

# 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.*

May 3, 2022 - 6:00 PM

### **REMOTE ACCESS ONLY – VIA ZOOM**

**Join Zoom Meeting: <https://us02web.zoom.us/j/88059579180>  
or call in at (253) 215-8782 Meeting ID 880 5957 9180**

#### **1. Call to Order**

#### **2. Discussion Items**

- |    |                                                                                                                       |                                |
|----|-----------------------------------------------------------------------------------------------------------------------|--------------------------------|
| A. | Briefing on Short-Term Rentals Code Amendment (LUA2022-0046)                                                          | David Levitan,<br>Jill Needham |
| B. | Private and Public Stormwater Infrastructure Maintenance Review                                                       | Shannon<br>Farrant             |
| C. | Requesting Council's review and input on the adoption of the 2019 Stormwater Management Manual for Western Washington | Shannon<br>Farrant             |
| D. | Pandemic Recovery Funds - Reallocation Discussion                                                                     | Barb Stevens                   |

#### **3. Adjourn**

### **THE PUBLIC IS INVITED TO ATTEND**

**Special Needs:** 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:** 5/3/2022

**Subject:** Briefing on Short-Term Rentals Code Amendment (LUA2022-0046)

**Contact Person/Department:** David Levitan, Jill Needham, Community Development

**Budget Impact:** None.

**Legal Review:** No

---

## **RECOMMENDATION(S)/ACTION REQUESTED:**

Hold a briefing on LUA2022-0046, a city-initiated land use code amendment related to LSMC 14.44.064 (Short-Term Rentals) and associated chapters which is scheduled for a public hearing on May 10, 2022.

---

## **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 currently required by city code. In response, staff is proposing amendments to modernize the code, streamline the application process, and balance the rights of property owners versus the concerns of neighbors.

The Planning Commission held three work sessions on the proposed code amendment. At their [March 16, 2022 meeting](#), commissioners reviewed public comments as well as a first draft of the proposed code language. 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 held their public hearing on [April 20, 2022](#), video of which

---

is [available here](#). The proposed code language (Attachment 1) includes the following highlights:

- Limits STRs to owner-occupied residences
- Prohibits unhosted rentals by requiring that the owner, property manager, or authorized agent live on the premises during all STR agreements
- Establishes a maximum of two concurrent STR rental agreements and a maximum of eight total guests (six in one party)
- Requires one off-street parking space per rented bedroom in addition to the parking requirement for the primary residence
- Eliminates the Type II ACUP requirement and replaces it with the need for a business license, STR application addendum, and health and safety inspection (reviewed through a Type I process)
- Requires public notice be sent to property owners within 300 feet of the property prior to submitting a STR application
- Requires liability insurance and the remittance of lodging taxes, consistent with state law
- Provides clarity on the code enforcement process

Five members of the public provided oral testimony at the April 20 public hearing and one member submitted written comments (Attachment 2), with the majority expressing support for the owner occupancy requirement and the prohibition of unhosted rentals. At the conclusion of the public hearing, the Planning Commissions voted 5-1 to recommend Council approval of the amendment (Attachment 3).

On May 10, the City Council is scheduled to hold a public hearing to consider the Planning Commission's recommendation and adoption of Ordinance 1139 (Attachment 4). In advance of the public hearing, staff would like Council feedback on the following:

- Are there any proposed changes to the draft code language?
- The code language calls for a short-term rental application (which staff is currently working on), annual business license and health and safety inspection. Staff is proposing an initial application fee of \$150 (2 hours at \$75/hr) and annual renewal fee of \$75, in addition to the annual \$60 business license fee. This would be in line with the annual application fee for food truck vendors.
- Staff is currently discussing an outreach and education strategy, to identify non-conforming STRs and provide a pathway for these businesses to come into compliance

**APPLICABLE CITY POLICIES:**

LSMC 14.44.064

---

**ATTACHMENTS:**

1. Attachment 1 - Draft Short-Term Rental Code Language
2. Attachment 2 - PC Public Comments
3. Attachment 3 - Planning Commission Recommendation
4. Attachment 4 - Draft Ordinance



#### **LSMC 14.44.064 – Short-Term Rentals**

- (a) Purpose – the purpose and intent of requiring specific standards for short term rentals (rentals of 30 days or less) is to ensure that their location and operation is consistent with the existing residential character of the surrounding area in terms of appearance, traffic levels and other development standards.
- (b) Applicability and General Requirements – the following requirements shall apply to all short-term rentals.
  - (1) Short-term rentals are allowed in the zoning districts identified in Table 14.40-I.
  - (2) Short-term rentals are limited to owner-occupied residences and subject to any additional covenants and restrictions on individual properties.
  - (3) The owner, authorized agent or property manager shall live on the premises for the entire duration of any short-term rental agreement.
  - (4) No short-term rental can be rented to more than two separate parties, per facility, or exceed eight total individuals at any time.
  - (5) The total number of guests covered by a short-term rental agreement shall not exceed two per rented bedroom and six total individuals.
  - (6) A city business license shall be submitted to the city with the short-term rental application, which shall be evaluated for compliance with the provisions of this section and approved by the Planning Director or designee.
  - (7) As part of the review process for the initial application, the building official or designee in coordination with the fire marshal shall perform a safety inspection of the property. It shall be the owner's responsibility to ensure that the short-term rental is and remains in substantial compliance with all applicable codes regarding fire, building, health, safety and other relevant laws and regulations. The premises may be subject to safety and compliance inspections as part of the annual business license renewal.
  - (8) Prior to submitting a short-term rental application, the property owner shall provide written notification to the owners of properties located within a 300-foot radius of the boundaries of the subject property of their intent to operate a short-term rental, and include a copy of the notification and distribution list with their application.
  - (9) Any non-residential activities beyond the short-term rental of rooms shall require approval of a Home Occupation permit and be subject to [LSMC Section 14.44.015](#).
  - (10) A short-term rental owner must maintain primary liability insurance consistent with RCW 64.37.050.
  - (11) Applicable lodging taxes must be paid to the State of Washington, and those payments are the responsibility of the property owner.
- (c) Development Standards
  - (1) A minimum of one off-street parking space that meets all requirements and standards of LSMC Chapter 14.72 shall be provided per rented bedroom in addition to the minimum parking requirement for the residence (see Table 14.72-I). Parking of boat trailers may be allowed so long as an adequate off-street parking area, beyond the minimum

requirements detailed above for personal vehicles, is provided and the additional parking does not conflict with provisions of Chapter 14.48 LSMC.

- (2) Approved accessory dwelling units (both attached and detached) may be utilized as short-term rentals subject to all other requirements of this section, including the maximum number or rental agreements for the property.
- (3) Signage shall be limited to four square feet in area, consistent with LSMC 14.68.020.
- (4) The property shall give no outward appearance or exhibit characteristics of a business that would be incompatible with the ability of the neighboring residents to enjoy peaceful occupancy of their properties.
- (5) Meal service shall be limited to overnight guests. Separate kitchens shall not be allowed in individual guest rooms unless part of an approved accessory dwelling unit (ADU).

(d) Complaints and Enforcement

- (1) Complaints and enforcement are subject to the process identified in LSMC Chapter 17.20, with the city's Code Enforcement Officer serving as the main contact for responding to complaints and investigating potential violations.
- (2) Penalties levied may include warnings, fees, or the revocation of the applicable business license.

**14.08.010 Definitions of Basic Terms.**

*Boarding House.* A residential use consisting of at least one dwelling unit together with more than two rooms that are rented or are designed or intended to be rented but which rooms, individually or collectively, do not constitute separate dwelling units. A rooming house or boarding house is distinguished from a ~~tourist home~~short-term rental in that the former is designed to be occupied by longer term residents (at least month-to-month tenants) as opposed to overnight or weekly guests.

~~*Tourist Home*~~*Short-Term Rental.* A hosted residential single-family structure where the owner, authorized agent or property manager lives on the premises, in which individual rooms are rented by the day or week for a period up to thirty (30) days, subject to the standards identified in LSMC 14.44.064. May include but not limited to facilities commonly known as bed and breakfasts, tourist/vacation rentals, Airbnb, VRBO, etc.

**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 <a href="#">14.40.070</a> for explanation of combinations) |                                                          |    |    |    |       |     |    |                 |                  |    |     |    |    |    |      |  |
| NAICS Code                                                                                                                                         | Use                                                      | R4 | WR | R6 | R8-12 | MFR | LB | MU <sup>1</sup> | PBD <sup>2</sup> | BD | CBD | CD | LI | GI | P/SP |  |
| MISCELLANEOUS AND ACCESSORY USES                                                                                                                   |                                                          |    |    |    |       |     |    |                 |                  |    |     |    |    |    |      |  |
| N/A                                                                                                                                                | <del>Tourist homes</del> Short-Term Rentals <sup>8</sup> | PA | PA | PA | PA    | PA  |    | PA              |                  |    |     |    |    |    |      |  |

**TABLE 14.72-I: TABLE OF PARKING REQUIREMENTS**

|                                                |                                                                                                                                                |
|------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------|
| <u>Short-Term Rentals</u>                      | <u>1 space for each room to be rented in addition to the required spaces for the primary use. LSMC 14.44.064.</u>                              |
| <del>Tourist homes, H</del> 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. |

<sup>8</sup> Subject to requirements of LSMC 14.44.064.

## David Levitan

---

**From:** kathy nysether <kathycn@hotmail.com>  
**Sent:** Tuesday, April 19, 2022 3:33 PM  
**To:** lsplanning  
**Subject:** Short term Rental hearing

**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 Commissioners!

I'm sorry that I am unable to attend or zoom in to your meeting tomorrow.

Thank you for listening to us and coming up with a comfortable update to this code!  
I appreciate the work that you have done on this and feel it is good. Maybe as time goes on we will need to re-visit it, but this is great for now!

Kathy Nysether



April 21, 2022

Lake Stevens City Council  
1812 Main Street  
Lake Stevens, WA 98258

**RE: Planning Commission Recommendation on Short-Term Rentals Code Amendment (LUA2022-0046)**

Dear Council Members:

The Lake Stevens Planning Commission held three work sessions in 2021 and 2022 to discuss potential amendments to LSMC 14.44.064 (Tourist Homes, which staff recommended be changed to Short-Term Rentals) and associated LSMC chapters, where it provided feedback and suggested multiple revisions to staff. The Commission subsequently held a public hearing on April 20, 2022 and is now forwarding their recommendation for City Council to approve the code amendment following their May 10 public hearing.

**Commissioners Present:** Todd Welch, Michael Duerr, Janice Huxford, Linda Hoult, Jennifer Davis & Connor Davis

**Commissioners Absent:** John Cronin

PLANNING COMMISSION PUBLIC HEARING

City staff presented the proposed code amendment, summarized the code amendment process and answered the Commission's questions related to the proposal. Chair Welch introduced two proposed amendments that would 1) remove the owner occupancy requirement and replace it with a requirement for a local property representative and 2) tie the maximum occupancy to the maximum allowed by the building code. Staff noted that the building code did not have a maximum occupancy for one and two-family residences, and the other commissioners generally did not support removal of the owner occupancy requirement.

Five members of the public testified at the April 20 hearing, with one commenter asking about the business license requirement and the other four expressing their support for an owner occupancy requirement for short-term rentals (as opposed to allowing unhosted rentals, with or without a local property representative).

FINDINGS AND CONCLUSIONS

The Planning Commission hereby adopts staff's findings and conclusions described in the April 20 staff report and concludes that the proposed amendment meets the following requirements:

1. The code amendment is consistent with the adopted Lake Stevens Comprehensive Plan;
2. The code amendment is compliant with the State Environmental Policy Act (SEPA); and
3. The code amendment complies with the Growth Management Act.

PLANNING COMMISSION RECOMMENDATION

Commissioner J. Davis made a motion to forward a recommendation to the City Council to approve the adoption of the amendments to LSMC 14.64 and associated chapters. Commissioner Hoult seconded the motion, which passed 5-1-0 (Welch opposed, Cronin absent).

Respectfully Submitted,

Lake Stevens Planning Commission

**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), 14.40 (PERMISSIBLE USES), 14.44 (SUPPLEMENTARY USE REGULATIONS) AND 14.72 (PARKING); ADOPTING FINDINGS AND CONCLUSIONS RECOMMENDED BY THE PLANNING COMMISSION; 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 shown in Exhibit A; 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, as shown in Exhibit A; and

**WHEREAS**, the Lake Stevens City Council reviewed the Planning Commission's recommendation relating to the proposed amendment and held a duly noticed public hearing and considered all public testimony on May 10, 2022; 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 provided the City Council with a recommendation letter along with findings and conclusions to approve the code amendment request (Exhibit B); and

**WHEREAS**, the City Council considered the Planning Commission's recommendation on May 10, 2022.

**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, entitled “Basic Definitions and Interpretations”; Chapter 14.40, entitled “Permissible Uses”; Chapter 14.44, entitled “Supplementary Use Regulations”; and Chapter 14.72, entitled “Parking”, of the Lake Stevens Municipal Code is hereby amended to read as shown in the attached Exhibit A, with additions shown by underline and deletions shown by ~~striketrough~~, with the exception of Section 14.44.064, which completely replaces the existing section.

**Section 3.** 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 4.** 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 10<sup>th</sup> day of May 2022.

\_\_\_\_\_  
Brett Gailey, Mayor

ATTEST/AUTHENTICATION:

\_\_\_\_\_  
Kelly Chelin, City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
Greg Rubstello, City Attorney

First and Final Reading: May 10, 2022

Published:

Effective Date:

# CITY COUNCIL STAFF REPORT



---

**Agenda Date:** 5/3/2022

**Subject:** Private and Public Stormwater Infrastructure Maintenance Review

**Contact Person/Department:** Shannon Farrant, Public Works

**Budget Impact:** Budget impacts are part of the discussion.

**Legal Review:** No

---

## **RECOMMENDATION(S)/ACTION REQUESTED:**

Requesting Council's review and input on a path forward to meet condition S5.C.7.b in the National Pollution Discharge Elimination Systems (NPDES) Western Washington Phase II Municipal Stormwater Permit (NPDES permit) for maintenance of stormwater facilities.

---

## **SUMMARY/BACKGROUND:**

City staff inspect public and privately owned stormwater flow control facilities on an annual basis. The inspection of these facilities is a regulatory requirement outlined in the NPDES Phase II Permit. City staff completed inspections of all known residential stormwater facilities from January 2022 – March 2022. All of these facilities are privately owned and maintained. Stormwater facilities owned and maintained by the City were inspected in 2021 and the process to reinspect each facility has begun for 2022, based on the annual inspection requirement.

Stormwater facilities are inspected against the 2019 Stormwater Management Manual for Western Washington facility standards. The standards indicate minor and major repairs and routine maintenance needs for each facility. City staff have reviewed the inspection results for all privately and publicly owned and maintained stormwater facilities and evaluated the overall condition of each facility and current and future maintenance needs and costs. This evaluation will be shared with the Council during the workshop.

Under the NPDES Phase II permit, the City is responsible for water quality and flow control stormwater systems that were permitted by the City, or annexed into the city (S5.C.7), therefore, it is the City's responsibility to ensure all privately owned and maintained stormwater facilities meet maintenance and operational standards.

---



City staff are seeking direction from the Council on a path forward to bring private residential stormwater facilities into compliance with flow control and water quality standards. Options to accomplish this task that are used by neighboring jurisdiction are:

**Snohomish County:** Maintains all private stormwater facilities without financial penalty to the HOA/homeowners. Maintenance is performed as funding allows.

**Marysville:** Grant program to encourage maintenance of existing facilities. New facilities are owned and maintained by the City.

**Monroe:** Maintains all private facilities without financial penalty to the HOA/homeowners.

---

#### **APPLICABLE CITY POLICIES:**

LSMC 11.06

---

#### **ATTACHMENTS:**

1. stormwater facilities



**One Community Around The Lake**

# Stormwater Facilities

SHANNON FARRANT, *SURFACE WATER COORDINATOR*

COUNCIL WORKSHOP

MAY 3, 2022



# Overview

- Introduction
- Inspection Methodology
- Inspection Results
- Data Challenges
- Next Steps



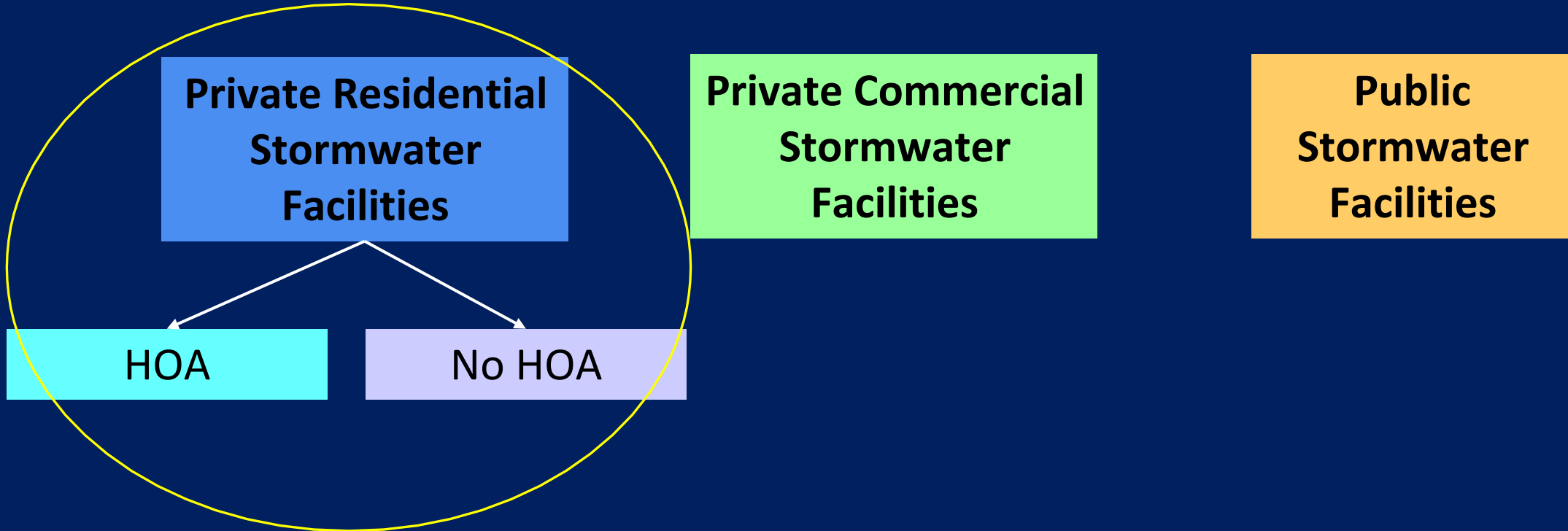
## NPDES Phase II Municipal Permit S5.C7.b.i

*The program shall include provisions to verify adequate long-term O&M of stormwater treatment and flow control BMPs/facilities that are permitted and constructed pursuant to S.5.C.6.c and shall be maintained in accordance with S5.C.7.a.*



# Stormwater Facilities Defined

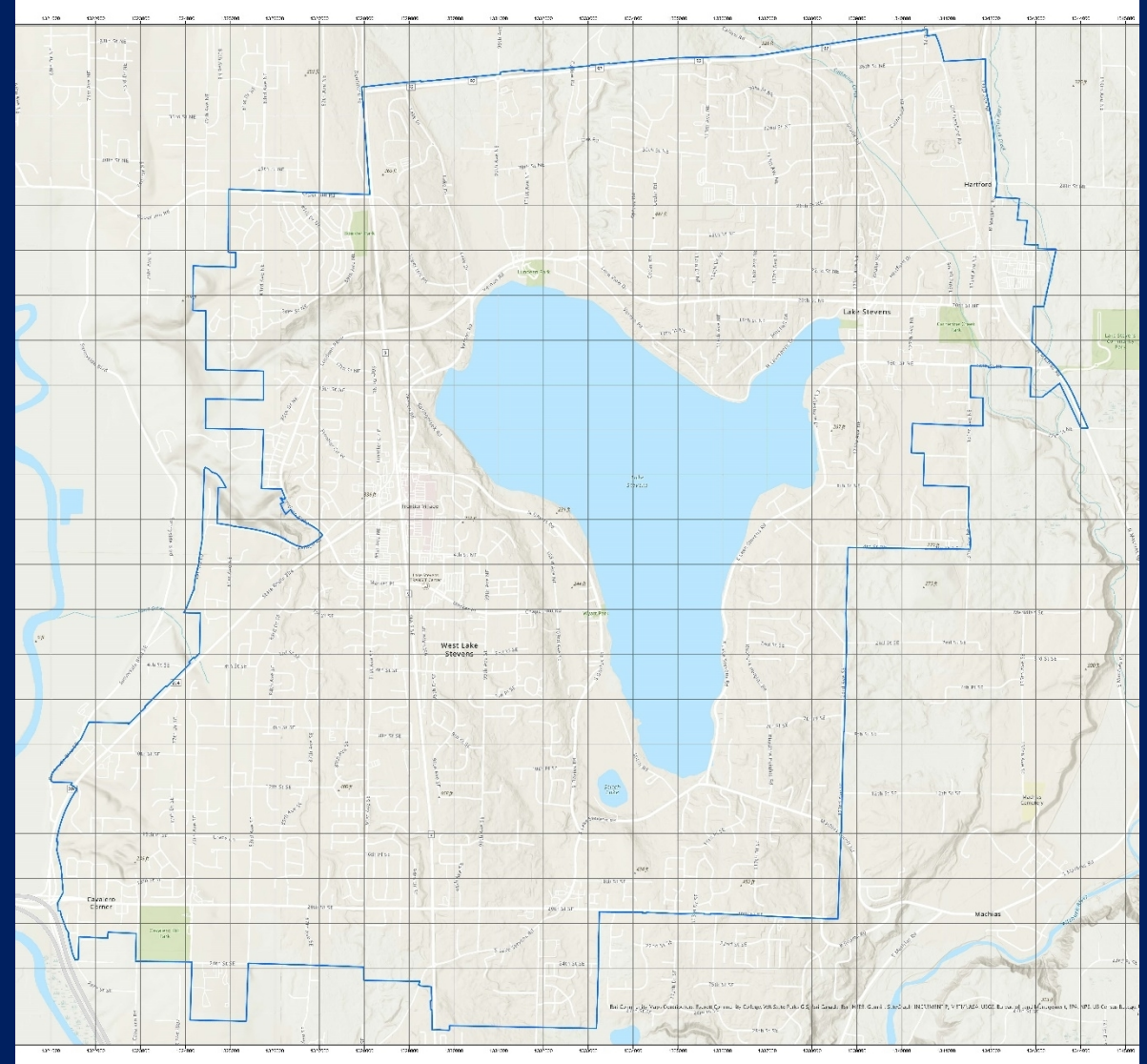
- Flow Control and/or Treatment **AKA Detention Pond, Vaults, Detention Pipe, etc.**





# Data Collection

- 2021 and 2022 City Facilities
  - Inspected and maintained annually
- January 2022 – March 2022 Residential Facilities
  - Inspected
- 2022 – 2023 Commercial Facilities
  - Planned



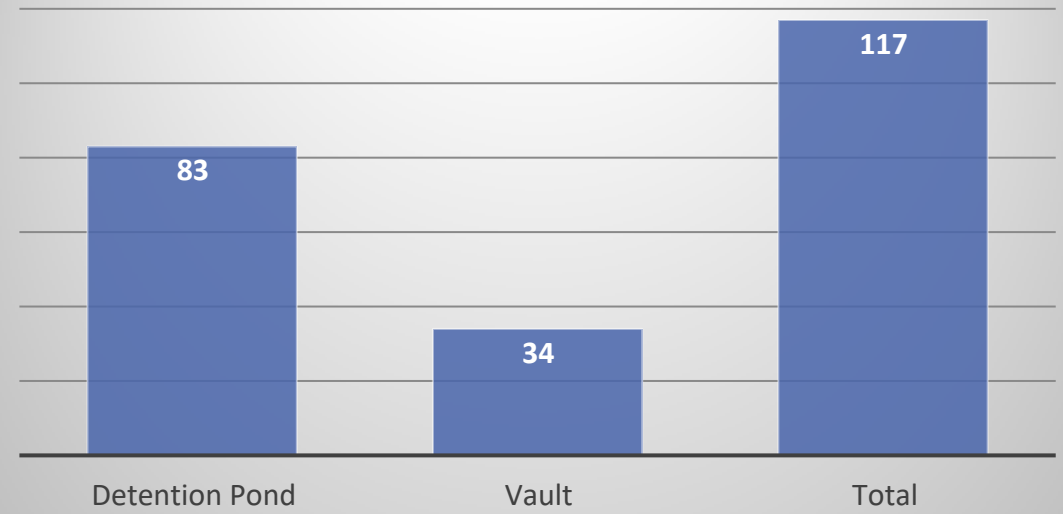
# Inspection Results

| Maintenance Description                                                                                               |
|-----------------------------------------------------------------------------------------------------------------------|
| Cracks wider than 1/2 in at the joint of any inlet/outlet pipe                                                        |
| Manhole cover is missing or only partially in place                                                                   |
| Manhole cannot be opened by one maintenance person with proper tools                                                  |
| Ladder is unsafe due to missing rungs, misalignment, not securely attached                                            |
| Annual routine maintenance - Mowing and debris clearing                                                               |
| Invasive weed removal                                                                                                 |
| Annual routine inspection                                                                                             |
| Tree growth does not allow maintenance and inspection access or interferes with maintenance activities                |
| Annual routine inspection                                                                                             |
| minor sediment removal                                                                                                |
| major sediment removal (Sediment accumulation exceeds 10% of the designed pond depth)                                 |
| Trash or debris exceeds 1 cu.ft. per 1,000 sq.ft                                                                      |
| fence repair                                                                                                          |
| Sediment exceeds 10% - 15% of diameter (example: 72-in storage tank has 7 in or more sediment for more than 20 years) |
| needs replacement                                                                                                     |
| type 1 inlet needs new frame and grate                                                                                |

| Maintenance Categories                           | Cost         |
|--------------------------------------------------|--------------|
| 0 All Maintenance Standards Met                  | \$ -         |
| 1 Routine Maintenance                            | \$ 2,000.00  |
| 2 Moderate Repairs - all of the above including: | \$ 10,000.00 |
| 3 Major Repairs - all of the above including:    | \$ 40,000.00 |

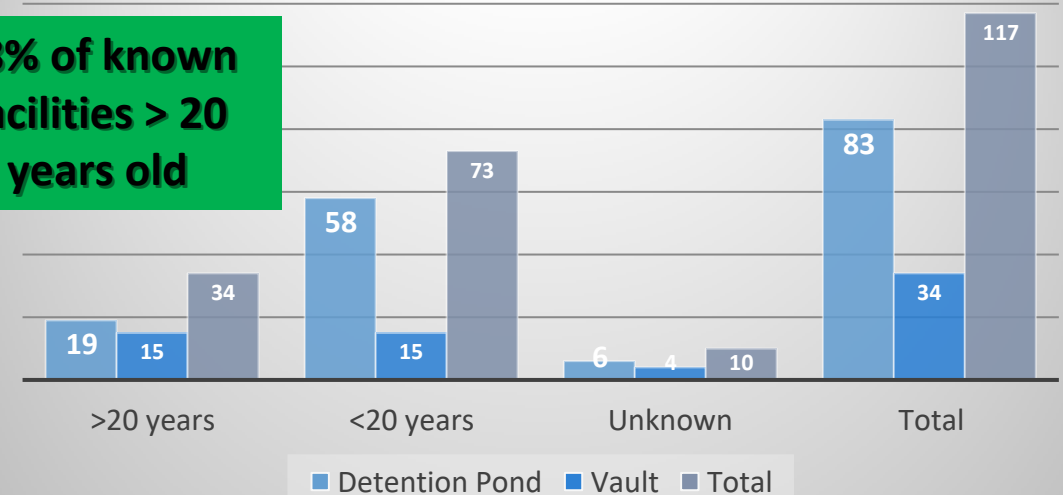
# Private Residential Stormwater Facilities

## Private Residential Facilities



## Stormwater Facility Age

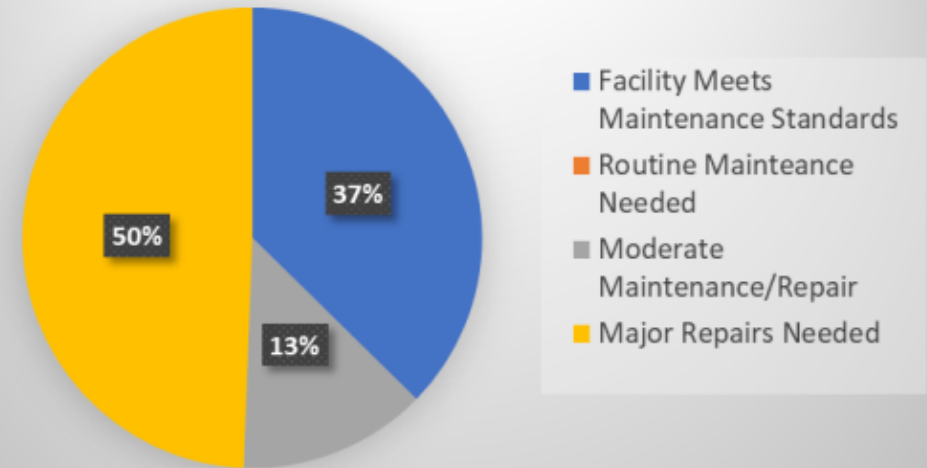
**28% of known facilities > 20 years old**



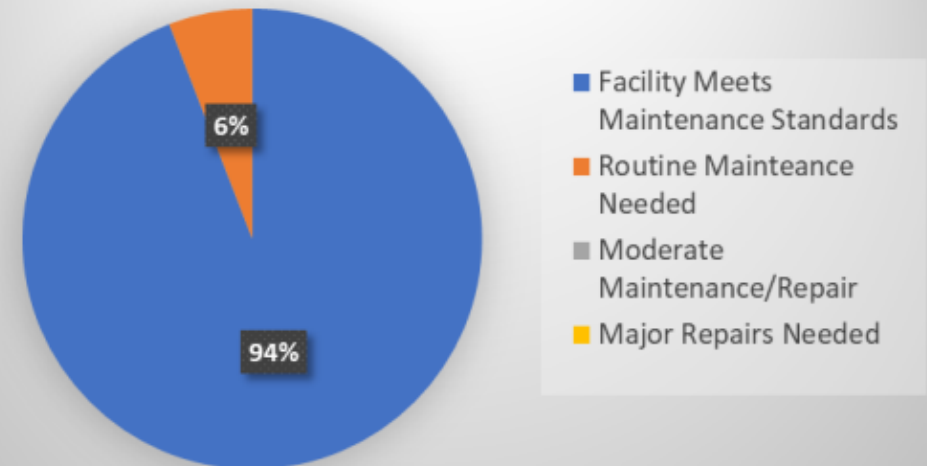


# Private Residential Stormwater Facilities

## Detention Pond



## Vault



# Inspection Results

| Facility Type  | No<br>Maintenance<br>Required | Routine<br>Maintenance         | Moderate<br>Maintenance/Repair       | Major Repairs Needed           | Total           |
|----------------|-------------------------------|--------------------------------|--------------------------------------|--------------------------------|-----------------|
| Detention Pond | 31                            |                                | 11 x \$10,000 =<br>\$110,000         | 41 x \$40,000 = \$1.64M        | \$1.75M         |
| Vault          | 32                            | 2 x \$200 =<br>\$4,000         |                                      |                                | \$4,000         |
| <b>Total</b>   | <b>\$0</b>                    | <b>2 x \$200 =<br/>\$4,000</b> | <b>11 x \$10,000 =<br/>\$110,000</b> | <b>41 x \$40,000 = \$1.64M</b> | <b>\$1.754M</b> |

# Data Deficiencies and Steps Forward

## DATA DEFICIENCY

Disorganized GIS Data

Review GIS, once standardized, and compare with inspection reports

## STEPS FORWARD

Migrating all available GIS data into a standardized geodatabase – End of May 2022

Inspect all missed facilities based on GIS data

# Steps Forward

June  
2022

Jan  
2023

**SWM Fee**

**Address data  
Deficiencies**

**Reevaluate Data**

**Review LOS 5 – 2018  
Rate Study**

**Update Rate Study  
and Revise SWM  
Fees**

**Existing Regulatory  
Framework**

**Continue Education  
and Outreach**

**City Completes the  
Work and Send a Bill**



# Discussion



# CITY COUNCIL STAFF REPORT



---

**Agenda Date:** 5/3/2022

**Subject:** Requesting Council's review and input on the adoption of the 2019 Stormwater Management Manual for Western Washington

**Contact Person/Department:** Shannon Farrant, Public Works

**Budget Impact:** None

**Legal Review:** No

---

## **RECOMMENDATION(S)/ACTION REQUESTED:**

Requesting Council's review and input on the adoption of the 2019 Stormwater Management Manual for Western Washington

---

## **SUMMARY/BACKGROUND:**

Stormwater management design for new development and redevelopment projects is currently regulated under the 2012 Stormwater Management Manual for Western Washington, as amended in 2014 (SWMMWW). The City must meet the S5.C.6 condition of the NPDES Phase II permit to adopt the 2019 SWMMWW by June 30, 2022.

There are nine key differences between the 2014 SWMMWW and 2019 SWMMWW, as outlined by the Department of Ecology. The nine key differences have a minimal impact on the way stormwater facilities are designed and implemented by the City of Lake Stevens and private developers. Surrounding jurisdictions have already adopted the 2019 SWMMWW and private developers are familiar with the updated manual.

The changes in the 2019 SWMMWW are not anticipated to significantly impact development in the city. The nine key differences between the two manuals are as follows:

*Continuous Simulation Modeling: Text throughout the SWMMWW has been updated to require continuous simulation models that include:*

*The ability to directly model BMPs that may be used in LID applications, such as bioretention, permeable pavement, and green roofs.*

*15-minute time steps.*

---

*Incorporation of the van Genuchten algorithm to model bioretention.*

*Replaced Hard Surfaces Redevelopment Threshold: The Minimum Requirement Thresholds for non-road related commercial or industrial redevelopment projects have been updated to require the project proponent to compare the value of the proposed improvements to the value of the Project Site (the limits of disturbance) improvements, rather than the Site (the entire parcel) improvements.*

*Equivalent Areas: The Redevelopment Project Thresholds have been updated to allow a project proponent to provide Stormwater Management BMPs for an equivalent area. The equivalent area may be on-site, or off-site if the area drains to the same receiving water and the guidance for in-basin transfers is followed.*

*Minimum Requirement 2: The 13 Elements in I-3.4.2 MR2: Construction Stormwater Pollution Prevention Plan (SWPPP) have been updated to incorporate changes that were made to the 2015-2020 Construction Stormwater General Permit.*

*Minimum Requirement 5: I-3.4.5 MR5: On-Site Stormwater Management has been updated to require BMP T5.13: Post-Construction Soil Quality and Depth when choosing to use the LID Performance Standard to meet Minimum Requirement 5 for Minimum Requirement 1-5 projects.*

*Minimum Requirement 7: I-3.4.7 MR7: Flow Control has been updated to ensure that a TDA discharging to a marine waterbody meets all exemption requirements before it can be determined to be Flow Control exempt.*

*Concrete Washout BMPs: BMP C151: Concrete Handling and BMP C154: Concrete Washout Area have been updated to clarify that auxiliary concrete truck components and small concrete handling equipment may be washed into formed areas awaiting concrete pour, while concrete truck drums must be washed either off-site or into a concrete washout area.*

*Source Control BMPs: Volume IV (Source Control BMP Library) has been updated with Source Control BMPs for activities not listed in previous versions of the manual. The new activities with Source Control BMPs are:*

- S434 BMPs for Dock Washing*
- S441 BMPs for Potable Water Line Flushing, Water Tank Maintenance, and Hydrant Testing*
- S435 BMPs for Pesticides and an Integrated Pest Management Program*
- S444 BMPs for the Storage of Dry Pesticides and Fertilizers*
- S449 BMPs for Nurseries and Greenhouses*
- S450 BMPs for Irrigation*
- S445 BMPs for Temporary Fruit Storage*
- S439 BMPs for In-Water and Over-Water Fueling*
- S436 BMPs for Color Events*
- S438 BMPs for Construction Demolition*
- S440 BMPs for Pet Waste*
- S442 BMPs for Labeling Storm Drain Inlets On Your Property*
- S443 BMPs for Fertilizer Application*
- S446 BMPs for Well, Utility, Directional and Geotechnical Drilling*
- S447 BMPs for Roof Vents*
- S451 BMPs for Building, Repair, Remodeling, Painting, and Construction*
- S452 BMPs for Goose Waste*

---

*Wetlands Guidance: Appendix I-C: Wetland Protection Guidelines and I-3.4.8 MR8: Wetlands Protection have been updated to require monitoring and modeling of high value wetlands, if the project proponent has legal access to them. The 2014 wetland guidance is retained, but refined, for modeling requirements for lower value wetlands (and high value wetlands that the project proponent does not have legal access to).*

City staff are requesting Council's review and input on the nine key differences outlined above. Staff are prepared to have a discussion on the above topics and answer questions.

---

**APPLICABLE CITY POLICIES:**

[2019SWMMWW - FrontCover \(wa.gov\)](#)

LSMC 11.06.030

---

**ATTACHMENTS:**

None

# CITY COUNCIL STAFF REPORT



---

**Agenda Date:** 5/3/2022

**Subject:** Pandemic Recovery Funds - Reallocation Discussion

**Contact Person/Department:** Barb Stevens, Finance

**Budget Impact:** Revenues and expenditures are fully budgeted at the fund level.  
Reprioritization of projects will not change the overall 2022 budget.

**Legal Review:** No

---

## **RECOMMENDATION(S)/ACTION REQUESTED:**

Review the Pandemic Recovery funding plan alternatives and provide guidance on priorities.

---

## **SUMMARY/BACKGROUND:**

In October of 2021, the Council accepted ARPA grant funds and authorized the use of the funds for specific expenditures, by resolution.

In April of 2022, the Council approved a resolution to amend the use of ARPA grant funds and authorized the Mayor to elect the "standard allowance" for lost revenues, to be used for the provision of government services. For ease of reporting, the City will report and claim staff payroll and benefit costs to the Department of Treasury. The first report was submitted on April 25th for the period of January 1st - March 31st for the amount of \$2,307,022.97.

By using the \$9,475,434 in ARPA funds received for payroll and benefits costs, the "reimbursed" funds become unrestricted, affording the City more flexibility in their use to include any governmental service, not just those originally outlined in the grant agreement.

The initial list of uses authorized by the Council has been reviewed by the management team. All of the approved positions have either been hired or are in the process of

being hired, and many of the projects and agreements are also underway with some cost savings.

Some recommended changes to the planned uses include:

- Eliminate the Emergency Sick Leave \$75,000. This is included as part of the ARPA payroll and benefits claim.
- Old Treatment Plant Feasibility Study \$75,000. The project was completed by Pace Engineering for approximately \$49,000.
- Economic Development Retail Recruitment \$150,000 over 3 years. The contract was negotiated with Retail Strategies at \$45,000 per year, a savings of \$15,000. Year 1 is complete.
- Mini Street Sweeper \$260,000. Public Works has determined this is not the highest priority at this time, and would like to instead, purchase accessories for the new Roll Off Truck, to include equipment for use during snow and ice events. These accessories are estimated at \$150,000.
- Technology Upgrades "up to" \$500,000. Products and services have been researched and selections have been made. The new estimated cost is approximately \$295,000.

Due to the added flexibility and cost savings, staff would like the Council to consider the following projects for possible priority reallocation of funds:

- Machias Sewer & Storm Water Project - initially included as a placeholder for any excess ARPA funds
- City Hall Project
- Bonneville Field
- Frontier Heights Park (additional funding request - \$225,000 included in current funding)
- Cedarwood Park (additional funding for design - \$100,000 budgeted in Park Mitigation Fund)
- Cedarwood Park Roof Construction
- North Cove Park Pilot Program - Outdoor Sport Features
- Citywide Salary Survey

Additional information will be provided to the Council detailing the projects under

---

The attached document lists the projects and costs initially approved by the Council, updated estimates, and whether the project is underway. Also included is a table listing the estimated cost of the projects under consideration.

---

**APPLICABLE CITY POLICIES:**

---

**ATTACHMENTS:**

1. Pandemic Recovery Funds - Comparative Uses
2. Council Update\_May 5, 2022\_Pandemic Recovery



**Pandemic Recovery Budget**  
**\$9,475,434**

|             |             |
|-------------|-------------|
| \$9,446,186 | \$6,418,859 |
|-------------|-------------|

| Category              | Previously Reviewed by Council                            | Hired/<br>Contracted | Original \$          | Updated     |
|-----------------------|-----------------------------------------------------------|----------------------|----------------------|-------------|
| Staffing              | PW Grant Accountant                                       | Hired                | \$185,454            | \$185,454   |
| Staffing              | Admin Position Set Up                                     | Hired                | \$5,000              | \$5,000     |
| Staffing              | HR Tech 1/2 Time                                          | Hired                | \$197,818            | \$197,818   |
| Staffing              | Custodian/Facility Maint                                  | In Process           | \$494,544            | \$494,544   |
| Staffing              | Custodian Equipment                                       | In Process           | \$50,000             | \$50,000    |
| Staffing              | SWM - Field Technician                                    | In Process           | \$355,454            | \$355,454   |
| Staffing              | SWM - Field Technician Equipment                          | In Process           | \$35,000             | \$35,000    |
| Staffing              | Safety/EM/Risk Management Position                        | Hired                | \$216,363            | \$216,363   |
| Staffing              | Risk Management Set Up                                    | Hired                | \$5,000              | \$5,000     |
| Staffing              | <del>Emergency Sick Leave</del>                           |                      | <del>\$75,000</del>  |             |
| Assistance            | Food Bank                                                 | In Process           | \$500,000            | \$500,000   |
| Assistance            | Volunteers of America                                     |                      | \$50,000             | \$50,000    |
| Assistance            | Senior Center                                             | Contracted           | \$30,000             | \$30,000    |
| Supplies              | PPE, Disinfection, Training                               | Ongoing              | \$10,000             | \$10,000    |
| Professional Services | Old Treatment Plant Feasibility Study                     | Completed            | <del>\$75,000</del>  | \$48,806    |
| Professional Services | Infrastructure/Market Analysis - Hartford                 | RFP                  | \$125,000            | \$125,000   |
| Professional Services | Small Business Relief                                     | Completed            | \$40,000             | \$40,000    |
| Professional Services | Economic Dev Retail Recruitment                           | YR1 Complete         | <del>\$150,000</del> | \$135,000   |
| Capital Projects      | Davies Pier Restoration (Piles for floating dock)         |                      | \$50,000             | \$50,000    |
| Capital Projects      | Eagle Ridge Park                                          | Grant App            | \$459,000            | \$459,000   |
| Capital Projects      | Frontier Heights Park - Phase II                          | Grant App            | \$225,000            | \$225,000   |
| Capital Projects      | Powerline Trail                                           | In Process           | \$500,000            | \$500,000   |
| Capital Projects      | 17005 - 91st/24th SE Infrastructure Project               | In Process           | \$1,500,000          | \$1,500,000 |
| Capital Projects      | 117th Ave NE Storm (Total project \$1.4M)                 |                      | \$607,000            | \$607,000   |
| Equipment             | <del>Mini Street Sweeper</del> - Accessories for Roll Off |                      | <del>\$260,000</del> | \$150,000   |
| Equipment             | Slope Mower (for Ponds - 90 city/130 private)             |                      | \$150,000            | \$150,000   |
| Technology            | Overall Technology                                        |                      | \$500,000            |             |
| Technology            | <del>Blue Beam Software (Pay from Permit Funds)</del>     |                      |                      | \$0         |
| Technology            | Mill Technology Upgrades                                  | Completed            |                      | \$20,000    |
| Technology            | VUEWorks 3-Year MSA                                       | In Process           |                      | \$100,000   |
| Technology            | CDWG SOW (O365 Data Management)                           |                      |                      | \$60,000    |
| Technology            | NeoGOV Onboard/eForms                                     | In Process           |                      | \$27,000    |
| Technology            | Laserfiche to SharePoint Migration                        |                      |                      | \$6,500     |
| Technology            | PowerDMS                                                  | Contracted           |                      | \$22,020    |
| Technology            | Civic Rec                                                 | Contracted           |                      | \$39,400    |
| Technology            | Civic Clerk                                               | Contracted           |                      | \$19,500    |
| SWM Project           | Machias Sewer & Storm (Future Request)                    |                      | \$2,595,553          |             |

**Available for Priority Reallocation** **\$3,056,575**

| Project                                           | Est. Need   |
|---------------------------------------------------|-------------|
| Machias Sewer & Storm (Future Request)            | \$2,595,553 |
| City Hall                                         | \$2,000,000 |
| Bonneville Field                                  | \$1,000,000 |
| Frontier Heights Park (Additional Funding)        | \$250,000   |
| Cedarwood (Additional Design)                     | \$50,000    |
| Cedarwood (Roof)                                  | \$250,000   |
| North Cove Pilot Project - Outdoor Sport Features | \$25,000    |
| Citywide Salary Survey                            | \$50,000    |



**One Community Around The Lake**

# Pandemic Recovery Capital Priorities

## City Council Workshop May 3, 2022

BARB STEVENS

RUSS WRIGHT





# Funded Projects

An aerial photograph of Davies Beach, showing a wooden pier extending into the water, a sandy beach area, and surrounding residential buildings and streets. A red outline highlights the project area, which includes the pier, the beach, and the adjacent street.

# Davies Beach

Preliminary Cost Estimate - \$100,000

- ❖ Floating dock replacement
- ❖ Pier deck resurfacing
- ❖ Emergency vessel relocation

---

Recovery Funds - \$50,000 allocated

Local Funds - \$50,000



# Eagle Ridge Development

Cost Estimate: \$1 million to \$1.25 million

LWCF grant award \$428,210

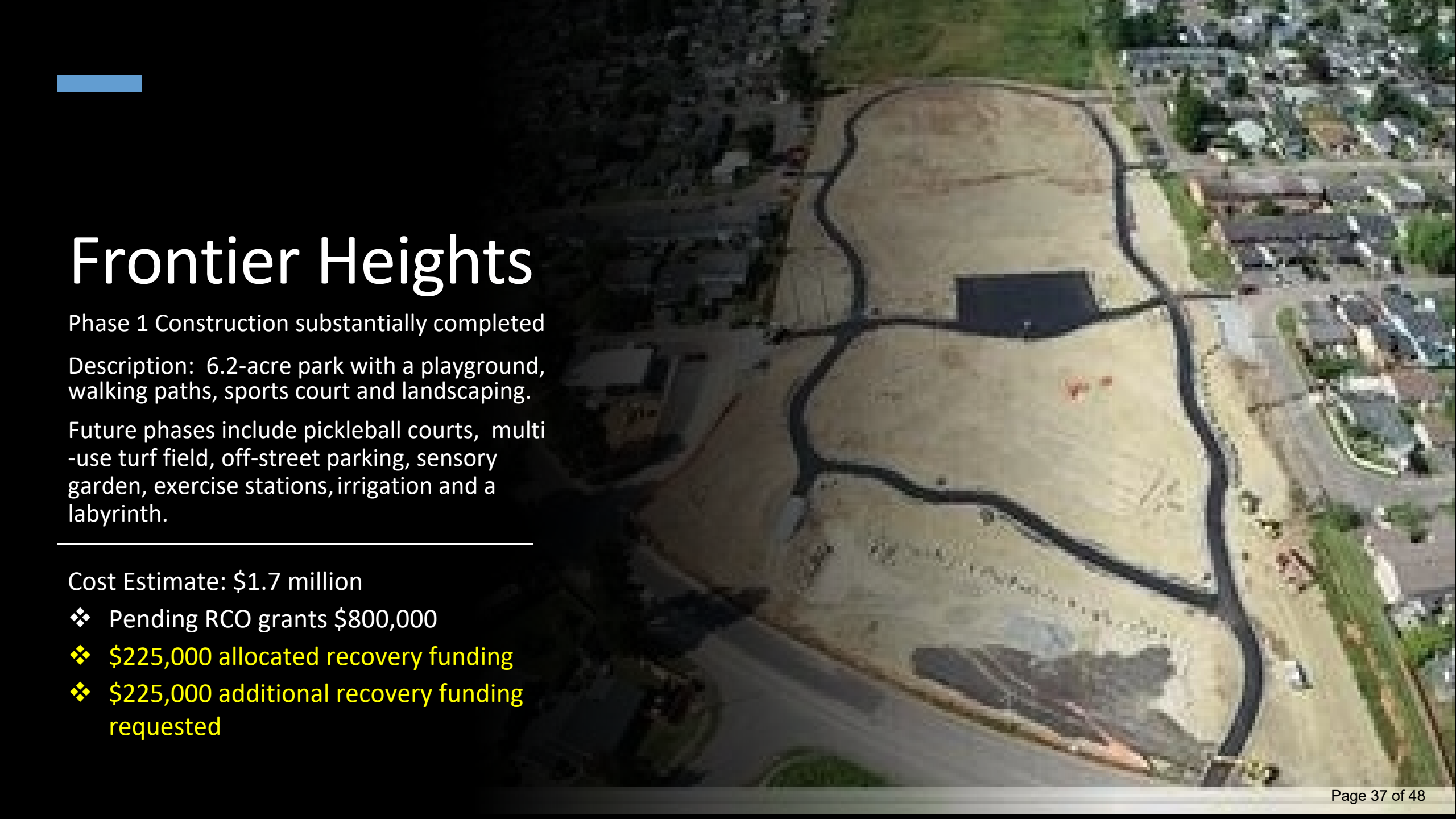
City portion **\$459,000 recovery funding**

City park mitigation match \$107,000

Desired Construction: Summer 2023

Includes amphitheater, outdoor classroom, nature-themed playground and restrooms.





# Frontier Heights

Phase 1 Construction substantially completed

Description: 6.2-acre park with a playground, walking paths, sports court and landscaping.

Future phases include pickleball courts, multi-use turf field, off-street parking, sensory garden, exercise stations, irrigation and a labyrinth.

---

Cost Estimate: \$1.7 million

- ❖ Pending RCO grants \$800,000
- ❖ \$225,000 allocated recovery funding
- ❖ \$225,000 additional recovery funding requested





# 20<sup>th</sup> Street Ballfields & Powerline Trail

Future Improvements include parking, restrooms, picnic and play areas, practice fields, off-leash dog areas along with a multi-use path from 20<sup>th</sup> Street SE to 8<sup>th</sup> Street SE.

Permit/Construct: 2022-2023

Cost Estimate - \$1.6 million

- ❖ Local funds \$1.1 million
- ❖ **\$500,000 allocated recovery funding**



# 91<sup>st</sup> / 24<sup>th</sup> Street SE Infrastructure

- Cost Estimate: \$8.8 million
- Funding
  - \$2.0 million state grant (design)
  - \$1 million culvert state grant
  - Bond
  - PSRC Grant \$3 million
  - **Recovery Funds \$1.5 million**
- Construction: Spring – Fall 2022
- Project Description:
  - Design & construct an intersection at SR-9.
  - Design and construct 2091<sup>st</sup> Ave SE and 4<sup>th</sup> Street NE
  - Fish passable culvert & utility improvements.



117th Ave NE



# 117<sup>th</sup> Ave NE

## Sidewalk & Stormwater

Future Improvements include adding stormwater infrastructure and sidewalks.

Permit/Construct: 2022-2023

Cost Estimate - \$1.4 million

- ❖ Other funds \$793,000
- ❖ **\$607,000 allocated recovery funding for stormwater**





# Proposed Projects

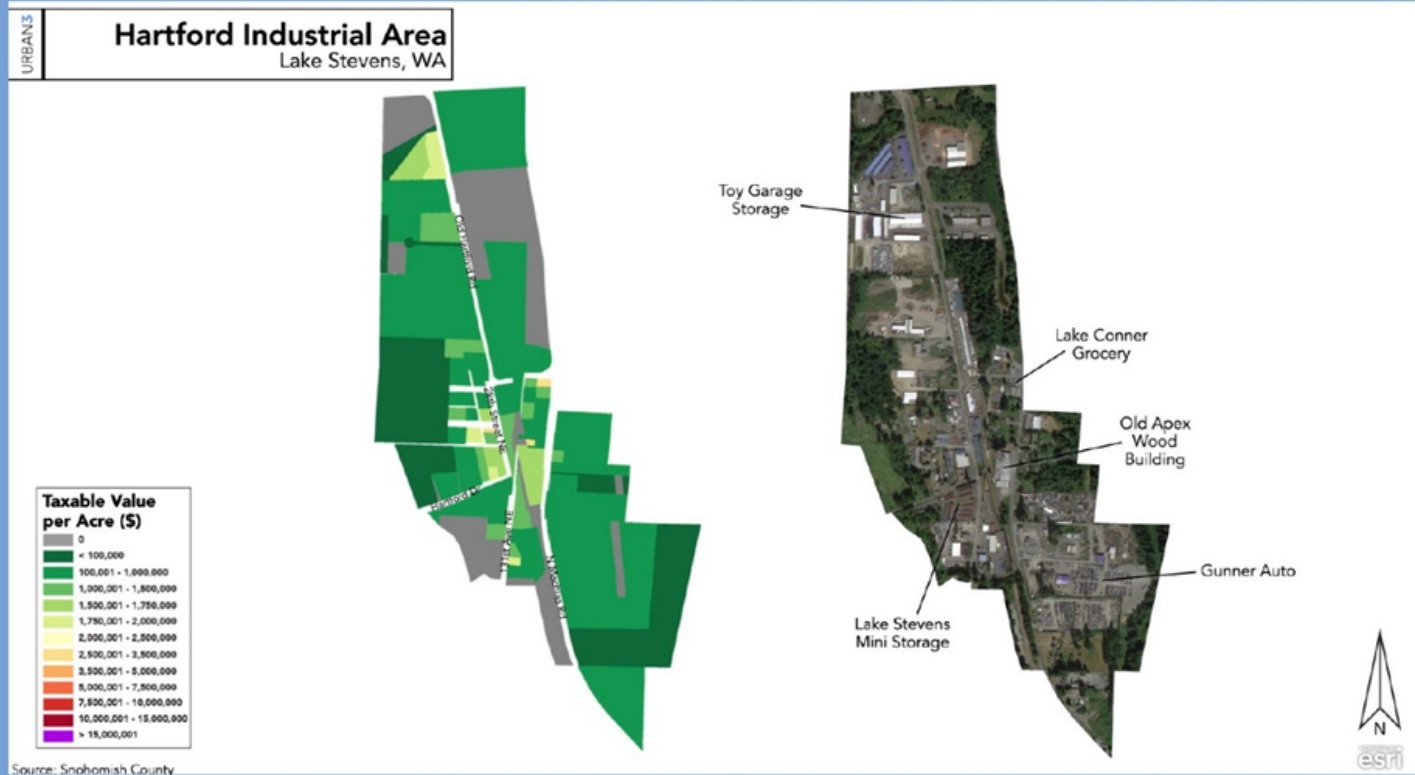
## Hartford / Machias Industrial Areas

The Industrial Area is currently underdeveloped with low intensity uses.

City has issued an RFP for engineering and market analysis \$125,000

- ❖ Street Infrastructure
- ❖ Stormwater Infrastructure
- ❖ Sewer Infrastructure
- ❖ Highest and Best Uses

- ❖ Funding Analysis - **\$125,000**
- ❖ Project Costs - unknown





# City Hall

- City Council reviewed several options for a City Hall at its February retreat:
  1. Build at Chapel Hill
  2. Purchase Office Complex near South Lake Stevens
  3. Redevelop Grade Road and other sites.
- Total cost depends on option
- Financing
  - Sale of assets – estimate \$4 to \$6 million
  - Councilmanic bonds paid by REET
  - **Potential Recovery Funding - \$2 million**







# Bonneville Field

Proposed multi-use turf field, off-street parking, picnic tables, walking trails and stormwater.

Permit/Construct: 2023 / 2024

Cost Estimate - \$1.25 million

- 
- ❖ Local funds - \$250,000
  - ❖ **Proposed Recovery Funds - \$1 million**



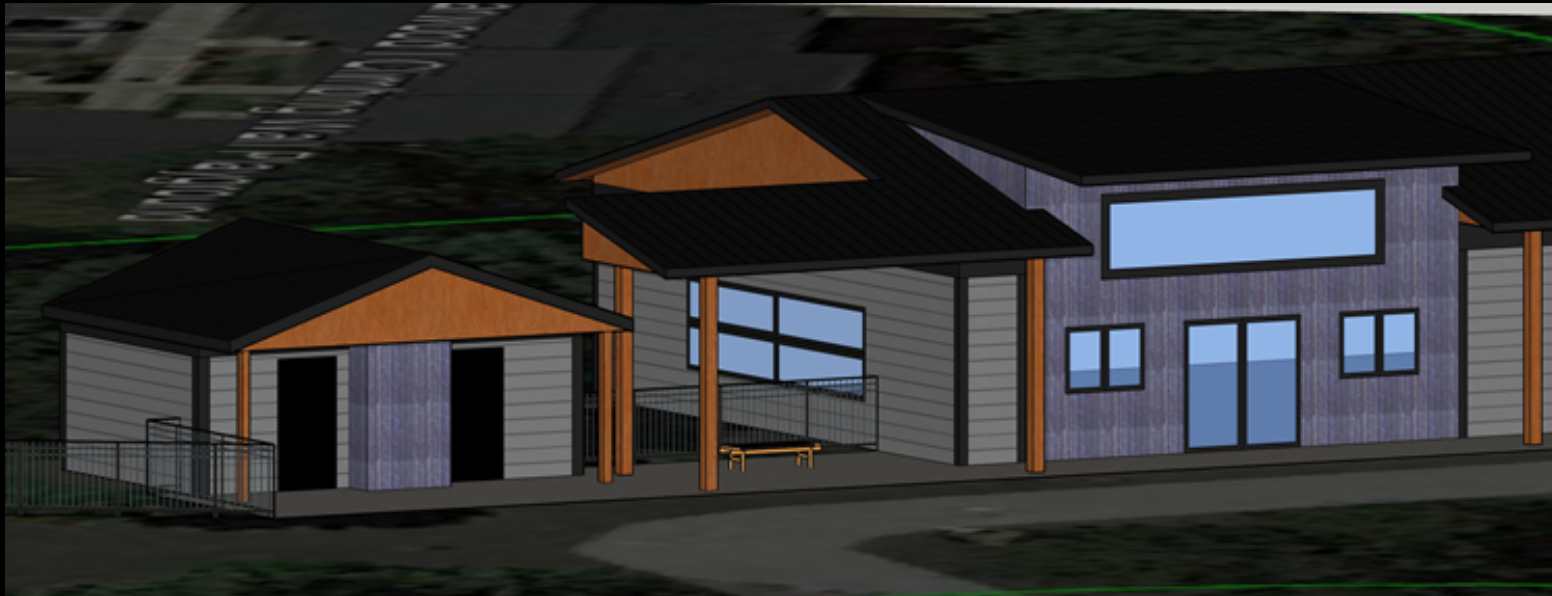
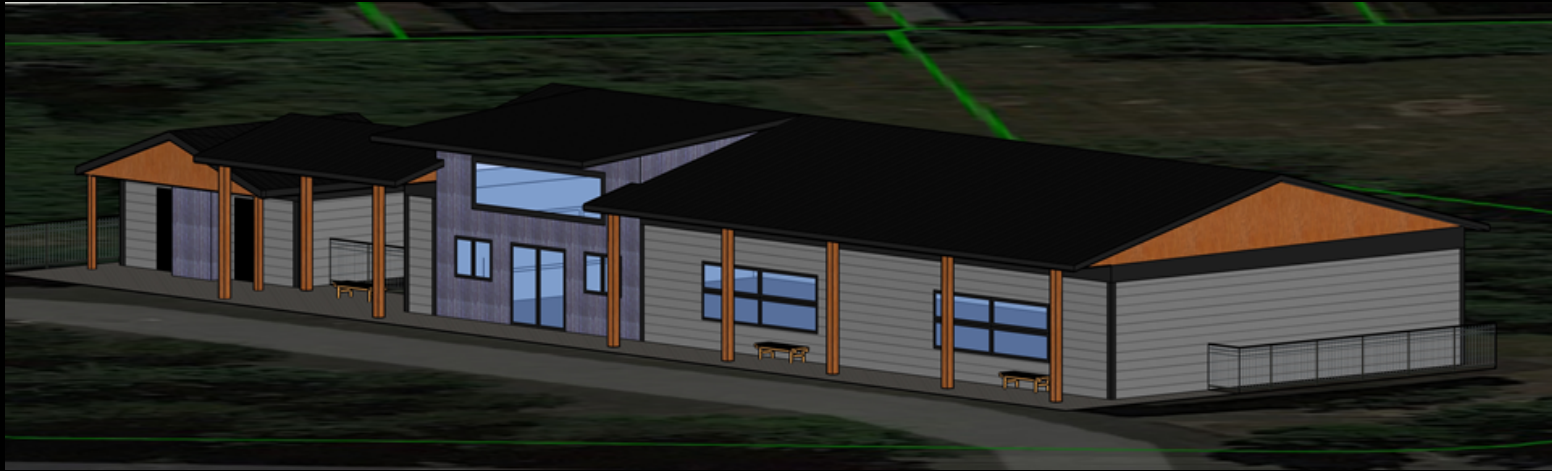
# Frontier Heights

Phase 2 includes pickleball courts, multi-use turf field, off-street parking, sensory garden, exercise stations, irrigation and a labyrinth.

Cost Estimate: \$1.7 million

- ❖ Pending RCO grants \$800,000
- ❖ \$225,000 allocated recovery funding
- ❖ \$225,000 additional recovery funding requested / possible more depending on grant





# Cedarwood Clubhouse

- ❖ Urgent repairs: roof, siding and windows to keep the facility from deteriorating.
- ❖ To transform this building into a functional community space a total remodel and second floor for offices, classes and multi-purpose rooms will be needed.

---

Cost Estimate - \$1.6 million

- ❖ Local funds - \$100,000
- ❖ Federal grant under review - \$1.2 million
- ❖ **Proposed Recovery Funds - \$300,000**





# North Cove Youth Pilot

**Requested Recovery Budget: \$25,000**

Local Parks Funds ?

Description: Add constructive activities for teens and pre-teens e.g., outdoor ping pong, corn hole, ladder toss, etc. Add modular / portable skate features at the bridge deck.



# Other projects that are unfunded or require matches

- Museum
- 36<sup>th</sup> Street NE Bridge
- Main Street Improvements
- 91<sup>st</sup> Ave SE Sidewalks
- Lake Outfall Restoration
  - ❖ Weir Replacement
  - ❖ Channel Restoration
  - ❖ Catherine Creek Culvert
  - ❖ Downtown Box Culverts
- Purchase additional neighborhood park in SE Lake Stevens (unfunded)