



PLANNING COMMISSION AGENDA

Regular Meeting Date: 12/01/2021

BY REMOTE PARTICIPATION ONLY

JOIN HERE <https://us02web.zoom.us/j/87949680630>

Meeting ID 879 4968 0630 Call in number 1-253-215-8782

- **CALL TO ORDER 6:00pm**

Pledge of Allegiance

- **ROLL CALL**

- **GUEST BUSINESS**

- **ACTION ITEMS**

1. Approve minutes for 11-03-2021

DISCUSSION ITEM

1. Briefing: Introduction to Short Term Rental (Tourist Home) Planner Needham
2. 2022 Work Program Director Wright

COMMISSIONER REPORTS

PLANNING DIRECTOR'S REPORT

ADJOURN

SPECIAL NEEDS

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PLANNING COMMISSION MEETING MINUTES



REMOTE PARTICIPATION 11-03-2021

CALL TO ORDER: 6:01 pm by Chair John Cronin

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

MEMBERS ABSENT: Vicki Oslund

STAFF PRESENT: Planning Manager David Levitan

OTHERS PRESENT: Councilmembers Gary Petershagen and Steve Ewing

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

Roll Call: All present except Commissioner Oslund. Chair Cronin moved and Commissioner Welch seconded to excuse her absence. Motion approved. (6-0-0-1).

Guest business: None

Approval of Minutes: Minutes of 10-06-2021 were approved. Motion by Chair Cronin, seconded by Commissioner Huxford (6-0-0-1).

Public Hearing: 2021 Comprehensive Plan Docket (LUA2021-0008)

Chair Cronin opened the public hearing for LUA2021-0008, the 2021 Comprehensive Plan docket. Planning Manager Levitan gave a brief presentation on the scope and history of the proposal, noting that the city can update its Comprehensive Plan and land use map once per year through a docketing process. He noted that the 2021 amendments were limited in scope, including updated demographic information and figures to reflect recent annexations as well as updates to planned and completed capital projects. No public comment was provided.

Chair Cronin noted that he had questions about some of the dollar amounts listed for capital projects in the Capital Facilities Element, and asked staff to review those before the City Council's public hearing on December 14, which staff agreed to do. Commissioner Davis also asked about the process involved in creating that list of capital projects, which staff offered to provide more detail on at a future meeting. Commissioner Huxford recommended that the tables in the Parks and Recreation chapter be updated to indicate whether park facilities include rentable space and sought clarification on why North Cove Park

did not list the boat launch as an amenity (Commissioner Duerr noted that the boat launch was listed in another table that addresses facilities operated by outside agencies). She also inquired about some of the density ranges included in the Land Use Element's list of reasonable measures, which Planning Manager noted would be updated as part of the 2024 update, and pointed out some minor grammatical errors.

Chair Cronin made a motion for the Commission to forward a recommendation to City Council to approve LUA2021-0008 as approved, with the review of Tables 9-1 and 9-2. Commissioner Hoult seconded, and the motion passed 6-0-0-1 (Oslund absent). The Commission's recommendation will now be considered by the City Council during a December 14, 2021 public hearing.

(6-0-0-1).

Commissioner Reports: Commissioner Davis stated that she had received several questions and comments from members of the public about the status of the Costco project. Commissioner Hoult noted that local schoolchildren were circulating a petition to City Council to add sidewalks on Cedar Road between 20th St NE and 29th St NE. Chair Cronin commended staff on the information provided on the department's webpage.

Director's Report: Planning Manager Levitan noted that the continued City Council public hearing was scheduled on November 9, 2021. He informed commissioners that the city had received a \$100,000 grant from the Department of Commerce to develop a Housing Action Plan and was waiting to hear on potential Department of Ecology funding for a Shoreline Master Program update.

Adjourn: Moved by Chair Cronin, seconded by Commissioner Hoult to adjourn the meeting at 6:35 p.m. On vote the motion carried (6--0-0-1).

Jennie Fenrich, Planning Commission Clerk

14.44.064 Tourist Homes.

All tourist homes shall comply with the following standards:

- (a) Only one tourist home is allowed per site and shall be operated by the owner of the property, who shall live on site.
- (b) When located in residential zones, outward appearances of the tourist home shall be of a single-family residential structure.
- (c) The tourist home shall be owner-occupied.
- (d) Guests stay shall be limited to 10 consecutive days and a total of 30 days in any one calendar year.
- (e) In a single-family residential district, the number of rooms that may be rented shall not exceed five, or the area of said rooms shall not exceed 25 percent of the gross floor area of the house, whichever is less.
- (f) Meals provided shall be made available only to overnight guests.
- (g) In single-family residential zones, accessory buildings shall be limited to those customarily found at single-family residences.
- (h) No business activity other than providing a room and meals shall be allowed on the site. (Ord. 590, 1998)



Staff Report Lake Stevens Planning Commission

Planning Commission Briefing

Date: December 1, 2021

Subject: **Short Term Rental Code Amendment Introduction**

Contact Person/Department: Jill Needham, *Associate Planner*

SUMMARY:

Staff will introduce a city-initiated land use code amendment to the City's tourist home (Short Term Rental) regulations (LSMC 14.44.064), which is included on the 2022 Long-Range Planning Work Program. Staff is in the early stages of research on potential code language and is proposing the formation an ad-hoc committee to help draft the updated regulations.

ACTION REQUESTED OF PLANNING COMMISSION:

This is an informational briefing and no action is requested at this time.

BACKGROUND / DISCUSSION:

The purpose of this briefing is to introduce and discuss potential amendments to the city's tourist home regulations ([Chapter 14.44.064 LSMC](#)). Moving forward, staff will refer to full dwelling units or rooms rented for a period of 30 days or less as Short Term Rentals (STRs), which is the industry standard term and also includes rentals used by travelling medical professionals or students, as well as tourists.

The city's current regulations are shown in Attachment 1 and were last updated in 1998. Since then, the short term rental landscape has evolved as many online platforms such as AirBNB and VRBO have become increasingly popular. A quick search of Airbnb shows 15-20 listings in Lake Stevens, primarily along the lakefront and made up of a mix of individual rooms within occupied homes, accessory dwelling units (ADUs), and entire dwelling units such as single family residences and condos. A search of permit records shows only one STR has been permitted in the past decade, meaning that the majority are non-compliant (some may have been previously approved in the county). Working on a complaint basis, staff has addressed several code complaints regarding noncompliant short term rentals in the past few years.

Unregulated STRs can contribute to traffic, parking, noise and other neighborhood impacts, as well as impacts on housing supply and housing affordability. The lack of life safety standards or an inspection process commonly applied to hotels and motels is another concern, as short term tenants have less familiarity with their lodging.

Staff is proposing the formation of an ad-hoc committee to help with the proposal, which would be formed in early 2022. Staff has begun researching recently updated STR codes from other cities (including those previously identified by commissioners), and has developed a list of questions to begin the conversation, including:

1. Are commissioners comfortable with the formation of a committee, and/or would they like the city to solicit public input through different methods (industry groups, focus groups, etc.)?
2. Should STRs continue to only be allowed on owner occupied sites?
3. Should STRs within the Waterfront Residential (WR) zoning district have different regulations than STRs outside the WR district?
4. Should the number of STRs in the city be limited?

5. Should there be a limit on the amount of square footage used for STRs?
6. Should owner occupied sites continue to require an ACUP? If allowed, should non owner-occupied sites (rental of the entire residence) require a CUP?
7. Are the parking requirements in LSMC [Table 14.72-1](#) appropriate (STRs/tourist homes are treated the same as motels and hotels)?
8. Should weddings, conferences or other large gatherings be allowed on some sites?

Commissioners are asked to provide feedback and direction on the code amendment process and topics. Staff will provide an update in early 2022 on the project scope and schedule.

Attachments:

1. LSMC 14.44.064 - Tourist Homes



One Community Around the Lake

Staff Report City of Lake Stevens Planning Commission

2022 Long-Range Work Program
Date: December 1, 2021

Subject: 2022 Long-Range Work Program

Contact Person/Department: Russ Wright, Community Development Director

ACTION REQUESTED: No formal action is required. The Planning Commission is asked to review and discuss the draft 2022 Long-Range Planning Work Program (Attachment 2) as presented.

BACKGROUND

Each year, staff develops a Long-Range Planning Work Program that is reviewed and approved by City Council and includes items such as Comprehensive Plan amendments, development code amendments, annexations and other long-range planning projects. In 2021, the following items were processed by staff, reviewed by the Planning Commission and/or City Council, and approved by City Council (**Attachment 1**):

➤ 2021 Comprehensive Plan Docket	➤ Non-Conforming Code
➤ School and Traffic Impact Fee Code	➤ Marijuana Facilities
➤ Permissible Uses and Associated Chapters	➤ Title 17 Code Enforcement
➤ SEPA Flexible Categorical Exemptions	➤ Machias Industrial Annexation
➤ Lot Status Code	➤ Southeast Interlocal Annexation

The draft 2022 work program is made up primarily of the Planning Commission's and department's (PCD's) proposed long-range work plan (see Attachment 2). It includes three carryover code amendments from the 2021 work program, as well as a number of new projects. Dates identified in the work program are subject to change, depending on feedback from the Planning Commission and City Council that may result in additional research, workshops or committees.

Code Amendments

The draft 2022 work plan contains the following carry-over and new code amendment projects:

- **Park Impact Fee Review** – The city needs to review its park impact fee code, including how impacts and park mitigation fees are calculated.
- **Short-Term Rental** (carryover) – Staff has become aware of several Air BNB rentals on the lake through code enforcement actions. Many of these rentals cannot meet the city's current tourist home regulations. This amendment would address this emerging market and develop performance standards to ensure compatibility with neighboring residences for different types of short-term rentals.
- **General code clean-up** (carryover) – This project would be a comprehensive overview of the zoning code to identify inconsistencies and clarify any ambiguous sections.

- **Tiny House / Micro Housing** (carryover) – The city allows tiny homes that meet building code and zoning standards for manufactured homes. This project would explore specific land use policies to permit tiny houses. Proposed changes to the Growth Management Act (GMA) will provide more guidance on tiny homes.
- **Review Process Code** (carryover) – Audit processing sections of the city's zoning code to make sure it is streamlined while providing ample opportunity for public input. Recent proposed changes to GMA will consider public engagement. If these amendments are passed, this amendment will need to be pushed out to implement state level changes.
- **Storage Facilities** – Based on feedback from the City Council during its briefings and public hearings on the Permissible Uses code amendment, staff will evaluate objective standards for siting and sizing of storage facilities to be consistent with land use and economic development goals from the comprehensive plan.
- **Tree Retention** – The city's existing tree retention code is out of date and has significant conflicts for practical implementation.
- **Stormwater Manual** – The city intends to adopt the 2019 Stormwater Management Manual for Western Washington. In addition, by August 1, 2022 the city is required to adopt an ordinance that requires the application of source control best management practices (BMPs) for pollution generating sources associated with existing land uses and activities.
- **Mixed-Use Regulations (if time allows)** – City staff would like to clean up the city's mixed use regulations both within subareas and the city's designated mixed use zoning districts to provide more clarity on topics such as horizontal vs. vertical mixed use components.
- **Streets and Sidewalk Code (If time allows)** – City staff has identified needed changes to Chapter 14.56.

Comprehensive Plan Docket

The City will process the following amendments to the Comprehensive Plan:

- Land Use Element
- Parks Element
- Capital Facilities Element
- Shoreline Master Program – limited amendments to remove references to multifamily housing in the Waterfront Residential District to harmonize with the zoning code and address recent annexations. The city also received state funding to develop user's guides for shoreline development.

In addition, staff will conduct two studies for the Hartford / Machias industrial areas focused on infrastructure needs and economic development. As early actions for the city's 2024 Comprehensive Plan Update, staff will also work with consultants to develop a Housing Action Plan and a Comprehensive Transportation Analysis. Staff will continue to process annexations including annexing the remaining portion of the northern UGA.

Staff is ready to discuss any of the work plan items. It should be noted, the work plan is subject to change and addition as the city receives citizen-initiated code amendments that the City Council may want to consider, or other code changes initiated by the city in response to case law or legislative changes.

ATTACHMENTS

Attachment 1 – 2021 Work Plan Review

Attachment 2 – 2022 Master Schedule



DRAFT 2021 Long Range Work Program

Lake Stevens 2021 Long Range Work Program						
Amendments	1 st quarter	2 nd quarter	3 rd quarter	4 th quarter	Status / Notes	Planner
Zoning Code						
1. Impact Fee Update			PC	CC	Council approved Sept. 14, 2021	Dave
2. Permissible Use Table	PC	PC	CC		Council approved Nov. 9, 2021	Dave / Jill
3. SEPA Categorical Exemption	PC	PC			Council approved May 11, 2021	Dave
4. Lot Status	PC	CC			Council approved July 13, 2021	Sabrina
5. Tourist Home (STR) Update (Air BNB)			PC	CC	Several in code enforcement PC Briefing Dec. 2021	Jill
6. Non-conforming Code		PC	CC		Council approved Nov. 23 2021	Melissa
7. Code Clean Up			PC	CC	Carryover to 2022	Everyone
8. MJ Buffers	PC / CC				Council approved Sept. 28, 2021	Dave
9. Review Process Code 14.16A and 14.16B	TBD				Streamline Code Underway – Carryover to 2022	TBD
10. Tiny Houses	TBD				Housing Options Carryover to 2022	TBD
Comprehensive Plan / Economic Development						
1. Annual Docket (if needed) a. Land Use Element b. Capital Facilities	PC / CC	PC	PC / CC		Annual Update / Council Directed Public Hearing on December 14	Dave

2. Shoreline Master Program	PC / CC	PC / CC	PC / CC		Amend sections related to multifamily housing and zone changes per recommendations of Task Force, PC and CC in 2020 Carryover to 2022	Dave
3. Hartford / Machias Industrial Subarea Plan	PC / CC		PC	PC / CC	Economic Development Start 4th Quarter 2021	Russ
4. RUTA Analysis	Ongoing				Growth Management	Russ
5. Economic Development Marketing Materials	Ongoing				Economic Development Urban 3 Underway	Russ
Annexations						
1. Southeast Interlocal Annexation		PC	CC		Effective August 10, 2021	Dave / Russ
2. Northeastern Interlocal /Annexation Island			PC	CC	Implement Annexation Plan Carryover to 2022	TBD
3. Petition Placeholder						TBD

1st Quarter January through March

2nd Quarter April through June

3rd Quarter July through September

4th Quarter October through December



DRAFT 2022 Long Range Work Program

Lake Stevens 2022 Long Range Work Program					
Amendments	1 st quarter	2 nd quarter	3 rd quarter	4 th quarter	Status / Notes
Zoning Code					
1. Park Impact Fee Update		PC	CC		Streamline Code
2. Tourist Home Update (Air BNB)	PC	CC			Several under code enforcement Carryover
3. Review Process Code 14.16A and 14.16B	PC	CC			Streamline Code Carryover
4. Storage Facilities		PC	CC		Economic Development
5. Code Clean Up			PC	CC	Carryover
6. Tiny Houses			PC	CC	Housing Options Carryover
7. Tree Retention		PC	PC/CC	CC	Update
8. Mixed-Use	TBD – if time allows				Review mixed-use code inside/outside subareas.
9. Streets and Sidewalk Code	TBD – if time allows				Update
10. Stormwater Manual Update	TBD				Adopt 2019 Stormwater Manual for Western WA.
Comprehensive Plan / Economic Development					
1. Annual Docket (if needed) a. Land Use Element b. Capital Facilities	PC / CC	PC	PC	PC / CC	Annual Update
2. Shoreline Master Program	PC / CC	PC / CC	PC	PC / CC	Amend multifamily housing sections, zone changes and integrate 2021 annexation Carryover
3. Hartford / Machias Infrastructure & Market Analyses	PC / CC	PC	PC / CC		Economic Development
4. Housing Action Plan		PC / CC	PC	PC / CC	2024 Comp Plan
5. Transportation Analysis		PC / CC	PC	PC / CC	2024 Comp Plan
6. RUTA Analysis	Ongoing				
7. Economic Development Marketing Materials	Ongoing				

Annexations	1 st quarter	2 nd quarter	3 rd quarter	4 th quarter	Status / Notes

1. Northeastern Annexation	PC	PC/CC	CC		Implement Annexation Plan
2. Petition Placeholder					

1st Quarter January through March

2nd Quarter April through June

3rd Quarter July through September

4th Quarter October through December