



2018 COMMISSION AGENDA

Regular Meeting Date: 03.07.2018

Planning Commission
Meeting:

First Wednesday of every
Month @ 7:00pm

Planning & Community
Development Department

1812 Main Street
Lake Stevens, WA 98258
(425) 377-3235

www.lakestevenswa.gov

Municipal Code

Available online:

www.codepublishing.com/WA/LakeStevens/

*Items attached

**Items previously
distributed

Items to be
distributed

A. CALL TO ORDER: 7:00pm

Pledge of Allegiance

B. ROLL CALL

C. GUEST BUSINESS

D. ACTION ITEMS

1. Approval of February 07, 2018 Meeting Minutes

E. PUBLIC HEARING:

1. LUA2017-0148 Model Home Ordinance

Public hearing presentation will follow the public hearing format listed below:

PUBLIC HEARING FORMAT

2. PC Chair Opens Public Hearing

3. Staff Presentation

4. Commission's questions for staff

5. Proponent's comments

6. Comments from the audience

7. Proponent rebuttal comments

8. Close public comments portion of hearing by motion

**9. Re-open public comment portion of hearing for additional comments
(optional)**

10. Close Hearing by motion

11. COMMISSION ACTION BY MOTION—Recommendation to Council

A. Approve

B. Deny

C. Continue

F. DISCUSSION ITEMS-

G. BRIEFINGS-

1. Supervised Drug Consumption Facilities-J. Machen

2. Code Amendment Approval Authority for Final Plats-J. Machen

H. COMMISSIONER REPORTS

I. PLANNING DIRECTOR'S REPORT

J. ADJOURN

SPECIAL NEEDS

The City of Lake Stevens strives to provide accessible opportunities for individuals with disabilities. Please contact City of Lake Stevens ADA Coordinator, at (425) 377-3227 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,

PLANNING COMMISSION REGULAR MEETING MINUTES

Community Center
1808 Main Street, Lake Stevens
Wednesday, February 7, 2018

CALL TO ORDER: 7:00 pm by Chair Janice Huxford

MEMBERS PRESENT: Janice Huxford, Jennifer Davis, Karim Ali, Vicki Oslund, Tracey Trout, Linda Hoult

MEMBERS ABSENT: None

STAFF PRESENT: Community Development Director Russ Wright, Senior Planner Josh Machen and Clerk Jennie Fenrich

OTHERS PRESENT: Councilmember McDaniel, Councilmember Petershagen

Excused Absence: None

Guest business: None

Action Items:

1. *Approve 01/03/2018 Meeting Minutes.* Commissioner Oslund made a motion to approve *the minutes*, Commissioner Ali seconded. Motion carried 5-0-0-0.

Discussion Items

Community Development Director Russ Wright gave a presentation on Planning Commissioner training, he provided a copy of the Planning Commissioner rules and procedures and the protocols for public hearings. A discussion ensued. Chair Huxford inquired if it a requirement that we have the public disclose their address when making a statement at a Public Hearing. Community Development Director Wright said he will ask our Risk Management officer for clarification on stating one's address. Commissioner Hoult said that at a recent training she attended that if citizens request emails from staff to commissioners that commissioner's personal email addresses could be given to the requestor. Community Development Director Wright said he would also check with the Risk Management officer for the possibility of Planning Commissioners having a city email address.

Senior Planner Machen brought a briefing on Model Home Ordinance. Surrounding cities have current ordinances that allow for multiple homes built before final plat. Our current ordinance allows for one model home to be allowed per parcel. This ordinance currently presented would allow up to 20% of the subdivision lots to be built prior to recording final plat not to exceed a maximin of 6 lots. Discussion followed. The Commissioners asked questions for understanding. Commissioner Oslund made a motion to move this for Public Meeting at next meeting. Commissioner Ali seconded. Motion passed 5-0-0-0.

Senior Planner Machen briefed the Commission on a code amendment for Final Plat

Approval Authority. This would allow the Planning Director and Public Works Director to have the authority to sign off the final plat. Currently, final plat goes through City Council for approval. All requirements would have had to have been met prior to getting to final plat. When the final plat goes to City Council for approval there is no option to make any changes at that point, and it is only a formality. Community Development Director Wright would like to take this to City Council Workshop and then bring back to Planning Commission.

Commissioner Reports

Commissioner Trout noted that the lake levels are extremely high currently and is concerned that the new impervious surface regulations may have an impact on drainage into the lake.

Commissioner Hoult thanked Commissioner Davis for serving as Chair for the prior year and Commissioner Huxford for serving this year, as well as Vicki Oslund for both last year and this year for serving as Vice Chair.

Planning Director Report:

Community Development Director Wright spoke about the accomplishments of 2017. He spoke about the draft work program for 2018, which will include Final Plat Administrative Authority and Model Home Ordinance, stormwater regulations will need to be finalized this year. New fence and new ADU code will be brought forth. Downtown Subarea Plan and a mandatory shoreline update are also on the schedule for this year. Senior Planner Machen reported this year's work will include working on a franchise agreement for small cell units, safe injection sites and zoning for the UGA.

Future Agenda Items:

1. ADU Code amendment will be introduced
2. Model home hearing will be at next meeting

Adjourn. Motion to adjourn by Commissioner Hoult, seconded by Commissioner Oslund. Motion carried 5-0-0-0. Meeting adjourned at 7:58 p.m.

Janice Huxford, Chair

Jennie Fenrich, Clerk, Planning &
Community Development



Staff Report
City of Lake Stevens Planning
Commission

Public Hearing
Date: **March 7, 2018**

Subject: **LUA2017-0148:** Applicant initiated code amendment establishing a Model Home Ordinance.

Contact Person/Department: Joshua Machen, *Senior Planner* / Russ Wright, *Community Development Director*

SUMMARY: In accordance with LSMC 14.16C.075 a private petitioner has requested that the City consider amending the municipal code to develop a model home ordinance.

ACTION REQUESTED OF PLANNING COMMISSION:

Take public comment and review proposed code amendments then forward a recommendation to the City Council.

BACKGROUND / HISTORY:

As proposed by the petitioner a model home ordinance would allow the construction of model homes within a proposed subdivision after preliminary plat approval was granted, but prior to the final recording of the plat. It could also be used to permit temporary sales offices within one of the model homes.

While model home ordinances are not prevalent throughout Western Washington, several cities do have model home ordinances, including Monroe, Marysville and Mill Creek. Attached is a comparison of other western Washington jurisdictions that have model home ordinances and list the percentage of homes allowed to be constructed and the maximum number allowed (Attachment B). The drafted ordinance also contains provisions to protect the public interest, including required indemnification agreements and financial assurance prior to the construction of any model home (Attachment A).

On December 12, 2017, the City Council was briefed on the petitioners request to develop a model home ordinance and directed staff to develop a model home ordinance to be reviewed by the Planning Commission with a recommendation to the City Council.

On February 7, 2018, the Planning Commission was briefed on the proposed ordinance and expressed no concerns.

Attachments

- A Draft Model Home Regulation (New Section of LSMC 14.44.025 Model Homes).
- B. Model Home Comparison Chart

C. Comments from applicant on draft regulations

(Note: Redlines are proposed revisions in response to applicants concerns.)

New Code Section - 14.44.025 Model Homes.

(a) Model Home Building permit applications for a limited number of model homes, in an approved preliminary subdivision, shall be granted by the Community Development Director or designee prior to final subdivision approval and recording in accordance with Chapter 14.18 LSMC.

(1) For short plats consisting of a subdivision of nine or fewer lots the maximum number of model home building permits allowed shall be two or 20% of the total number of single-family residences proposed, whichever is less. For all other subdivisions, the maximum number of model home permits allowed shall be six or 20% of the total number of single-family residences planned for the development, whichever is less. In cases where the application of the 20% restriction creates a fraction, the number of model homes permitted shall be rounded up to the nearest whole number.

(2) An applicant who has received preliminary subdivision approval is eligible to apply for one or more building permits for model homes upon demonstrating the following:

(i) The applicant for the model home, if different than the owner and applicant for the approved preliminary plat, shall provide a document signed by the owner demonstrating that the applicant has a real or possessory interest in the property on which the model home will be constructed.

(ii) The applicant shall have submitted and received approval of the construction plans, including water, sewer and storm sewer extensions to serve the model homes to be constructed.

(iii) Permanent or temporary retention/detention facilities that serve the lots where the model homes are to be constructed shall be in place or approved for construction.

(iv) Any street improvement required as a condition of preliminary subdivision approval, which is designed to provide access to the model home lots from an existing public street, shall be constructed to the final alignment and subgrade from such public street to the model lots (but not including the required curb, gutter, sidewalk or paving). The access street shall meet the requirements of Chapter 14.56 and be constructed in accordance with the current EDDS.

(v) All mitigation fees shall be due and payable at the time of issuance of a residential building permit for model homes, unless deferred pursuant to Chapter 14.124.

(vi) Fire protection must be available to any lot proposed for construction of a model home.

(vii) No two adjacent model homes shall have the exact same building elevation and exterior design components. (For example, adjacent model homes should not be an exact match except for the placement of the garage on the opposite side. model homes in a subdivision shall have identical or nearly identical floor plans. Two model homes shall be considered to have nearly identical floor plans if they are only reversed.

(viii) No two model homes with the same façade may be constructed in a subdivision.

~~(ixviii)~~ The application for the model home must be submitted at least 60 days prior to the date of preliminary subdivision expiration.

~~(ix)~~ Any amendment proposed to an approved preliminary subdivision due to the subsequent placement of a model home shall be processed as the original preliminary plat approval, with no variances allowed.

(b) The following information is required in addition to a residential building permit application:

(1) Title certificate demonstrating ownership interest in the property on which the model home will be constructed.

(2) Building site plan(s) showing the location(s) of the proposed model home(s); distances from the proposed final subdivision lot lines; all existing, required or proposed easements; and the separations required therein.

(3) One dark line print of the proposed final subdivision.

(4) A statement signed by the applicant in which the applicant agrees to indemnify and hold harmless the City from any damages, direct or indirect, as a result of its approval of the construction of model homes; and agreeing to restore the site to its condition prior to construction of the model home(s) and their associated structures and improvements should the plat not be recorded.

(5) The owners shall post a financial security bond in a form acceptable to the city attorney in an amount sufficient to remove said buildings or any portion thereof to the extent which the buildings are inconsistent with ~~any the~~ final subdivision approval, or if such subdivision is disapproved, or to bring about compliance with the applicable underlying zoning. Such financial security is to be released upon recording of final plat, if homes are found in compliance.

i. Exception: any single model home constructed within the boundaries of existing lots and conforming to existing codes shall be exempt from posting a financial security.

(6) Payment of a model home review fee as set forth in the City's adopted fee resolution in place at the time of application for a model home permit.

(c) Occupancy of model homes is limited as follows:

(1) No model home shall be occupied for residential use prior to the recording of the final plat.

(2) Model homes used as temporary real estate offices shall obtain a temporary use permit in accordance with Chapter 14.16C.110 subject to the conditions of Chapter 14.16C.110(c)(3).

(3) One additional preliminarily approved lot may be used to furnish off street parking provided a hard surface approved by the Public Works Director or designee is installed. This provision is

not intended to increase the total number of model homes permitted under Chapter 14.44.025(a)(1).

Model Home Ordinance Comparison

| <u>Jurisdiction</u> | <u>Percentage Allowed</u> | <u>Max Number of Units Allowed</u> | |
|--|---------------------------|---|--|
| Snohomish County | | 9 | |
| Monroe | 20% | 7 | |
| Marysville | | 9 | |
| Mill Creek | | 4 | |
| Renton | 20% | 5 | |
| Auburn | | 4 | (2 for less than 20 lots) |
| Mt. Vernon | 20% | 9 | |
| North Bend | | 5 | (At director descretion) |
| Poulsbo | | 4 | (Per phase, if previous phase is completed) |
| Tumwater | | 4 | |
| <u>Average:</u> | 20% | 6 | |
| <i>Applicant request</i> | 30% | 7 - formal subdivisions 3 - short subdivisions | (Any subdivision containing 21 lots or more would be allowed 7-model homes, and any short plat containing 7 lots or more would be allowed 3-model homes, based on rounding rule) |
| Lake Stevens Staff Recommendation | 20% | 6 - formal subdivisions 2 - short subdivisions | (Any subdivision containing 25 lots or more would be allowed 6-model homes, and any short plat containing 5 lots or more would be allowed 2-model homes, based on rounding rule) |



February 26, 2018

Lake Stevens Planning Commission
City of Lake Stevens
PO Box 257
Lake Stevens, WA 98258

RE: PROPOSED MODEL HOMES ORDINANCE

Dear Commissioners,

On behalf of several of our clients, Toyer Strategic Consulting submitted a citizen-initiated code amendment last October, which requested the City of Lake Stevens consider adoption of a model homes ordinance in accordance with LSMC 14.16C.075(c)(2).

Having prepared and submitted the proposal for model homes regulations, we support their approval. However, the language of the proposed ordinance that we submitted has since been amended and we would request the Planning Commission address several areas where the proposed new language concerns our clients.

Concerns

1. Our original proposal did not include language requiring a bond or financial security as a condition for a model homes permit. Only one jurisdiction, Monroe, currently has this requirement. While we understand that the City may be concerned about model homes being constructed and abandoned prior to final plat approval, we have not been able to identify any such examples that took place in the last housing recession.
 - We do not support the requirement for bonding or financial security.
 - Should the Planning Commission and City Council disagree and require a security, we request the following changes:
 - Delete the requirement for a bond and replace with a general requirement for financial security, which could include a letter of credit.
 - Add language to exempt model homes on existing, established lots from the requirement to post security.
 - Clarify that financial security for model homes is released upon recording of final plat.
2. Our original proposal did not include language placing restrictions on model homes that limit similar floor plans adjacent to each other because floor plans can often be similar, but the exteriors of homes very different. The purpose of model homes is to allow builders to showcase their design and upgrade options, speeding up the sales process. Design standards and variations in design is already covered by the City's design guidelines with which developers/builders must already comply.
 - However, should the Planning Commission and City Council desire to include restrictions or limitations on the design of model homes, we'd ask for revised language along the lines of:

"No two adjacent model homes shall have the exact same building elevation and exterior design components. For example, adjacent model homes should not be an exact match except for the placement of the garage on the opposite side."

Model Homes Explained

The proposed code amendment would add a new section to the City's code, allowing the construction of model homes in subdivisions prior to final plat approval. However, the City does not presently have code adopted that specifically applies to the permitting of model homes and criteria for approval.

Our proposed model homes ordinance is similar to that of jurisdictions around Lake Stevens, including Monroe, Marysville and Snohomish County. One of the main benefits to enacting this code amendment is that it creates a consistent standard the building industry can rely on to utilize model homes while providing planning staff with clear guidance on the requirements for approval of model home permits.

Home builders, especially those who construct larger subdivisions, have for many years have requested jurisdictions approve the construction of a number of "model" homes during the site development process as a mechanism to expedite home sales and build-out of the project. These model homes are used as sales models to show potential home buyers the floor plans, features and upgrades available in that subdivision. Additionally, one of the homes is typically used as a temporary sales office in lieu of locating temporary modular office buildings – a practice that is more aesthetically pleasing.

Many jurisdictions in the area, including Monroe, Marysville and Snohomish County, have moved away from permitting these model homes as temporary uses, choosing to establish specific codes allowing their approval subject to conditions. Such conditions address when model homes can be construction, the number of models allowed, the process and requirements for fire protection, and etc. This provides clarity for the city, the builder and residents of the community.

Thank you in advance for your time and consideration.

Should you have any questions, or should we be able to be of assistance in researching additional information, please do not hesitate to contact us at any time.

TOYER STRATEGIC CONSULTING, LLC.



BY: DAVID K. TOYER
ITS: FOUNDER/AUTHORIZED AGENT



Staff Report City of Lake Stevens Planning Commission

Briefing

Date: **March 7, 2018**

Subject: **LUA2018-0030:** City initiated code amendment prohibiting the siting of Supervised Drug Consumption Facilities.

Contact Person/Department: Joshua Machen, *Senior Planner* / Russ Wright, *Community Development Director*

SUMMARY:

The proposed code amendments define “Supervised Drug Consumption Facilities:” and prohibit the siting of such facilities within the City of Lake Stevens

ACTION REQUESTED OF PLANNING COMMISSION:

Set a public hearing date to take public comment.

BACKGROUND / HISTORY:

In 2016, King County and the cities of Seattle, Renton, and Auburn convened a Heroin and Opioid Addiction Task Force, which released a report in September 2016. The report included recommendations to prevent opioid addiction and improve opioid use disorder outcomes in King County, including a recommendation to establish, on a pilot program basis, at least two sites for supervised opioid consumption in King County.

Marysville and other jurisdictions within the state are and have enacted ordinances prohibiting the siting of supervised drug consumption facilities within their jurisdictions.

The recommendation to establish supervised drug consumption facilities in the region highlights the lack of regulation of such facilities within the City of Lake Stevens. Concerns have been expressed about negative impacts to the community that would occur if such a facility were to be sited within City.

On December 12, 2017, the Lake Stevens City Council passed an interim ordinance prohibiting the siting of such facilities. During the Joint Council/Planning Commission work session on February 13, 2018, the City Council directed staff to prepare code amendments to the Lake Stevens Municipal Code that address the siting of Supervised Drug consumption facilities within the City of Lake Stevens.

Attachments

A Draft Supervised Drug Consumption Sites Prohibition Code Amendments.

Attachment A

Proposed Amendments to the Lake Stevens Municipal Code to Prohibit Supervised Drug Consumption Facilities.

1. Lake Stevens Municipal Code Section 14.08.010 Definitions of Basic Terms is amended to add the following definition for “Supervised drug consumption facility”:

Supervised Drug Consumption Facility. A facility designed to provide a location where individuals are able to consume illicit drugs under professional supervision.

All other definitions set forth in LSMC 14.08.010 shall remain in full force and effect, unchanged.

Lake Stevens Municipal Code Section 14.40.090 “More Specific Use Controls” (Table 14.40-I: Table of Permissible Uses by Zones) is hereby amended to read as follows:

2. **14.40.090 More Specific Use Controls.**

Whenever a development could fall within more than one use classification in the Table of Permissible Uses (referenced in Section [14.40.010](#) and found at the end of this chapter), the classification that most closely and most specifically describes the development controls. For example, a small doctor’s office or clinic clearly falls within the 3.110 classification (office and service operations conducted entirely indoors and designed to attract customers or clients to the premises). However, classification 3.130, “office or clinics of physicians or dentists with not more than 10,000 square feet of gross floor area” more specifically covers this use and therefore is controlling.

TABLE 14.40-I: TABLE OF PERMISSIBLE USES BY ZONES¹⁶

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 [14.40.020](#) for explanation of combinations)

| USE DESCRIPTIONS | | SR | WR | UR | HUR | MFR | NC ⁴ | LB | CBD | MU ¹ | PBD ⁵ | SRC | LI | GI | P/SP |
|------------------|--|-----|-----|-----|-----|-----|-----------------|----|-----|-----------------|------------------|-----|----|----|------|
| 1.000 | RESIDENTIAL | | | | | | | | | | | | | | |
| 1.100 | Single-Family Residences | | | | | | | | | | | | | | |
| 1.110 | Single-family detached, one dwelling unit per lot | | | | | | | | | | | | | | |
| 1.111 | Site-built & modular structures | P | P | P | P | P | | | | | P | | | | |
| 1.112 | Class A mobile home | P | P | P | P | P | | | | | | | | | |
| 1.113 | Class B mobile home | P | P | P | P | P | | | | | | | | | |
| 1.114 | Class C mobile home | | | | | | | | | | | | | | |
| 1.115 | Class A, B, or C mobile home or apartment used exclusively for a night watchman and his/her family | | | | | | | | | | | | A | A | |
| 1.116 | Single-family apartment above permitted nonresidential use | | | | | | P | P | PA | PA | P | | | | |
| 1.120 | Single-family detached, more than one dwelling unit per lot ³ | | | | | | | | | | | | | | |
| 1.121 | Site-built and modular structures | | | | | PAC | | | | | P | | | | |
| 1.122 | Class A, B or C mobile home parks | PAC | PAC | PAC | PAC | PAC | | | | | | | | | |
| 1.123 | Single-family apartment above permitted nonresidential use | | | | | | PA | PA | PA | PA | P | P | | | |
| 1.124 | Cottage housing developments ¹¹ | PAC | PAC | PAC | PAC | | | | | PAC | P | | | | |

| | |
|-------|--------------------------------------|
| 1.450 | Supervised Drug Consumption Facility |
|-------|--------------------------------------|

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| 1.500 | Miscellaneous, Rooms for Rent Situations | | | | | | | | | | | | | | |
| 1.510 | Rooming houses, boarding houses | | | | | A | | PA | PA | PA | P | | | | |
| 1.520 | Tourist homes and other temporary residences renting by the day or week | A | A | A | A | A | | PA | PA | PA | P | | | | |
| 1.530 | Hotels, motels, and similar businesses or institutions providing overnight accommodations | | | | | C | | PA | PC | PC | P | C | | | |
| 1.600 | In-Home Day Care | P | P | P | P | P | | | P | P | P | | | | |
| 1.700 | Temporary Emergency, Construction, and Repair Residences | P | P | P | P | P | P | P | P | P | P | P | P | P | |
| 1.800 | Home Occupations | P | P | P | P | P | P | P | P | P | P | P | P | P | |
| 1.900 | Planned Residential Developments | C | | C | C | C | | | | | | | | | |
| 2.000 | SALES AND RENTAL OF GOODS, MERCHANDISE AND EQUIPMENT ² | | | | | | | | | | | | | | |
| 2.100 | No Storage or Display of Goods Outside Fully Enclosed Building (except for sidewalk displays, occasional/temporary sales, or horticultural sales occupying less than 200 square feet) | | | | | | | | | | | | | | |
| 2.110 | High-volume traffic generation | | | | | | | | | | | | | | |
| 2.111 | Miscellaneous ² | | | | | | PA | PA | PA | P | P | PA | PC | PC | PA |
| 2.112 | Convenience stores ² | | | | | | A | PA | PA | P | P | PA | PC | PC | PA |
| 2.120 | Low-volume traffic generation ² | | | | | | | PA | PA | | P | PA | PC | PC | PA |
| 2.130 | Wholesale sales ² | | | | | | | | | | | PA | PC | PC | PA |

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|-------|--|---|---|---|---|---|---|----|----|----|---|----|----|----|----|
| 2.200 | Storage and Display of Goods Outside Fully Enclosed Building Allowed | | | | | | | | | | | | | | |
| 2.210 | High-volume traffic generation ² | | | | | | | PA | PA | | P | PA | PC | PC | PA |
| 2.220 | Low-volume traffic generation ² | | | | | | | PA | PA | | P | PA | PC | PC | PA |
| 2.230 | Wholesale sales ² | | | | | | | | | | | PA | PC | PC | PA |
| 2.300 | Mobile Sales and Delivery (Vending Carts, Ice Cream Trucks, Mobile Delivery, Peddlers, and Similar Uses) (See Section 14.44.080) ² | P | P | P | P | P | P | P | P | P | P | P | P | P | P |
| 2.400 | Any Retail Sales, Rental, or Services Compatible with Regional Recreation Facilities and Primarily Intended to Cater to Users of Such Facilities ² | | | | | | | PC | PC | | P | | PC | PC | PC |
| 3.000 | OFFICE, CLERICAL, RESEARCH AND SERVICES NOT PRIMARILY RELATED TO GOODS OR MERCHANDISE ² | | | | | | | | | | | | | | |
| 3.100 | All Operations Conducted Entirely Within Fully Enclosed Building | | | | | | | | | | | | | | |
| 3.110 | Operations designed to attract and serve customers or clients on the premises, such as the offices of attorneys, physicians, other professions, insurance and stock brokers, travel agencies, government office buildings, etc. ² | | | | | | | PA | PA | PA | P | PA | | | PA |

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|-------|--|--|--|--|--|--|--|----|----|----|----|----|----|----|----|
| 3.120 | Operations designed to attract little or no customer or client traffic other than employees of the entity operating the principal use ² | | | | | | | PA | PA | PA | P | PA | | | PA |
| 3.130 | Office or clinics of physicians or dentists with not more than 10,000 square feet of gross floor area ² | | | | | | | PA | PA | PA | PA | P | PA | | PA |
| 3.200 | Operations Conducted Within or Outside Fully Enclosed Building | | | | | | | | | | | | | | |
| 3.210 | Operations designed to attract and serve customers or clients on the premises ² | | | | | | | | | | P | PC | PC | | |
| 3.220 | Operations designed to attract little or no customer or client traffic other than the employees of the entity operating the principal use ² | | | | | | | | | | P | PC | PC | | |
| 3.230 | Banks with drive-in windows ^{2,9} | | | | | | | PA | PA | | P | PC | | | |
| 4.000 | MANUFACTURING, PROCESSING, CREATING, REPAIRING, RENOVATING, PAINTING, CLEANING, ASSEMBLING OF GOODS, MERCHANDISE AND EQUIPMENT ⁶ | | | | | | | | | | | | | | |
| 4.100 | All Operations Conducted Entirely Within Fully Enclosed Building | | | | | | | | | | | | | | |
| 4.110 | Majority of dollar volume of business done with walk-in trade ⁶ | | | | | | | PA | PA | PA | P | PC | PC | PC | PC |
| 4.120 | Majority of dollar volume of business not done with walk-in trade ⁶ | | | | | | | PA | | | | PC | PC | PC | |

| | | | | | | | | | | | | | | | |
|-------|--|---|---|---|---|---|--|----|----|----|---|----|----|----|----|
| 4.200 | Operations Conducted Within or Outside Fully Enclosed Building ^e | | | | | | | | | | P | PC | | PC | |
| 5.000 | EDUCATIONAL, CULTURAL, RELIGIOUS, PHILANTHROPIC, SOCIAL, FRATERNAL USES | | | | | | | | | | | | | | |
| 5.100 | Schools | | | | | | | | | | | | | | |
| 5.110 | Elementary and secondary (including associated grounds and athletic and other facilities) | C | C | C | C | C | | | | | | | | | C |
| 5.120 | Trade or vocational schools | | | | | C | | PA | PA | PA | | A | A | | A |
| 5.130 | Colleges, universities, community colleges (including associated facilities such as dormitories, office buildings, athletic fields, etc.) | C | C | C | C | C | | | | | | C | PC | PC | C |
| 5.200 | Churches, Synagogues, and Temples (Including Associated Residential Structures for Religious Personnel and Associated Buildings but Not Including Elementary School or Secondary School Buildings) | A | A | A | A | A | | PA | PA | PA | P | A | | | |
| 5.300 | Libraries, Museums, Art Galleries, Art Centers, and Similar Uses (Including Associated Educational and Instructional Activities) | | | | | | | | | | | | | | |
| 5.310 | Located within a building designed and previously legally occupied as a residence or within a building having a gross floor area not exceeding 3,500 square feet | A | A | A | A | A | | PA | PA | PA | P | P | | | PA |
| 5.320 | Located within any permissible structure | | | | | A | | PA | PA | PA | P | P | | | PA |

| | | | | | | | | | | | | | | | |
|-------|---|---|---|---|---|---|--|----|----|----|---|----|----|----|----|
| 5.400 | Social, Fraternal Clubs and Lodges, Union Halls, and Similar Uses | | | | | A | | PA | PA | PA | P | P | | | PA |
| 6.000 | RECREATION, AMUSEMENT, ENTERTAINMENT | | | | | | | | | | | | | | |
| 6.100 | Activity Conducted Primarily Within Building or Substantial Structure, Except Those Uses Described in 6.300 | | | | | | | | | | | | | | |
| 6.110 | Bowling alleys, skating rinks, indoor tennis and squash courts, billiard and pool halls, indoor athletic and exercise facilities and similar uses | | | | | | | PA | PA | PA | P | PA | PC | PC | PA |
| 6.120 | Movie theaters | | | | | | | | | | | | | | |
| 6.121 | Seating capacity of not more than 300 | | | | | | | PA | PA | PA | P | P | | | PA |
| 6.122 | Unlimited seating capacity | | | | | | | PA | PA | PA | P | P | | | PA |
| 6.130 | Coliseums, stadiums, and all other facilities listed in the 6.100 classification designed to seat or accommodate simultaneously more than 1,000 people | | | | | | | | | | P | P | PC | PC | C |
| 6.200 | Activities Conducted Primarily Outside Enclosed Buildings or Structures, Except Those Uses Described in 6.300, 6.400, or 6.500 | | | | | | | | | | | | | | |
| 6.210 | Privately owned outdoor recreational facilities such as golf and country clubs, swimming or tennis clubs, etc., not constructed pursuant to a permit authorizing the construction of some residential development | C | C | C | C | C | | PA | PA | PA | P | | PA | PA | PA |

[illegible]

| | | | | | | | | | | | | | | | |
|-------|--|--|---|--|--|--|--|----|----|----|---|---|---|---|----|
| 6.600 | Over-Water or In-Water Structures, Other Than Boathouses or Boat Shelters, Inaccessible from Shore ^{18, 19} | | | | | | | | | | | | | | |
| 6.610 | Privately owned, used by owner(s) of property only | | P | | | | | | | | | | | | |
| 6.620 | Publicly owned, used by public | | A | | | | | | | | | | | | A |
| 6.700 | Marina ¹⁸ | | | | | | | C | | | | | | | |
| 6.800 | Accessory Uses to a Boating Facility ^{18, 20} | | | | | | | C | | | | | | | |
| 7.000 | SECURE COMMUNITY TRANSITION FACILITIES AND CONFINEMENT FACILITIES | | | | | | | | | | | | | | |
| 7.100 | Secure Community Transition Facilities | | | | | | | | | | | | C | C | |
| 7.400 | Penal and Correctional Facilities, Work Release, Pre-Release or Similar Facilities | | | | | | | | | | | | C | C | C |
| 8.000 | RESTAURANTS, BARS, NIGHT CLUBS | | | | | | | | | | | | | | |
| 8.100 | No Substantial Carry-Out or Delivery Service, No Drive-In Service, No Service or Consumption Outside Fully Enclosed Structure | | | | | | | PA | PA | PA | P | P | P | P | PA |
| 8.200 | No Substantial Carry-Out or Delivery Service, No Drive-In Service, Service or Consumption Outside Fully Enclosed Structure Allowed | | | | | | | PA | PA | PA | P | P | P | P | PA |
| 8.300 | Carry-Out and Delivery Service, Consumption Outside Fully Enclosed Structure Allowed | | | | | | | PA | PA | PA | P | P | P | P | PA |

| | | | | | | | | | | | | | | | |
|--------|---|--|--|--|--|--|--|-----------------|------------------|----|---|---|---|---|---|
| 8.400 | Carry-Out and Delivery Service, Drive-In Service ⁹ , Service or Consumption Outside Fully Enclosed Structure Allowed | | | | | | | PA | PA | | P | P | P | P | |
| 8.500 | Any Restaurant, Bar, or Night Club Except 8.600 Uses Compatible with Regional Recreation Facilities and Primarily Intended to Cater to Users of Such Facilities | | | | | | | | | | | P | P | P | |
| 8.600 | Public Places of Adult Entertainment | | | | | | | | | | | | C | A | |
| 9.000 | MOTOR VEHICLE-RELATED SALES AND SERVICE OPERATIONS | | | | | | | | | | | | | | |
| 9.100 | Motor Vehicle Sales or Rental; Mobile Home Sales | | | | | | | P ¹⁷ | PA ²¹ | | | P | P | P | |
| 9.200 | Sales with Installation of Motor Vehicle Parts or Accessories (e.g., Tires, Mufflers, Etc.) | | | | | | | | | | | P | P | P | |
| 9.300 | Motor Vehicle Repair and Maintenance, Not Including Substantial Body Work | | | | | | | PA | PA | | P | P | P | P | P |
| 9.400 | Motor Vehicle Painting and Body Work | | | | | | | | | | | P | P | P | |
| 9.500 | Gas Sales | | | | | | | PA | PA | | P | P | P | P | |
| 9.600 | Car Wash | | | | | | | A ¹⁷ | | | P | P | P | P | |
| 10.000 | STORAGE AND PARKING | | | | | | | | | | | | | | |
| 10.100 | Automobile Parking Garages or Parking Lots Not Located on a Lot on Which There Is Another Principal Use to Which the Parking Is Related | | | | | | | PA | PA | PA | P | P | P | P | P |

| | | | | | | | | | | | | | | | |
|--------|---|---|---|---|---|---|--|----|----|----|---|---|---|----|---|
| 10.200 | Storage of Goods Not Related to Sale or Use of Those Goods on the Same Lot Where They Are Stored | | | | | | | | | | | | | | |
| 10.210 | All storage within completely enclosed structures | | | | | | | | | | | P | P | P | P |
| 10.220 | Storage inside or outside completely enclosed structures | | | | | | | | | | | A | | P | P |
| 10.300 | Parking of Vehicles or Storage of Equipment Outside Enclosed Structures Where: (1) Vehicles or Equipment Are Owned and Used by the Person Making Use of Lot, and (2) Parking or Storage Is More Than a Minor and Incidental Part of the Overall Use Made of the Lot | | | | | | | | | | | A | P | P | P |
| 11.000 | SCRAP MATERIALS SALVAGE YARDS, JUNKYARDS, AUTOMOBILE GRAVEYARDS | | | | | | | | | | | | | PC | |
| 12.000 | SERVICES AND ENTERPRISES RELATED TO ANIMALS | | | | | | | | | | | | | | |
| 12.100 | Veterinarian | | | | | | | PA | PA | PA | P | P | | | |
| 12.200 | Kennel | | | | | | | | | | | A | P | P | |
| 13.000 | EMERGENCY SERVICES | | | | | | | | | | | | | | |
| 13.100 | Police Stations | C | C | C | C | C | | C | C | C | P | C | P | P | C |
| 13.200 | Fire Stations | C | C | C | C | C | | C | C | C | P | C | P | P | C |
| 13.300 | Rescue Squad, Ambulance Service | C | C | C | C | C | | C | C | C | P | C | P | P | C |
| 13.400 | Civil Defense Operation | | | | | | | | | | | A | P | P | C |

[illegible]

[illegible]

Allowed in all zones. Level 3 and 4 events in all residential zones require public notice and a public hearing may be requested pursuant to Section [14.16C.065](#) (Events).

Footnotes to the Permissible Use Table

- ¹ Subject to Section [14.44.010](#) (Mixed Use).
- ² A retail or office use in a commercial zone is permitted, except adjacent to or across the street from a residential zone will require an administrative or conditional use permit.
- ³ Subject to Section [14.48.010](#) (Minimum Lot Size Requirements).
- ⁴ Subject to Section [14.44.095](#) (Neighborhood Commercial).
- ⁵ Subject to Section [14.44.090](#) (Planned Business District).
- ⁶ A manufacturing or industrial use in an industrial zone is permitted, except adjacent to or across the street from a residential zone will require an administrative or conditional use permit.
- ⁷ For future use.
- ⁸ For future use.
- ⁹ Subject to Section [14.44.350](#) (Drive-Through Windows).
- ¹⁰ Subject to Section [14.44.015](#) (Residential Transition in the Central Business District).
- ¹¹ Developments pursuant to Chapter [14.46](#) require a administrative conditional use permit for less than 13 dwelling units and a conditional use permit for 13 or more dwelling units.
- ¹² Excludes wireless communication facilities. See Use Class 18.300.
- ¹³ No land use permit is required in certain situations. See Section [14.44.360](#)(d) and (e).
- ¹⁴ Existing multi-family structures, located in the Suburban Residential Zoning District, annexed into the City on or after January 1, 2006, are allowed and considered conforming land uses, so long as the structure is not expanded and/or replaced.
- ¹⁵ Any requests to expand and/or replace (regardless of reason) an existing multi-family structure, located in the Suburban Residential Zoning District, annexed into the City on or after January 1, 2006, shall require a conditional use permit and comply with the supplemental regulations found in Part V of Chapter [14.44](#), Supplementary Use Regulations.
- ¹⁶ Permissible and prohibited uses for subarea zoning districts are listed in Section [14.38.020](#). For development within adopted subareas, see Section [14.44.030](#).
- ¹⁷ Only permitted in the Local Business Zone on a road designated as a State route or State highway.
- ¹⁸ These structures are regulated by the Shoreline Master Program, Shoreline Management Act and Title [14](#).

¹⁹ Allowed structures are jet ski lifts, boatlifts, and boatlift canopies. Temporary inflatable recreational equipment is allowed between May 1st and September 30th. New recreational floats and swimming platforms are prohibited.

²⁰ Accessory uses in support of boating facilities may include fuel docks and storage, boating equipment sales and rental, wash-down facilities, fish cleaning stations, repair services, public launching, bait and tackle shops, potable water, waste disposal, administration, parking, groceries, and dry goods.

²¹ Only allowed in the Central Business District on properties north of 20th Street NE.

²² Only allowed as an essential public facility pursuant to Section [14.16C.060](#).

²³ Subject to Section [14.44.097](#) (State-Licensed Marijuana Facilities).

²⁴ Medical marijuana/cannabis can be sold at licensed retail facilities with endorsements from the Liquor and Cannabis Board pursuant to RCW [69.50.375](#).



Staff Report
City of Lake Stevens Planning
Commission

Public Hearing
Date: **March 7, 2018**

Subject: **LUA2017-0148:** Applicant initiated code amendment establishing a Model Home Ordinance.

Contact Person/Department: Joshua Machen, *Senior Planner* / Russ Wright, *Community Development Director*

SUMMARY: In accordance with LSMC 14.16C.075 a private petitioner has requested that the City consider amending the municipal code to develop a model home ordinance.

ACTION REQUESTED OF PLANNING COMMISSION:

Take public comment and review proposed code amendments then forward a recommendation to the City Council.

BACKGROUND / HISTORY:

As proposed by the petitioner a model home ordinance would allow the construction of model homes within a proposed subdivision after preliminary plat approval was granted, but prior to the final recording of the plat. It could also be used to permit temporary sales offices within one of the model homes.

While model home ordinances are not prevalent throughout Western Washington, several cities do have model home ordinances, including Monroe, Marysville and Mill Creek. Attached is a comparison of other western Washington jurisdictions that have model home ordinances and list the percentage of homes allowed to be constructed and the maximum number allowed (Attachment B). The drafted ordinance also contains provisions to protect the public interest, including required indemnification agreements and financial assurance prior to the construction of any model home (Attachment A).

On December 12, 2017, the City Council was briefed on the petitioners request to develop a model home ordinance and directed staff to develop a model home ordinance to be reviewed by the Planning Commission with a recommendation to the City Council.

On February 7, 2018, the Planning Commission was briefed on the proposed ordinance and expressed no concerns.

Attachments

- A Draft Model Home Regulation (New Section of LSMC 14.44.025 Model Homes).
- B. Model Home Comparison Chart

C. Comments from applicant on draft regulations

(Note: Redlines are proposed revisions in response to applicants concerns.)

New Code Section - 14.44.025 Model Homes.

(a) Model Home Building permit applications for a limited number of model homes, in an approved preliminary subdivision, shall be granted by the Community Development Director or designee prior to final subdivision approval and recording in accordance with Chapter 14.18 LSMC.

(1) For short plats consisting of a subdivision of nine or fewer lots the maximum number of model home building permits allowed shall be two or 20% of the total number of single-family residences proposed, whichever is less. For all other subdivisions, the maximum number of model home permits allowed shall be six or 20% of the total number of single-family residences planned for the development, whichever is less. In cases where the application of the 20% restriction creates a fraction, the number of model homes permitted shall be rounded up to the nearest whole number.

(2) An applicant who has received preliminary subdivision approval is eligible to apply for one or more building permits for model homes upon demonstrating the following:

(i) The applicant for the model home, if different than the owner and applicant for the approved preliminary plat, shall provide a document signed by the owner demonstrating that the applicant has a real or possessory interest in the property on which the model home will be constructed.

(ii) The applicant shall have submitted and received approval of the construction plans, including water, sewer and storm sewer extensions to serve the model homes to be constructed.

(iii) Permanent or temporary retention/detention facilities that serve the lots where the model homes are to be constructed shall be in place or approved for construction.

(iv) Any street improvement required as a condition of preliminary subdivision approval, which is designed to provide access to the model home lots from an existing public street, shall be constructed to the final alignment and subgrade from such public street to the model lots (but not including the required curb, gutter, sidewalk or paving). The access street shall meet the requirements of Chapter 14.56 and be constructed in accordance with the current EDDS.

(v) All mitigation fees shall be due and payable at the time of issuance of a residential building permit for model homes, unless deferred pursuant to Chapter 14.124.

(vi) Fire protection must be available to any lot proposed for construction of a model home.

(vii) No two adjacent model homes shall have the exact same building elevation and exterior design components. (For example, adjacent model homes should not be an exact match except for the placement of the garage on the opposite side. model homes in a subdivision shall have identical or nearly identical floor plans. Two model homes shall be considered to have nearly identical floor plans if they are only reversed.

(viii) No two model homes with the same façade may be constructed in a subdivision.

~~(ixviii)~~ The application for the model home must be submitted at least 60 days prior to the date of preliminary subdivision expiration.

~~(ix)~~ Any amendment proposed to an approved preliminary subdivision due to the subsequent placement of a model home shall be processed as the original preliminary plat approval, with no variances allowed.

(b) The following information is required in addition to a residential building permit application:

(1) Title certificate demonstrating ownership interest in the property on which the model home will be constructed.

(2) Building site plan(s) showing the location(s) of the proposed model home(s); distances from the proposed final subdivision lot lines; all existing, required or proposed easements; and the separations required therein.

(3) One dark line print of the proposed final subdivision.

(4) A statement signed by the applicant in which the applicant agrees to indemnify and hold harmless the City from any damages, direct or indirect, as a result of its approval of the construction of model homes; and agreeing to restore the site to its condition prior to construction of the model home(s) and their associated structures and improvements should the plat not be recorded.

(5) The owners shall post a financial security bond in a form acceptable to the city attorney in an amount sufficient to remove said buildings or any portion thereof to the extent which the buildings are inconsistent with ~~any the~~ final subdivision approval, or if such subdivision is disapproved, or to bring about compliance with the applicable underlying zoning. Such financial security is to be released upon recording of final plat, if homes are found in compliance.

i. Exception: any single model home constructed within the boundaries of existing lots and conforming to existing codes shall be exempt from posting a financial security.

(6) Payment of a model home review fee as set forth in the City's adopted fee resolution in place at the time of application for a model home permit.

(c) Occupancy of model homes is limited as follows:

(1) No model home shall be occupied for residential use prior to the recording of the final plat.

(2) Model homes used as temporary real estate offices shall obtain a temporary use permit in accordance with Chapter 14.16C.110 subject to the conditions of Chapter 14.16C.110(c)(3).

(3) One additional preliminarily approved lot may be used to furnish off street parking provided a hard surface approved by the Public Works Director or designee is installed. This provision is

not intended to increase the total number of model homes permitted under Chapter 14.44.025(a)(1).

Model Home Ordinance Comparison

| <u>Jurisdiction</u> | <u>Percentage Allowed</u> | <u>Max Number of Units Allowed</u> | |
|--|---------------------------|---|--|
| Snohomish County | | 9 | |
| Monroe | 20% | 7 | |
| Marysville | | 9 | |
| Mill Creek | | 4 | |
| Renton | 20% | 5 | |
| Auburn | | 4 | (2 for less than 20 lots) |
| Mt. Vernon | 20% | 9 | |
| North Bend | | 5 | (At director descretion) |
| Poulsbo | | 4 | (Per phase, if previous phase is completed) |
| Tumwater | | 4 | |
| <u>Average:</u> | 20% | 6 | |
| <i>Applicant request</i> | 30% | 7 - formal subdivisions 3 - short subdivisions | (Any subdivision containing 21 lots or more would be allowed 7-model homes, and any short plat containing 7 lots or more would be allowed 3-model homes, based on rounding rule) |
| Lake Stevens Staff Recommendation | 20% | 6 - formal subdivisions 2 - short subdivisions | (Any subdivision containing 25 lots or more would be allowed 6-model homes, and any short plat containing 5 lots or more would be allowed 2-model homes, based on rounding rule) |



February 26, 2018

Lake Stevens Planning Commission
City of Lake Stevens
PO Box 257
Lake Stevens, WA 98258

RE: PROPOSED MODEL HOMES ORDINANCE

Dear Commissioners,

On behalf of several of our clients, Toyer Strategic Consulting submitted a citizen-initiated code amendment last October, which requested the City of Lake Stevens consider adoption of a model homes ordinance in accordance with LSMC 14.16C.075(c)(2).

Having prepared and submitted the proposal for model homes regulations, we support their approval. However, the language of the proposed ordinance that we submitted has since been amended and we would request the Planning Commission address several areas where the proposed new language concerns our clients.

Concerns

1. Our original proposal did not include language requiring a bond or financial security as a condition for a model homes permit. Only one jurisdiction, Monroe, currently has this requirement. While we understand that the City may be concerned about model homes being constructed and abandoned prior to final plat approval, we have not been able to identify any such examples that took place in the last housing recession.
 - We do not support the requirement for bonding or financial security.
 - Should the Planning Commission and City Council disagree and require a security, we request the following changes:
 - Delete the requirement for a bond and replace with a general requirement for financial security, which could include a letter of credit.
 - Add language to exempt model homes on existing, established lots from the requirement to post security.
 - Clarify that financial security for model homes is released upon recording of final plat.
2. Our original proposal did not include language placing restrictions on model homes that limit similar floor plans adjacent to each other because floor plans can often be similar, but the exteriors of homes very different. The purpose of model homes is to allow builders to showcase their design and upgrade options, speeding up the sales process. Design standards and variations in design is already covered by the City's design guidelines with which developers/builders must already comply.
 - However, should the Planning Commission and City Council desire to include restrictions or limitations on the design of model homes, we'd ask for revised language along the lines of:

"No two adjacent model homes shall have the exact same building elevation and exterior design components. For example, adjacent model homes should not be an exact match except for the placement of the garage on the opposite side."

Model Homes Explained

The proposed code amendment would add a new section to the City's code, allowing the construction of model homes in subdivisions prior to final plat approval. However, the City does not presently have code adopted that specifically applies to the permitting of model homes and criteria for approval.

Our proposed model homes ordinance is similar to that of jurisdictions around Lake Stevens, including Monroe, Marysville and Snohomish County. One of the main benefits to enacting this code amendment is that it creates a consistent standard the building industry can rely on to utilize model homes while providing planning staff with clear guidance on the requirements for approval of model home permits.

Home builders, especially those who construct larger subdivisions, have for many years have requested jurisdictions approve the construction of a number of "model" homes during the site development process as a mechanism to expedite home sales and build-out of the project. These model homes are used as sales models to show potential home buyers the floor plans, features and upgrades available in that subdivision. Additionally, one of the homes is typically used as a temporary sales office in lieu of locating temporary modular office buildings – a practice that is more aesthetically pleasing.

Many jurisdictions in the area, including Monroe, Marysville and Snohomish County, have moved away from permitting these model homes as temporary uses, choosing to establish specific codes allowing their approval subject to conditions. Such conditions address when model homes can be construction, the number of models allowed, the process and requirements for fire protection, and etc. This provides clarity for the city, the builder and residents of the community.

Thank you in advance for your time and consideration.

Should you have any questions, or should we be able to be of assistance in researching additional information, please do not hesitate to contact us at any time.

TOYER STRATEGIC CONSULTING, LLC.



BY: DAVID K. TOYER
ITS: FOUNDER/AUTHORIZED AGENT



Staff Report City of Lake Stevens Planning Commission

Briefing

Date: **March 7, 2018**

Subject: **LUA2018-0007:** City initiated code amendment changing the approval authority for final plats from the City Council to the Planning and Public Works Directors.

Contact Person/Department: Joshua Machen, *Senior Planner* / Russ Wright, *Community Development Director*

SUMMARY: In accordance with Senate Bill 5674, approval authority for final plats for short and long subdivisions may be delegated to administrative personnel through legislative action. The proposed changes to the municipal code would shift the approval authority and responsibility from the City Council to the Directors of Planning and Community Development and Public Works.

ACTION REQUESTED OF PLANNING COMMISSION:

Set date for public hearing.

BACKGROUND / HISTORY:

Until Senate Bill 5674 was signed into law, the granting of final subdivision approval had to be done by the local legislative body. This was somewhat problematic because all building, site, and environmental issues are dealt with at the preliminary approval stage, which is reviewed by staff and granted by the Hearing Examiner.

By the time a preliminary plat is approved, all building and environmental issues are resolved. At the final plat approval stage, the process is essentially administrative. Therefore, staff is recommending changes to the code to allow the administrative approval of final plats for short and long subdivisions to be by the Directors of Planning and Community Development and Public Works.

The staff briefed the City Council on the proposed amendments on February 27, 2018. The Council was receptive to the change. During the discussion, the City Council also requested that the staff look at public outreach and noticing procedures in general. At a subsequent meeting the staff will bring back information about the City's current noticing procedures, State Law regarding noticing and a comparison of other jurisdictions for your review and recommendation to the City Council.