANAGEMENT.

SECTION 1. Amends Kirkland Municipal Code ("KMC") Section 3.20.010 related to the definitions for the Chapter.

SECTION 2. Amends KMC Section 3.20.020 amending the purpose of the Chapter.

SECTION 3. Amends KMC Section 3.20.030 updating the emergency management division to an office of emergency management.

SECTION 4. Amends KMC Section 3.20.040 related to the director of emergency services.

SECTION 5. Amends KMC Section 3.20.050 related to the comprehensive emergency management plan.

SECTION 6. Amends KMC Section 3.20.060 related to the Emergency Operations Center ("EOC").

SECTION 7. Amends KMC Section 3.20.070 related to emergency powers.

SECTION 8. Amends KMC Section 3.20.080 related to the emergency management action team.

SECTION 9. Amends KMC Section 3.20.090 related to ratification of actions.

SECTION 10. Amends KMC Section 3.20.110 related to the emergency management compensation board.

SECTION 11. Repeals KMC Section 3.20.120.

SECTION 12. Provides a severability clause for the ordinance.

SECTION 13. Authorizes publication of the ordinance by summary, which summary is approved by the City Council pursuant to Section 1.08.017 Kirkland Municipal Code and establishes the effective date as five days after publication of summary.

The full text of this Ordinance will be mailed without charge to any person upon request made to the City Clerk for the City of Kirkland. The Ordinance was passed by the Kirkland City Council at its meeting on the ____ day of _____, 2017.

I certify that the foregoing is a summary of Ordinance
_____ approved by the Kirkland City Council for summary
publication.

Kathi Anderson, City Clerk

Short-Term Rentals in Kirkland

The City Council adopted an ordinance regulating short-term rentals in Kirkland in October 2017. The ordinance, O-4607, defines short-term rentals as a rental lasting for less than thirty days, as opposed to long-term rentals, which are defined as those lasting 30 days or more.

The ordinance primarily applies to single family residences. Multifamily residences are generally governed by the rules of the individual complex.

Residents should be aware, however, that the City of Kirkland requires business licenses for any commercial transaction, including all short-term and long-term rentals (including multifamily residences).

Current requirements to obtain a short-term rental business license for homes in Kirkland:

1. The property owner, or an authorized agent, must occupy the property as a primary residence at least 245 days per year to enter into short-term rentals there.
2. A property manager living within 15 miles of the residence must be identified for those days when neither the owner nor an authorized agent are occupying the property.
3. The property owner must have a business license from the State of Washington.
4. The property owner (or authorized agent) also must complete and submit a business license application for the City of Kirkland, and pay licensing fees.
5. As part of the application, a declaration must be filled out and signed. If the applicant is not the owner, it must still be signed by the owner, as owners retain specified responsibilities in all events.
6. Lodging taxes for short-term rentals must be paid to the State of Washington, and those payments are the responsibility of the property

owner.

Frequently Asked Questions:

Occupying the Residence

Authorized Agents

Business Licenses

Taxes

Enforcement and Complaints

Other Questions

David Levitan

From: Kelly Chelin
Sent: Monday, October 3, 2022 7:30 AM
To: Gene Brazel; Russell Wright; David Levitan
Cc: Caitlin Weaver
Subject: FW: LUA2022-0046: Short-Term Rentals Code Amendment

-----Original Message-----

From: JANE MOLENKAMP <jdmolenkamp@comcast.net>
Sent: Sunday, October 2, 2022 3:27 PM
To: DeputyClerk <deputyclerk@lakestevenswa.gov>
Cc: Gary Petershagen <gpetershagen@lakestevenswa.gov>; Shawn Frederick <sfrederick@lakestevenswa.gov>; Mary Dickinson <mdickinson@lakestevenswa.gov>; Anji Jorstad <ajorstad@lakestevenswa.gov>; Steve Ewing <sewing@lakestevenswa.gov>; Marcus Tageant <mtageant@lakestevenswa.gov>; Kim Daughtry <kdaughtry@lakestevenswa.gov>
Subject: LUA2022-0046: Short-Term Rentals Code Amendment

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

To: Lake Stevens City Council Members,

RE: LUA2022-0046: Short-Term Rentals Code Amendment

We have been following the progression of this Code amendment for months now. As permanent, long-time residents, we are concerned that the recommendation of the Planning Commission to limit the scope of Short-Term Rentals was rejected by the Council and may be replaced with a revised regulation. The Planning Commission spent considerable time researching how other communities addressed this issue, noting how vacation rentals can impact those communities. The recommended revisions took into account concerns such as parking, safety, privacy and noise.

The City investigated the number of existing Short-Term Rentals and discovered that most had not been permitted. Several letters sent to the addresses of such rentals were "Returned to Sender". I believe at least one owner-operator wrote to the City explaining how their property was being used. Subsequently, the issue was tabled for more review. Since that time, has the City been able to locate the owners of the other STRs? Have more rentals been listed on VRBO or AirBnB?

Lake Stevens is located in a unique setting, with abundant recreational opportunities and a strong sense of community. We chose to raise our family here and have participated in our community over the years. With growth, there have been changes in the makeup of the city. We understand the need for more affordable housing and welcome new residents. We do not, however, feel that our city will be enhanced by temporary vacation rentals operated by absentee owners and/or businesses. To the contrary, entire neighborhoods will be impacted adversely, property values will drop, and the character of our "one Community Around the Lake" will suffer.

Please reconsider the original recommendations from the Planning Commission and revise the original ordinance accordingly.

Respectfully,

Jane and Delmar Molenkamp
10818 Vernon Rd

425-334-0468

[<https://www.lakestevenswa.gov/ImageRepository/Document?documentId=9326>]

[<https://www.lakestevenswa.gov/ImageRepository/Document?documentId=9315>]
Kelly Chelin, City Clerk

City of Lake Stevens | Administration
1812 Main Street | PO Box 257
Lake Stevens, WA 98258
(425) 622-9412
kchelin@lakestevenswa.gov

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David Levitan

From: Kelly Chelin
Sent: Monday, October 3, 2022 7:29 AM
To: Russell Wright; David Levitan; Gene Brazel
Cc: Caitlin Weaver
Subject: FW: For City Council Oct 4th Work shop



Kelly Chelin, *City Clerk*

City of Lake Stevens | Administration
1812 Main Street | PO Box 257
Lake Stevens, WA 98258
(425) 622-9412
kchelin@lakestevenswa.gov

NOTICE: All emails and attachments sent to and from the city of Lake Stevens are public records and may be subject to disclosure pursuant to the Public Records Act (RCW 42.56).

From: kathy nysether <kathycn@hotmail.com>
Sent: Sunday, October 2, 2022 8:09 PM
To: DeputyClerk <deputyclerk@lakestevenswa.gov>
Cc: Brett Gailey <bgailey@lakestevenswa.gov>; Gary Petershagen <gpetershagen@lakestevenswa.gov>; Mary Dickinson <mdickinson@lakestevenswa.gov>; Steve Ewing <sewing@lakestevenswa.gov>; Marcus Tageant <mtageant@lakestevenswa.gov>; Shawn Frederick <sfrederick@lakestevenswa.gov>; Anji Jorstad <ajorstad@lakestevenswa.gov>; Marcus Tageant <mtageant@lakestevenswa.gov>; Kim Daughtry <kdaughtry@lakestevenswa.gov>
Subject: For City Council Oct 4th Work shop

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear City Council Members,

I will be listening in via zoom to your workshop this week if I am not able to attend in person.

Please don't get so caught up on the actual data in Lake Stevens regarding Police calls on residences that you believe are STR's. I understand that it is frustrating that you weren't given this data. There is so much data from so many other cities on this matter that I don't think you need to get too specific.

Also, please remember that not every neighborhood in Lake Stevens has an HOA that restricts these types of activities. You, as a City Council, need to protect and represent the citizens of the city that do not have HOA's to protect them.

I am still in favor of hosted STR's. Please also consider making a limit to how many can operate in the city. And make stricter regulations on licensing and operating. Have in place a way to control that. You heard all of the

comments at the last meeting. And remember, you have 1 licensed STR. If you plan to give all of the others a chance to become legal, you need to set a deadline and make them comply or shut them down. They were supposed to be licensed all along.

Interesting to me, is there has not been anyone speaking in favor of what you are proposing. Please listen!

Food For Thought! This was a question brought up by a friend:

I have a question with regards to who will be enforcing this code?

We already have several homes in our neighborhood that are single family homes with multiple families living in them and the city despite complaints has done nothing.

I am not sure this will get the attention we are hoping for even with a code in place.

I answered her by saying that whatever City Council decides to do, it's going to need to be enforced.

This is a huge issue that can change the future of our city. Please be sure you are keeping the residents of the city in mind.

Thank you for all the work you do for our city.

Sincerely, Kathy Nysether
kathycn@hotmail.com

David Levitan

From: Aileen Spradlin <aileenspradlin@gmail.com>
Sent: Saturday, October 22, 2022 12:34 PM
To: David Levitan
Subject: Fwd: STR Regulation

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hello David,
Apparently this email was not submitted for public record.
Please include it in the Public Hearing packet.
Thank you.
Aileen

Sent from my iPad

Begin forwarded message:

From: Aileen <aileenspradlin@gmail.com>
Date: October 5, 2022 at 1:52:43 PM PDT
To: kdaughtry@lakestevenswa.gov
Subject: STR Regulation

Dear Council Member Daughtry,

From the first City Council meeting when the council was introduced to revising of the Tourist Home code there has been a disconcerting sentiment toward waterfront residents. It appears we are perceived as self important and expecting special consideration.

Please believe me when I tell you I do not expect to be treated any differently regardless of where I make my home.

Todd and I raised our boys at the end of a cul-de-sac in a densely populated residential neighborhood in South East Everett and we would have been equally unhappy with the high numbers of transient individuals, traffic, illegal parking, trespassing and celebratory behavior that accompanied the 2 and 3 new groups of short term renters who arrived every week.

The reason you are seeing us "the same people" showing up at the Council meetings is because we have first hand experience living next door to a VRBO in 2020.

We've been through the unpleasant process of submitting a code enforcement request resulting in a cease and desist order and thus preventing our neighborhood VRBO from operating an unregulated, unsupervised, full time, for profit, vacation rental business.

We and our neighbors had many opportunities to report illegal behavior related to this VRBO. Because we were naive about this VRBO operating out of compliance with city code and were concerned about preserving good neighbor relations and we are considerate of involving our police department you will not find any evidence of these incidents.

I did call police in November of 2020 and a police report is available outlining the 10 hours of harassment we endured from our disgruntled neighbor after his very lucrative VRBO business was ordered to cease and desist.

We don't understand why our City Council is reluctant acknowledge that people coming to our city for vacation and recreation will be most attracted to waterfront STRs and so will prospecting business interests and corporate entities.

Council member Dickenson's remarks last night were exactly correct. This is a very complex matter, we have opportunity to learn from others experience and would benefit greatly from setting a high bar and develop a STR regulation that other cities would want to model.

I've asked the Special Council Subcommittee to reach out and speak with the city officials of Kirkland, Bellingham, and Walla Walla for additional information about their STR experiences. To please re-examine the revised STR regulations of these cities and Chelan County that have been provided to City Council in these past many months.

I've seen no evidence they have any intent to do so and now I'm asking you to please undertake this additional research on behalf of your citizens.

Despite what council members may believe we are regular, caring, decent, law abiding citizens. We appreciate living in this beautiful landscape and we support our great community and good neighbors.

I am happy to meet with you in person to further explain why we are so committed to the owner occupancy requirement of our STR regulation.

Respectfully,

Aileen Spradlin

David Levitan

From: Aileen Spradlin <aileenspradlin@gmail.com>
Sent: Saturday, October 22, 2022 12:35 PM
To: David Levitan
Subject: Fwd: STR Regulation

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Please get this one recorded as well.

Thanks again.

Aileen

Sent from my iPad

Begin forwarded message:

From: Aileen <aileenspradlin@gmail.com>
Date: October 5, 2022 at 2:00:28 PM PDT
To: mdickinson@lakestevenswa.gov
Subject: STR Regulation

Dear Council Member Dickinson,

From the first City Council meeting when the council was introduced to revising of the Tourist Home code there has been a disconcerting sentiment toward waterfront residents. It appears we are perceived as self important and expecting special consideration.

Please believe me when I tell you I do not expect to be treated any differently regardless of where I make my home.

Todd and I raised our boys at the end of a cul-de-sac in a densely populated residential neighborhood in South East Everett and we would have been equally unhappy with the high numbers of transient individuals, traffic, illegal parking, trespassing and celebratory behavior that accompanied the 2 and 3 new groups of short term renters who arrived every week.

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We don't understand why our City Council is reluctant acknowledge that people coming to our city for vacation and recreation will be most attracted to waterfront STRs and so will prospecting business interests and corporate entities.

Your remarks last night are exactly correct. This is a very complex matter, we have opportunity to learn from others experience and would benefit greatly from setting a high bar and develop a STR regulation that other cities would want to model.

I've asked the Special Council Subcommittee to reach out and speak with the city officials of Kirkland, Bellingham, and Walla Walla for additional information about their STR experiences. To please re-examine the revised STR regulations of these cities and Chelan County that have been provided to City Council in these past many months.

I've seen no evidence they have any intent to do so and now I'm asking you to please undertake this additional research on behalf of your citizens.

Despite what council members may believe we are regular, caring, decent, law abiding citizens. We appreciate living in this beautiful landscape and we support our great community and good neighbors.

I am happy to meet with you in person to further explain why we are so committed to the owner occupancy require

October 23, 2022

TO: Members of the Lake Stevens City Council and Mayor Gailey

RE: Proposed Ordinance Regarding Short-Term Rentals

Dear Members of the City Council and Mayor Gailey,

I am adamantly opposed to the adoption of proposed Ordinance No. 1139. Not only does it fail to protect the interests of property owners within the city, I believe it is significantly legally flawed. As noted in the proposed ordinance, land use code amendments are Type VI legislative decisions which require a recommendation from the Planning Commission to City Council, based on written findings and conclusions, supported by evidence from an open-record hearing. I am unaware of any evidence to support the Council's proposed finding that the adoption and amendment of codes are consistent with the Comprehensive Plan, comply with the Growth Management Act and *advance the public health, safety, and welfare*. In fact, I believe all evidence provided to the council has been to the contrary. You have been provided with information from numerous communities and municipalities that have been negatively impacted by un-hosted short-term rentals as well as subsequent attempts to limit further damage. These efforts range from tight regulation and penalties to outright bans. Your summary also does not reflect that several of the public meetings regarding this issue have been standing room only and that virtually all of the meeting attendees appear to oppose the council's proposed ordinance.

The council has not "refined" the code language recommended by the Planning Commission, it has totally disregarded the Commission's recommendations, and has done so without explanation to the public or presentation of evidence on which they relied. The current proposed ordinance not only authorizes, it invites absent corporate landlords to operate multiple commercial rentals in neighborhoods that are otherwise not zoned for commercial use. An abundance of written evidence and testimony has been provided to the council to document that such commercial use in neighborhoods reduces property values of nearby property, reduces available rental property, and increases traffic, noise, and garbage all of which do not advance public health, safety, and welfare.

It has not yet been determined in Washington whether un-hosted short-term rentals, owned and operated solely for profit in residential neighborhoods, constitute commercial use. Common sense would indicate that it does. Despite the lack of legal authorization for such use, the city council chooses to promote such use and make a finding that the STRs are consistent with the Comprehensive Plan and comply with the Growth Management Act. Additionally, there has been no evidence to support a finding that the current Environmental Impact Statement has considered the impact of short-term rentals on our neighborhoods.

The proposed ordinance does not provide any redress or enforcement for the inevitable problems which have been identified in virtually every other community that has failed to adequately regulate short-term rentals. Lake Stevens is proposing to open the floodgates to these problems for reasons I cannot comprehend or imagine. Violations of the regulations regarding short-term rentals are deemed "low

risk situations” which “need response as time permits”. LSMC 17.20.020(c). If the Code Enforcement Officer determines a complaint is reliable and a violation has occurred, they may, or may not, take any number of actions. It is completely discretionary as to whether the Code Enforcement Officer investigates at all, and what, if anything, will occur for violations. As per LSMC 17.20, the city is not required to investigate complaints regarding violations nor are they required to do anything about violations that they determine have occurred or are continuing to occur. Response to complaints are deemed to be handled by a “responsible party” who is not required to reside in the State of Washington, much less the United States.

The council has continued to insist they are trying to balance the interests of all the citizens of Lake Stevens, and not just those opposed to un-hosted short-term rentals. The only valid consideration I am aware of which might validate the authorization of short-term rentals is to allow existing property owners to supplement their income by providing temporary lodging to others. The city has gone so much farther than that with this proposed ordinance. It has invited the creation of mini-hotels owned and operated by absent corporations and landlords in our residential neighborhoods. These are to be overseen by individuals who also are not required to reside anywhere near the property for which they are responsible. How does that balance with the adjacent property owners whose property values will decrease? How does that balance with the increased safety risk of having a revolving door of strangers and their pets as your new neighbors, driving up and down streets that renters do not know how many children regularly play on? There is a reason virtually all CCRs prohibit short-term rentals--they are not good for neighborhoods. On what basis does the City Council determine, despite overwhelming public opposition, short-term rentals are good for the rest of us who are not protected by CCRs? What evidence have you relied on to determine they “advance our public health, safety, and welfare”?

The Lake Stevens City Council has shown a complete and total lack of good faith and transparency in summarily disregarding the recommendations of the Planning Commission and in ignoring the legitimate concerns of the numerous citizens opposed to your proposed ordinance. Council members have publicly acknowledged validity of the concerns and have repeatedly stated you are listening. Many of the expressed concerns could have been easily addressed by additional language in the proposed ordinance. Instead, the council has continued to push an ordinance that is an invitation to trouble for the residents of this community and offers a total lack of ability for us to deal with those problems when they arise. Your finding that this proposal advances the public health, safety and welfare of the residents of this community does not make that finding true and is definitely not evidence based.

A short list of protections the council should have included in this ordinance to protect citizens are:

- Un-hosted rentals only authorized in areas zoned for commercial use;
- One STR license per principal;
- Responsible Party must reside within 10 miles of property in question;
- Responsible Party will sign acknowledgment they understand the applicable rules and regulations and are available to address complaints/concerns;
- Complaints raised to “moderate risk situation which need a prompt response”;
- 2-3 strikes in 12 month period and license revoked for 5 years.

I am requesting you do not vote to adopt the proposed Ordinance No. 1139 and that you instead form a committee comprised of city council members (with the exception of Commissioner Tageant, who has

an obvious conflict of interest the council has failed to acknowledge) and property owners to attempt to formulate an ordinance that will address the concerns expressed by your constituents.

Sincerely,

Kirsten Haugen
9917 N Davies Rd
Lake Stevens, WA

David Levitan

From: Kelly Chelin
Sent: Monday, October 24, 2022 7:20 AM
Cc: Russell Wright; David Levitan
Subject: FW: Concern re: short-term rentals in Lake Stevens

Mayor/Council – Please see an email below regarding short term rentals. Thanks!



Kelly Chelin, *City Clerk*

City of Lake Stevens | Administration
1812 Main Street | PO Box 257
Lake Stevens, WA 98258
(425) 622-9412
kchelin@lakestevenswa.gov

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From: Natalie Lavinger <natalielavinger@gmail.com>
Sent: Sunday, October 23, 2022 11:27 PM
To: Kelly Chelin <kchelin@lakestevenswa.gov>
Subject: Concern re: short-term rentals in Lake Stevens

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Kelly,

I am emailing as a concerned citizen regarding the issue of short-term rentals here in Lake Stevens. I would like to advocate against these rentals due to the following reasons:

- the integrity of our community will be compromised
- there is a higher rate of vandalism and after-hours noise
- housing costs will increase and price out younger families trying to get established

Our family has made Lake Stevens our home for nearly 30 years now, and we feel it is an ideal community in which to raise children and enjoy a good life in a beautiful part of the state. The schools are excellent; there are many worthy community organizations; and with all the parks and the lake, it is a desirable area to spend recreational time. If Lake Stevens jumps headlong into short-term rentals, we will likely be compromising many of the things that make this such a great community for people, especially families, in the long run.

Let's keep in mind the bigger picture here and preserve the integrity of Lake Stevens by not opening up short-term rentals.

Respectfully,

Natalie Laving
906 123rd Ave NE
Lake Stevens, WA 98258
425-232-9840

David Levitan

From: Kelly Chelin
Sent: Monday, October 24, 2022 7:24 AM
To: Russell Wright; David Levitan
Subject: FW: Comments re: Public Hearing on STR's

FYI



Kelly Chelin, *City Clerk*

City of Lake Stevens | Administration
1812 Main Street | PO Box 257
Lake Stevens, WA 98258
(425) 622-9412
kchelin@lakestevenswa.gov

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From: kathy nysether <kathycn@hotmail.com>
Sent: Sunday, October 23, 2022 3:46 PM
To: DeputyClerk <deputyclerk@lakestevenswa.gov>
Cc: Brett Gailey <bgailey@lakestevenswa.gov>; Gary Petershagen <gpetershagen@lakestevenswa.gov>; Mary Dickinson <mdickinson@lakestevenswa.gov>; Steve Ewing <sewing@lakestevenswa.gov>; Marcus Tageant <mtageant@lakestevenswa.gov>; Shawn Frederick <sfrederick@lakestevenswa.gov>; Anji Jorstad <ajorstad@lakestevenswa.gov>; Marcus Tageant <mtageant@lakestevenswa.gov>; Kim Daughtry <kdaughtry@lakestevenswa.gov>
Subject: Comments re: Public Hearing on STR's

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Dear City Council members,

Once again I am writing to you in regards to the Short Term Rental code.

I like some of what you are proposing. The details of who can own STR's, permitting process and fees, fines and penalties that will occur if not followed. I really like the part that states what is not allowed as far as parties, weddings etc. Thank you for adding the existing codes such as noise that need to be followed.

I hope the permitting fees will adequately cover the wages of employees for their time spent handling this. It seems low to me. I think part of the fee should be for offsetting police officers time if and when needed.

I hope that you will continue to take the time and work needed to get this to a really good place!! Once it is in effect, it is very difficult to back up and take away rights that you have just given them.

Some things to think about:

I am still concerned about how you will know if these items are not being followed. Is it up to the neighbors to turn these discrepancies in? That is uncomfortable.

How will you be contacting the STR's that are operating out of compliance already and how long will they have to get permitted or be shut down?

Also, I feel the Good Neighbor Guidelines should require the STR owner to provide a contact # to neighboring homes. Or you could include this with the notification of properties within 300 foot radius of the boundaries.

I am not convinced that your parking guidelines provide enough parking so that an STR will not cause parking issues in neighborhoods. I still feel 1 parking space per bedroom rented is appropriate. Same as a hotel.

Please consider forming a citizen advisory committee with people representing both sides of this issue to help fine tune our new code!

Thank you for considering my concerns,

Kathy Nysether

kathycn@hotmail.com

David Levitan

From: Aileen <aileenspradlin@gmail.com>
Sent: Sunday, October 23, 2022 4:11 PM
To: Anji Jorstad; Steve Ewing; Shawn Frederick; Gary Petershagen; Mary Dickinson; Kim Daughtry; Marcus Tageant; Brett Gailey; gbrazil@lakestevenswa.gov; rwright@lakestevens.gov; DeputyClerk; David Levitan
Subject: Short Term Rental Regulation

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear City Officials,

Kirkland was Ranked Third **Best** Place to Live in the U.S. by Money Magazine Published on October 04, 2022

They have clearly put extensive time and effort into their Short Term Rental code.

Please consider this excellent ordinance for regulating short term rentals in our great City of Lake Stevens.

Thank you,
Aileen Spradlin

<https://www.kirklandwa.gov › Government › Departments › Finance-and-Administration › Customer-Accounts › Apply-for-a-Business-License › Short-Term-Rentals-in-Kirkland>

Short-Term Rentals in Kirkland

The City Council adopted an ordinance regulating short-term rentals in Kirkland in October 2017. The ordinance, O-4607, defines short-term rentals as a rental lasting for less than thirty days, as opposed to long-term rentals, which are defined as those lasting 30 days or more.

The ordinance primarily applies to single family residences. Multifamily residences are generally governed by the rules of the individual complex.

Residents should be aware, however, that the City of Kirkland requires business licenses for any commercial transaction, including all short-term and long-term rentals (including multifamily residences).

Current requirements to obtain a short-term rental business license for homes in Kirkland:

1. The property owner, or an authorized agent, must occupy the property as a primary residence at least 245 days per year to enter into short-term rentals there.
2. A property manager living within 15 miles of the residence must be identified for those days when neither the owner nor an authorized agent are occupying the property.

3. The property owner must have a business license from the State of Washington.
 4. The property owner (or authorized agent) also must complete and submit a business license application for the City of Kirkland, and pay licensing fees.
 5. As part of the application, a declaration must be filled out and signed. If the applicant is not the owner, it must still be signed by the owner, as owners retain specified responsibilities in all events.
 6. Lodging taxes for short-term rentals must be paid to the State of Washington, and those payments are the responsibility of the property owner.
-

David Levitan

From: Aileen <aileenspradlin@gmail.com>
Sent: Monday, October 24, 2022 4:55 PM
To: Anji Jorstad; Shawn Frederick; Steve Ewing; Gary Petershagen; Mary Dickinson; Kim Daughtry; Marcus Tageant
Cc: Brett Gailey; gbrazil@lakestevenswa.gov; rwright@lakestevens.gov; DeputyClerk; David Levitan
Subject: 10-25-22 STR Public Hearing

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Dear City Council,

Reading this newest proposed STR regulation it is apparent that the special council subcommittee is incapable of compromising with the public and concerns surrounding permitting business and corporate owned, full time, transient recreational rentals within our city's residentially zoned neighborhoods.

My neighbors and I have experienced exactly what this proposed code is recommending. This business in our neighborhood quickly became disruptive. It was intrusive and made us feel unsafe and less secure.

This council subcommittee is clearly not representing the best interests of citizens who reside, raise families and retire here. These are your constituents and citizens who are vested in our community, who vote to approve levies, programs and projects that support and benefit the city.

The vast majority of citizens attending and speaking at council meetings are in support of the Planning Commission's proposed ordinance for short term rentals including "owner occupancy" and "hosted" rentals.

You tell us you are not just accountable to these citizens but all of the citizens in Lake Stevens. Who and where are these citizens that support your proposed ordinance for Business and Corporate owned STRs?

Lake Stevens has experienced tremendous growth over the past 5-10 years and it's not surprising that most, if not all, have HOAs as a means of protecting them from this issue of short term rentals. The homes surrounding the lake and older homes in the city do not have these protections. To say this is an "entire" Lake Stevens issue is simply not true.

Other than Council member Tageant who stands to gain professionally and financially as a property manager, I'm baffled by council members refusal to endorse the Planning Commission's body of work, their refusal to acknowledge the public's concerns and repeated pleas to be listened to and your curious favor for allowing absent, business owned rental operators who's only interest is investment and profit to infiltrate our neighborhoods.

This matter is complex. Council member Dickenson expressed it best when she stated we should take the time to do this right and we should strive to develop a regulation that other cities will want to model.

I am requesting the City Council postpone voting on this STR regulation and that you create a task force including residents from both sides of this issue to compromise and develop a regulation that supports citizens who make Lake Stevens their home and who also want to supplement their income with short term rental.

Respectfully,

Aileen Spradlin
10429 E Davies Loop Rd
Lake Sevens, WA 98258

From: [Nikki Odegaard](#)
To: [Kim Daughtry](#); [Gary Petershagen](#); [Shawn Frederick](#); [Mary Dickinson](#); [Anji Jorstad](#); [Steve Ewing](#); [Marcus Tageant](#); [Brett Gailey](#); [DeputyClerk](#); [wright@lakestevens.gov](#); [gbrazil@lakestevenswa.gov](#); [lsplanning](#)
Subject: Input on Sub-Committee draft proposal on STRs for tomorrow's meeting from Nikki & Bruce Odegaard
Date: Monday, October 24, 2022 2:25:30 PM

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Dear City Council members,

My husband and I have gone through the latest version of the STR rules from the sub-committee and feel obliged to respond once again. It does not appear that the sub-committee took any notice of the comments from many members of the community - the people the Council represents.

Essentially, the issue which concerns us most is the commercialization of STRs, which has the power to greatly affect the neighborhoods around them. Instead of the owner/designee being on the property and able to ensure rules are followed, the new rules would allow for designation of "a responsible party - owner/property manager or designee". The owner just has to provide "valid contact info" for said "responsible party". The owner may now own more than one property. In other words, there is no requirement for someone who can/will take action at the time to shut down wild parties, unsociable/unlawful behavior etc.

A reading of the LSMC regulations, especially regarding enforcement, clearly shows that any kind of timely response is virtually guaranteed NOT to happen. Complaints to the police are graded for level of emergency through nuisance, and of course an emergency will take what limited resources are available. The verbiage of "multiple violations" leading to "progressive enforcement" (LSMC 17.20.030) is basically irrelevant for this short-term rental situation.

I had thought maybe one action that might help would be to require any ad in the AirBnB, VRBO etc website must include verbiage to emphasize that this property was in a quiet, residential community which would take action against any renters not following the rules - so if planning on partying hard, don't choose this place! However, these companies do not have a good reputation for helping in this regard.

Finally, we have SO many examples of cities which have lived to regret allowing this commercialization to happen, in the interest of "property rights" and earning more \$\$ for their cities. They have found it extremely hard to try and pull back once it has been allowed. A quote from the Mayor of Palm Beach seems very relevant here - "It's people taking very nice properties, buying them and turning them essentially into flophouses for as many people as they can pack in there - to extract as much income as possible in the middle of a neighborhood not zoned for that kind of behavior." Let's learn from the mistakes of others.

We need to keep the existing STR rule of owner occupation to ensure our city remains the place we know and love. This is a matter of sufficient importance that maybe there is some way it could be put before the public - if people around the lake knew about it, I have no doubt this would be the overwhelming view.

Please, City Council members, this one aspect of the STR regulations needs to be kept intact! The sub-committee does not appear to have listened to the public comments on the issue of keeping the owner on site, thereby changing the whole dynamic of a residential neighborhood.



Reply Forward

David Levitan

From: Kelly Chelin
Sent: Tuesday, October 25, 2022 8:32 AM
To: Russell Wright; David Levitan
Cc: Gene Brazel
Subject: FW: Short Term Rentals - Public Comment



Kelly Chelin, *City Clerk*

City of Lake Stevens | Administration
1812 Main Street | PO Box 257
Lake Stevens, WA 98258
(425) 622-9412
kchelin@lakestevenswa.gov

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From: Jeanne Petershagen <jpetershagen@hotmail.com>
Sent: Monday, October 24, 2022 7:59 PM
To: Kim Daughtry <kdaughtry@lakestevenswa.gov>; Gary Petershagen <gpetershagen@lakestevenswa.gov>; Shawn Frederick <sfrederick@lakestevenswa.gov>; Mary Dickinson <mdickinson@lakestevenswa.gov>; Anji Jorstad <ajorstad@lakestevenswa.gov>; sewing@lakestevenswa.gov; Marcus Tageant <mtageant@lakestevenswa.gov>; Brett Gailey <bgailey@lakestevenswa.gov>; Kelly Chelin <kchelin@lakestevenswa.gov>
Subject: Short Term Rentals - Public Comment

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Mayor Gailey and City Council Members,

RE: Short Term Rentals (less than 30 days per stay),

In the STR discussions, I have watched Council proceedings as Council members heard from community members who are already being affected adversely from the negative environment of STR's. It is apparent from the proposed regulations; their voices are not being heard. This is very frustrating as it appears the Council is discounting their comments and concerns.

First, to clear up a misconception that was voiced by a few members on Council during these discussions; they spoke that "they are working on behalf of the entire Lake Stevens community" regarding STR's. This is not accurate. Anyone living within a community managed by a Homeowner's Association is not affected by STR's because typically HOA's prohibit rentals for less than 30 – 60 or 90 days depending upon the HOA. There is a reason for that, to provide the

HOMEOWNERS and LONG-TERM TENANTS with a sense of security in their neighborhood. The proposed regulations do nothing for those in our community that do not belong to an HOA. People that are not bound by the rules of an HOA are the people you are representing regarding STR's. Do they not deserve the same level of security as the HOA neighborhoods?

We live in such a unique and beautiful place, which is growing rapidly and bringing with that its own challenges. I ask that you not bring additional challenges to our residents, without strong requirements of adherence. Guests to the area should be required to be respectful of our neighborhoods and the health of our lake as well.

Many communities throughout Washington and the United States, that have long standing STR's have now backtracked and taken a stronger more regulated stance for good reason which is well documented. I personally know friends and relatives that have STR's located in other communities. And although they may not enjoy the paperwork to adhere to the regulations, they too know it benefits their community with strong requirements of their tenants. Also, our family has rented STR's in strongly regulated communities which we as renters were appreciative of. Why should our community be any different? Turning a residential community into a very lightly regulated commercial business community, no doubt will (has) affected our residents negatively.

In my opinion, it is easier to make stronger regulations in the beginning than to step back on regulations later, as many municipalities are now finding as well as our own. This process has taken the time of City Staff, Planning Commission, Councilmembers, and numerous Community Members for well over a year and will continue to cause additional time, if not done well in the first place.

I respectfully request that the Council does not accept the proposed regulations as it stands and further suggest that the Council add additional requirements to provide protections to the residents they are tasked to work on behalf of and represent and add fees to cover the costs of city staff so that is not borne by the current budget. I request that the Council listen to the concerns of the community members and adopt much stronger regulations than what you have proposed.

Sincerely,

Jeanne Petershagen

jpetershagen@hotmail.com | 425.210.7262

David Levitan

From: Spradlin <todd.sprad@gmail.com>
Sent: Monday, October 24, 2022 2:17 PM
To: Anji Jorstad; Mary Dickinson; Gary Petershagen; Kim Daughtry; Marcus Tageant; Steve Ewing; Shawn Frederick; David Levitan; gbrazil@lakestevenswa.gov; Brett Gailey; DeputyClerk
Subject: STR regulation clarifications

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Dear Council Members

I would like to address the City's proposed STR Ordinance and the process for reporting complaints of code violations and/or illegal activity.

Since the Council has decided to reject the Planning Commission's extensive work and recommendation for a hosted and owner occupancy requirement, it appears we may be forced to live with non residential and un-hosted STRs for a while until our city officials receive enough police complaints to acknowledge these businesses do not belong in our residentially zoned neighborhoods.

There is no language in the proposed ordinance describing a process for the neighbors to report STR violations. It appears the City would suggest we call the police through the 911 system. I see a challenge with strategy. The police may categorize these incidents as a "low risk situations" and would be unable or unwilling to respond.

Since many renters of STRs are only tenants for a few days, I foresee a problem with our one code enforcement officer responding in a timely manner. The renter would likely be gone by the time the officer shows up.

Requiring the STRs responsible party to live within the Lake Stevens city limits or within 10 miles of the STR may be a solution for an immediate concern. I would suggest the responsible party be "on call" within these parameters when the property is being rented so they can respond in person within a timely manner.

One problem with this scenario is there would be no public record if the violation were reported to the responsible party. To have any Enforcement Action, an official report will have to be filed according to the City's Procedures and Guidelines for Responding to code Complaints and Violations (chapter 17.20.030).

Additionally, how will the city measure violation data to enforce fines and penalties for STRs unless a police report is generated?

How can I as a neighboring property owner be assured the city is equipped to manage the inevitable problems that will surround non residential un-hosted STR business issues moving forward?

At this time, there is no provision for the STR neighbors to have the contact information of the responsible party. This information is required to be registered with City Hall and posted inside the rental dwelling.

It should not be a burden for neighboring property owners to seek up-to-date contact information or how to report and manage violations.

These issues need to be addressed and corrected before City Council moves forward with adoption of this ordinance.

Unless the City can address these issues, clarify the code language and demonstrate how these regulations can and will be enforced, the City is demonstrating a lack of good faith.

Sincerely,
Todd Spradlin
10429 E Davies Loop Rd
Lake Stevens
(425) 334-2565

David Levitan

From: Russell Wright
Sent: Monday, November 7, 2022 9:17 AM
To: David Levitan
Subject: FW: STR/ reading time 9 minutes. Thank you

FYI



Russell Wright, *Community Development Director*

City of Lake Stevens | Planning and Community Development
1812 Main Street | PO Box 257
Lake Stevens, WA 98258
(425) 622-9424
rwright@lakestevenswa.gov

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From: Aileen Spradlin <aileenspradlin@gmail.com>
Sent: Monday, November 7, 2022 9:07 AM
To: Steve Ewing <sewing@lakestevenswa.gov>; Russell Wright <rwright@lakestevenswa.gov>; Gene Brazel <gbrazel@lakestevenswa.gov>; DeputyClerk <deputyclerk@lakestevenswa.gov>
Subject: Fwd: STR/ reading time 9 minutes. Thank you

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Sent from my iPhone

Begin forwarded message:

From: Aileen <aileenspradlin@gmail.com>
Date: November 4, 2022 at 2:33:39 PM PDT
To: bgailey@lakestevenswa.gov
Subject: STR/ reading time 9 minutes. Thank you

Dear Mayor Gailey,

Public trust in city government has eroded since the City Council rejected the Planning Commission's advise and then immediately proposed STR regulation that directly opposes public opinion.

Citizens have provided council members with verifiable data that supports our concerns including examples of revised regulations from Chelan County, Bellingham, Walla Walla and Kirkland.

We submitted reference materials from Sustainable Economies Law Center (SELC) "Recommendations to help local policymakers in the US draft equitable short-term rental regulations" and from Useful Community Development American Institute of Certified Planners "Short term rental zoning may be strictly regulated or not".

Despite this, council subcommittee members stated this week they are not well informed of other municipalities use of zoning or caps to regulate STRs. Clearly they have not adequately educated themselves on this critically important issue.

The STR subcommittee has appeared secretive and provided no information surrounding the evidence based data they are using to guide their decision making. There is no public record of meeting dates, meeting minutes or reports from such meetings.

When we inquired with Kelly Chelin, she stated the subcommittee is exempt from the Public Information Act and are not required to disclose any information surrounding their work on this regulation.

Other than the subcommittee member's allegiance to fellow council member Tageant and their misguided reliance on past police reports, the public is completely in the dark as to why they think placing business and corporate owned recreational rentals into our neighborhoods is serving the city's best interests.

Regarding these absent police reports, it is extremely difficult to find information about regulations surrounding Tourist Homes, code enforcement and how to manage violations on the city's website and most residents are reluctant to engage police for a nuisance violation.

When we lived with the VRBO operating illegally in 2020 we endured many violations including partying, parking, speeding, trespassing, unleashed animals, noise, fireworks and damage to our property. It quickly became intolerable and after about 3 months we reached out to City Hall and learned we could request a code enforcement.

Council member Tageant's influence on this STR matter is disturbing. We have found that he received a letter addressing his conflict of interest as a professional property manager along with a request to recuse himself many months ago. We are informed he owns two rental properties surrounding the waterfront and serves to profit significantly if he is allowed to operate two non-hosted STRs in the city.

We've also been informed he is not required to recuse himself but in the eyes of the public this looks like abuse of power and government corruption.

For 6 months concerned citizens have heard City Council members make derogatory comments about "chronic complainers", "someone has the ear of somebody at City Hall" and waterfront residentially zoned home owners are a "Class" of citizens asking for "special consideration".

You have well over 100 letters and signed statements in support of the Planning Commission's proposed "owner occupancy" requirement. Your public has packed the meeting hall on multiple occasions in opposition to permitting these businesses in our neighborhoods.

What else do we need to do to prove we are committed to preserving the character of our neighborhoods?

Our requests to be included in STR workshops has been ignored.

Multiple City Council members have voiced concern about getting ahead of this issue before it gets out of hand, that there will be bad actors who will ignore the regulations. Fact based evidence from other municipalities supports this and demonstrates we should regulate more now and consider loosening up regulations upon a review in 6-12 months.

Because the council subcommittee rejected the proposed STR Moratorium this past summer, we see more VRBO listings surrounding Lake Stevens waterfront now than we did 6 months ago.

The citizens who are following the city's work to revise the Tourist Home code feel disillusioned, frustrated and angry.

If there is anything you or the city attorney can do to assure the City Council will exercise due diligence before moving forward with this proposed code please exercise that influence now and please do not approve this regulation.

We appreciate your time reading this letter. Thank you and please contact us if you have any questions.

Aileen and Todd Spradlin
10429 E Davies Loop Rd

P.S. Pertinent and notable statistics:

The United States vacation rental industry is the most lucrative worldwide; valued at \$15.1 billion by the end of 2021 or 20.0% of the global market. Vacation rental companies account for 31.3% of all privately owned accommodation establishments nationwide. 70% of vacation rental companies are small.

Former prosecutor, state representative and senator, Miami Beach Mayor Dan Gelber told CNBC, "We're seeing commercialized, predatory companies that are trying to commercialize our residential communities in ways that are damaging to our citizens and our residents and our quality of life", "It is predatory", "It's people taking very nice properties, buying them and turning them into essentially a flophouse for as many people as they can put in there to extract as much income as they can in the middle of a neighborhood that wasn't zoned for that kind of behavior".

David Wachsmuth, an assistant professor at McGill University's School of Urban Planning, who has studied Airbnb around the world stated, "You can't throw a rock in the country right now without hitting a city that's moving to more aggressively regulate short-term rentals", "Airbnb does not have a good record complying with local laws". "I think very consistently the pattern that we've found is that Airbnb is happy to cooperate with regulators about collecting taxes," he said. "They'll collect the taxes to kind of level the playing field with hotels. But they will resist as strongly as possible any attempts to restrict how much actual activity is allowed on Airbnb."

In March 2022, VRBO was sued by the city of [Los Angeles](#) for not complying with rental laws, including allowing hosts to profit from the platform without registering under the city's short-term rental ordinance, as required. City Attorney [Mike Feuer](#) claimed that 29% of bookings made in a recent 30-day period appeared to violate the city's rules.

Cory Palka, senior captain of the Los Angeles Police Department, Hollywood division, said disturbances caused by short-term rentals are "probably next to homelessness, one of our biggest challenges in Hollywood." "Neighbors are furious that this has gotten so wildly out of control that it impedes their ability to have a normal lifestyle here".

In 2017 Walla Walla Mayor Allen Pomraning, who was wary of supporting regulations or a ban on short term rentals because of his support of property rights said he had come to believe banning STRs would protect the property rights of people who buy homes in residential neighborhoods without anticipating other homes are being used as VRBOs. "I have evolved over the last two years," Pomraning said. "Private property rights are not just for the investor ... Private property rights include all the people who currently own homes."

CITY COUNCIL STAFF REPORT



Agenda Date: 11/15/2022

Subject: Update on Housing Needs Assessment and Housing Need Allocations

Contact Person/Department: David Levitan, Community Development

Budget Impact: N/A

Legal Review: No

RECOMMENDATION(S)/ACTION REQUESTED:

No action is required. Staff will provide an update on the Housing Needs Assessment and concurrent work underway at the county level to allocate housing units across different income levels to individual jurisdictions within Snohomish County.

SUMMARY/BACKGROUND:

The city is currently utilizing a grant from the Washington State Department of Commerce to develop a Housing Action Plan (HAP), which will identify actions, strategies and programs to help meet the city's current and future housing needs. The first step in the creation of the HAP is the completion of a Housing Needs Assessment (HNA), which will assess the city's current housing supply and its projected housing needs across a variety of housing types, household sizes, and income ranges. Attachment 1 includes an overview of the draft HNA findings as well as recent state legislation (most notably [House Bill 1220](#)) that must be incorporated into the city's Comprehensive Plan Housing Element as part of the 2024 periodic update. The completed HNA will be presented to the City Council and Planning Commission following its completion, which is expected in the next few weeks. Staff previously briefed the Planning Commission (October 19) and Community Advisory Council (October 27) on the draft findings and solicited feedback on potential community engagement opportunities for the HAP, including a [housing survey](#) that closed on November 13 and an upcoming Housing Forum on November 29.

Concurrent with the HAP work, staff has been participating with the Snohomish County

Tomorrow (SCT) Planning Advisory Committee (PAC) and [Housing Characteristics and Needs \(HO-5\) Report](#) Working Group to review the allocation of housing units by income levels to individual jurisdictions within Snohomish County. HB 1220 requires that cities and counties "plan and accommodate" for housing affordable to all income levels. Snohomish County has been allocated countywide housing targets for the 2020-2044 planning period (as used for the Comprehensive Plan Periodic Update) across different income levels as a percentage of area median income(AMI). The HO-5 Working Group is currently discussing three potential methods for allocating those units to individual cities and will be making a recommendation to the SCT PAC on a preferred method, who will then forward a final recommendation to the SCT Steering Committee.

Staff has included a preliminary analysis of how the city's housing allocations based on the three methods (Attachment 2), which will be updated slightly when new population estimates are released by the Department of Commerce in January 2023. Below is a general overview of the three methods:

- Method A: Net new housing need is allocated based on projected growth between 2020 and 2044
- Method B: Net new housing need is allocated based on total housing supply, with each jurisdiction assigned the same percentage of their projected total housing supply in 2044
- Method C: Net new housing factors in whether individual jurisdictions are currently underrepresented or overrepresented at different income levels when compared to the countywide share

The HO-5 Working Group met on November 10 and will be meeting again on November 17 to discuss the three potential methods as well as a draft of the HO-5 Report.

APPLICABLE CITY POLICIES:

Comprehensive Plan Housing Element

ATTACHMENTS:

1. Attachment 1 - Draft HNA Findings
2. Attachment 2 - Draft Housing Allocations by Income

Lake Stevens Housing Needs Assessment

HNA Analysis Brief DRAFT: Planning Commission 10/19/22

Overview

This Housing Needs Assessment (HNA) provides information on key elements of Lake Stevens' housing supply and demand to support the development of the Lake Stevens Housing Action Plan (HAP). The purpose is to identify housing gaps to be addressed through the HAP and potentially updates to the Comprehensive Plan Housing Element in 2024.

The following overview maps are provided for reference:

- An overview of the current city boundaries and Urban Growth Areas (Exhibit 1).
- The history of annexation in Lake Stevens (Exhibit 2).
- Current zoning in the city (Exhibit 3).

This analysis brief highlights major elements of the HNA in six major categories:

- Overall demographics
- Housing affordability
- Housing equity
- Housing stock and production
- Residential real estate markets

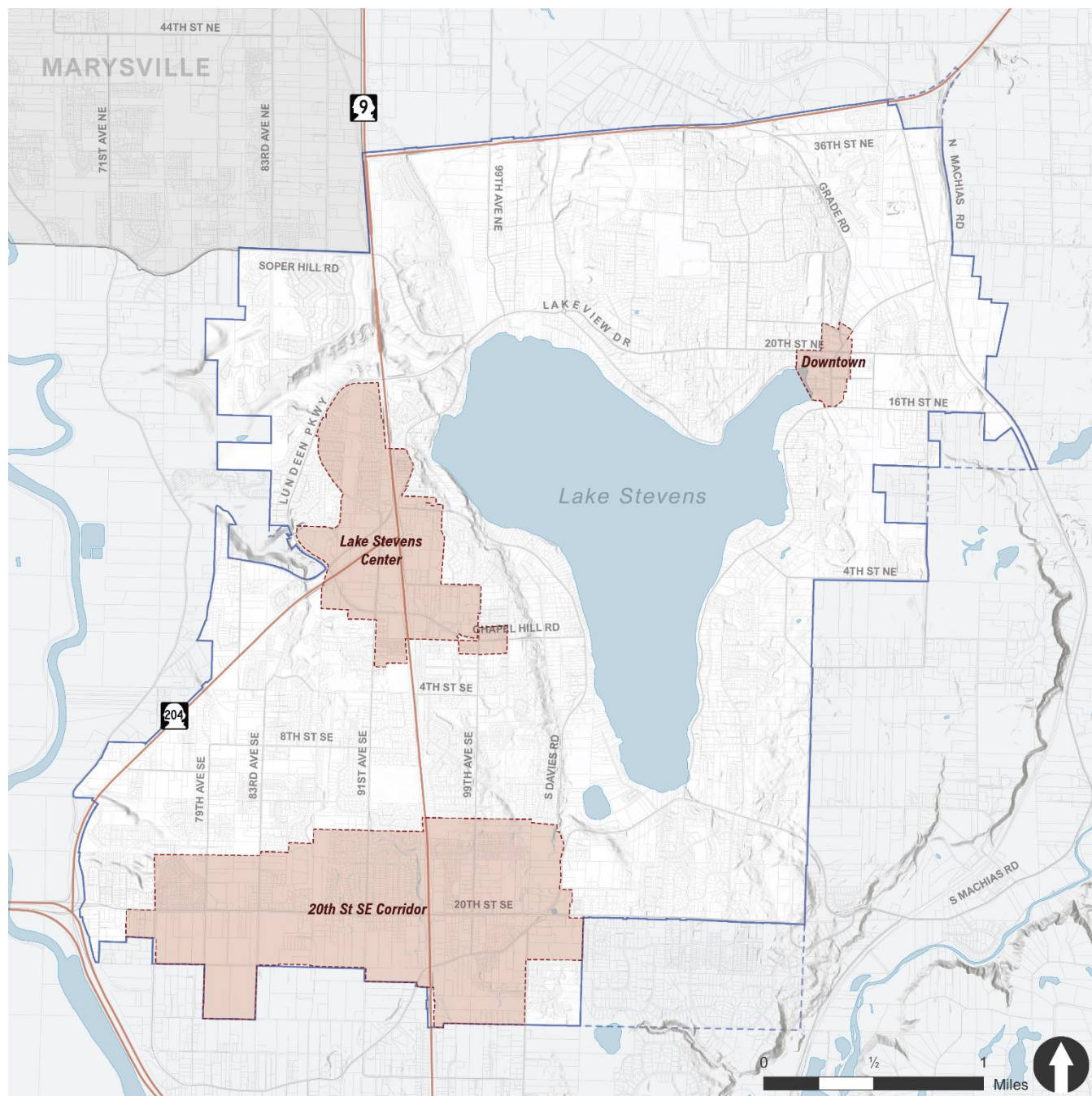
Note that this assessment does not incorporate a discussion of the expected housing targets by income category. Future updates will address housing targets by income bracket, based on the targets set by Snohomish County.

Report Highlights

The following highlights will be considered for the Housing Action Plan:

- **State mandates for accommodating low-income housing will likely require the city to broaden the variety of housing types.** Under [HB 1220](#) passed by the Legislature in 2021, the Washington State Department of Commerce has been directed to establish housing targets for categories of affordability at the county level. This will require jurisdictions to plan for housing affordable to lower income households to meet the requirements of the *Growth Management Act*. While the exact housing targets by income band are still pending, it will likely require Lake Stevens to enact policies that encourage the development of more affordable housing options as part of the Comprehensive Plan updates in 2024.
- **Considerations of racially disparate impacts in Lake Stevens will need to take a regional approach.** In addition to revisions regarding housing for households of all income segments, [HB 1220](#) also mandates that cities identify and address local policies and regulations that result in racially disparate impacts. There is evidence of racially disparate impacts with respect to cost burden and housing affordability, though identifying policies to address and undo the disparities will require evaluating the issue from a regional perspective.
- **Small families with two to four members form the largest group of households in the city, and these households are increasing in number.** Ensuring that Lake Stevens remains sustainable over the longer term and can maintain its role as a community affordable to younger families will require encouraging housing access and expanding rental options with larger units.
- **Despite the relatively young population, seniors will be a growing demographic over the next 20 years.** While Lake Stevens is characterized by its relatively younger population, the next 20 to 30 years will likely see an increase in the number of senior households (both couples and individuals living alone). While this may be at a lower rate than the countywide average, it suggests a need for increases in supportive housing and policies that encourage a built environment conducive to aging-in-place.
- **Infill and redevelopment will be necessary to meet Lake Stevens' obligation to accommodate its share of the expected regional population and housing growth.** Lake Stevens' development capacity for new housing consists largely of sites that support infill or redevelopment projects. Ensuring that city regulations support such projects will be an important component of the Housing Action Plan and the upcoming Housing Element update.

Exhibit 1. Lake Stevens and Surrounding Areas.



Legend

- City of Lake Stevens
- Lake Stevens UGA
- Subareas
- Water

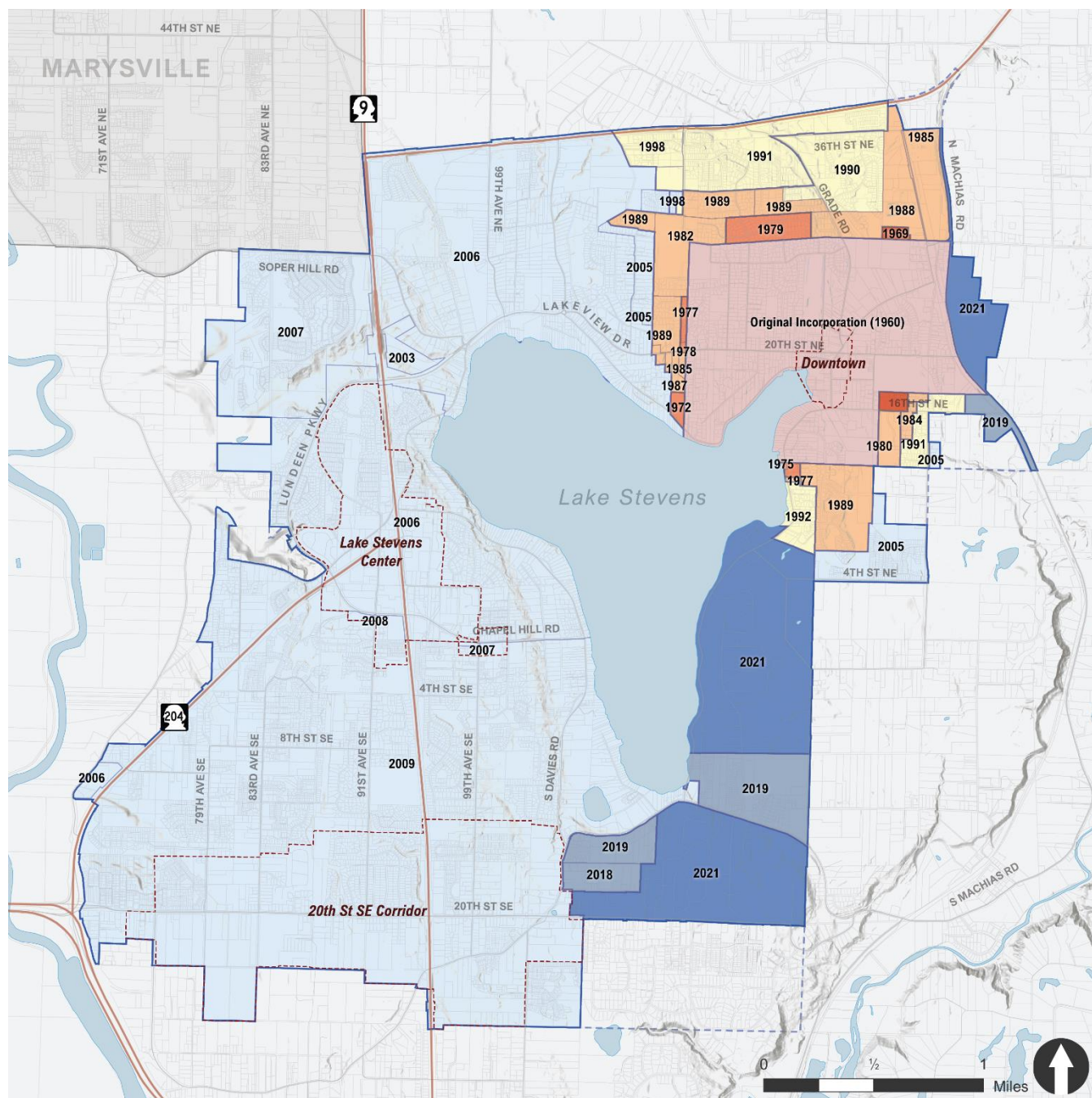
- Highways
- Arterials
- Roads

BERK

Map Date: September 2022

Sources: Snohomish County GIS, 2022;
ESRI, 2022; City of Lake Stevens, 2022;
BERK, 2022.

Exhibit 2. Lake Stevens Annexation History.



Legend

- City of Lake Stevens
- Lake Stevens UGA
- Subareas
- Water
- Highways
- Arterials
- Roads

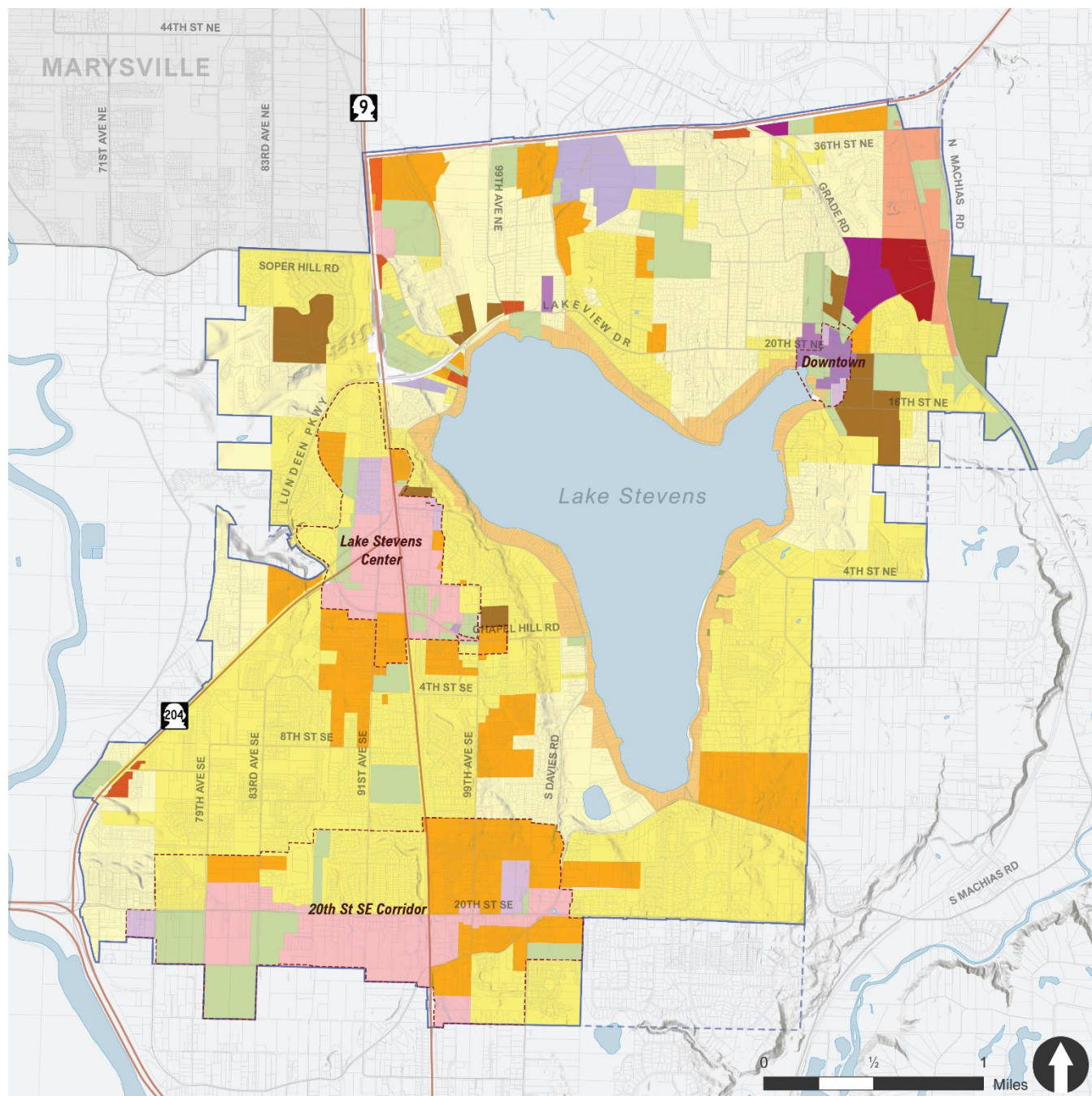
Annexation History

- Original Incorporation
- 1960–1969
- 1970–1979
- 1980–1989
- 1990–1999
- 2000–2009
- 2010–2019
- 2020–

BERK
Map Date: September 2022

Sources: Snohomish County GIS, 2022;
ESRI, 2022; City of Lake Stevens, 2022;
BERK, 2022.

Exhibit 3. Lake Stevens Zoning.



Legend

-  City of Lake Stevens
 Lake Stevens UGA
 Subareas
 Water
 Highways
 Arterials
 Roads

Zoning

- | | | | |
|---|---------------------------------|---|---------------------------------|
|  | Business District (BD) |  | Mixed Use (MU) |
|  | Central Business District (CBD) |  | Mixed-Use Neighborhood (MUN) |
|  | Commercial District (CD) |  | Public/Semi-Public (P/SP) |
|  | General Industrial (GI) |  | Planned Business District (PBD) |
|  | GI Development Agreement (GIDA) |  | R4 Residential |
|  | Local Business (LB) |  | R6 Residential |
|  | Light Industrial (LI) |  | R8-12 Residential |
|  | MF Development Agreement (MFDA) |  | Waterfront Residential (WR) |
|  | Multi-Family Residential (MFR) | | |
- Source: City of Chicago, Department of Planning and Economic Development, 2014*



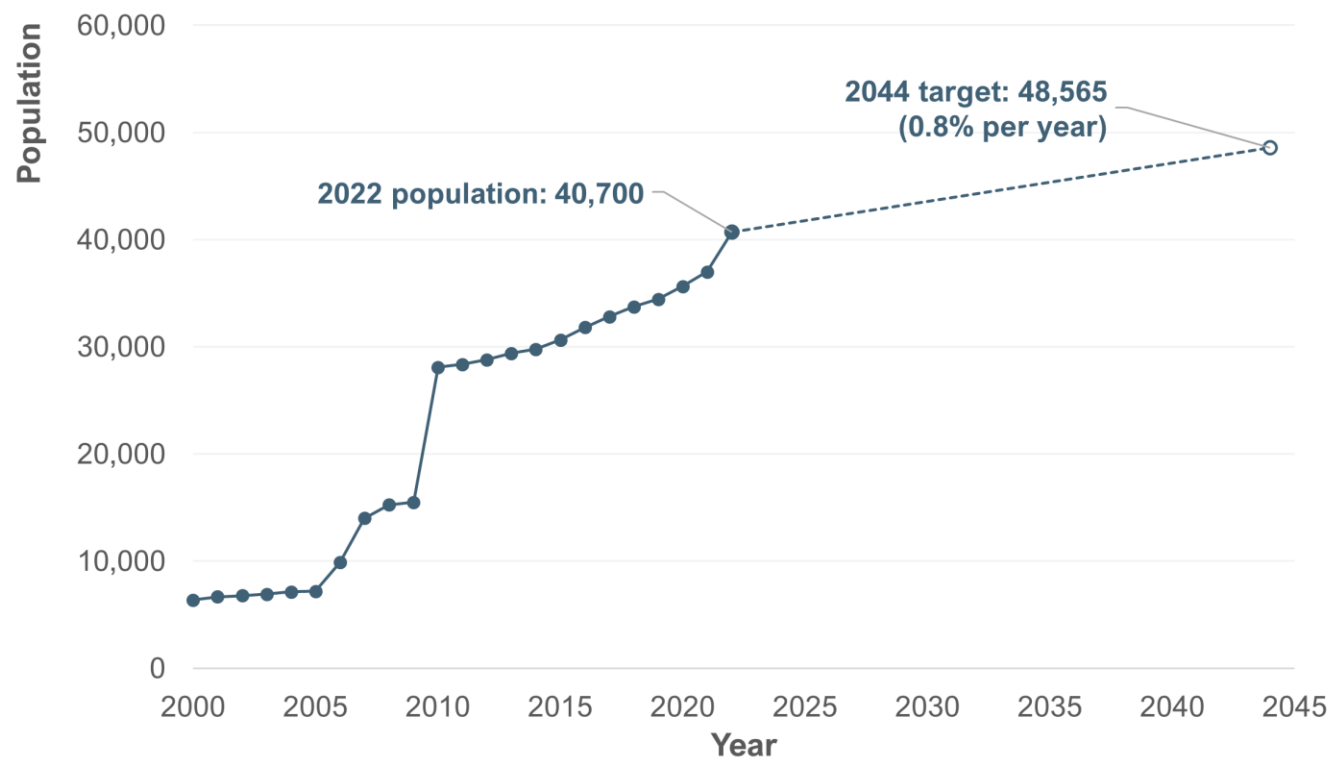
Map Date: September 2022

Sources: Snohomish County GIS, 2022;
ESRI, 2022; City of Lake Stevens, 2022;
BERK, 2022.

Overall Demographics

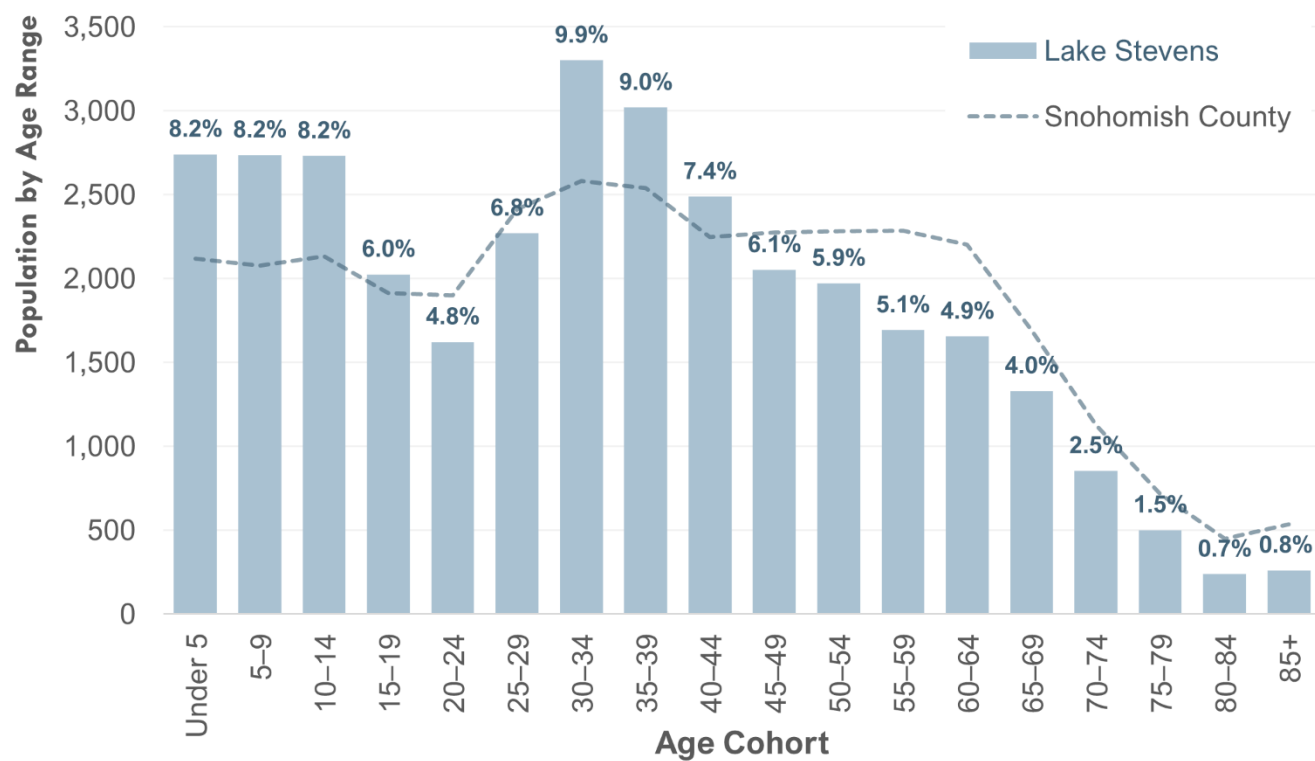
- **Lake Stevens has experienced significant growth over the past several years.** Due to new development and annexation, Lake Stevens has grown significantly, from 28,342 people in 2011 to 40,700 in 2022 (Exhibit 4). This represents a growth rate of 3.2% per year, double the Snohomish County average of 1.6% per year. Expected targets for the city under the Countywide Planning Policies project more modest growth over the long term, increasing to 48,565 people for the city by 2044.
- **The community in Lake Stevens is young, but the proportion of senior households is increasing.** Age cohorts for Lake Stevens and Snohomish County are provided in Exhibit 5. Compared with Snohomish County, Lake Stevens has a higher proportion of children up to 14 years old and adults ages 30 to 44. This is also reflected in the high local proportion of small families with 2 to 4 members, which form over half of the local households. However, from 2015 to 2020, households of senior couples increased the most, expanding by about 46%.
- **Local incomes are generally around the county average and have a narrower distribution.** Overall, Lake Stevens households had a median income of \$93,087 in 2020, higher than the County median of \$89,273 (Exhibit 6). Compared to the County, family households are slightly lower, while non-family (typically people living alone) have slightly higher incomes. Lake Stevens also has a narrower distribution of household incomes (see Exhibit 7), with higher proportions of households with incomes between \$75,000 and \$200,000 than the County.
- **People of color represent a smaller proportion of the population than in the County.** In Lake Stevens, there are a greater proportion of white individuals than people of color than in the County. This is shown in the breakdown in Exhibit 8. Only 15% of local residents identify as people of color, with 9% identifying as Hispanic/Latino. In contrast, 27% of the County population identifies as a person of color (see Exhibit 9).

Exhibit 4. Historical Population and Future Targets, Lake Stevens, 2000–2044.



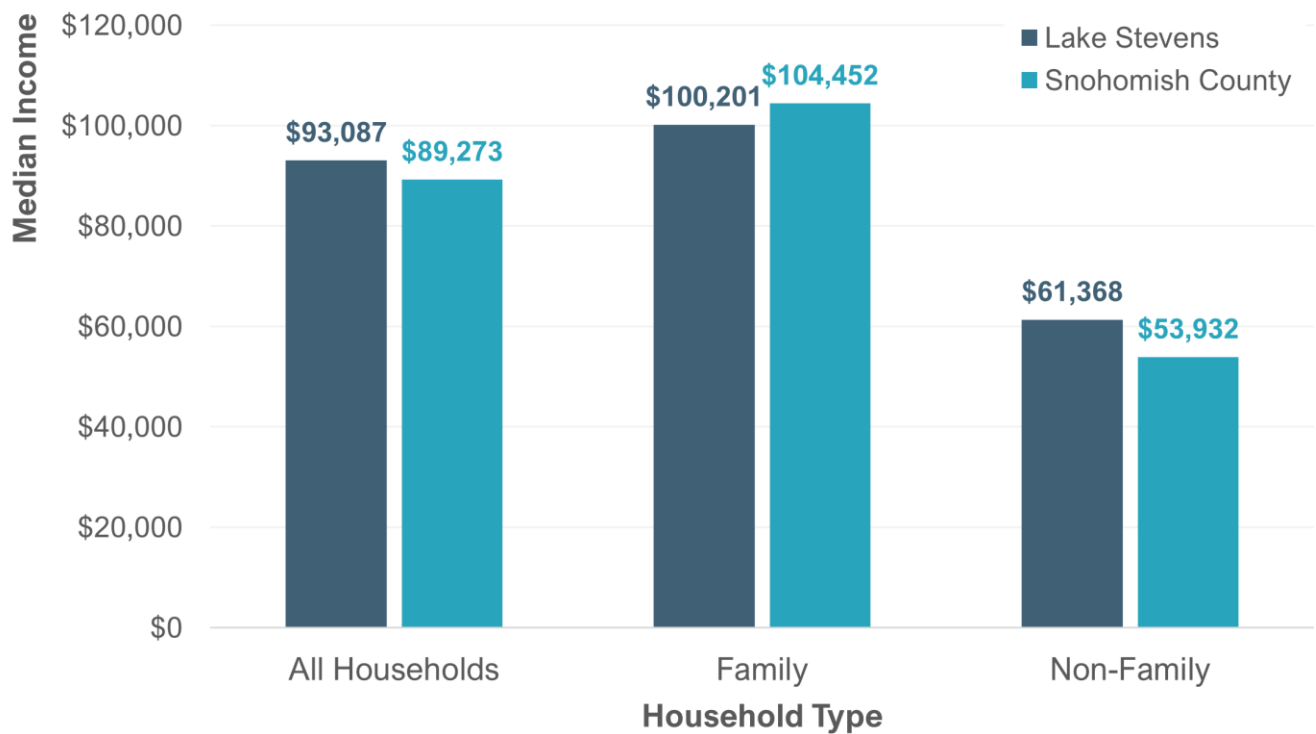
Sources: WA Office of Financial Management, 2022; Snohomish County, 2022.

Exhibit 5. Population Age Profile, Lake Stevens, 2020.



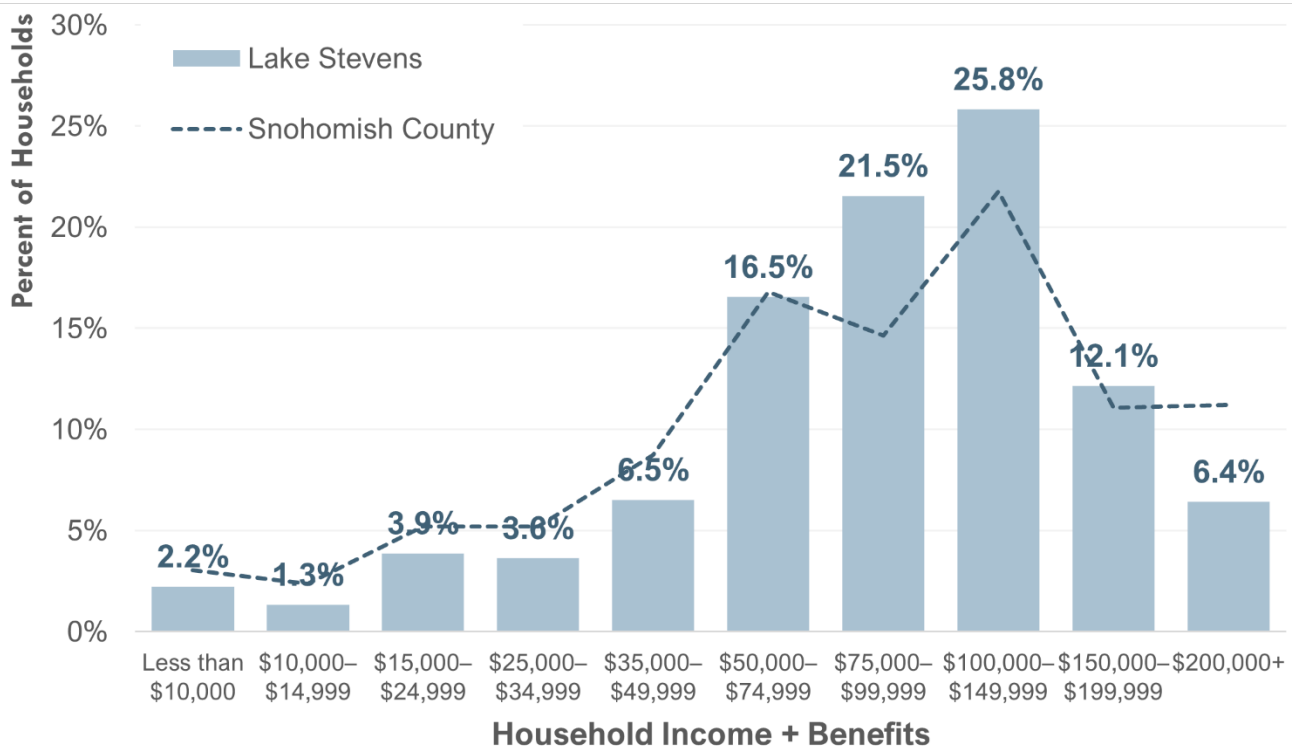
Source: US Census Bureau, 2016-2020 American Community Survey 5-Year Estimates.

Exhibit 6. Median Income of Household Types, Lake Stevens and Snohomish County, 2020.



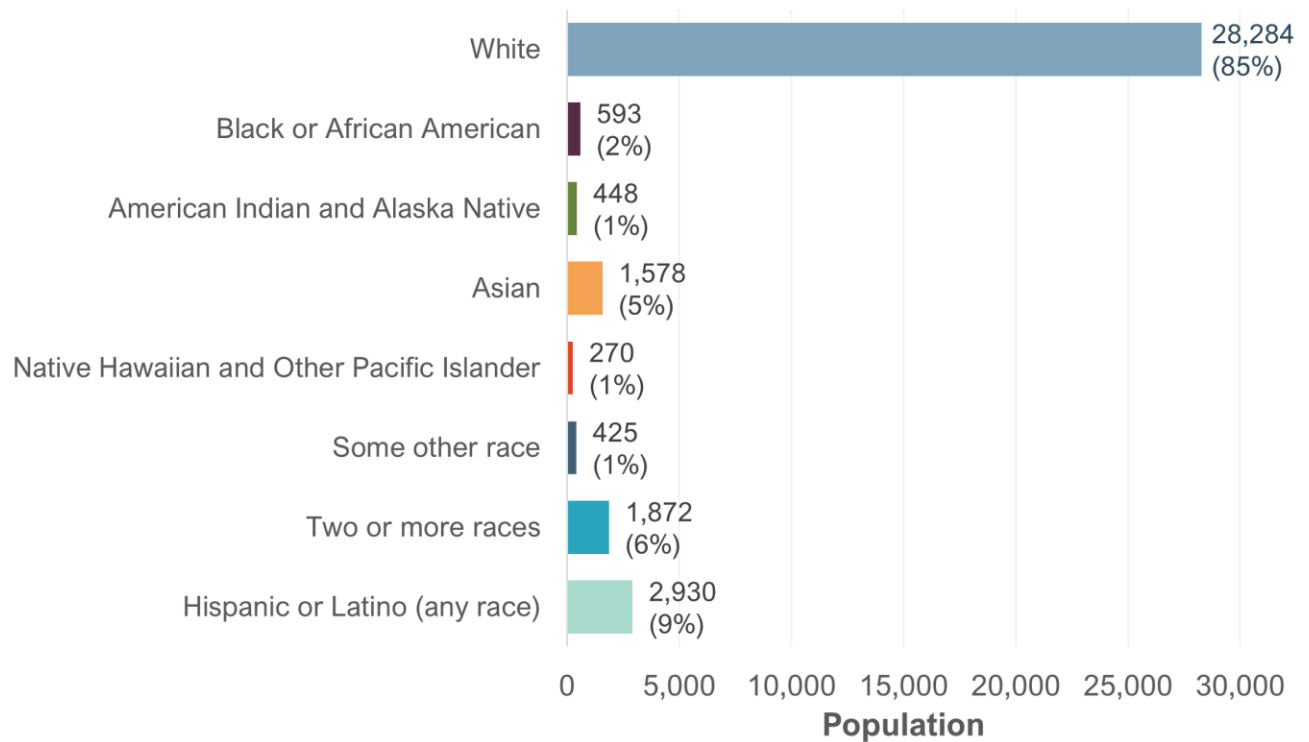
Source: US Census Bureau, 2016-2020 American Community Survey 5-Year Estimates.

Exhibit 7. Distribution of Household Income, Lake Stevens, 2020.



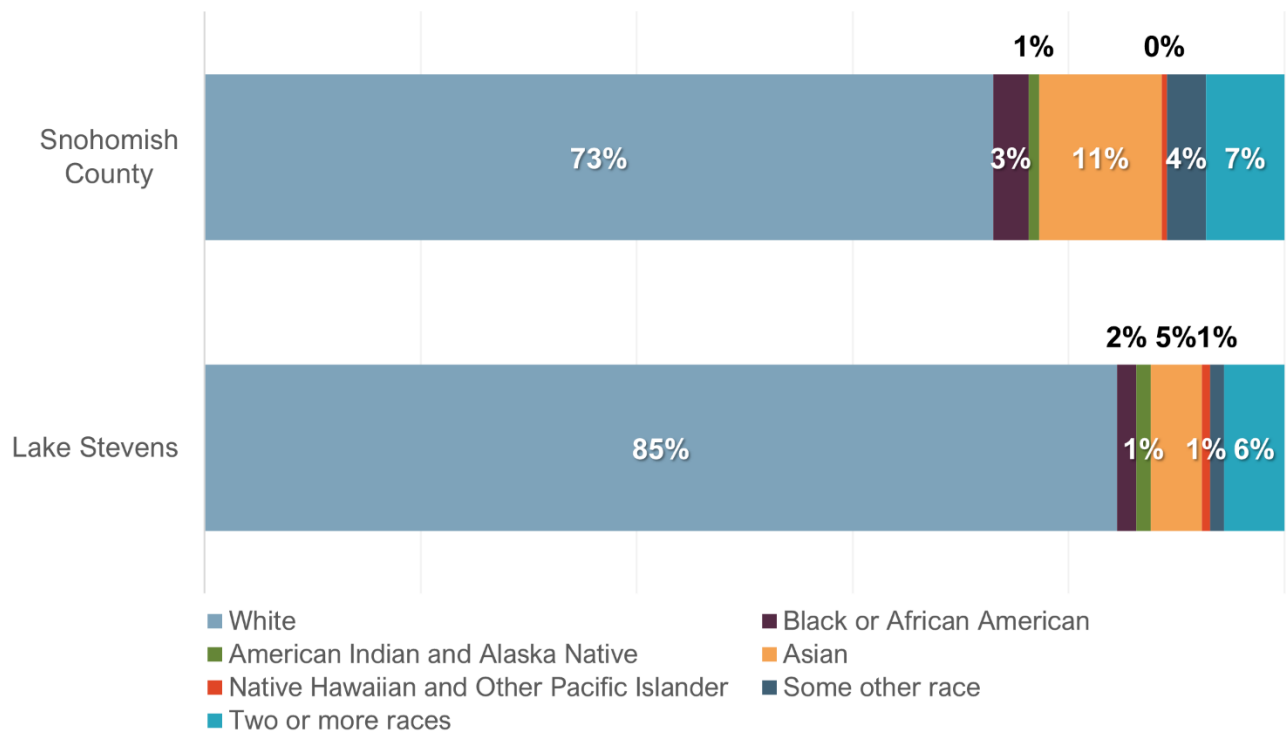
Source: US Census Bureau, 2016-2020 American Community Survey 5-Year Estimates.

Exhibit 8. Breakdown of Population by Race/Ethnicity, Lake Stevens, 2020.



Source: US Census Bureau, 2016-2020 American Community Survey 5-Year Estimates.

Exhibit 9. Comparison of Population by Race/Ethnicity. Lake Stevens and Snohomish Co., 2020.



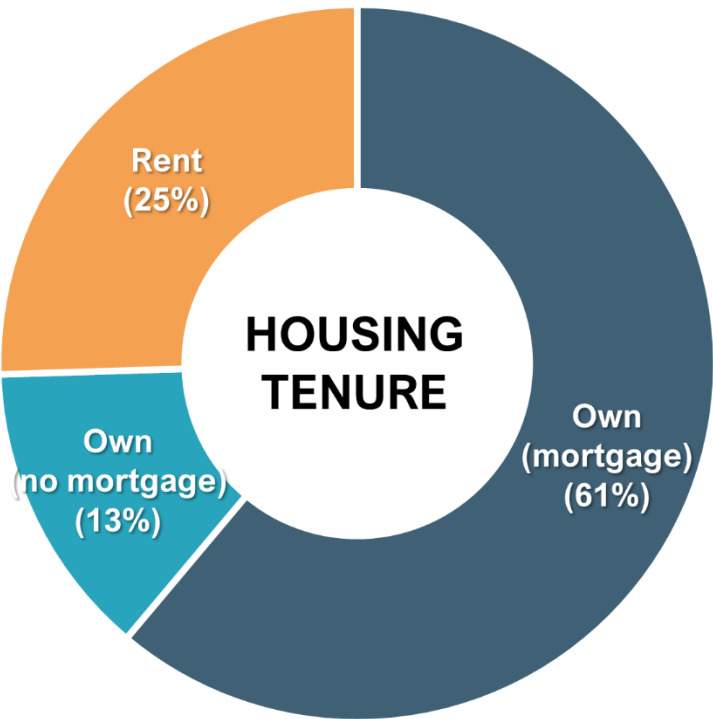
Source: US Census Bureau, 2016-2020 American Community Survey 5-Year Estimates.

Housing Affordability

- **About three-quarters of households in Lake Stevens own their homes.** The distribution of households by tenure is in Exhibit 10, with comparisons to Snohomish County and other communities in Exhibit 11. For Lake Stevens, about 61% of households own their home and have a mortgage, while 13% own their home with no mortgage. Compared to the County overall, a smaller proportion rent (33% in the county versus 25% in Lake Stevens) and a smaller proportion own their home outright (17% versus 13%).
- **A greater proportion of renters have lower household income.** A breakdown of households in Lake Stevens and the County by household income and tenure is provided in Exhibit 12. In 2019, about 31% of Lake Stevens households could be considered to have low income (less than 80% of the area median income). As noted previously, this is a lower average than the County. However, renters form a disproportionate amount of these households, with 60% of households as low-income or lower.
- **This also means that a greater proportion of renters are facing increased housing burdens.** Estimates of housing cost burden by household are provided in Exhibit 13. For Lake Stevens, over half of renters are facing some type of cost burden, with 36% considered “cost burdened” in 2019 and paying 30 to 50% of their income on housing, and 16% “severely cost burdened” and paying over half their income on housing. Overall, about 53% of local renters are facing cost burdens of some kind, which is higher than the county average of 45%. Most of the cost burdened households are making 80% of area median income or less.
- **There are shortfalls in the availability of affordable rental units at both the high and low ends of the market.** When comparing household incomes with the affordability of local rents, there are gaps at the market’s high and low ends. Exhibit 14 provides a comparison for renters between their income and the availability of housing that they can afford, for both Lake Stevens and Snohomish County. While 19% of households are extremely low income, only about 10% of available units are affordable at this income range, meaning that many will need to “uprent” and spend a greater proportion of their income on housing. On the other end of the distribution, while 40% of households are making greater than area median income, only 19% of units have comparable rents. This means that at the higher end of the distribution, some wealthier households may be “downrenting,” and occupying housing that would otherwise be affordable for lower-income households.
- **The greatest magnitude of need appears to be with family-sized housing.** Exhibit 15 highlights how uprenting and downrenting differ by the size of the housing units for renters. For both uprenting and downrenting, the largest need appears to be with family-sized housing with three bedrooms or more. For higher-end rental housing, this reflects the

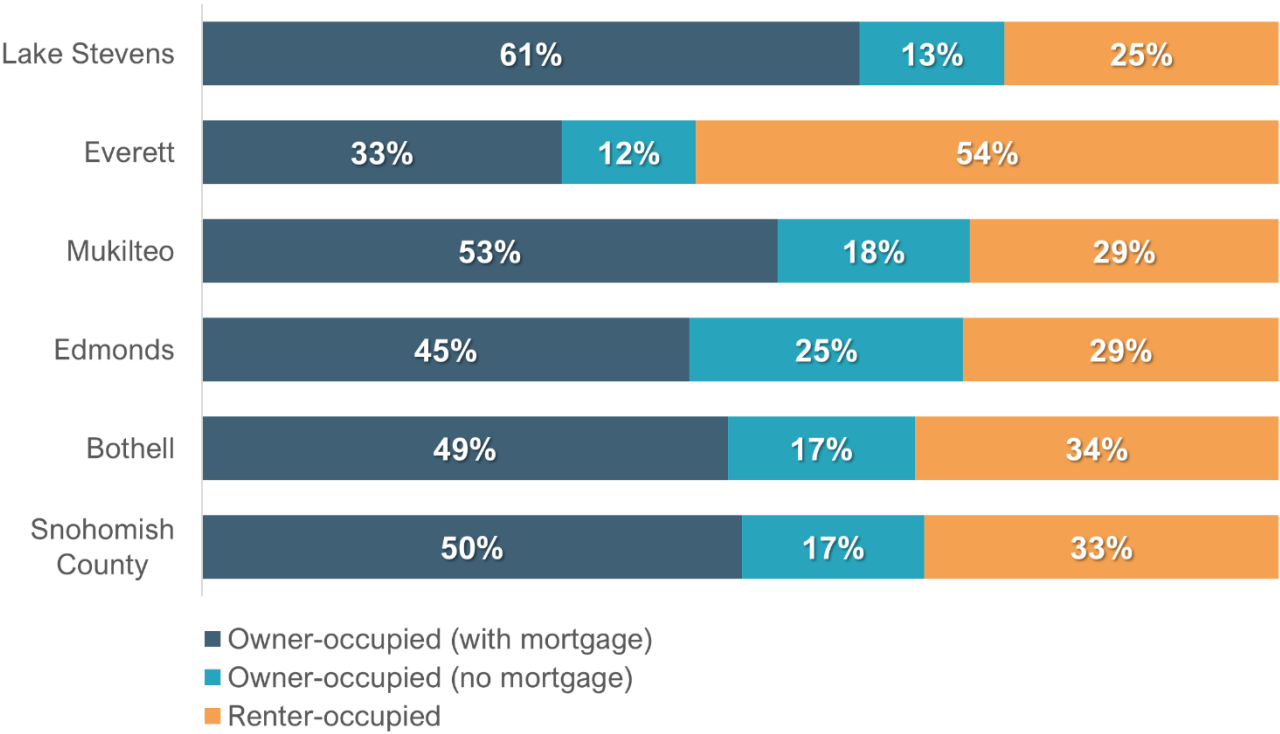
greatest number of downrenting households, while for households that are very low- and extremely low-income (50% of area median income or less), the greatest magnitude of need would appear to be with those larger units.

Exhibit 10. Housing Tenure, Lake Stevens, 2019.



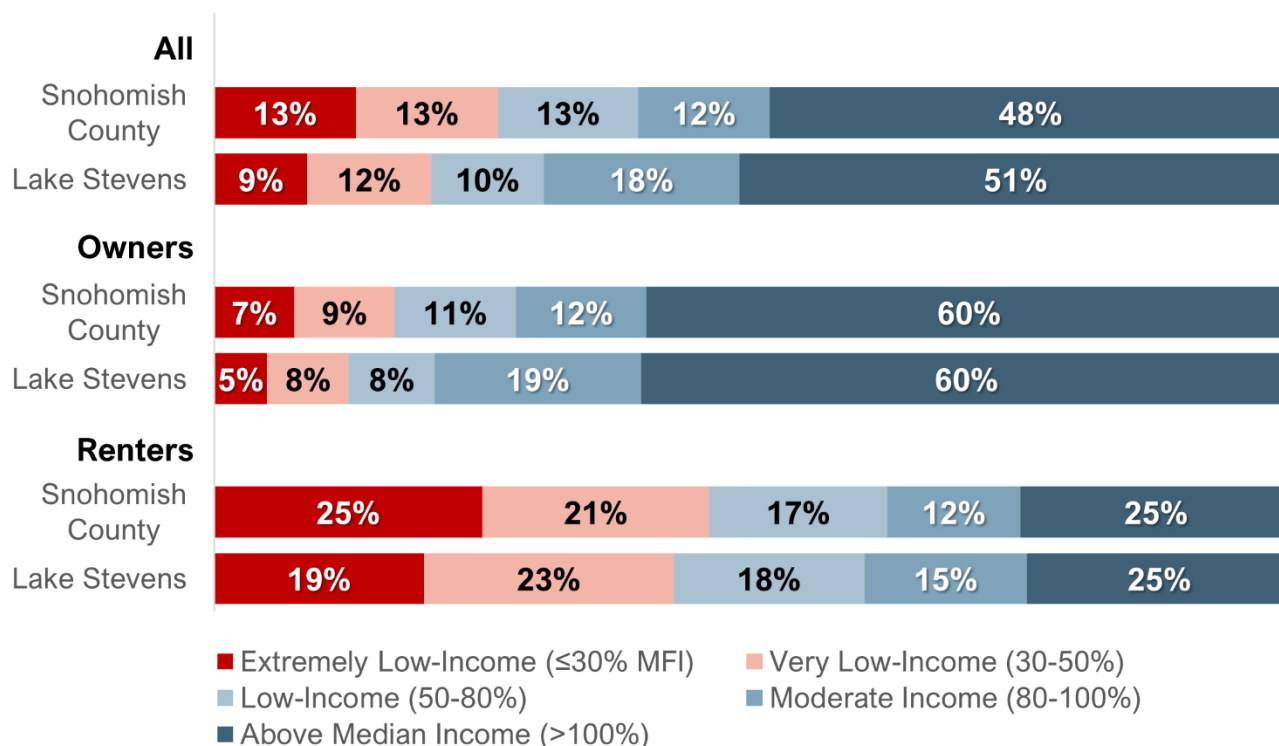
Source: US HUD Comprehensive Housing Affordability Strategy (CHAS) data, 2015–2019.

Exhibit 11. Housing Tenure, Lake Stevens and Area Communities., 2019.



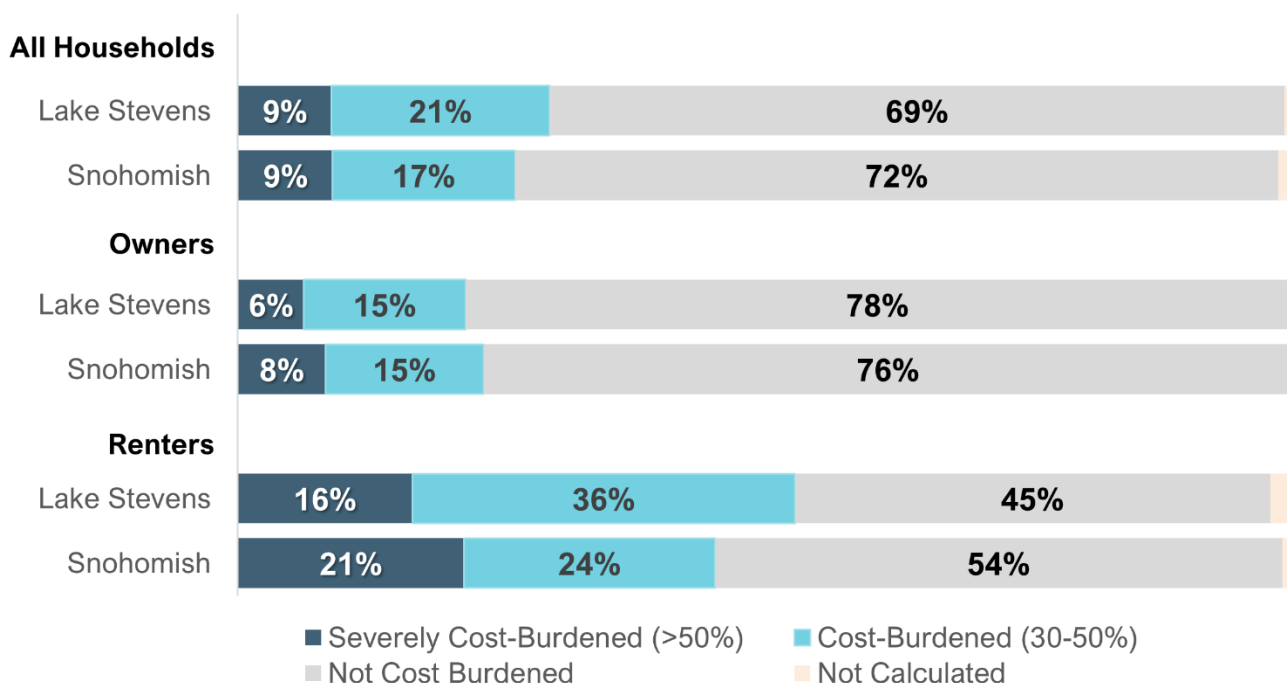
Source: US HUD Comprehensive Housing Affordability Strategy (CHAS) data, 2015–2019.

Exhibit 12. Proportion of Households, Tenure & Income, Lake Stevens and Snohomish Co, 2019.



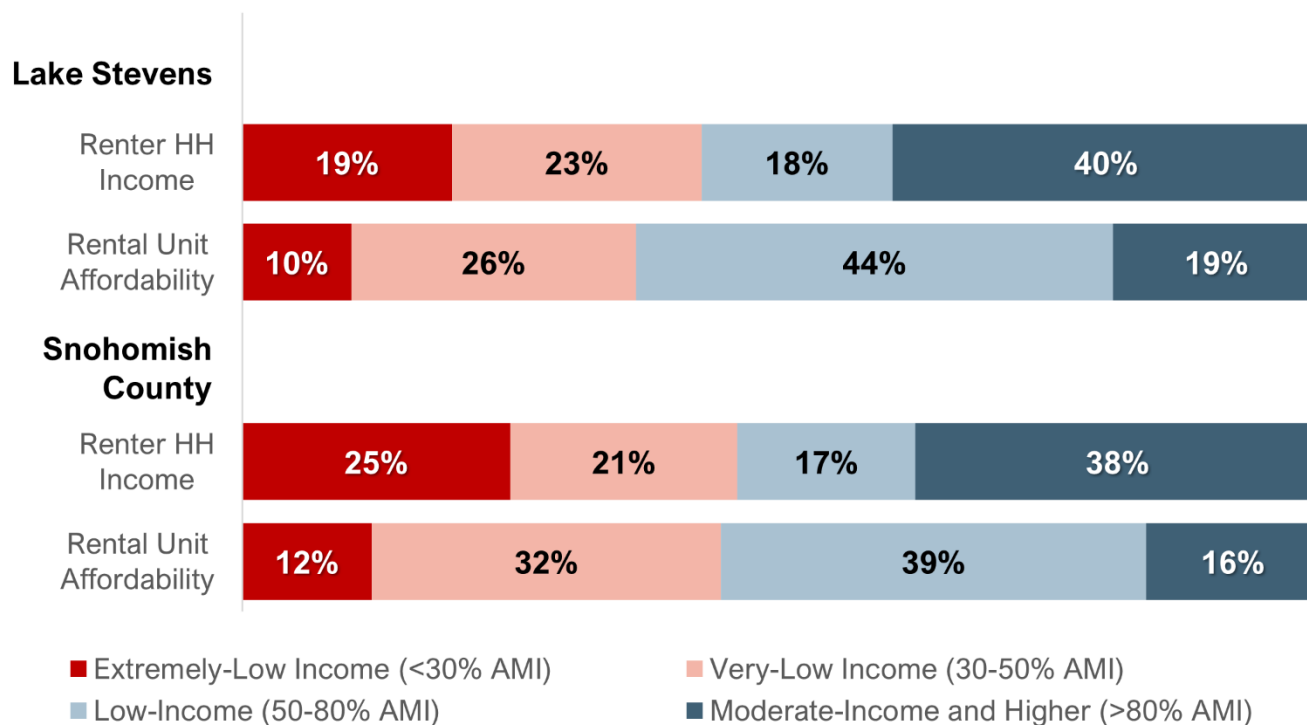
Source: US HUD Comprehensive Housing Affordability Strategy (CHAS) data, 2015–2019.

Exhibit 13. Prop. of HHs by Tenure & Housing Burden, Lake Stevens & Snohomish Co, 2019.



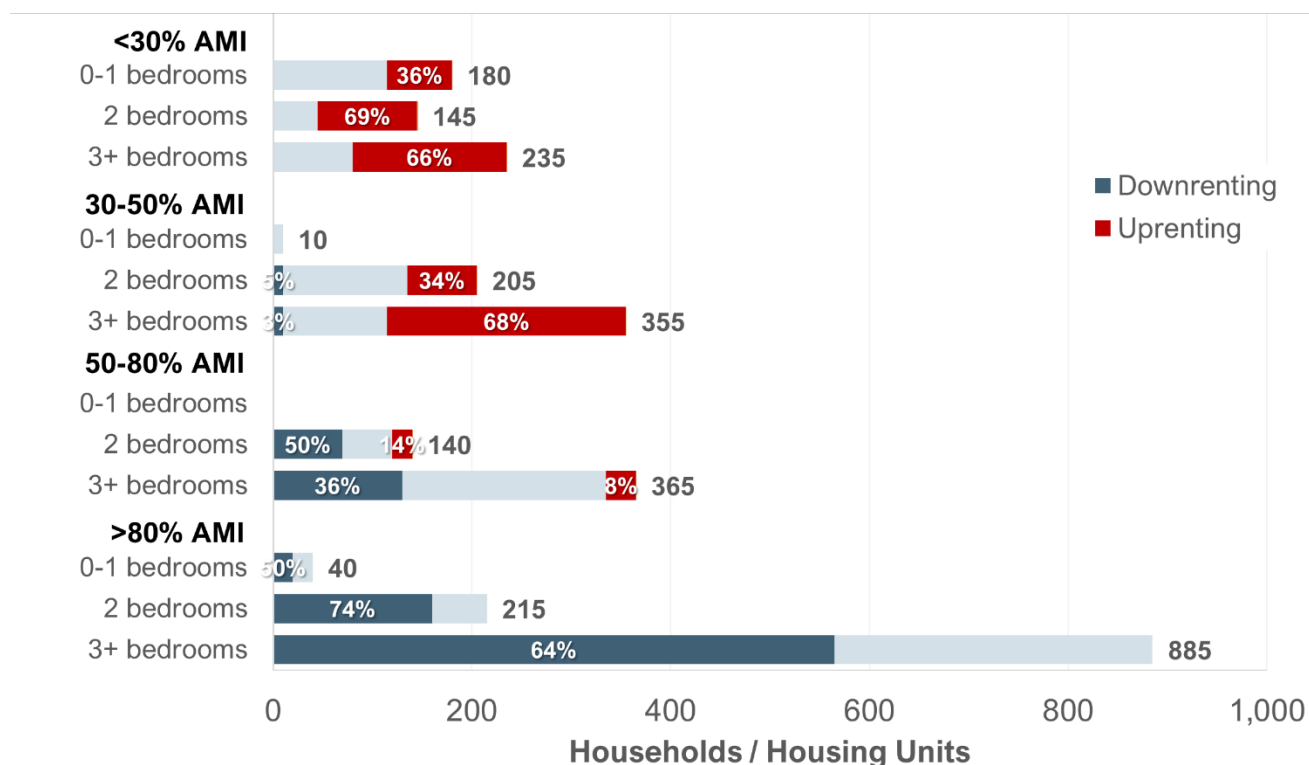
Source: US HUD Comprehensive Housing Affordability Strategy (CHAS) data, 2015–2019.

Exhibit 14. Proportion of Households, Tenure & Afford., Lake Stevens and Snohomish Co, 2019.



Source: US HUD Comprehensive Housing Affordability Strategy (CHAS) data, 2015–2019.

Exhibit 15. Renting Households by Uprenting/Downrenting, 2019.

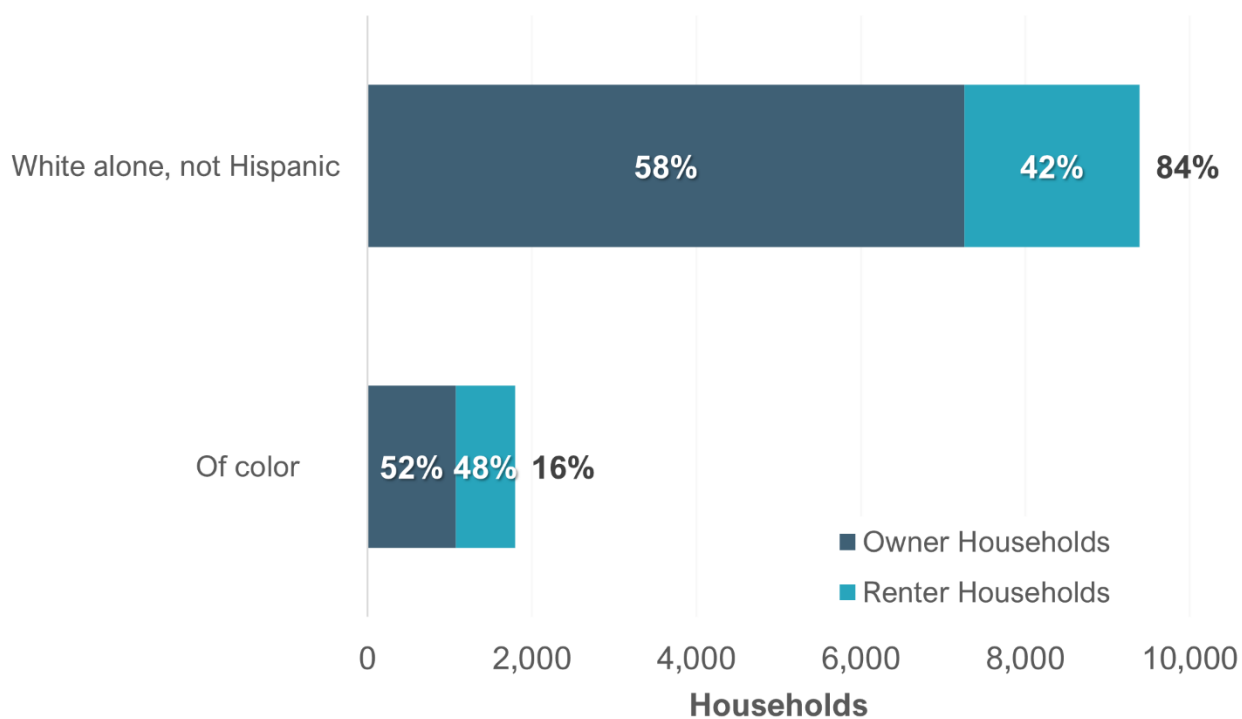


Source: US HUD Comprehensive Housing Affordability Strategy (CHAS) data, 2015–2019.

Housing Equity

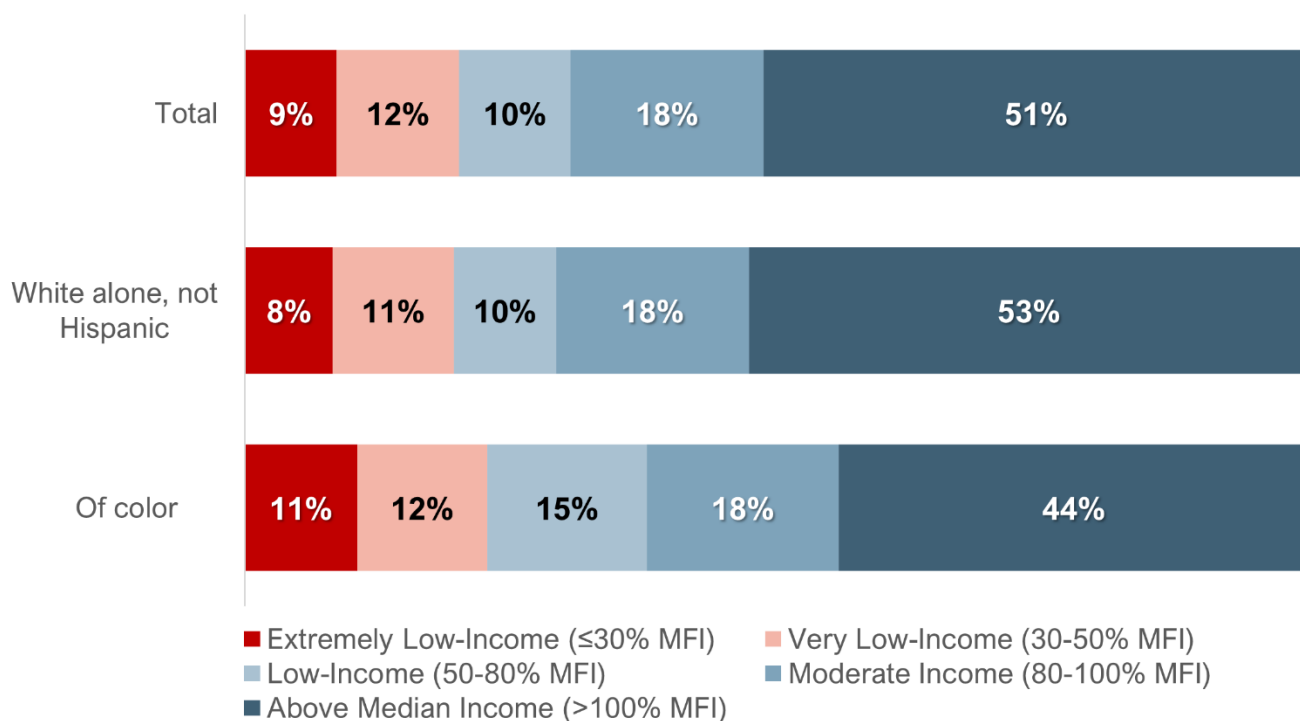
- **Households of color represent a higher proportion of renters and lower-income households in Lake Stevens.** Exhibit 16 highlights the differences between the number and tenure of households with householders (the person who owns the housing unit or holds the rental contract) that identify as white or persons of color. In Lake Stevens, an estimated 16% of households have a householder that identifies as a person of color (including Hispanic/Latino households). However, these households represent a slightly higher proportion of renters, with 48% renting in Lake Stevens versus 42% of white households. Additionally, Exhibit 17 compares the income distribution among racial groups. The data show that 38% of households of color have low income or lower incomes (less than 80% of the area median income) versus 29% of white households.
- **Households of color face higher cost burdens.** With respect to potential disparities, a greater proportion of households of color also face housing cost burdens. Exhibit 18 highlights differences in cost burdens between white renters and renters of color. While about 53% of renters are facing cost burdens in Lake Stevens, this number is higher for renters of color, where about 64% are facing some type of housing cost burden.
- **A greater proportion of lower-income households have members with disabilities.** Many residents live with some type of disability, and there are many cases where a person's disability can impact the need for housing and housing stability. Exhibit 19 provides distributions of renters that include at least one member living with a disability, with a focus on disabilities that relate to limitations to self-care or independent living. For renters, about 60% of very low-income households (30–50% of area median income) and 50% of extremely low-income households live with disabilities, with 28% of very low-income and 23% of extremely low-income households experiencing disabilities that impact self-care or independent living. Housing needs related to disabilities should be considered when planning for lower-income housing options in the community.

Exhibit 16. Households by Race/Ethnicity and Tenure, Lake Stevens, 2019.



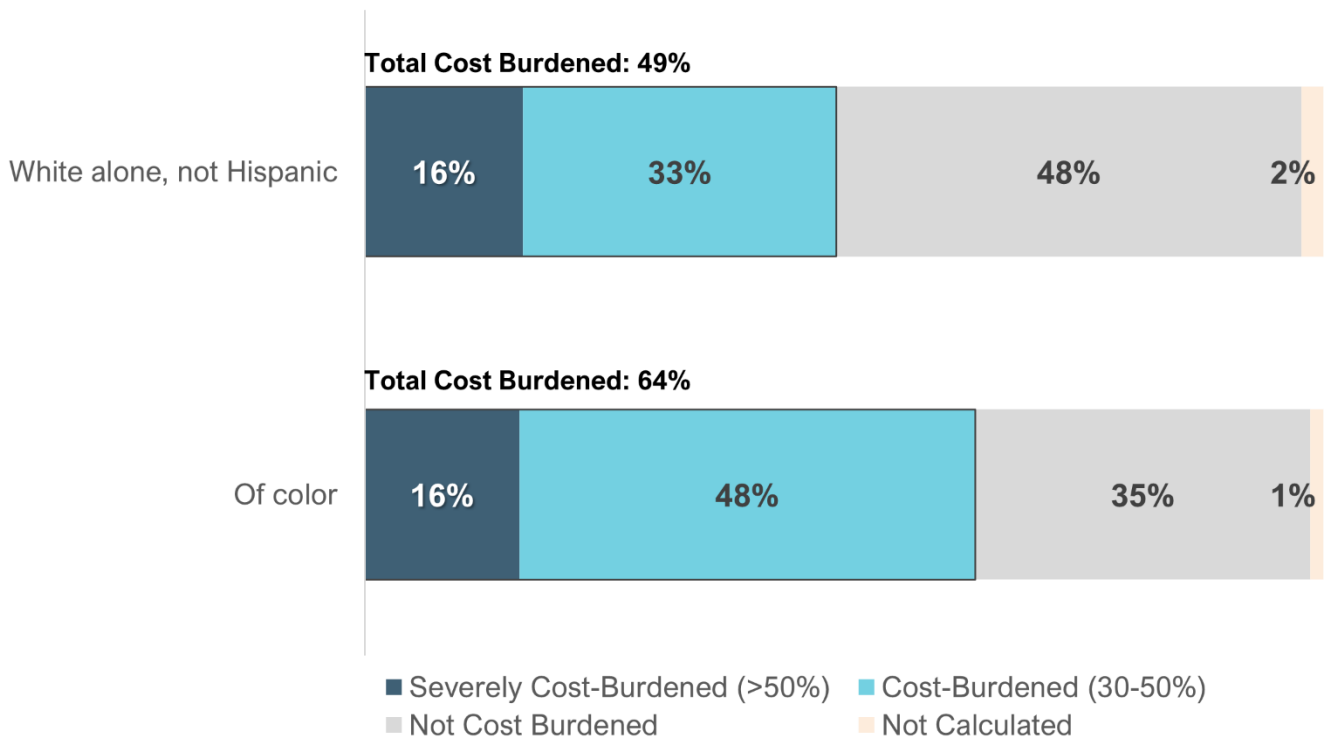
Source: US HUD Comprehensive Housing Affordability Strategy (CHAS) data, 2015–2019.

Exhibit 17. Proportion of Households by Race/Ethnicity and Income, Lake Stevens, 2019.



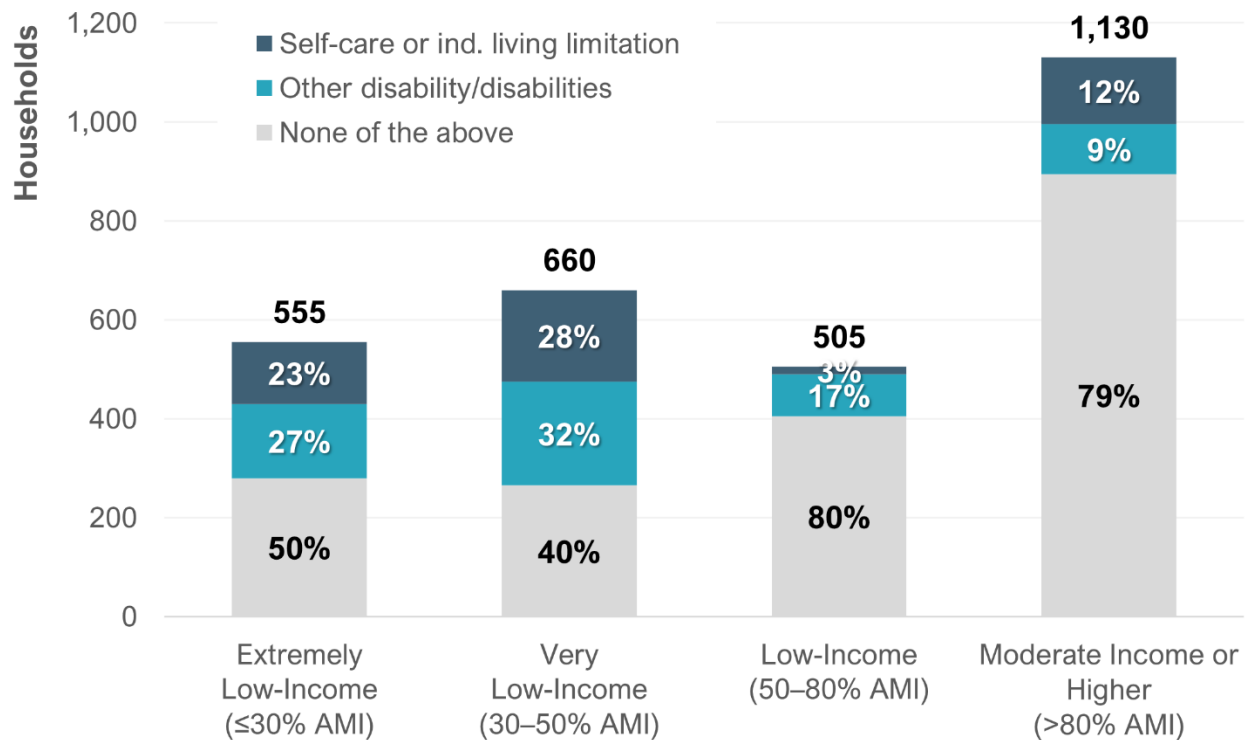
Source: US HUD Comprehensive Housing Affordability Strategy (CHAS) data, 2015–2019.

Exhibit 18. Proportion of Households by Race/Ethnicity and Cost Burden, Lake Stevens, 2019.



Source: US HUD Comprehensive Housing Affordability Strategy (CHAS) data, 2015–2019.

Exhibit 19. Households by Household Income and Disability, Lake Stevens, 2019.

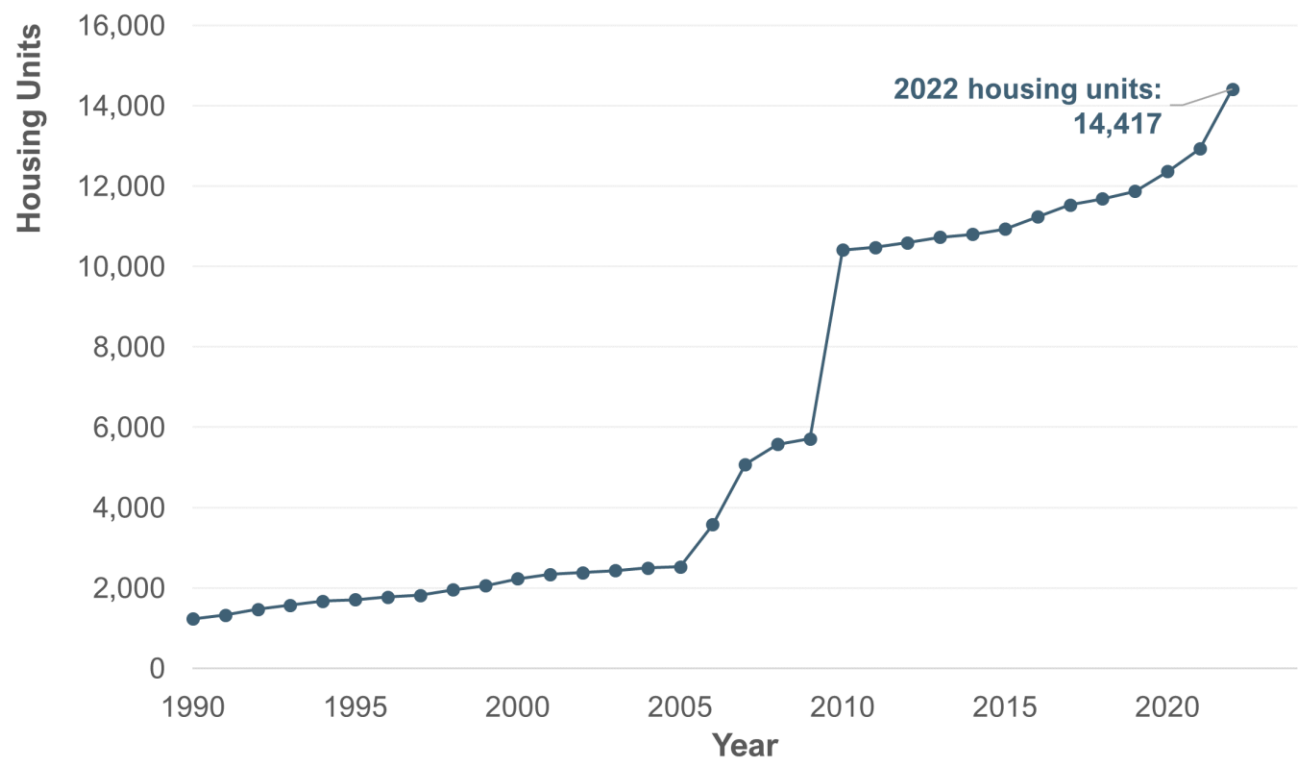


Source: US HUD Comprehensive Housing Affordability Strategy (CHAS) data, 2015–2019.

Housing Stock and Production

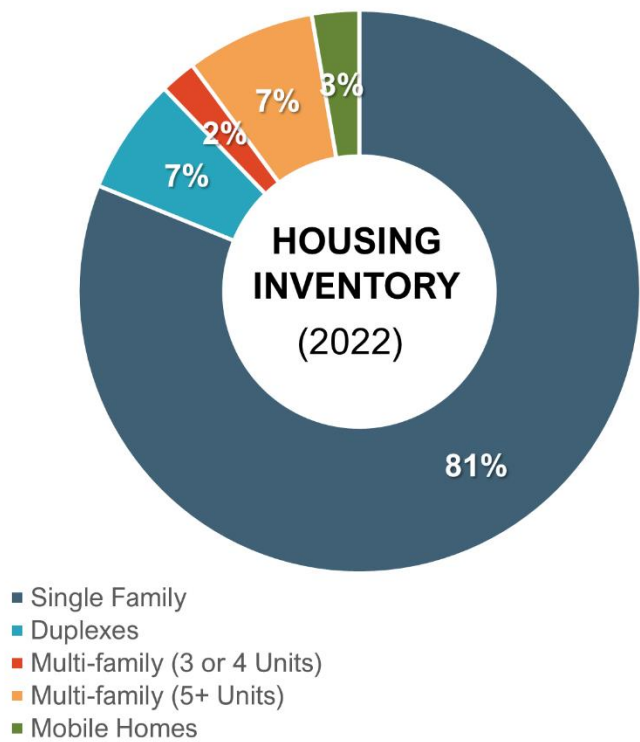
- **Single-family housing dominates Lake Stevens' housing stock and recent production.** As of April 2022, Lake Stevens had 14,417 housing units (Exhibit 21). Exhibit 23 provides a breakdown of these units by type. About 81% of housing in Lake Stevens is single-family detached housing, with an additional 3% being manufactured or mobile homes. Since 2012, single-family homes have also dominated housing production, outpacing production of all other types. This housing composition is not uncommon for a community lacking transit options and urban centers but is notably different than county communities.
- **Recent housing production favored larger multifamily projects.** In recent development, multifamily development has been skewed more toward larger multifamily projects with five or more units. As shown in Exhibits 23 and 24, this represented about 16% of total production between 2012 and 2022, with most of this stock coming online in 2021 and 2022.
- **Recent ADU production has been limited but is growing.** When examining permit records on ADU production (see Exhibit 24), only about 11 units have been produced since 2019. However, six of those units were produced between April 2021 and 2022, reflecting a notable (but slight) increase in the uptake of the program.
- **Future development will need to be accommodated redevelopable and infill sites.** Estimates of future growth capacity in Lake Stevens suggest that long-term growth can be accommodated within the UGA, with the [2021 Buildable Lands Report](#) indicating that up to 4,311 housing units can be accommodated in the city and UGA, about 2,080 units of which is in pending projects within the development pipeline. However, only 8% of this capacity consists of vacant lands, meaning that a large proportion of the remaining capacity is in redevelopable (28%) and infill (17%) sites. This can be seen in more detail in the map in Exhibit 25.

Exhibit 20. Total Housing Units, Lake Stevens, 1990–2022.



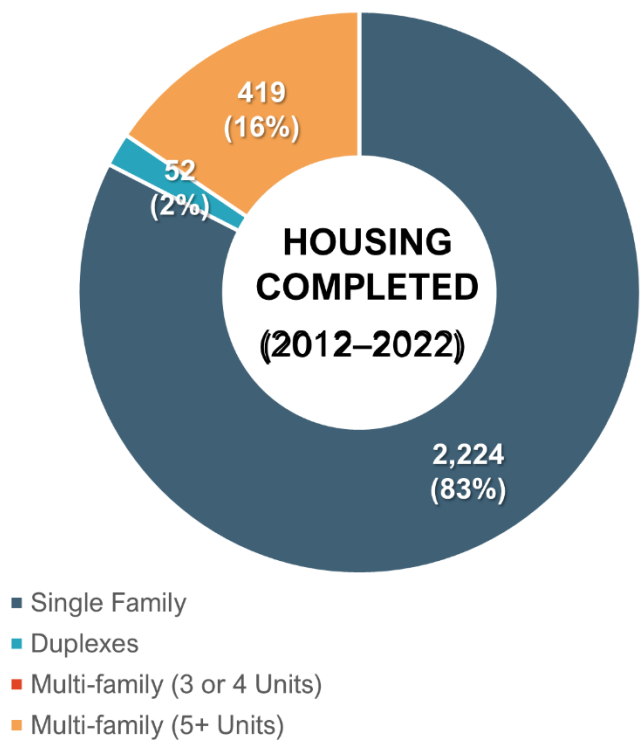
Source: Washington Office of Financial Management, 2022.

Exhibit 21. Housing Inventory, Lake Stevens, 2022.



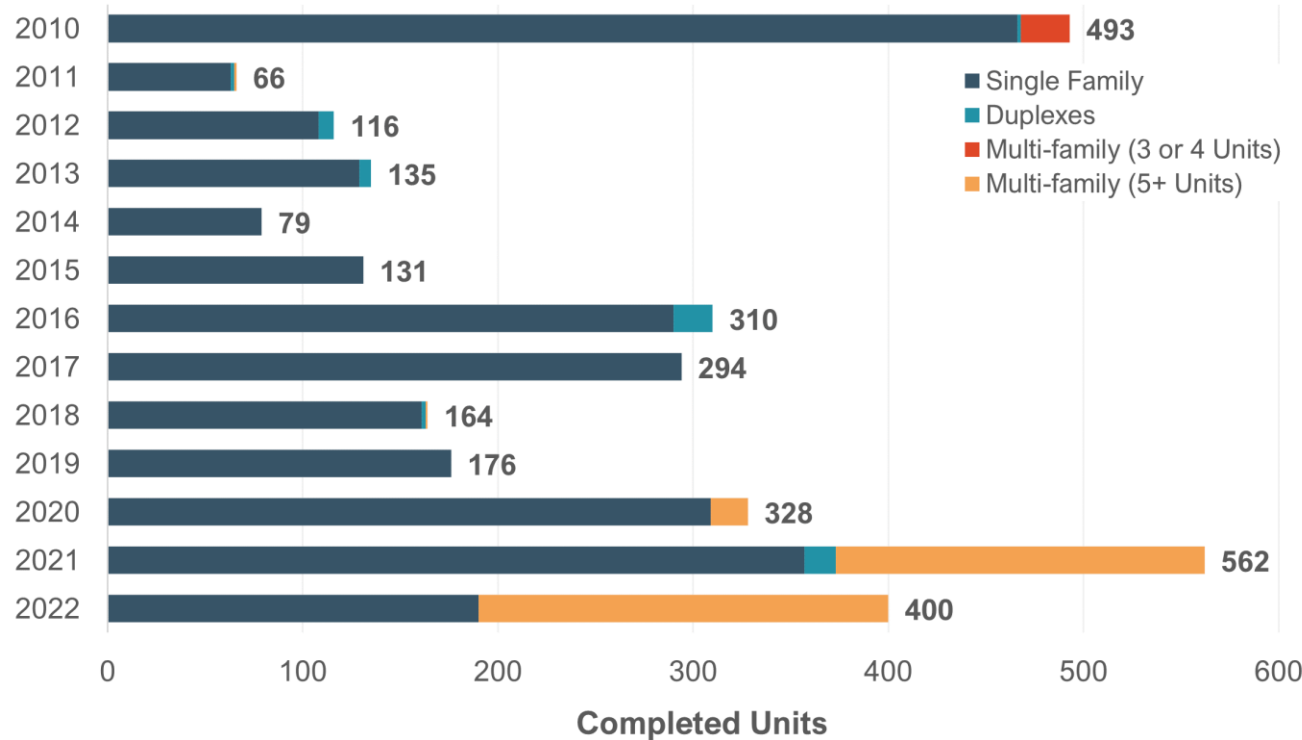
Source: Washington Office of Financial Management, 2022.

Exhibit 22. Total Housing Completed by Type, Lake Stevens, 2010–2022.



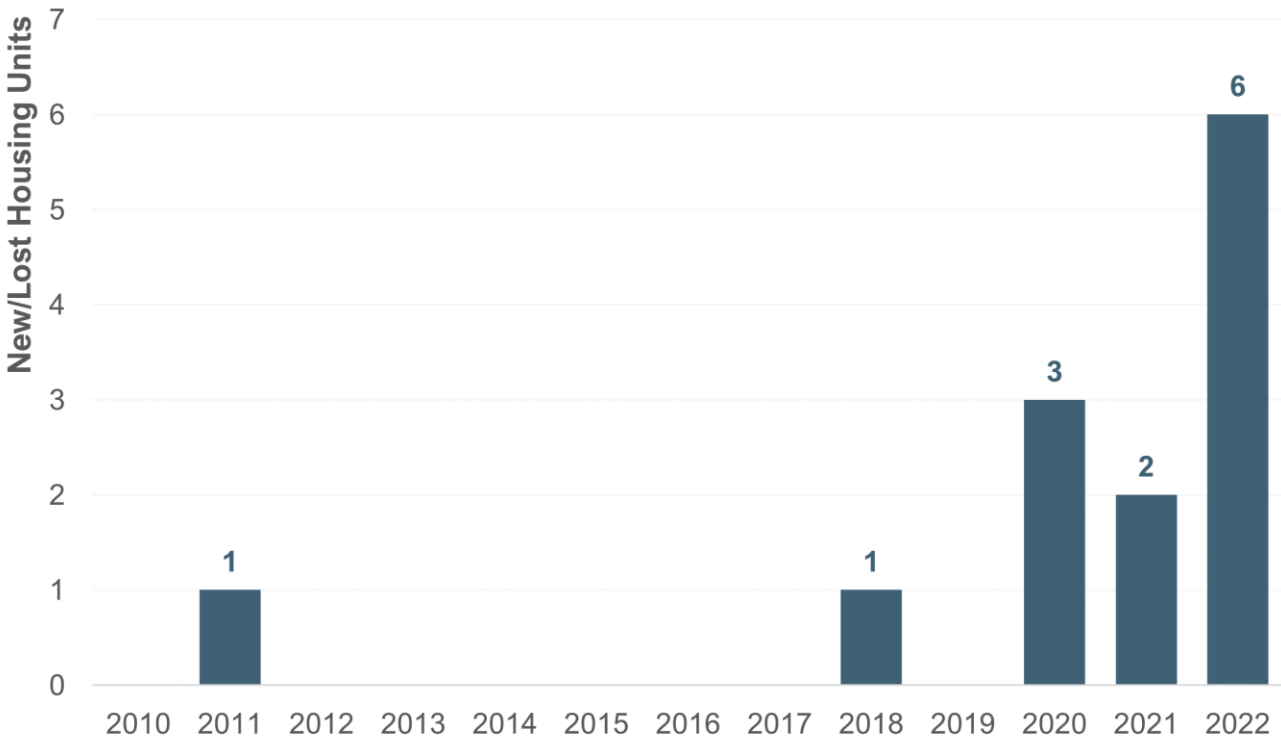
Source: Washington Office of Financial Management, 2022.

Exhibit 23. Housing Completed by Year and Type, Lake Stevens, 2010–2022.



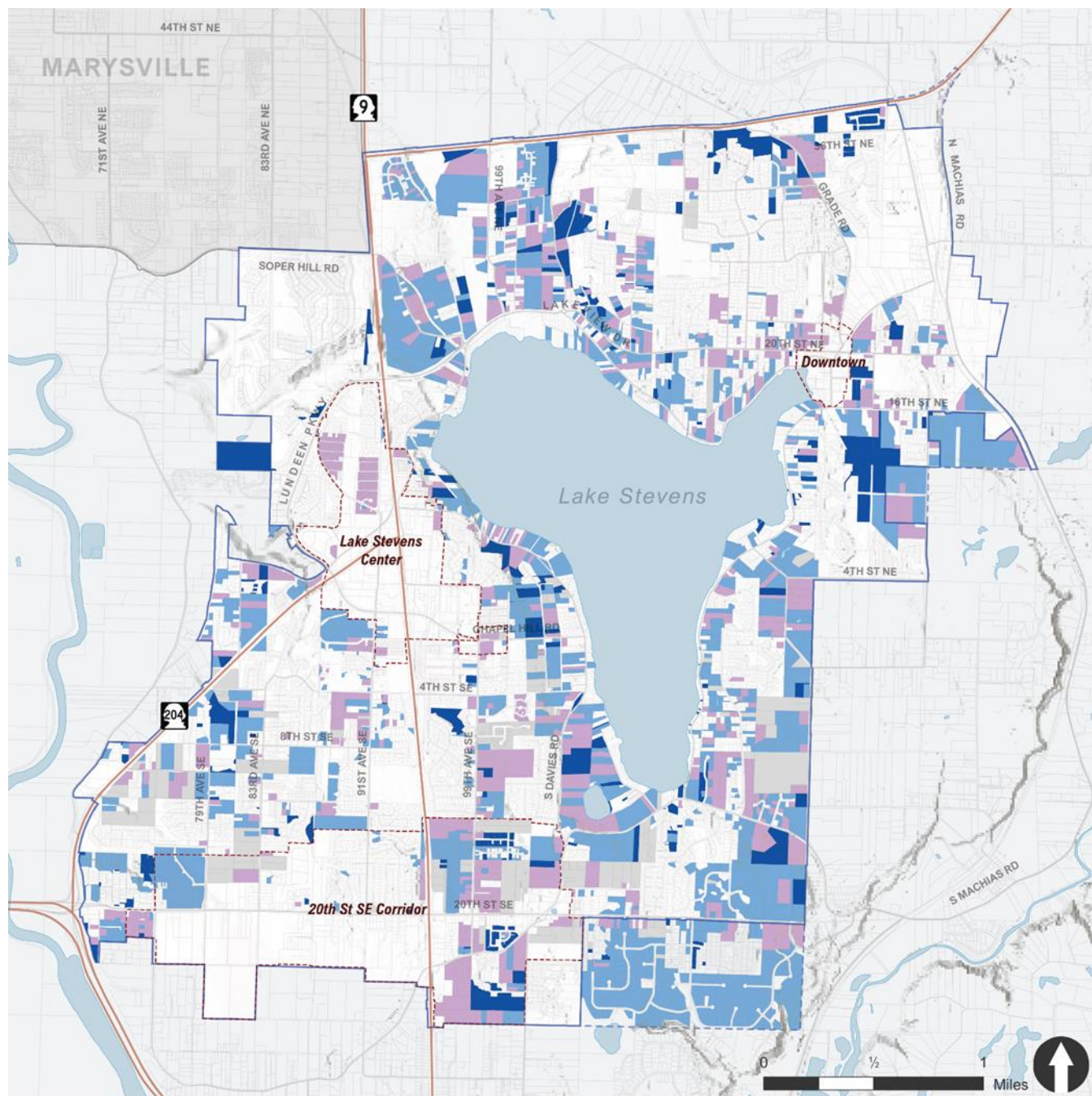
Source: Washington Office of Financial Management, 2022.

Exhibit 24. ADUs Completed by Year, Lake Stevens, 2010–2022.



Source: Washington Office of Financial Management, 2022.

Exhibit 25. Buildable Lands Inventory, Lake Stevens, 2021.



Legend

- City of Lake Stevens
- Lake Stevens UGA
- Subareas
- Water

Residential Buildable Lands

- Vacant
- Partially-Used
- Redevelopable
- Pending

- Highways
- Arterials
- Roads

BERK
Map Date: September 2022

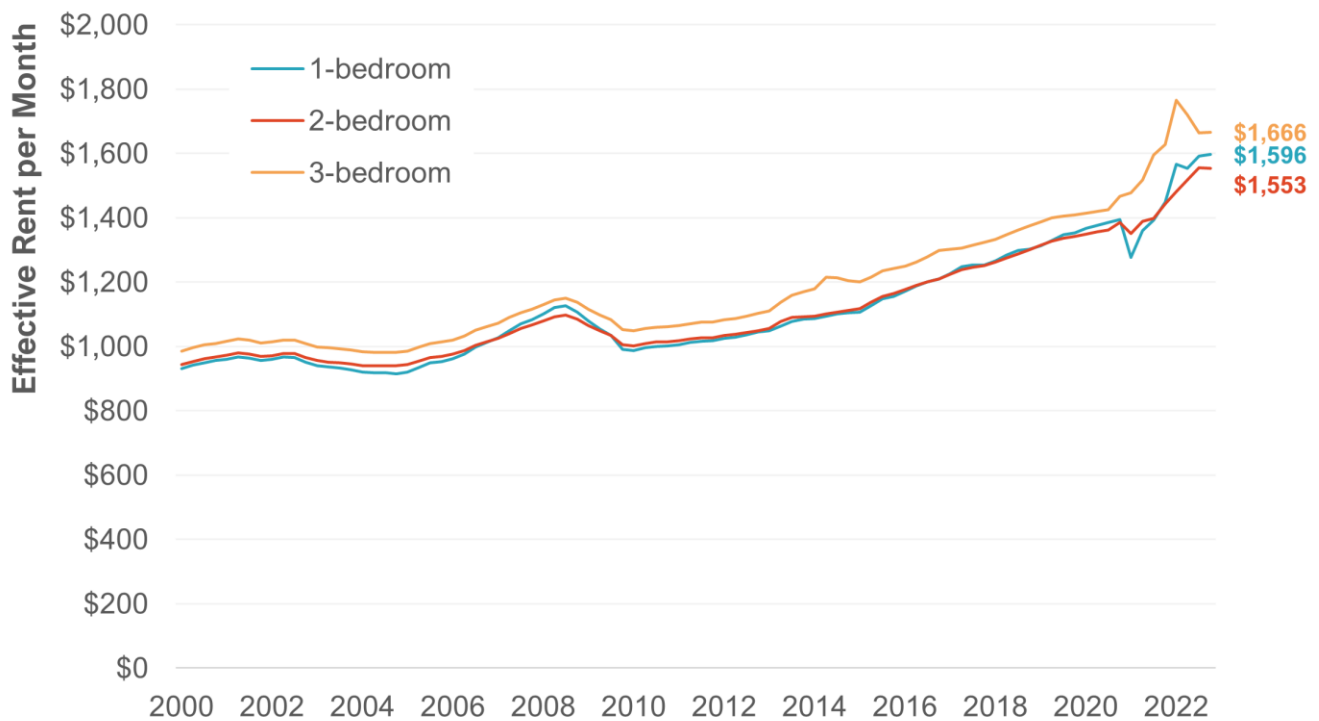
Sources: Snohomish County GIS, 2022;
ESRI, 2022; City of Lake Stevens, 2022;
BERK, 2022.

Residential Real Estate Markets

- **Rents for Lake Stevens have largely kept pace with local incomes.** Although rents in Lake Stevens have increased steadily since 2010, this has grown at a rate comparable to local median incomes. Exhibit 26 shows trends in effective rents (asking rents less concessions) by unit size from 2022, which is compared to local median family income in Lake Stevens (not regional AMI) in Exhibit 27. One-bedroom apartments are projected to be affordable to households at around 76% of the city's median family income. Two- and three-bedroom apartments are affordable at 62% and 58% of the median income, respectively. This has not experienced drastic changes recently; note that all of these values peaked in 2016.
- **However, recent rent growth suggests that affordability could become more of an issue.** Looking at year-over-year rent changes shown in Exhibit 28, current rents in October 2022 have increased by 8.8% from Q4 2021. This represents a significant post-pandemic increase in rents and outpaced the increases in Snohomish County for Q4 (6.2% YOY). Higher short-term increases may reflect additional short-term challenges with affordability that would not be reflected in the affordability measures discussed previously.
- **Vacancy rates have been low in Lake Stevens.** Stabilized vacancy rates available from CoStar and displayed in Exhibit 29 and highlight that the rental market in Lake Stevens may be tighter than in Snohomish County as a whole, with 3.0% vacancy rates in October versus 4.2% for the rest of the county. Generally, vacancy rates for Lake Stevens have been lower than the county over time.
- **Recent sales have suggested more private market activity with multifamily residential real estate.** Exhibit 30 highlights the volume of sales of multifamily buildings in Lake Stevens (expressed in dollars) and the average per unit sale price for these projects. Although the Lake Stevens market has been characterized by relatively low sales volume for multifamily real estate over the past 20 years, recent activity and sharper increases in estimated sales prices per unit indicate more private equity demand for multifamily development.
- **Owner-occupied housing has experienced significant increases in sales prices, but the market is poised for a correction.** Unlike rental housing in Lake Stevens, which has been relatively stable in comparison to median family income, owner-occupied housing prices have been increasing notably faster than incomes, a trend also reflected in regional and national markets. Exhibit 31 shows the Zillow Home Value Index as a proxy for housing value increases over time, while Exhibit 32 compares this to median family income in Lake Stevens. After the trough in prices experienced in 2012, housing prices have increased from about 2.86 times median income to an estimated 6.23 times income. While a

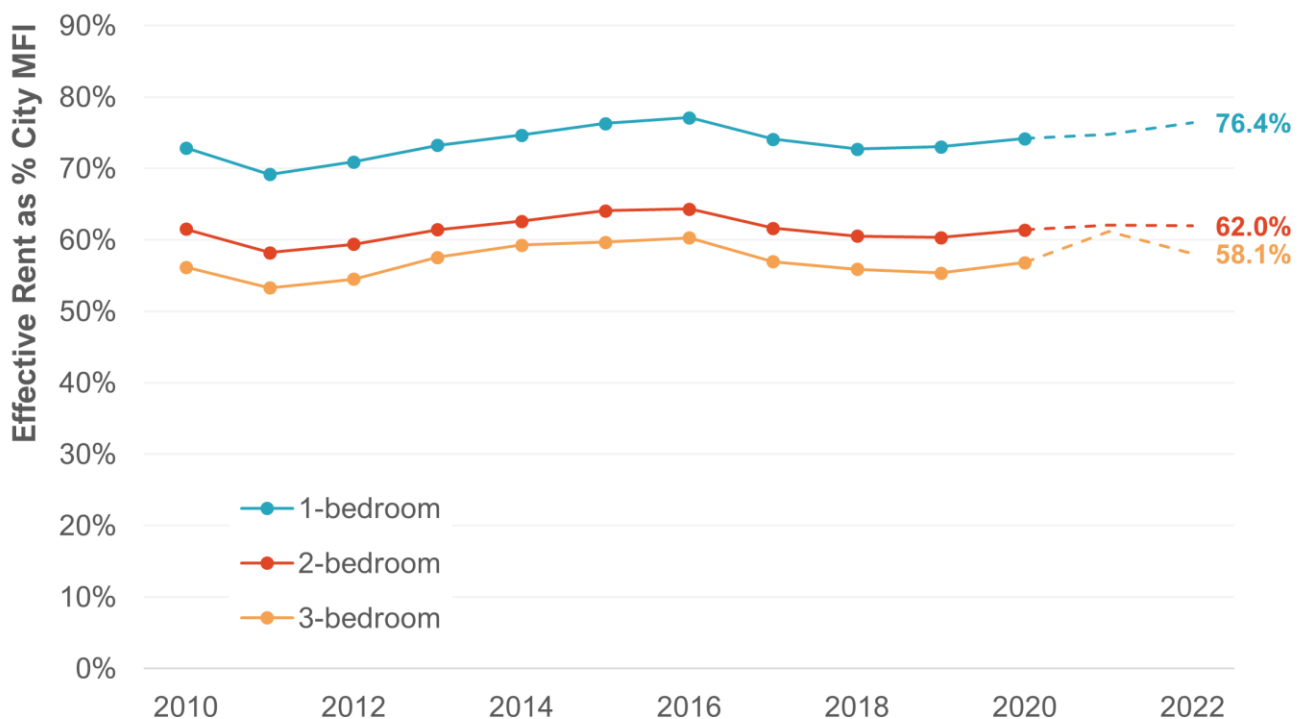
correction has been noted in the most recent data available, it is not likely to result in significant increases in affordability given increases in mortgage interest rates.

Exhibit 26. Effective Rent by Unit Size, Lake Stevens, 2000–2022.



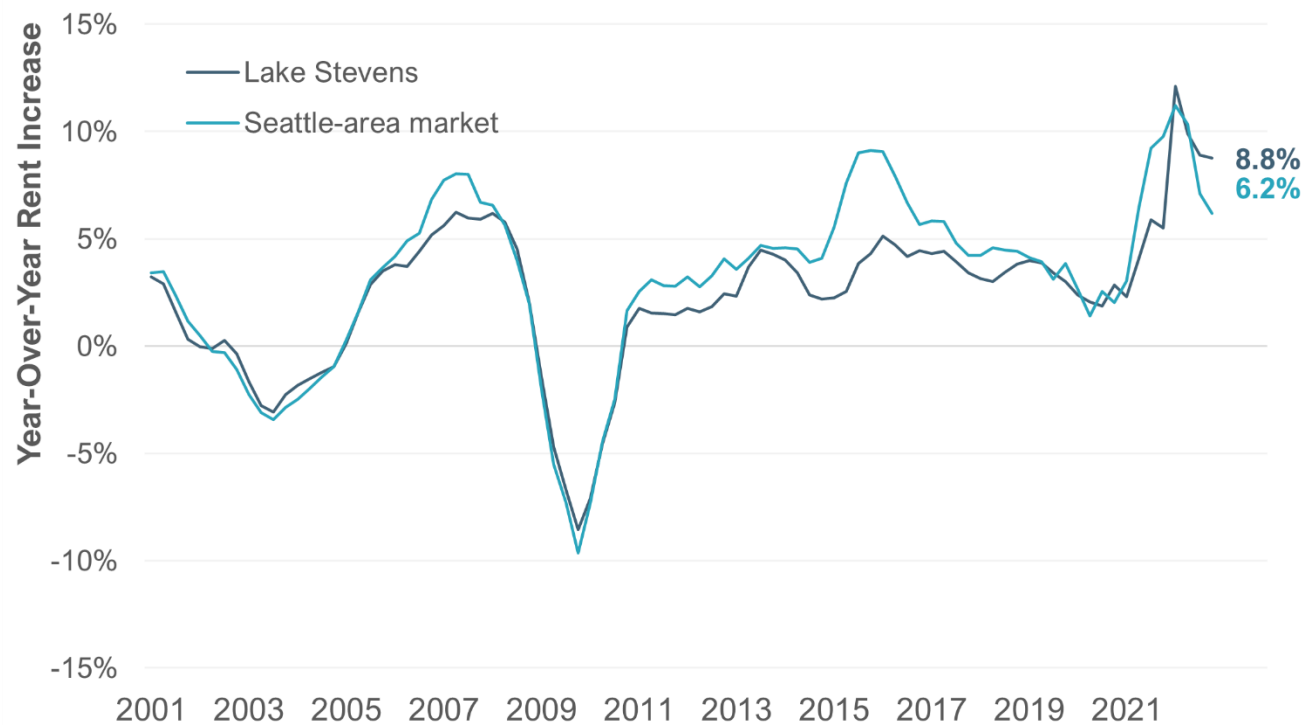
Source: CoStar, 2022.

Exhibit 27. Affordability of Effective Rent in % Local Median Income, Lake Stevens, 2010–2022.



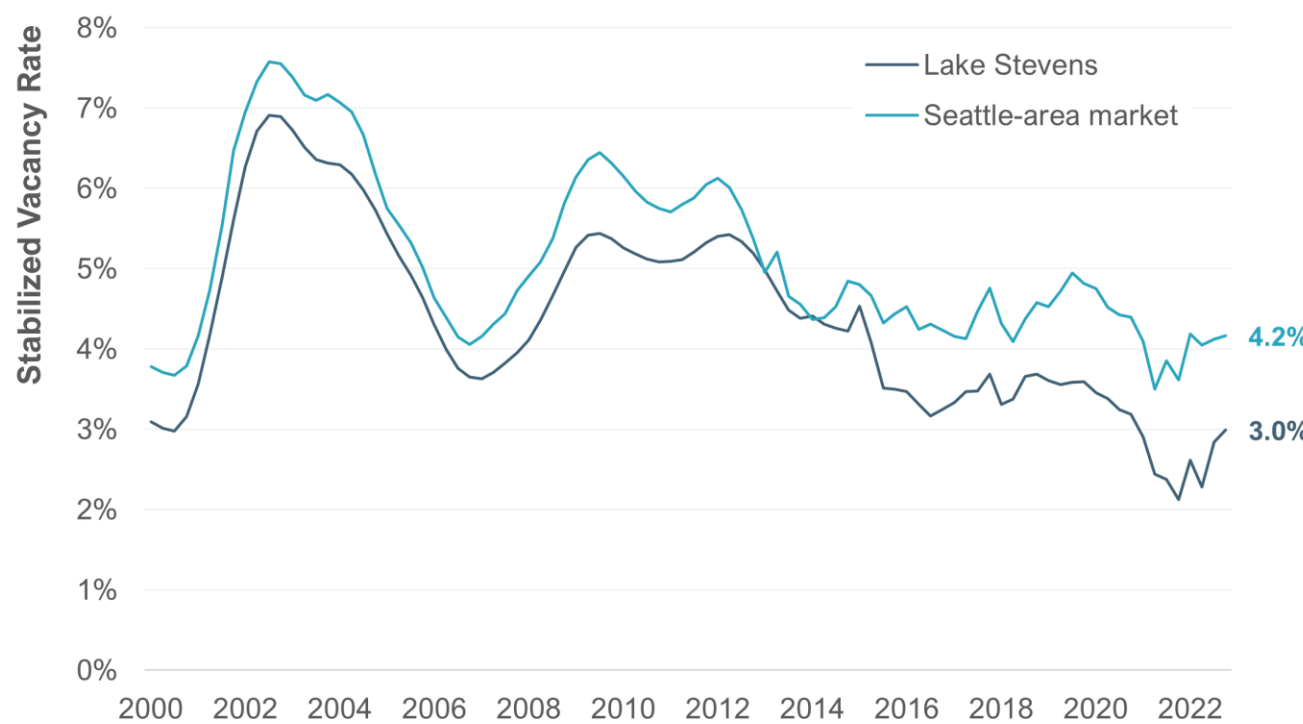
Source: US Census Bureau, American Community Survey 5-Year Estimates, 2010–2020.

Exhibit 28. Year-Over-Year Rent Changes, Lake Stevens, 2001–2022.



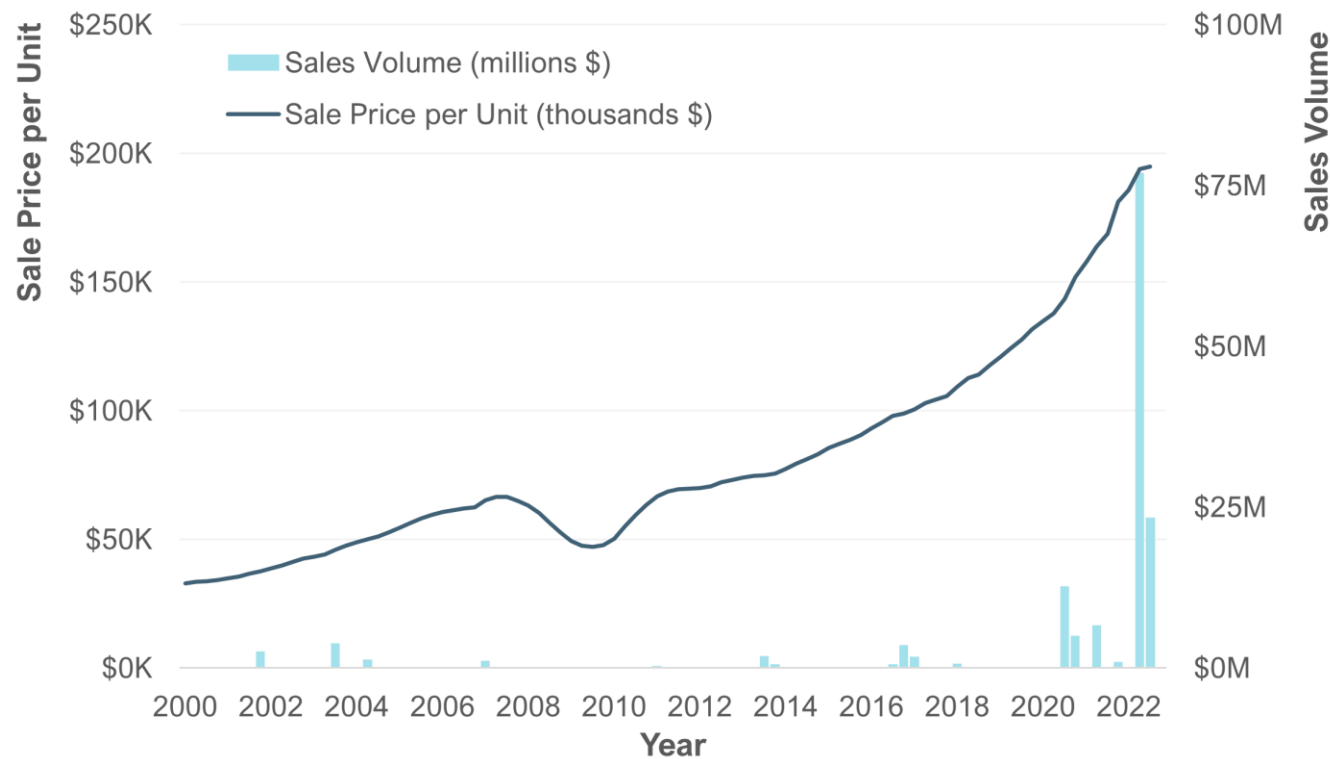
Source: CoStar, 2022.

Exhibit 29. Stabilized Vacancy Rates, Lake Stevens, 2010–2022.



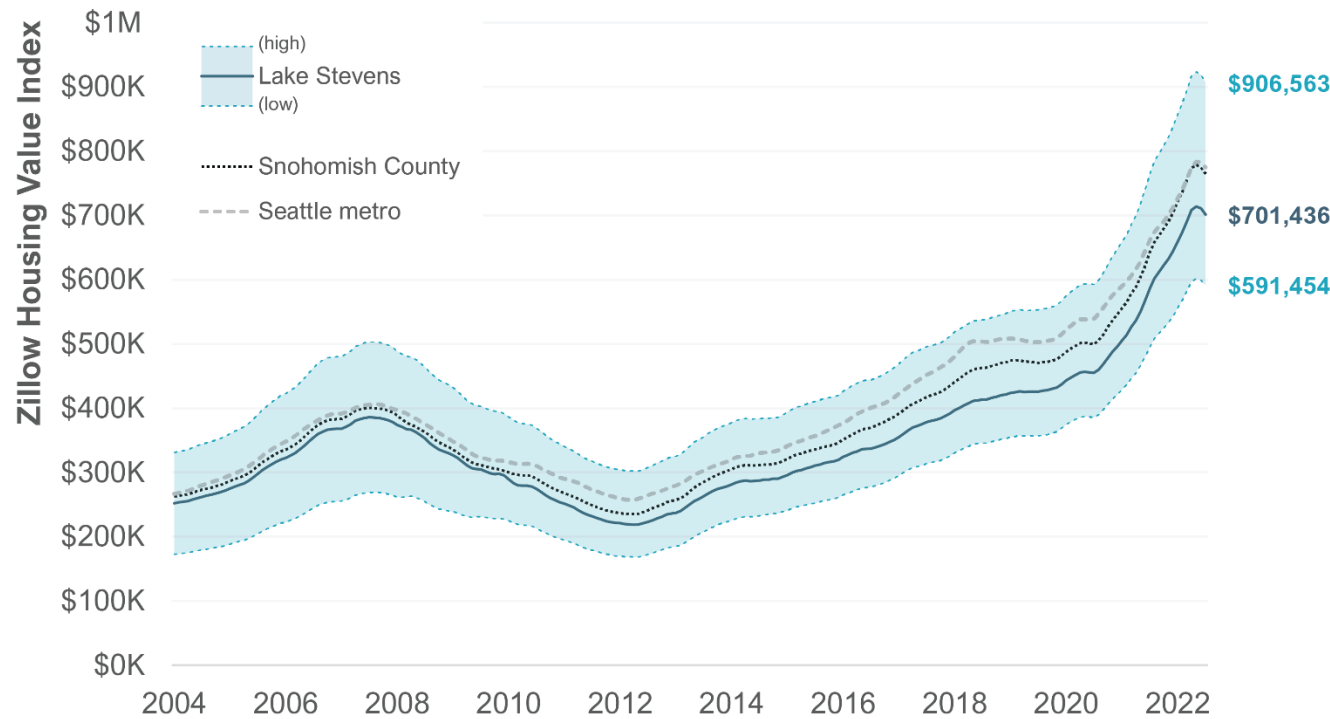
Source: CoStar, 2022.

Exhibit 30. Sales Volume and Average Sale Price per Unit, Lake Stevens, 2000–2022.



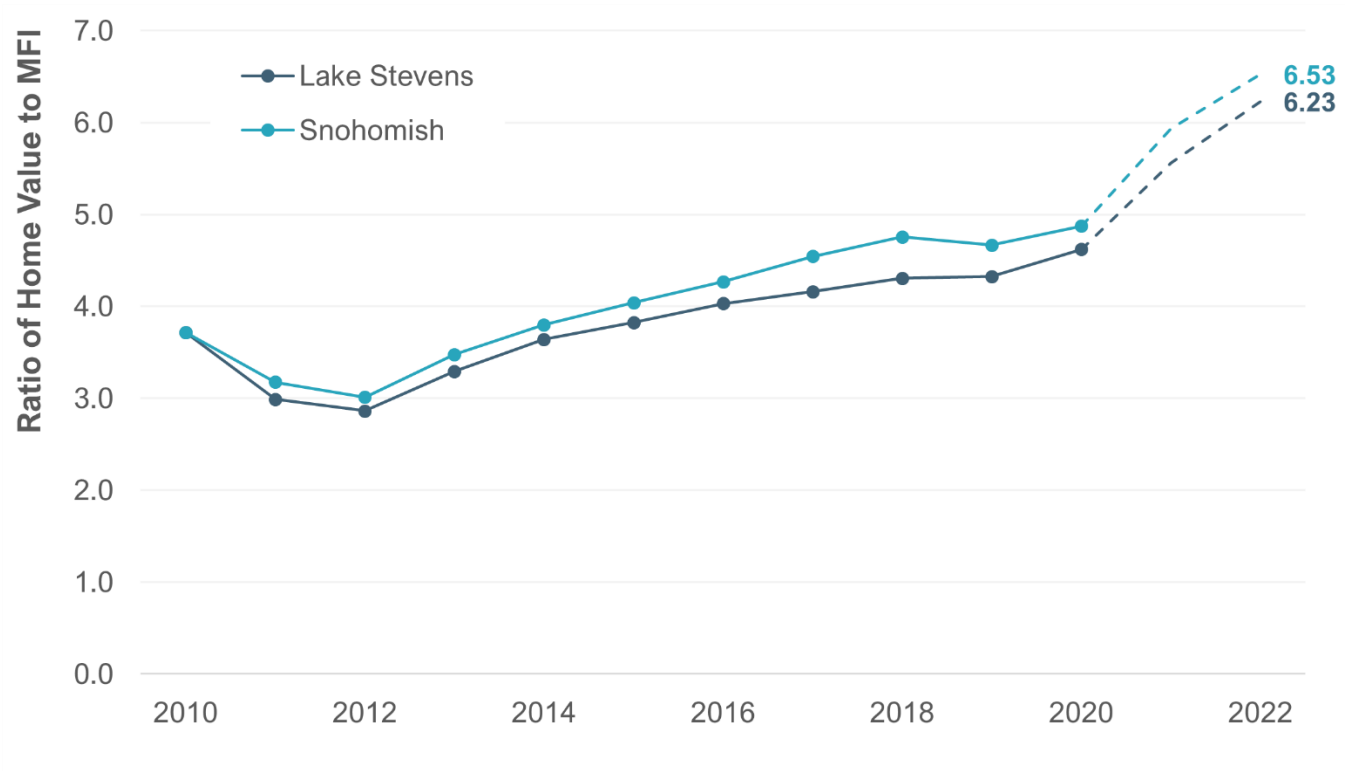
Source: CoStar, 2022.

Exhibit 31. Zillow Housing Value Index, Lake Stevens, 2004–2022.



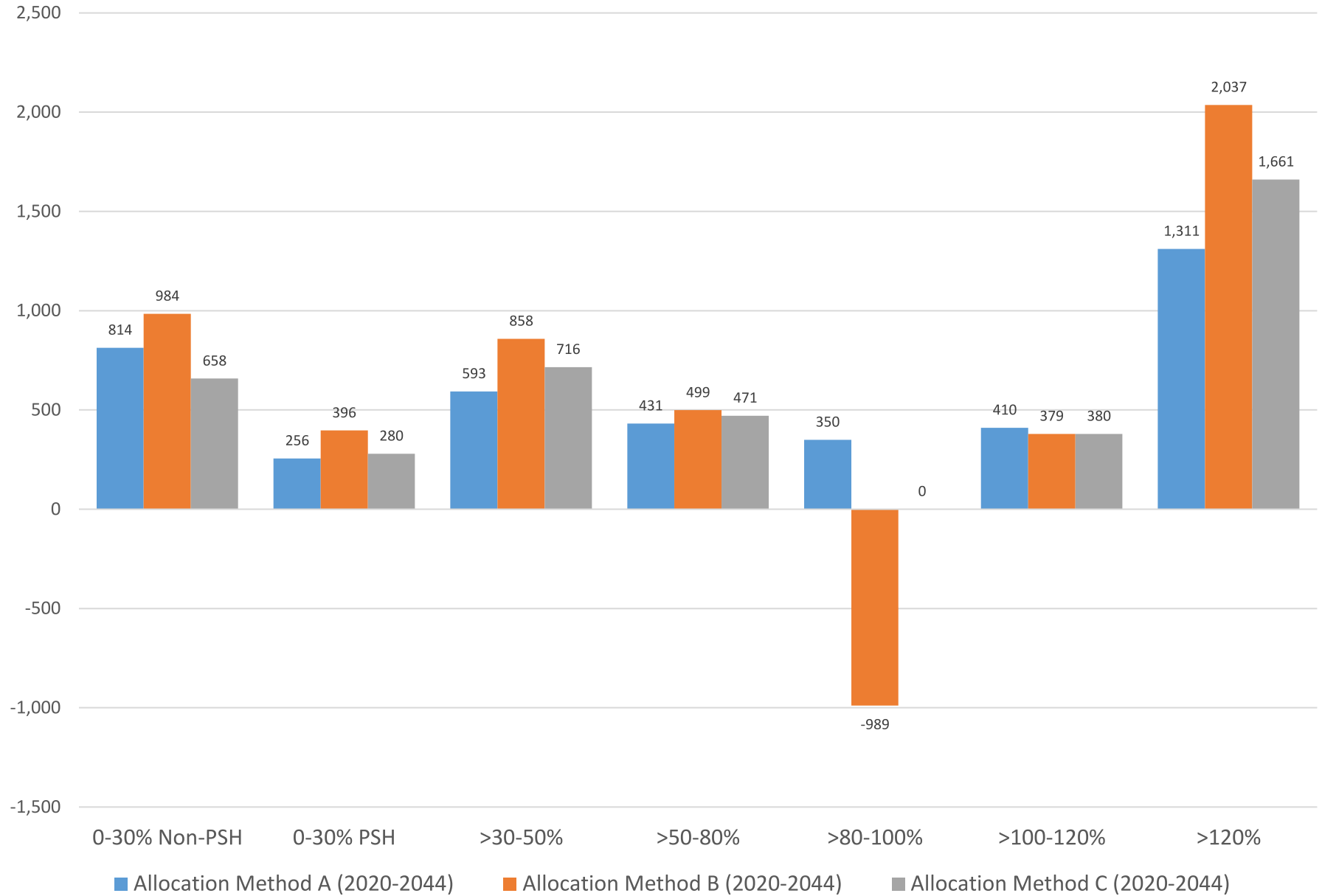
Source: Zillow, 2022.

Exhibit 32. Ratio of Housing Price Index to Median Family Income, Lake Stevens, 2010–2022.



Source: Zillow, 2022; US Census Bureau, American Community Survey 5-Year Estimates, 2010–2020.

Nov-10-2022 Draft 2020-2044 Housing Allocations by Income, City of Lake Stevens





COUNCIL PROCEDURES

ADOPTED

March 27, 2018

Revised September 11, 2018

Revised January 22, 2019

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SECTION 1. AUTHORITY

- 1.1 Pursuant to RCW 35A.12.120, and other applicable law, the Lake Stevens City Council hereby establishes the following rules for the conduct of Council meetings, proceedings and business. These rules shall be in effect upon adoption by the Council and until such time as they are amended or new rules adopted in the manner provided by these rules.

SECTION 2. COUNCIL MEETINGS

2.1 TYPES OF MEETINGS:

1. Regular - the Council meeting held as set by Ordinance.
2. Workshop – the Council meeting held as set by Ordinance.
3. Special - any Council meeting other than the Regular Council meeting. Notice shall be given at least 24 hours in advance. A Special Council meeting may be scheduled by the Mayor, Council President, City Administrator or at the request of not less than 4 Councilmembers.
4. Emergency - a Special Council meeting called without the 24-hour notice. An Emergency meeting deals with an emergency involving injury or damage to persons or property or the likelihood of such injury or damage, when time requirements of a 24-hour notice would make notice impractical and increase the likelihood of such injury or damage. Emergency meetings may be called by the City Administrator, the Mayor or Council President with the consent of not less than 4 Councilmembers. The minutes will indicate the reason for the emergency.

- 2.2 The time and day of Council's regular meetings shall be set by ordinance and will be held at the location set by ordinance unless otherwise publicly announced.

Regular Council meetings times shall be set by ordinance and will normally adjourn no later than 9:00 p.m., unless pending business must be concluded. Extensions beyond 9 p.m. shall require passage of a motion by Council.

- 2.3 Council's Workshop Sessions will be scheduled as special meetings and may be held, when needed, as follows: From the hour of 7:00 p.m. and will adjourn no later than the hour of 9:00 p.m., on the first and third Tuesdays, of each month. To continue past this time of adjournment, passage of a motion by a majority of the Council will be required. Alternatively, Workshop Sessions may be scheduled immediately preceding a Regular Council meeting, with the start time to be determined based on the agenda, but in no event earlier than 5:00 p.m., and ending no later than 6:45 p.m. Council workshops may also be scheduled on other dates and times by special meeting notice.

Special Workshop sessions may be called by the Mayor, City Administrator, Council President or by three (3) or more Councilmembers.

Workshop Sessions will be informal meetings for the purpose of reviewing forthcoming programs, receiving progress reports on current programs or projects,

or receiving other similar information. The Council President, Council Vice-President and City Staff will determine on-going dedicated schedules for regular workshop sessions.

No final decisions will be made at a Workshop Session. Decisions on workshop matters will be scheduled for a Regular or Special Council meeting.

- 2.4 Information will be available to the public at each meeting stating a summary of the Rules of Procedure.
- 2.5 Staff/consultants will provide brief information and respond to questions by Councilmembers or as requested by the City Administrator or Presiding Officer.
- 2.6 Citizen comment/public hearing sign-ups will be available at each regular Council meeting.
- 2.7 All regular, workshop and special meetings will be electronically recorded.

The City Clerk will keep an account of all proceedings of the Council in accordance with the statutory requirements, and proceedings will be entered into a minute book constituting the official record of the Council.

City Council meeting minutes will not be revised without a majority affirmative vote of the Council at a regularly scheduled Council meeting.

2.8 ORDER OF REGULAR COUNCIL MEETING AGENDA:

1. Call Meeting To Order:

The Presiding Officer calls the meeting to order.

2. Pledge of Allegiance:

The Mayor, Council President or designee leads the flag salute.

3. Roll Call:

The Council President will announce the attendance of Councilmembers and indicate any Councilmember who is not in attendance. The Council shall approve excused absences by vote. The official meeting minutes will always reflect the vote count on each action item.

4. Approval of Agenda:

The Council President, with the concurrence of the Councilmembers, may take agenda items out of order or add or remove agenda items.

5. Citizen Comments:

Members of the audience may comment on items relating to any matter not on the meeting agenda under Citizen Comments. Unless this rule is waived

by motion of the Council, each speaker will be limited to three minutes to make their comments.

Council may, at its discretion, allow citizen comment on individual agenda items at times during any regularly scheduled City Council meeting after the item is introduced for Council but prior to Council discussion. The Presiding Officer will limit the amount of time permitted for each speaker to three minutes, until all persons have had an opportunity to speak. These agenda items include, but are not limited to, ordinances, resolutions and Council Business issues. Public testimony will be taken during Council's consideration of quasi-judicial matters.

6. Guest Business:

Persons or organizations invited or requesting to speak to the Council on specific identified topics will be scheduled under Guest Business. Guest speakers will not be restricted to a limited amount of time for speaking unless requested by Council at the time of the meeting.

7. Council Business:

Councilmembers may report on any Board/Commission meetings or significant activities or any other matter pertaining to City business since the last meeting. Subcommittee chairpersons will report on the activities of their respective subcommittees.

8. Mayor's Business:

Under Mayor's Business the Mayor usually addresses significant activities since the last meeting and items not previously discussed, such as future meetings of interest to the Council.

9. City Department Report:

City staff updates the Council on current issues or items of Council interest.

10. Consent Agenda:

Consent Agenda items are considered to be routine, non-controversial, or are items which have previously been studied and reviewed so as to not require additional discussion or debate. Such items may be approved by a single motion. Items on the Consent Agenda may include but are not limited to, minutes, resolutions and ordinances discussed at a previous City Council or Committee meeting, and previously authorized agreements. Any Councilmember may remove any item from the Consent Agenda for separate discussion and action.

11. Public Hearing:

Citizens may comment on public hearing items. The Presiding Officer may limit the amount of time permitted each speaker until all persons have had an opportunity to speak. Further testimony from those who have spoken

may be allowed at the discretion of the Presiding Officer. The public hearing will be continued to another date to take additional testimony when the existing available time is not sufficient or as determined by the Council.

At the Public Hearing, staff's presentation is to give background and frame the issues for the Council and audience.

During public comment or public testimony, Council shall refrain from interactive exchanges with the audience. Council requests for clarification from audience should occur prior to the closure of the public portion of the hearing. Staff may be asked clarifying questions by Council during Council deliberations.

12. Action Items:

a. Proclamations:

A Proclamation is defined as an official announcement made by either the City Council or the Mayor.

b. Introduction and First Reading of Ordinances:

Discussion and debate by the City Council will be held at this time. Councilmembers shall decide whether to amend the ordinance, direct staff to further review the ordinance, or approve placing the ordinance on the Consent Agenda or as a separate agenda topic for second or third reading at an upcoming Regular Council meeting for enactment as an enforceable City law. The number of ordinance readings shall be considered item by item.

c. Resolutions:

A resolution is adoption of a City policy, practice or decision.

d. Other:

Any contract, agreement, or other form of business that requires formal action that is necessary to conduct City business.

e. Such other and additional items as required by law or by Council direction.

13. Executive Session:

Executive session subjects are limited to considering such matters as are authorized under the Open Meetings Act or such other laws that authorize executive sessions. Executive session is a Council meeting that is closed except to the Council and authorized staff members and/or consultants. The public is restricted from attendance. Executive Sessions may be held during Regularly scheduled meetings or Special Council meetings and will be announced by the Mayor.

Before convening an Executive Session the Mayor shall announce the purpose of the executive session and the anticipated time when the session will be concluded and if any action shall be taken. Should the session require more time, a public announcement shall be made that the Executive Session is being extended.

14. Study Session:

Discussion items are generally items of significance that may require future action by Council.

15. Adjournment:

With no further business to come before the Council, the Presiding Officer adjourns the meeting by requesting a motion for adjournment.

16. Transportation Benefit District:

Agenda Items regarding the Transportation Benefit District will be clearly set out and identified as such under the section of the Agenda where they best fit.

SECTION 3. AGENDA PREPARATION

3.1 The City Clerk will prepare an agenda for each Council meeting specifying the time and place of the meeting, and set forth a brief general description of each item to be considered by the Council. The agenda is subject to approval by the Mayor and the City Administrator.

3.2 An item may be placed on a Council meeting agenda by any of the following methods:

1. By a Councilmember if the item does not require staff preparation;
2. By any two (2) Councilmembers;
3. By the City Administrator;
4. By a Council Committee;
5. By the Mayor.

3.3 An item may be placed on a regular Council meeting agenda after the agenda is closed if approved by the Mayor or City Administrator.

3.4 The City Clerk will endeavor to schedule sufficient time between public hearings and other scheduled items, so the public is not kept unreasonably waiting, and so the Council will have sufficient time to hear public comment or testimony and to deliberate matters among themselves.

- 3.5 Legally required and advertised public hearings will generally have a higher priority over other time-scheduled agenda items which have been scheduled for convenience rather than for statutory or other legal reasons.
- 3.6 Agenda items that are continued from one meeting to another will have preference on the agenda to the extent possible.
- 3.7 Agendas will be finalized by the Thursday prior to the Council meeting. Agenda packets will be available electronically to Council by 5:00 p.m. on the Thursday prior to the Council meeting, and available electronically to the public on the City's web page by 5:00 p.m. on the Friday prior to the Council meeting, unless posted otherwise. If late information becomes available after the packet is posted on the City's web page on the Friday prior to the meeting, or if information arrives from other sources, then a recess or delay may be considered by the Council.
- 3.8 All agenda item packet reports will be in the format provided by the City Clerk's Office.
- 3.9 The Council may use "Staff Recommendation Statement" language from staff reports or agenda item descriptions for making a motion.
- 3.10 Council agenda and packet material will be available to the public during regular meetings.

SECTION 4. COUNCIL DISCUSSION

- 4.1 All Council discussion shall be guided by **ROBERTS RULES OF ORDER, NEWLY REVISED.**

SECTION 5. COMMENTS, CONCERNS & TESTIMONY TO COUNCIL

- 5.1 Persons addressing the Council, who are not specifically scheduled on the agenda, will be requested to step up to the podium, give their name and address for the record, and limit their remarks to three (3) minutes. All remarks will be addressed to the Council as a whole. Any person making personal, impertinent, or slanderous remarks, or who becomes boisterous, threatening, or personally abusive while addressing the Council, may be requested to leave the meeting.
- 5.2 The Presiding Officer has the authority to preserve order at all meetings of the Council, to cause the removal of any person from any meeting for disorderly conduct and to enforce the Rules of the Council. The Presiding Officer may command assistance of any peace officer of the City to enforce all lawful orders of the Presiding Officer to restore order at any meeting.
- 5.3 Citizens with complaints, concerns or questions, may be referred to separately bring the matter to the Mayor or relevant City staff, or ask that the matter be placed on a future City Council meeting, with the appropriate background information.

SECTION 6. MOTIONS AND VOTING

- 6.1 When making motions, Councilmembers will be encouraged to be clear and concise and to not include arguments for the motion within the motion.

- 6.2 After a motion has been made and seconded, the Council may deliberate and discuss their opinions on the issue prior to the vote. No further citizen comments may be heard when there is a motion and a second on the floor.
- 6.3 When the Council concurs or agrees to an item that does not require a formal motion, the Presiding Officer will summarize the agreement at the conclusion of the discussion and normally, a minute entry will be made.
- 6.4 A motion may be withdrawn by the maker of the motion, at any time, up until the question is called to vote without the consent of the Council.
- 6.5 A motion to table is undebatable and shall preclude all amendments or debates of the issue under consideration. If the motion to table prevails, the matter may be "taken from the table" only by adding it to the agenda of a future Regular or Special meeting at which time discussion will continue; and if an item is tabled, it cannot be reconsidered at the same meeting.
- 6.6 A motion to postpone to a certain time is debatable, is amendable, and may be reconsidered at the same meeting. The question being postponed must be considered at a later time at the same meeting, or to a time certain at a future Regular or Special City Council meeting.
- 6.7 A motion to postpone indefinitely is debatable, is not amendable, and may be reconsidered at the same meeting only if it received an affirmative vote.
- 6.8 A motion to call for the question shall close debate on the main motion and is undebatable. This motion must receive a second and fails without a two-thirds' (2/3) vote; debate is reopened if the motion fails.
- 6.9 A motion to amend is defined as amending a motion that is on the floor and has been seconded, by inserting or adding, striking out, striking out and inserting, or substituting.
- Motions that cannot be amended include: Motion to adjourn, agenda order, lay on the table, roll call vote, point of order, reconsideration and take from the table. A motion to amend an amendment is not in order.
- Amendments are voted on first, then the main motion as amended (if the amendment received an affirmative vote).
- 6.10 Discussion of the motion only occurs after the motion has been moved and seconded.
- 6.11 If a motion does not receive a second, it dies. Motions that do not need a second include: Nominations, withdrawal of motion, agenda order, request for a roll call vote, and point of order.
- 6.12 The Presiding Officer should acknowledge the motion and second prior to voting.
- 6.13 The City Clerk will repeat the motion and/or take a roll call vote, if requested by the Presiding Officer, a Councilmember, or as required by law.

- 6.14 Unless otherwise required by law, the passage or defeat of a motion shall be decided by a majority of those present and voting. Abstentions shall not be included in the vote tally, even if those voting in favor of the motion are less than a majority of the full City Council.

A motion that receives a tie vote is deemed to have failed, except pursuant to RCW 35A.12.100 Duties and authority of the mayor--Veto--Tie-breaking vote, the Mayor "shall have a vote only in the case of a tie in the votes of the councilmen with respect to matters other than the passage of any ordinance, grant, or revocation of franchise or license, or any resolution for the payment of money."

At the conclusion of any vote, the Presiding Officer will inform Council of the results of the vote.

- 6.15 When a question has been decided, any Councilmember who voted in the majority may move for a reconsideration and such motion must also be seconded by a member who voted in the majority. No motion for reconsideration of a vote shall be made after the meeting has adjourned but may be made at a subsequent meeting of the Council

- 6.16 The City Attorney shall decide all questions of interpretations of these rules and other questions of a parliamentary nature which may arise at a Council meeting. All cases not provided for in these rules shall be guided by Robert's Rules of Order, Newly Revised.

In the event of a conflict, these Council Rules shall prevail.

SECTION 7. ORDINANCES

- 7.1 All ordinances shall be prepared or reviewed by the City Attorney. No Council initiated ordinance shall be prepared for presentation to the Council, unless two Councilmembers support the ordinance and staff has been consulted.
- 7.2 The City Clerk shall assign a permanent ordinance number at the time the ordinance is initiated.
- 7.3 The Presiding Officer shall read the title of the ordinance or the Ordinance number prior to voting unless the ordinance is on the Consent Agenda.
- 7.4 Prior to placement of an ordinance on the agenda, the City Attorney shall approve the ordinance as to form. After the City Attorney's signature, and passage of the Ordinance the City Clerk or designee shall obtain the signature of the Mayor. After the Mayor's signature, the City Clerk or designee shall sign the ordinance.
- 7.5 Ordinances, or ordinance summaries, shall be published in the official newspaper, as a legal publication, immediately following enactment.
- 7.6 Ordinances become effective five (5) days after the date of publication of the ordinance unless otherwise specified.

SECTION 8. MAYOR, COUNCIL PRESIDENT, AND COUNCIL VICE-PRESIDENT

- 8.1 The Presiding Officer at all regular and special meetings of the Council shall be the Mayor and all workshop sessions shall be the Council President.

At regular and special meetings in the absence of the Mayor, the Council President will act as Presiding Officer or in his/her absence the Council Vice-President. If the Mayor, Council President, and Vice-President are absent, the Council present shall elect one of its members to serve as Presiding Officer until the return of the Mayor, Council President or Council Vice-President.

At workshop sessions in the absence of the Council President, the Council Vice-President will act as the Presiding Officer or in his/her absence the Mayor. If the Council President, Vice-President, and Mayor are absent, the Council present shall elect one of its members to serve as Presiding Officer until the return of the Council President, Council Vice-President, or Mayor.

- 8.2 The Presiding Officer shall:

1. Preserve order and decorum in the Council chambers;
2. Observe and enforce all rules adopted by the Council;
3. Decide all questions on order, in accordance with these rules, subject to appeal by any Councilmember in which case the Presiding Officer will defer to the City Attorney; and
4. Recognize Councilmembers in the order in which they request the floor. The Presiding Officer, as a Councilmember, shall have only those rights, and shall be governed in all matters and issues by the same rules and restrictions as other Councilmembers.
5. From time to time, the Mayor and/or Council President may appoint Councilmembers to serve on ad hoc committees.

SECTION 9. COUNCIL RELATIONS WITH CITY STAFF

- 9.1 There will be mutual respect from both City staff and Councilmembers of their respective roles and responsibilities.
- 9.2 City staff will acknowledge the Council as policy makers, and the Councilmembers will acknowledge City staff as administering the Council's policies.
- 9.3 All written informational material requested by individual Councilmembers shall be submitted by City staff, after approval of the Mayor or City Administrator, to all Councilmembers with a notation indicating which Councilmember requested the information.
- 9.4 A Councilmember shall not attempt to influence City staff in the selection, evaluation or discipline of personnel, the awarding of contracts, the selection of consultants, the processing of development applications or the granting of City licenses or permits.

- 9.5 A Councilmember shall not attempt to change the operating rules and practices of any City department.
- 9.6 Mail that is addressed to the Mayor and Councilmembers shall be copied and circulated by the City Clerk, as soon as practicable after it arrives.
- 9.7 The City Clerk shall not open mail addressed to individual Councilmembers if it is marked personal and/or confidential.
- 9.8 No Councilmember shall direct the City Administrator to initiate any action or prepare any report that is significant in nature, or initiate any project or study without the consent of a majority of the Council.
- 9.9 Individual requests for information can be made directly to the Department Director. If the request would create a change in work assignments or City staffing levels, the request must be made through the Mayor or City Administrator and may be referred to the Council.

SECTION 10. COUNCIL MEETING STAFFING

- 10.1 The City Administrator shall attend all meetings of the Council unless excused by the Mayor. The City Administrator may make recommendations to the Council and shall have the right to take part in the discussions of the Council, but shall have no vote. When the City Administrator has an excused absence, the designated Acting City Administrator shall attend the meeting.
- 10.2 The City Attorney shall attend all meetings of the Council unless excused by the Mayor, and shall, upon request, give an opinion, either written or oral, on legal questions. The City Attorney shall act as the Council's parliamentarian.
- 10.3 The City Clerk, or designee, shall attend Regular and Special meetings of the Council, keep the official journal (minutes), and perform such other duties, unless excused by the Mayor, as may be needed for the orderly conduct of the meeting.

SECTION 11. COUNCILMEMBER ATTENDANCE AT MEETINGS

- 11.1 Councilmembers will inform the Mayor, the Council President, the City Administrator or City Clerk if they are unable to attend any Council meeting, or if they knowingly will be late to any meeting. The minutes will show the Councilmember as having an excused absence if approved by the Council.

SECTION 12. PUBLIC HEARINGS

- 12.1 Quasi-judicial hearings require a decision be made by the Council using a certain process, which may include a record of evidence considered and specific findings be made.
- 12.2 Legislative (ordinance or miscellaneous) hearings do not require a decision be made even though information is presented.
- 12.3 Councilmembers shall comply with all applicable laws related to the conflict of interest requirements in the Appearance of Fairness Doctrine.

SECTION 13. MEDIA REPRESENTATION AT COUNCIL MEETINGS

- 13.1 All public meetings of the City Council and its boards/commissions shall be open to the media, freely subject to recording by radio, television and photographic services at any time, provided that such arrangements do not interfere with the orderly conduct of the meeting. Seating space shall be provided for the media at each public meeting.

SECTION 14. COUNCIL REPRESENTATION

- 14.1 If a Councilmember appears on behalf of the City before another governmental agency, such as the County Council or State Legislature, a community organization, or through the media, for the purpose of commenting on an issue, the Councilmember needs to state existing City policy and the majority position of the Council, if known, on such issue. Personal opinions and comments which differ from the Council majority may be expressed if the Councilmember clarifies that these statements do not represent the Council's position. If a Councilmember wishes to clarify the Council's position on a policy issue, they should do so by requesting a Council resolution be prepared and voted on by the Council.

Councilmembers need to have other Councilmember's concurrence before representing another Councilmember's view or position with the media, another governmental agency or community organization.

SECTION 15. CONFIDENTIALITY

- 15.1 Councilmembers shall keep confidential all written materials and verbal information provided to them during Executive Sessions or which are otherwise subject to the attorney-client privilege, to ensure that the City's position is not compromised. Any Councilmember having any contact or discussion needs to make full disclosure to the Mayor, City Administrator and/or the City Council in a timely manner.

SECTION 16. PUBLIC RECORDS

- 16.1 Public records created or received by the Mayor or any Councilmember should be transferred to the City Clerk's office for retention by the City in accordance with the Public Records Law. Public records that are duplicates of those received by, or in the possession of the City, are not required to be retained. Questions about whether or not a document is a public record or if it is required to be retained should be referred to the City Clerk.

SECTION 17. CITY ADMINISTRATOR EVALUATION ANNUAL PROCESS

- 17.1 The Mayor will determine the evaluation criteria and format for the process. As the City Administrator's immediate supervisor the Mayor shall issue the final annual evaluation. Council members will be given the opportunity to provide their observations, comments and recommendations.
- 17.2 The final step of the City Administrator evaluation process is for the Mayor to prepare amendments, if any, to the City Administrator's employment contract. This

contract and any amendment thereto must to be approved by the City Council at a Council meeting.

SECTION 18. MAYOR/COUNCIL PRESIDENT /VICE-PRESIDENT SELECTION PROCESS

- 18.1 Mayor. The Mayor is elected per RCW Title 35A and other applicable election laws.
- 18.2 Council President. At the first regular meeting in January of each year, the members of the City Council shall elect, from their number, a Council President who does not serve for more than one consecutive full year.
- 18.3 Council Vice-President. At the first regular meeting in January of each year, the members of the City Council shall elect, from their number, a Vice-President who does not serve for more than one consecutive full year.

SECTION 19. CITY BOARDS/COMMISSIONS

- 19.1 Lake Stevens' boards and commissions provide an invaluable service to the City. Their advice on a wide variety of subjects aids the Mayor and Councilmembers in the decision-making process. Effective citizen participation is an invaluable tool for local government.
- 19.2 These boards/commissions are generally established by ordinance.
- 19.3 Councilmembers will be assigned as board/commission liaisons in January of each year or as needed. Staff shall provide liaisons with agenda and support material for such meetings. The liaison's role will be as an observer and not an active participant on the board or commission. The liaison may provide updates on City activities, and the liaison may report to Council on actions and activities by their assigned board or commission.
- 19.4 Appointments and reappointments of board/commission members, when vacancies and term expirations occur, shall be as follows:
1. Vacancies to the City's boards and commissions will be advertised in the City newspaper, on the City's web page, at City Hall and such other locations as are deemed appropriate. Councilmembers will be provided with copies of applications of all qualified applicants received for boards/commissions vacancies.
 2. All qualified applicants for a board or commission will be interviewed by a panel consisting of the Mayor, the Department Head and/or staff liaison, the Council liaison or designee to that board or commission, up to two additional councilmembers selected to participate in the interview process for boards and commissions at the beginning of each year, and the Chairperson or designee of the board or commission the applicant applied for.
 3. Following the interviews, the interview panel makes a recommendation and the Mayor nominates a candidate for appointment to the vacant position.

4. The nominated candidate will be notified and requested to complete a criminal background check. All criminal background checks will be conducted by The Human Resources Department.
5. Following successful completion of the criminal background check the Mayor reviews nominee recommendation with Council at a regular Council meeting or at a workshop session. The recommendation should include the number of applicants interviewed, qualifications, and reason for the selection.
6. Mayor appoints board/commission member with Council approval at the regular Council meeting or next regular meeting if recommendation is made at a workshop session.
7. The newly appointed board/commission member will be invited to a subsequent Council meeting to be sworn in. In the case where multiple appointments are made in one Council meeting, all appointees will be sworn in as a group.
8. If the City Council does not confirm or reject the Mayor's nomination for appointment within thirty (30) days of submittal, the Mayor may proceed with the appointment.

SECTION 20. COUNCIL SUBCOMMITTEES

- 20.1 Council subcommittees are policy review and discussion arms of the Council. Subcommittees may study issues and develop recommendations for consideration by the Council. Subcommittees may not take binding action on behalf of the City. Subcommittees generally involve three or fewer councilmembers and therefore are not subject to the Open Public Meetings act.

Subcommittees will be established on an as-needed basis by motion or other action of the City Council

At its first meeting each year, each subcommittee should select from its members a chairperson who will oversee the meeting and report on the activities of the subcommittee to the Council at regular City Council meetings during Council Business.

- 20.2 Each subcommittee will have staff support as needed and assigned by the City Administrator. Staff will work with the subcommittee chairs to set agendas, provide support materials (including any sensitive communications by staff), and prepare reports as needed. The City Clerk or designee will attend subcommittee meetings and may prepare minutes. Subcommittee meetings will not be electronically recorded.
- 20.3 Even though the Open Meetings Act does not generally apply, subcommittee meetings are open to the public for observation only; no citizen comments or participation will be allowed.
- 20.4 The Mayor or City Administrator may send issues directly to subcommittees for their review in lieu of being referred to committee by the entire Council.

- 20.5 Subcommittee appointments shall be made by the Council President or in his/her absence by the Council Vice-President. The Council President will take into account the interests, availability to serve and requests of individual Councilmembers in making subcommittee assignments.
- 20.6 Membership of each subcommittee will consist of a maximum of three (3) Councilmembers unless otherwise approved by Council.
- 20.6 The Mayor and/ or City Administrator shall be an "ex officio" member of each subcommittee.

SECTION 21. AD HOC CITIZEN ADVISORY BOARDS

21.1 PURPOSE

To effectively use valuable resources provided by the citizenry at large to deal with issues on which more citizen input is judged to be needed. Each Board shall be given a clearly defined goal and adequate information to help them understand their role in the governmental structure. Unless determined otherwise by action of the City Council the authority of such Boards will be limited to providing informal input and recommendations to the City Council.

21.2 APPOINTMENT PROCEDURES

The boards will consist of no more than five citizen members (selected by the Mayor and confirmed by the City Council), the Mayor or designee, a staff person, and Councilmember if desired.

21.3 STAFF SUPPORT

Each Ad Hoc Advisory Committee will have staff support as needed and assigned by the City Administrator. Staff will work with the committee to provide support materials and prepare reports.

SECTION 22. FILLING CITY COUNCIL VACANCIES

22.1 PURPOSE

To provide guidance to the City Council when a Lake Stevens Councilmember position becomes vacant before the expiration of the official's elected term of office. Pursuant to state law, a vacancy shall be filled only until the next regular municipal election, wherein the person elected will serve the remainder of the unexpired term.

22.2 REFERENCES

RCW 42.30.110(h) - Executive Session Allowed to Consider Qualifications of a Candidate for Appointment to Elective Office

RCW 42.30.060 - Prohibition on Secret Ballots

RCW 42.12 - Vacant Position

22.3

APPOINTMENT PROCESS

1. A Council position shall be officially declared vacant upon the occurrence of any of the causes of vacancy set forth in RCW 42.12.010, including resignation, recall, forfeiture, written intent to resign, or death of a Councilmember. The Councilmember who is vacating his or her position cannot participate in the appointment process.
2. The City Council shall direct staff to begin the Councilmember appointment process and establish a notice, application, interview and appointment schedule, so that the position is filled at the earliest opportunity.
3. The City Clerk's Office shall prepare and submit to the City's Official Newspaper, with courtesy copies to all other local media outlets, a Notice of City Council Vacancy, which announces the vacancy consistent with the requirements necessary to hold public office. The City's web page and other social media may also be used to announce the Council vacancy.
4. The City Clerk's Office shall prepare an application form which requests appropriate information for City Council consideration of the applicants. Applications will be available at Lake Stevens City Hall, on the City web site, and such other locations that the City Council deems appropriate. Copies of the advertisement will be provided to current members of City of Lake Stevens' boards and commissions.
5. Applications received by the deadline date and time will be copied and circulated, by the City Clerk's Office to the Mayor and City Council. Packets may also contain additional information received such as endorsements, letters of reference and other pertinent materials.
6. The City Clerk's Office shall publish the required public notice(s) for the meeting scheduled for interviewing applicants for consideration to the vacant position. This meeting may be a regularly scheduled City Council meeting, or a special session City Council meeting.
7. The City Clerk's Office shall notify applicants of the location, date and time of City Council interviews.
8. Prior to the date and time of the interview meeting, the Mayor shall accept one interview question from each Councilmember.
9. Prior to the date and time of the interview the City Clerk or designee will make inquiry of each applicant to determine eligibility to hold office and to fill the Council vacancy in the City.

22.4

INTERVIEW MEETING

Depending on the number of applicants to be interviewed, each interview of an applicant/candidate shall be approximately 15 minutes in length as follows:

1. The City Council shall ask the predetermined set of questions which must be responded to by the applicant. Each applicant will be asked and will answer the same set of questions.
2. An informal question and answer period in which Councilmembers may ask and receive answers to miscellaneous questions.
3. The applicants' order of appearance will be determined by a random lot drawing performed by the City Clerk.
4. The Council may elect not to interview all of the applicants if the number exceeds six (6) candidates. The decision as to which applicants to interview will be based on the information contained in the application forms.

22.5

VOTING

Upon completion of the interviews, Councilmembers may convene into Executive Session to discuss the qualifications of the applicants. However, all interviews, nominations and votes taken by the Council shall be in open public session.

1. The Mayor shall ask for nominations from the Councilmembers.
2. In the case of one vacancy to be filled, balloting will continue until a nominee receives a majority of four (4) votes.
3. At any time during the balloting process, the City Council may postpone balloting until a date certain or regular meeting if a majority vote has not been received.
4. Nothing in this policy shall prevent the City Council from reconvening into Executive Session to further discuss the applicant/candidate qualifications.
5. The Mayor shall declare the nominee receiving the majority vote as the new Councilmember. The new Councilmember shall be sworn into office by any person authorized under state law to administer oaths, at the earliest opportunity or no later than the next regularly scheduled City Council meeting.
6. In the case of a tie vote, the Mayor may cast a vote.
7. If the City Council does not fill the vacancy within 90 days of the declared vacancy, the Revised Code of Washington delegates appointment powers to Snohomish County.

SECTION 23. MISCELLANEOUS

23.1

When Councilmembers register to attend an official conference requiring voting delegates, such as the Association of Washington Cities, the Council shall designate the voting delegate(s) and alternate voting delegate(s) during a public meeting, by a majority vote; when possible, said selection of voting delegate(s) shall be done on a

rotating basis for the purpose of allowing all Councilmembers the opportunity to be an official voting delegate.

SECTION 24. SUSPENSION AND AMENDMENT OF RULES

- 24.1 Any provision of these rules not governed by state law or ordinance, may be temporarily suspended or waived by a two-thirds (2/3) majority vote of the Council.
- 24.2 These rules may be amended, or new rules adopted, by a majority vote of the Council.
- 24.3 While not required, these Rules should be reviewed approximately every 2 years for the purpose of keeping up to date with legal requirements and for purposes of confirming that actual practices conform with these rules.