

PLANNING COMMISSION 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.

May 3, 2023 - 6:00 PM

In-person at The Mill's Sawyers room, 1808 Main Street or Via

Zoom: <https://us02web.zoom.us/j/84444368525>

1. **Call to Order**
2. **Roll Call**
3. **Guest Business**
4. **Action Items**
 - A. Approve April 19, 2023 Minutes
5. **Discussion Items**
 - A. Code Cleanup Nico Faz
 - B. Canvassers, Peddlers and Solicitors Code Revisions Jill Needham
6. **Commissioner Report**
7. **Planning Director's Report**
8. **Adjourn**

THE PUBLIC IS INVITED TO ATTEND

The City of Lake Stevens strives to provide accessible opportunities for individuals with disabilities. Please contact Human Resources, City of Lake Stevens ADA Coordinator, (425) 622-9400, at least five business days prior to any City meeting or event if any accommodations are needed. For TDD users, please use the state's toll-free relay service, (800) 833-6384, and ask the operator to dial the City of Lake Stevens City Hall number.

PLANNING COMMISSION MEETING MINUTES



Hybrid-via Zoom or in the Mill's Sawyers Room

4-19-2023

CALL TO ORDER:	6:04 pm by Chair Mike Duerr
MEMBERS PRESENT:	Chair Mike Duerr, Vice Chair Jennifer Davis, Todd Welch, Linda Hoult and Connor Davis.
MEMBERS ABSENT:	Janice Huxford
STAFF PRESENT:	Community Development Director Russ Wright, Senior Planner Melissa Place, and Clerk Jennie Fenrich
OTHERS PRESENT:	Councilmember Ryan Donahue

Clerk Kelly Chelin swore in new Planning Commissioner Bruce Morton.

Chair Duerr called the meeting to order at 6:04 p.m. and led the Pledge of Allegiance.

Roll Call: All present except Commissioner Huxford, who was excused.

Guest business: None

Action Items: Minutes for March 15, 2023, motion to approve made by Commissioner Welch, seconded by Commissioner Hoult as written. (6-0-0-1).

Climate Mitigation Plan:

Senior Planner Place provided an update on the Climate Mitigation Plan since last meeting. House Bill 1181 passed the House and is likely to pass Senate and be signed by the Governor. This would make the climate change element a requirement for our Comprehensive Plan starting in 2024. The City received an \$80,000 grant from Department of Commerce to assist in implementation. Staff has hired a consultant to help guide the process. Planner Place shared three options of draft vision statements. Feedback from the Commissioners favored the first and second option. The ten items the City intends to achieve were listed and shared with the Commissioners.

Commissioner Report: Commissioner C. Davis reported the Rotary Club can grant \$25,000 in scholarships to Lake Stevens High School students this year. They are planning to work on some beautification projects at Skyline and Mt. Pilchuck elementary schools. Commissioner J. Davis welcomed new Planning Commissioner Bruce Horton.

Director Report: Community Development Director Wright reported the Short Term Rental ordinance has been passed by City Council and will be effective April 19th. The two major changes are: the distance between rentals was reduced to 150 feet from 300 feet, and an increase from 30 units to 50 total units. Director Wright suggested the Planning Commission change their meeting days through the summer to Mondays instead of Wednesdays due to conflict with Farmers Market using the Mill during summer months. Commissioners were in favor; June through August meetings will be held on Mondays.

Adjourn: Commissioner Welch moved to close the meeting, seconded by Commissioner C. Davis to adjourn the meeting at 7:01 p.m. On vote the motion carried (6-0-0-1).

Jennie Fenrich, Planning Commission Clerk

PLANNING COMMISSION STAFF REPORT



Agenda Date: 5/3/2023

Subject: Code Cleanup

Contact Person/Department: Nico Faz, Community Development

Budget Impact:

Legal Review: No

RECOMMENDATION(S)/ACTION REQUESTED:

This is an informational briefing only and no action is requested at this time. Commissioners are asked to review the draft code scope and provide feedback and edits for staff to incorporate in a revised version. These revisions and resulting code language will be brought back to Planning Commission in May or June 2023.

SUMMARY/BACKGROUND:

The purpose of this briefing is to present proposed revisions to the city's land use regulations to clarify intent, improve language consistency, and maximize administration efficiency. The proposed changes are organized into 3 phases: housekeeping, update, and substantial. The Housekeeping changes are defined as changes which don't alter the code's intent and focus on grammar, deletion, and accuracy of references. Update changes are defined as changes which don't alter the code's intent unless alteration is in accordance with a previous administrative determination or outside agency policy change. The Substantial changes are defined as changes which may alter the intent of the code but do so following the vision of clarification, improvement, and maximization. The proposed amendments will be subject to the public process at a future City Council public hearing.

Staff reviewed the code and determined a list of desired changes (Attachment 1). The changes modify the following code sections:

14.04 General Provisions, 14.08 Basic Definitions, 14.16C Land Use Actions and Permits, 14.18 Subdivisions, 14.38 Subarea Plans, 14.44 Supplementary Uses, 14.48

Density and Dimensional Regulations, 14.50 Land Disturbance, 14.56 Streets and Sidewalks, 14.68 Signs, and 14.88 Critical Areas.

APPLICABLE CITY POLICIES:

ATTACHMENTS:

1. Exhibit 1. Table of Proposed Changes

Code Cleanup - 2023			
Number	Amendments	Notes	Level
1	Correct Planned Residential Developments	14.08.010, 14.16C.050(d)(2), and 14.76.124 remove incorrect citations to repealed Planned Residential Developments and remove acreage requirement in definition	Housekeeping
2	Remove duplicate Home Occupation code	14.16C.070 remove duplicate code section for home occupations and consolidate language into 14.44.015	Housekeeping
3	Remove language from Design Review code	14.16C.050(c) remove reference to hard copies	Housekeeping
4	Remove language from Final Plat code	14.18.040(s) remove the word "short"	Housekeeping
5	Correct street name in Subarea code	14.38.040 footnote 10 changes from "NE" to "SE"	Housekeeping
6	Correct Boundary Line Adjustments title	14.38.200 correct section title to 14.18.200	Housekeeping
7	Remove duplicate Temporary Public Structures	14.44.048 remove duplicate code section for temporary public structures	Housekeeping
8	Remove references to old zoning districts	14.44 and 14.76 remove references to SR, UR, and HUR	Housekeeping
9	Update Temporary Dwelling Units	14.16C.110(c1) require temporary dwelling units to adhere to IBC	Update
10	Update Alteration of Subdivisions	14.18.060(e) codify admin interpretation where plat alteration goes back to original hearing body and 14.18.060(d) improve grammar to clarify intent	Update
11	Update Approval of Final Plats	14.18.035(d) update technical submission requirements to say "in a digital format as approved by the city"	Update
12	Reinstate Accessory Structure Setbacks	14.48.050 reinstate exception for accessory structures within side setback	Update
13	Clarify Building Height Limitations	14.48.060 codify more precise language for elevation calculations and include updated diagram	Update
14	Reinstate Impervious Surface Calculations	Table 14.48.055 reinstate the deleted section and include updated stormwater manual information as well as calculation help	Update
15	Update Land Disturbance Reference and Threshold	14.50.100(d) change "2019" language to "currently adopted stormwater management manual per title 11" and 14.50.125(d) change SEPA limit to "exceed minimum threshold requirements defined in 14.16C.04.050"	Update
16	Clarify Total Allowable Residential Sign Area	14.68.060 (b) clarify applicability and exception for subdivision signs	Update
17	Modify Shade Trees on Residential Lots	14.76.124(b) remove exception	Update
18	Geologically Hazardous Areas	14.88.630 direct regulations to the IRC on steep slopes	Update
19	Modify General Provisions and their Relation to Gender	14.04.110 (a-b) need updating when referring to gender	Substantial
20	Create Definition of Kitchen	14.08.010 Rewrite the definition of a kitchen	Substantial
21	Create Definition of Alley	14.08.010 codify a new definition	Substantial
22	Clarify Health Care Services	14.08.010 clarify relationship between Health Care Services and Leveled Facilities	Substantial
23	Modify Temporary Use	14.16C.110(c) allow temporary real estate offices to continue use until all units are sold	Substantial
24	Clarify Parking Requirements	14.38.060 harmonize parking requirements between CBD and downtown subarea	Substantial
25	Clarify Subarea Signs	14.38.100(3) Provide definitions for main and secondary façade as well as applicability of section (vii) to project area	Substantial
26	Modify Accessory Dwelling Units	14.44.045 provide greater flexibility within building footprint	Substantial
27	Clarify Corner Lot Standards	14.48.035(b) differentiate street side setbacks and add to definition section and throughout code	Substantial

Phase Descriptions	
Levels	Description
1 - Housekeeping	Cleaning grammar, fixing references, deleting text
2 - Update	Updating code to existing internal and external regulations
3 - Substantial	Providing clarification through new administrative determinations

Proposed Changes by Phase	
Code Type	Number
Housekeeping	8
Update	10
Substantial	9
TOTAL	27

Proposed Changes by Code Section		
Code Section	Code Section Name	Raw # of Changes
14.04	General Provisions	1
14.08	Basic Definitions	4
14.16A	Administration and Procedures	0
14.16B	Types of Land Use Review	0
14.16C	Land Use Actions and Permits	5
14.18	Subdivisions, BLAs, and BSPs	5
14.38	Subarea Plans	4
14.44	Supplementary Uses	4
14.48	Density and Dimensional Regs	4
14.50	Land Disturbance	2
14.56	Streets and Sidewalks	0
14.62	Wireless Communication Facilities	0
14.68	Signs	1
14.72	Parking	0
14.76	Screening and Trees	3
14.88	Critical Areas	1
14.100	Concurrency Management System	0
TOTAL		33

PLANNING COMMISSION STAFF REPORT



Agenda Date: 5/3/2023

Subject: Canvassers, Peddlers and Solicitors Code Revisions

Contact Person/Department: Jill Needham, Community Development

Budget Impact:

Legal Review: No

RECOMMENDATION(S)/ACTION REQUESTED:

No Action - Informational Briefing

SUMMARY/BACKGROUND:

The purpose of this briefing is to present revisions to the regulations relating to Canvassers, Peddlers, and Solicitors (Chapter 4.04.130 LSMC) to simplify and streamline the process. Since this code amendment does not modify language found in the Land Use Code (Chapter 14), this is a courtesy briefing only. The proposed amendments will be subject to the public process at a future City Council public hearing.

Canvassers are defined as a person who goes from place to place or house to house seeking contributions, donations, opinions, or other information. Peddlers/Solicitors are defined as any person who goes from place to place or house to house selling goods, wares, or services. Under both the existing and proposed municipal code, this activity requires a Solicitor's License in addition to a business license.

Applications are submitted to the Police Department (LSPD) and require the applicant to submit fingerprints for the purpose of a background check. To conduct nationwide background checks, the Washington State Patrol (WSP) requires jurisdictions to adopt specific language describing the process. The new section in LSMC 4.04.230 utilizes the suggested language.

Staff also reviewed updated Solicitor License codes from other cities such as Bellingham, Seattle, SeaTac, and Normandy Park. In order to be consistent with other cities. The staff made the following revisions:

- Added a Purpose and an Immunity subsection.
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- Restructured LSMC 4.04.230 to outline the application requirements, exemptions, the review procedure, and general requirements more clearly.
- Revised the definition of “Solicitor/Peddler” to further differentiate these activities from those of a delivery driver delivering pre-ordered goods.
- Added required WSP language.

The Fees Resolution will be updated concurrently with this code amendment.

APPLICABLE CITY POLICIES:

ATTACHMENTS:

1. Code Draft 4.24.2023
2. Existing Regulations

Attachment 1

MODIFIED Section: LSMC 4.04.020 Definitions

“Solicitor, Peddler” means any persons who, without prior invitation from the occupant, go from place to place, or house to house, carrying for sale, exposing for sale, or offering for sale goods, wares, merchandise, or services of any type, for present or future delivery.

MODIFIED Section: LSMC 4.04.130 Canvassers, Peddlers and Solicitors

(a) Purpose.

- (1) The purpose of this section is to regulate the activities of canvassers, peddlers, and solicitors to promote their dependability and accountability. The licensing fees provided herein are levied to defray the costs of regulation and not to place undue burden on interstate commerce.
- (2) It is expressly the purpose of this chapter to provide for and promote the safety and welfare of the general public and not to create or designate any particular class of persons who will or should be specially protected by its terms.

(b) Immunity

- (1) It is the specific intent of this chapter to place the obligation of complying with its terms on the licensee. No provision of this section is intended to impose any duty upon the city or its employees,
 - (2) Nothing contained in this chapter is intended to be nor shall be construed to create any liability on the part of the city or its employees for any injury or damage resulting from the failure of the licensee to comply with the provisions of this chapter, or by reason or in consequence of any act or omission in connection with the implementation or enforcement of this chapter on the part of the city or its employees.
- (c) License Required. It is unlawful for any person to engage in business as a peddler, solicitor, or canvasser without first obtaining a solicitor license for each person as provided in this chapter. Such license is in addition to the general business license requirements in this chapter.
- (d) Exemptions. No person shall be required to obtain a soliciting license for the exempt activities listed in LSMC 4.04.040.
- (e) Application Requirements. Applicants shall provide the Department of Planning and Community Development with a written application, to be reviewed in conjunction with the Police Department, including the following information:
- (1) Name, date of birth, and social security number of the applicant;
 - (2) Permanent home address and local address of the applicant;
 - (3) A brief description of the nature of the business and the goods or services to be sold;
 - (4) Name and address of the employer or parent organization the applicant is representing and documentation verifying that relationship.
 - (5) An estimate of the length of time and a statement of the exact location or parts of the City in which the applicant will pursue the activities in question;

- (6) Description and license plate numbers of any vehicles to be used;
 - (7) A copy of the applicant's picture identification taken within 60 days immediately prior to the date of filing of the application which picture shall be two inches by two inches showing the head and shoulders of the applicant in a clear and distinguishing manner;
 - (8) The fingerprints of the applicant for the purpose of a background check pursuant to 35.21.920 RCW. Background checks will be conducted pursuant to 4.04.230 LSMC.
 - (9) License fee as adopted by resolution;
 - (10) All applicable requirements listed under Section [4.04.060](#), Procedure for Obtaining License.
- (f) Procedure for Approval or Denial.
- (1) The Police Chief or designee shall review the application and provide a written verification of approval or denial. The review shall include a background check containing felony and misdemeanor convictions and traffic offenses which have occurred in the past 10 years.
 - (2) The Police Chief's report shall address his/her concerns and shall specifically address but is not limited to the issues of unsatisfactory criminal history, public safety, pedestrian traffic, vehicular traffic, public disturbance and noise concerns.
 - (3) The Police Chief or designee shall grant, deny or condition the license based on the written report to the applicant within 10 days of the City's receipt of the license application.
- (g) Expiration of License. All licenses issued pursuant to this chapter shall expire one year from the date of issuance.
- (h) General Requirements.
- (1) It is unlawful for any canvasser, peddler or solicitor to operate in a congested area where such operation may impede or inconvenience the public use of such street, alley, sidewalk or right-of-way. For the purpose of this chapter, the judgment of a police officer, exercised in good faith, is conclusive as to whether the area is congested and the public impeded or inconvenienced.
 - (2) It is unlawful for any canvasser, peddler or solicitor to occupy any property or structure for the purpose of selling, renting, or delivery of goods, wares or merchandise within the City without prior approval of said structure or property by the City. It is the responsibility of the licensee to assure that approval of each specific structure or property is clearly listed on any license issued under this chapter.
 - (3) The solicitor's license badge shall be carried at all times when peddling, soliciting or canvassing within the City and shall be displayed along with photo identification upon request by any prospective customer or law enforcement officer.
 - (4) No canvasser, peddler or solicitor shall engage in canvassing, peddling or solicitation activities between the hours of 8:00 p.m. and 9:00 a.m.
 - (5) No canvasser, peddler or solicitor shall engage or attempt to engage in activity at any home, residence, apartment complex or business that displays a "No Peddlers" or "No Solicitors" sign or any other similar sign. Any person failing to comply with this chapter shall be in violation of this chapter and shall also be subject to criminal prosecution under RCW 9A.52.080.

- (i) Revocation and Appeal. Solicitors' licenses issued under this chapter may be revoked or appealed pursuant to LSMC 4.04.150 and LSMC 4.04.160.

NEW Section: LSMC 4.04.230 Investigations and Background Checks

- (a) An applicant, employee, or volunteer seeking to engage in soliciting, peddling, or canvassing shall submit fingerprints to the Police Department which will submit to the Washington State Patrol and the Federal Bureau of Investigation along with appropriate fees.
- (b) Upon receipt of the fingerprints and the appropriate fees, the Washington State Patrol will compare the subject's fingerprints against its criminal database and submit the fingerprints to the Federal Bureau of Investigation for a comparison with nationwide records. The results of the Washington State Patrol and Federal Bureau of Investigation's check will be returned to the Police Department.
- (c) If an employer or organization is a private entity, the Police Department shall render a fitness determination based upon the results of the criminal background check and communicate its fitness determination to such private employer or organization. If an employer or organization is a public entity, the Police Department shall:
 - (1) Render a fitness determination based upon the results of the criminal background check and communicate its fitness determination to such public entity or;
 - (2) Disseminate the results of the criminal background check to the public entity for a fitness determination.
- (d) In rendering a fitness determination, the Police Department will decide whether the record subject has been convicted of (or is under pending indictment for)
 - (1) A crime which bears upon his/her ability or fitness to serve in that capacity;
 - (2) Any felony or a misdemeanor which involved force or threat of force, controlled substances, or was a sex-related offense; or
 - (3) Enumerated disqualifiers.
- (e) A record subject may request and receive a copy of his/her criminal history record information from the Police Department. Should the record subject seek to amend or correct his/her record, he/she must contact the Washington State Patrol for a Washington state record or the Federal Bureau of Investigation for records from other jurisdictions maintained in its file.

Attachment 2

4.04.130 Canvassers, Peddlers and Solicitors.

- (a) No canvasser, peddler or solicitor shall engage in canvassing, peddling or solicitation activities between the hours of 8:00 p.m. and 9:00 a.m.
- (b) No peddler or solicitor shall engage or attempt to engage in the business of peddling at any home, residence, apartment complex or business that prominently displays a “No Peddlers” or “No Solicitors” sign or any other similar sign that communicates the occupants’ desire to not be contacted by peddlers or solicitors. Any person failing to comply with this section shall be in violation of this chapter and shall also be subject to criminal prosecution under RCW 9A.52.080.
- (c) Applicants shall provide the Police Department with a written application describing the proposed business in detail and specifically including as a minimum the following information:
 - (1) The name and address of the applicant, date of birth, Social Security number and also the name of the true owner if the applicant is not such true owner of the services, goods, wares or merchandise to be sold or exhibited for sale or rent;
 - (2) The name and address of the employer or the applicant or the person with whom the applicant is associated and the length of such employment or association;
 - (3) An estimate of the length of time and a statement of the exact location or parts of the City in which the applicant will pursue the activities in question;
 - (4) If a vehicle is to be used, description of the same together with the license number and all other means of identification;
 - (5) A copy of the applicant’s picture identification taken within 60 days immediately prior to the date of filing of the application which picture shall be two inches by two inches showing the head and shoulders of the applicant in a clear and distinguishing manner;
 - (6) The applicant shall allow the Police Department to take fingerprints of the applicant;
 - (7) Applicants with a proposed, fixed location shall provide the following information:
 - (i) Available parking;
 - (ii) Proposed fire safety features;
 - (iii) Proposed lighting; and
 - (8) All applicable requirements listed under Section 4.04.060, Procedure for Obtaining License.
- (d) The Chief of Police or designee shall review the application and provide a written verification of approval or denial. The Chief of Police’s report shall address his/her concerns and shall specifically address but is not limited to the issues of public safety, pedestrian traffic, vehicular traffic, public disturbance and noise concerns. The Chief of Police or designee shall grant, deny or condition the license based on the written report to the applicant within 10 days of the City’s receipt of the license application.
- (e) It is unlawful for any canvasser, peddler or solicitor to operate in a congested area where such operation may impede or inconvenience the public use of such street, alley, sidewalk or right-of-

way. For the purpose of this chapter, the judgment of a police officer, exercised in good faith, is conclusive as to whether the area is congested and the public impeded or inconvenienced.

- (f) It is unlawful for any canvasser, peddler or solicitor to occupy any property or structure for the purpose of selling, renting, or delivery of goods, wares or merchandise within the City without prior approval of said structure or property by the City. It is the responsibility of the licensee to assure that approval of each specific structure or property is clearly listed on any license issued under this chapter.
- (g) The solicitor's license badge shall be carried at all times by each licensee and/or all of the licensee's employees, agents or representatives for whom issued when peddling, soliciting or canvassing within the City and shall be displayed along with photo identification upon request by any prospective customer or law enforcement officer.
- (h) License fees shall be set by resolution and fees associated with any City background checks shall be paid by the applicant. (Ord. 957, Sec. 1 (Exh. A), 2016; Ord. 824, Sec. 4, 2010)