



2018 COMMISSION AGENDA

Regular Meeting Date: 04.04.2018

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/

A. **CALL TO ORDER: 7:00pm**
Pledge of Allegiance

B. **ROLL CALL**

C. **GUEST BUSINESS**

D. **ACTION ITEMS**

1. **Approval of March 21, 2018 Meeting Minutes**

E. **PUBLIC HEARING:**

1. **LUA2018-0007 Final Plat Authority**

J. Machen

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. **BRIEFINGS-**

1. **LUA2018-0035 Temporary Encampment Ordinance -**

J. Machen

H. **COMMISSIONER REPORTS**

I. **PLANNING DIRECTOR'S REPORT**

J. **ADJOURN**

*Items attached

**Items previously
distributed

Items to be
distributed

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, March 21, 2018

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

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

MEMBERS ABSENT: None

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

OTHERS PRESENT: Councilmember Gary Petershagen

Excused Absence: None

Guest business. None

Action Items:

1. Approval of February 7, 2018 meeting minutes. Commissioner Hoult made a motion to approve and Commissioner Trout seconded. Approved 6-0-0-0.
2. Approval of March 07, 2018 meeting minutes. Commissioner Davis made a motion to approve the minutes, Commissioner Ali seconded. Motion carried 6-0-0-0.
3. Approval of February 13, 2018 Joint Council/Planning Commission meeting minutes. Commissioner Ali made a motion to approve minutes and Commissioner Davis seconded. Approved 6-0-0-0.
4. Tracey Trout was nominated to be Design Review Board liaison. Commissioner Hoult made a motion to nominate and Commissioner Davies seconded. Approved 6-0-0-0.

Public Hearing:

PC Chair Opens Meeting - Commissioner Huxford asked for a motion to open the public hearing on LUA2017-0030, Supervised Drug Sites. Commissioner Ali made a motion to open the Public Hearing. Commissioner Oslund seconded. Approved 6-0-0-0.

Staff Presentation- Senior Planner Josh Machen gave an overview of an ordinance that bans Supervised Drug Sites within the City limits.

Commissioner's questions for staff- Commissioner Ali asked if there were any current disposal sites. Lake Stevens Police Officers, firefighters and Public Works personnel

carry disposal kits.

Proponent's comments- none

Comments from the audience- Linda Thomas would like the City to consider having a site. She believes that if there is a staff member on site who can help users when they are ready to seek help it would benefit the community. She expressed that there is already drugs in our City and as our community continues to grow and the drugs are here, we can best take care of our citizens by having a safe, clean space. Michele Hampton is opposed to having a facility in our City. She says statistics say these facilities are not working, crime is increasing and home values will go down. She also doesn't think the City has the resources to fund such facilities. She favors supporting resources already in place. Ms. Thomas spoke again and expressed there is not enough help for those who are current addicts, three beds are currently available for individuals that are in immediate need and there are many more people who need help immediately.

Proponent rebuttal comments – none

Comments from the audience- none

Proponent rebuttal comments – none

PC Chair asked for a motion to close the public portion of the hearing. Commissioner Hoult made a motion and Commissioner Trout seconded. Motion passed 6-0-0-0.

Commission Action by Motion – Commissioner Oslund made motion to approve the code recommendation to Council. Commissioner Hoult seconded. The motion carried 6-0-0-0.

PC Chair Huxford made a motion to open the second Public Hearing on LUA2017-0148 for Model Home Ordinance. The Commission approved and the hearing was opened.

Staff Presentation- Senior Planner Josh Machen gave a report on this citizen initiated ordinance. The Model Home ordinance would allow two homes on a short plat and up to six on a plat or 20%, whichever is less. This helps the developers get their product started on sales. Since last meeting Senior Planner Machen has received comments that had Planning Department amend the application. Specifically, the applicant is requesting that the ordinance not require diversity of design among the models and developers should not have to post assurance devices for model homes.

Commissioner's questions for staff- Commissioner Davis said as she was tracking this change she noticed that the proponent is asking that they be allowed to change the facades and roof lines rather than entire floor plans. Mr. Machen said it was intended to give more flexibility in changing the look. Commissioner Huxford said there are already standards in place and asked if this was correct. Mr. Machen said The Urban Residential Developments Guidelines 1995 are more related to the layout of the development, roads, open spaces, etc. We do not have current design standards.

Proponent's comments- Mr. David Toyer spoke as the proponent's representative. His clients are interested in a new code to allow builders to start building more homes on a single property. He has trouble with changing language that will require financial security be required. He states that only one other surrounding City requires this.

Comments from the audience- none

Proponent rebuttal comments – none

Comments from the audience- none

Proponent rebuttal comments – none

Close public comments portion of hearing by motion- Commissioner Hoult made a motion to close public portion. Commissioner Ali seconded. The motion carried 6-0-0-0.

Commission Action by Motion – Commissioner Trout made a motion to approve the recommendation as amended to Council. Commissioner Davis seconded. Commissioner Davis and Commissioner Huxford are not in favor of requiring financial security. Commissioner Huxford was not in favor of requiring diversity as she feels it is already covered. Community Development Director Wright stated this will be include in report to Council. The motion carried 4-2-0-0.

Briefings:

1. A briefing on ADU Code amendment was presented by Associate Planner Roth. He started by defining them as self-contained accessory dwelling units. We currently do not have a code section on ADUs. The Planning department hears frequent questions regarding constructing ADUs. He stated that there will be benefits for home owners, such as, income generating opportunities, home values could go up with property improvements. It would bring a diverse affordable housing rentals.

2. Senior Planner Machen gave a second briefing on Final Plat Authority Ordinance. City staff and City Council are receptive to this change. The Council is more concerned about how we are noticing our projects. Mr. Machen explained the current process of noticing. The Council is asking for additional ideas on noticing. Senior Planner Machen is asking for the Planning Commission's permission to take this ordinance to public hearing. Date set for April 4, 2018.

Commissioner Reports

Commissioner Ali asked for an update on Costco. Community Development Wright shared that Costco is doing a feasibility study to see if they will come to the City of Lake Stevens. Commissioner Trout attended the Lake Task Force meeting and stated most of the meeting was about signage.

Planning Director Report: Community Development Director Wright reported an Architectural firm is being sought for design of the new Police Station that will be built in 2019. The Downtown plan is being wrapped up and Planning Commission will be asked to host some meetings and hearings in the future. Puget Sound Regional Council is working on the 2050 Regional Growth forecast. Once this plan is decided, the Planning Commission will have items added to their work program. The City currently has several areas that are being annexed. He stated that the process is antiquated and needs to be streamlined.

Adjourn. Motion to adjourn by Commissioner Hault, seconded by Commissioner Ali.
Motion carried 6-0-0-0. Meeting adjourned at 9:04 p.m.

Janice Huxford, Chair

Jennie Fenrich, Clerk, Planning &
Community Development

DRAFT



Staff Report City of Lake Stevens Planning Commission

Public Hearing

Date: **April 4, 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 personal 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.

On March 21, 2018, staff briefed the Planning Commission about the progress on this ordinance and the Planning Commission set a public hearing date of April 4, 2018.

FINDINGS AND CONCLUSIONS FOR THE FINAL PLAT AUTHORITY CODE AMENDMENTS:

1. Compliance with selected elements of the Comprehensive Plan:

- ECONOMIC ELEMENT POLICY 6.7.1: Create streamlined process for development projects that meet the city's land use goals.

Conclusions – The proposed code amendments are consistent with the Comprehensive Plan goals and policies as they relate to providing a streamlined permitting process. By allowing the City Council to delegate the final plat approval authority to the Director of Planning and Community Development and Public Works removes additional unnecessary staff time, delay in decision making and city cost, while still ensuring that the subdivision will continue to meet all conditions of preliminary plat approval.

2. Compliance with the State Environmental Policy Act (SEPA) (Chapter 97-11 WAC and Title 16 LSMC):

- The SEPA official issued a SEPA exemption on January 24, 2018.
- The code amendment is exempt from SEPA Review because it meets the following exemption: Relating solely to governmental procedures, and containing no substantive standards respecting use or modification of the environment.

Conclusions – The proposed code amendment meets local and state SEPA requirements.

3. Compliance with the Growth Management Act (RCW 36.70A.106)

- The city requested expedited review from the Department of Commerce on January 24, 2018.
- The Department of Commerce sent granted approval on February 8, 2018
- Staff will file the final ordinance with the Department of Commerce within 10 days of City Council action.

Conclusions – The proposed code amendments will meet Growth Management Act requirements.

4. Public Notice and Comments

- The city published a notice of Public Hearing in the Everett Herald on March 24, 2018 and March 28, 2018 per LSMC 14.16B.

Conclusions – The City has met public noticing requirements per Chapter 14.16B LSMC.

Attachments

A Senate Bill 5674

B. Draft Code Changes Related to Final Plat Approvals

C. Draft Code Change to acceptance of Sewer extensions related to final plats.

D. Subdivision Review Process Chart

Attachment A

CERTIFICATION OF ENROLLMENT

SENATE BILL 5674

65th Legislature
2017 Regular Session

Passed by the Senate March 3, 2017
Yeas 44 Nays 0

President of the Senate

Passed by the House April 12, 2017
Yeas 55 Nays 43

Speaker of the House of Representatives

Approved

Governor of the State of Washington

CERTIFICATE

I, Hunter G. Goodman, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **SENATE BILL 5674** as passed by Senate and the House of Representatives on the dates hereon set forth.

Secretary

FILED

**Secretary of State
State of Washington**

SENATE BILL 5674

Passed Legislature - 2017 Regular Session

State of Washington

65th Legislature

2017 Regular Session

By Senators Palumbo and Fain

Read first time 02/02/17. Referred to Committee on Local Government.

1 AN ACT Relating to the final approval of subdivisions of land;
2 and amending RCW 58.17.100, 58.17.170, and 58.17.190.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4 **Sec. 1.** RCW 58.17.100 and 1995 c 347 s 428 are each amended to
5 read as follows:

6 If a city, town or county has established a planning commission
7 or planning agency in accordance with state law or local charter,
8 such commission or agency shall review all preliminary plats and make
9 recommendations thereon to the city, town or county legislative body
10 to assure conformance of the proposed subdivision to the general
11 purposes of the comprehensive plan and to planning standards and
12 specifications as adopted by the city, town or county. Reports of the
13 planning commission or agency shall be advisory only: PROVIDED, That
14 the legislative body of the city, town or county may, by ordinance,
15 assign to such commission or agency, or any department official or
16 group of officials, such administrative functions, powers and duties
17 as may be appropriate, including the holding of hearings, and
18 recommendations for approval or disapproval of preliminary plats of
19 proposed subdivisions.

20 Such recommendation shall be submitted to the legislative body
21 not later than fourteen days following action by the hearing body.

1 Upon receipt of the recommendation on any preliminary plat the
2 legislative body shall at its next public meeting set the date for
3 the public meeting where it shall consider the recommendations of the
4 hearing body and may adopt or reject the recommendations of such
5 hearing body based on the record established at the public hearing.
6 If, after considering the matter at a public meeting, the legislative
7 body deems a change in the planning commission's or planning agency's
8 recommendation approving or disapproving any preliminary plat is
9 necessary, the legislative body shall adopt its own recommendations
10 and approve or disapprove the preliminary plat.

11 Every decision or recommendation made under this section shall be
12 in writing and shall include findings of fact and conclusions to
13 support the decision or recommendation.

14 A record of all public meetings and public hearings shall be kept
15 by the appropriate city, town or county authority and shall be open
16 to public inspection.

17 Sole authority to (~~approve final plats, and to~~) adopt or amend
18 platting ordinances shall reside in the legislative bodies. The
19 legislative authorities of cities, towns, and counties may by
20 ordinance delegate final plat approval to an established planning
21 commission or agency, or to such other administrative personnel in
22 accordance with state law or local charter.

23 **Sec. 2.** RCW 58.17.170 and 2013 c 16 s 2 are each amended to read
24 as follows:

25 (1) When the legislative body of the city, town, or county, or
26 such other agency as authorized by RCW 58.17.100, finds that the
27 subdivision proposed for final plat approval conforms to all terms of
28 the preliminary plat approval, and that said subdivision meets the
29 requirements of this chapter, other applicable state laws, and any
30 local ordinances adopted under this chapter which were in effect at
31 the time of preliminary plat approval, it shall suitably inscribe and
32 execute its written approval on the face of the plat. The original of
33 said final plat shall be filed for record with the county auditor.
34 One reproducible copy shall be furnished to the city, town, or county
35 engineer. One paper copy shall be filed with the county assessor.
36 Paper copies shall be provided to such other agencies as may be
37 required by ordinance.

38 (2)(a) Except as provided by (b) of this subsection, any lots in
39 a final plat filed for record shall be a valid land use

1 notwithstanding any change in zoning laws for a period of seven years
2 from the date of filing if the date of filing is on or before
3 December 31, 2014, and for a period of five years from the date of
4 filing if the date of filing is on or after January 1, 2015.

5 (b) Any lots in a final plat filed for record shall be a valid
6 land use notwithstanding any change in zoning laws for a period of
7 ten years from the date of filing if the project is not subject to
8 requirements adopted under chapter 90.58 RCW and the date of filing
9 is on or before December 31, 2007.

10 (3)(a) Except as provided by (b) of this subsection, a
11 subdivision shall be governed by the terms of approval of the final
12 plat, and the statutes, ordinances, and regulations in effect at the
13 time of approval under RCW 58.17.150 (1) and (3) for a period of
14 seven years after final plat approval if the date of final plat
15 approval is on or before December 31, 2014, and for a period of five
16 years after final plat approval if the date of final plat approval is
17 on or after January 1, 2015, unless the legislative body finds that a
18 change in conditions creates a serious threat to the public health or
19 safety in the subdivision.

20 (b) A subdivision shall be governed by the terms of approval of
21 the final plat, and the statutes, ordinances, and regulations in
22 effect at the time of approval under RCW 58.17.150 (1) and (3) for a
23 period of ten years after final plat approval if the project is not
24 subject to requirements adopted under chapter 90.58 RCW and the date
25 of final plat approval is on or before December 31, 2007, unless the
26 legislative body finds that a change in conditions creates a serious
27 threat to the public health or safety in the subdivision.

28 **Sec. 3.** RCW 58.17.190 and 1969 ex.s. c 271 s 19 are each amended
29 to read as follows:

30 The county auditor shall refuse to accept any plat for filing
31 until approval of the plat has been given by the appropriate
32 legislative body, or such other agency as authorized by RCW
33 58.17.100. Should a plat or dedication be filed without such
34 approval, the prosecuting attorney of the county in which the plat is
35 filed shall apply for a writ of mandate in the name of and on behalf
36 of the legislative body required to approve same, directing the

1 auditor and assessor to remove from their files or records the
2 unapproved plat, or dedication of record.

--- END ---

Final Plat Approval Authority Code Amendment

14.18.035 Approval of Final Plats.

- (a) ~~Short Final~~ plats for long and short subdivisions are approved by the Planning and Public Works Directors. ~~Final plats for long subdivisions are to be approved by City Council following a public meeting.~~ Final plats shall be approved if it is found that the requirements of preliminary plat, including applicable conditions of approval, have been met, and the requirements of Chapter 58.17 RCW have been met.
- (b) The final plat submitted for recording shall be drawn in waterproof ink on a sheet made of material that will be acceptable to the Snohomish County Auditor's Office for recording purposes, and having dimensions of 18 inches by 24 inches.
- (c) When more than one sheet is required to include the entire subdivision, all sheets shall be made of the same size and shall show appropriate match marks on each sheet and appropriate references to other sheets of the subdivision. The scale of the plat shall be at one inch equals not more than 50 feet.
- (d) The applicant shall also provide all final plat maps and engineered as-builts in digital form. Files shall be submitted in "*.dwg" or other AutoCad-compatible format approved by Public Works. (Ord. 811, Sec. 5 (Exh. 4), 2010)

Part V. Type V Review - Quasi-Judicial, City Council Decisions

14.16B.505 Purpose.

A Type V process is a quasi-judicial review and decision made by the City Council. Staff makes a recommendation to the City Council. Depending on the application, staff may conduct a public meeting to obtain public input. The City Council shall hold a public hearing on the application prior to making a decision; ~~except for final plats, only a public meeting is held by the Council.~~ Public notification is provided at the application, public hearing, and decision stages of application review. There is no opportunity for an administrative appeal. Appeals of City Council decisions are made to Snohomish County superior court. The purpose of this part is to provide the necessary steps for permit approvals requiring Type V review. (Ord. 903, Sec. 14, 2013; Ord. 811, Sec. 3 (Exh. 2), 2010)

14.16B.525 Public Meetings.

A public meeting is required for all Type V applications pursuant to Section 14.16A.260. Staff may require the applicant to participate in the meeting to inform citizens about the proposal. If a public meeting is planned, it shall be held as early in the review process as possible for Type V applications. Notice of the public meeting shall be provided in the same manner as required for notice of the application. The public meeting notice will be combined with the notice of application whenever possible. ~~Council action for a final plat is a public meeting rather than a public hearing.~~ (Ord. 903, Sec. 15, 2013; Ord. 811, Sec. 3 (Exh. 2), 2010)

14.16B.540 Notice of City Council Public Hearing.

(a) Public notice of the date of the City Council public hearing, ~~or for final plats a public meeting~~, at which the City Council will consider the application shall be published in a newspaper of general circulation. The public hearing shall be scheduled no sooner than 10 days following the date of publication of the notice. If a determination of significance was issued by the SEPA responsible official, the notice of staff recommendation shall state whether an EIS or supplemental EIS was prepared or whether existing environmental documents were adopted. The notice of the City Council meeting shall also include the notice of the availability of the staff recommendation.

14.16B.545 City Council Decision.

(a) Within five days of a decision, the Planning Director shall transmit to the City Council a copy of the department file on the application including all written comments received prior to the City Council meeting and information reviewed by or relied upon by staff. The file shall also include information to verify that the requirements for notice to the public (notice of application, notice of public hearing, and notice of SEPA determination) have been met.

(b) Any person may participate in the City Council public hearing, ~~or public meeting for final plats~~, on staff recommendation by submitting written comments to the Department of Planning and Community Development prior to the hearing or by submitting written comments or making oral comments at the hearing.

Table 14.16A-I: Classification of Permits and Decisions

Type of Review	Land Use Actions and Permits	Recommendation By	Public Hearing Prior to Decision	Permit-Issuing Authority	Administrative Appeal Body & Hearing
TYPE I Administrative without Public Notice	<ul style="list-style-type: none"> • Administrative Design Review • Administrative Deviation • Administrative Modifications • Boundary Line Adjustments • Change of Use 	None	None	Department director or designee	Hearing Examiner, except shoreline permits to State Shoreline Hearings Board, & Open Record

	<ul style="list-style-type: none"> • Code Interpretations • Events • <u>Final Plats (short and long subdivisions)</u> • Floodplain Development Permits • Grading Permit • Home Occupations • Master Sign Program • Reasonable Use Exceptions • Shoreline Exemptions • Signs • Temporary Uses 				
<p>TYPE II Administrative with Public Notice</p>	<ul style="list-style-type: none"> • Administrative Conditional Use (formerly Special Use) • Administrative Variance • Binding Site Plans • Planned Action Certification • SEPA Review (early or when not combined with another permit or 	None	None	Planning Director or designee	Hearing Examiner, except shoreline permits to State Shoreline Hearings Board, & Open Record

	<p>required for a Type I permit)</p> <ul style="list-style-type: none"> • Shoreline Substantial Developments • Short Plats - Preliminary or Final • Short Plat Alterations • Short Plat Vacations • Site Plan Reviews 				
<p>TYPE III Quasi-Judicial, Hearing Examiner</p>	<ul style="list-style-type: none"> • Conditional Uses • Preliminary Plats • Shoreline Conditional Uses • Shoreline Variances • Variances 	<p>Design Review Board (if required)</p>	<p>Open Record</p>	<p>Hearing Examiner</p>	<p>Superior Court, except shoreline permits to State Shoreline Hearings Board, & Closed Record</p>
<p>TYPE IV Quasi-Judicial, City Council with Hearing Examiner Recommendation</p>	<ul style="list-style-type: none"> • Essential Public Facilities • Planned Neighborhood Developments • Rezone - Site-Specific Zoning Map Amendments • Secure Community Transition Facilities 	<p>Hearing Examiner with Open Record Hearing</p>	<p>Closed Record</p>	<p>City Council</p>	<p>None, appeal to Superior Court</p>
<p>TYPE V Quasi-Judicial, City Council</p>	<ul style="list-style-type: none"> • Final Plats • Plat Alterations • Plat Vacations 	<p>Design Review Board (if required)</p>	<p>Open Record *Public</p>	<p>City Council</p>	<p>None, appeal to Superior Court</p>

	<ul style="list-style-type: none"> • Right-of-Way Vacations 		meeting only for Final Plats		
<p>TYPE VI Legislative, City Council with Planning Commission Recommendation</p>	<ul style="list-style-type: none"> • Comprehensive Plan Amendments, Map & Text • Development Agreements • Land Use Code Amendments • Rezones - Area-Wide Zoning Map Amendments 	<p>Planning Commission with Open Record Hearing</p>	<p>Open Record</p>	<p>City Council</p>	<p>Growth Management Hearings Board & Closed Record</p>

(e) Associated Land Use Determinations. Associated land use determinations are decisions that need to be made as part of another land use action or permit review, as set forth in Table 14.16A-II. Each type of determination has a separate review process determined by the Planning Director or Public Works Director, except design review, which is reviewed pursuant to Section [14.16C.050](#).

Attachment C

Chapter 6.08 SEWER ADMINISTRATION

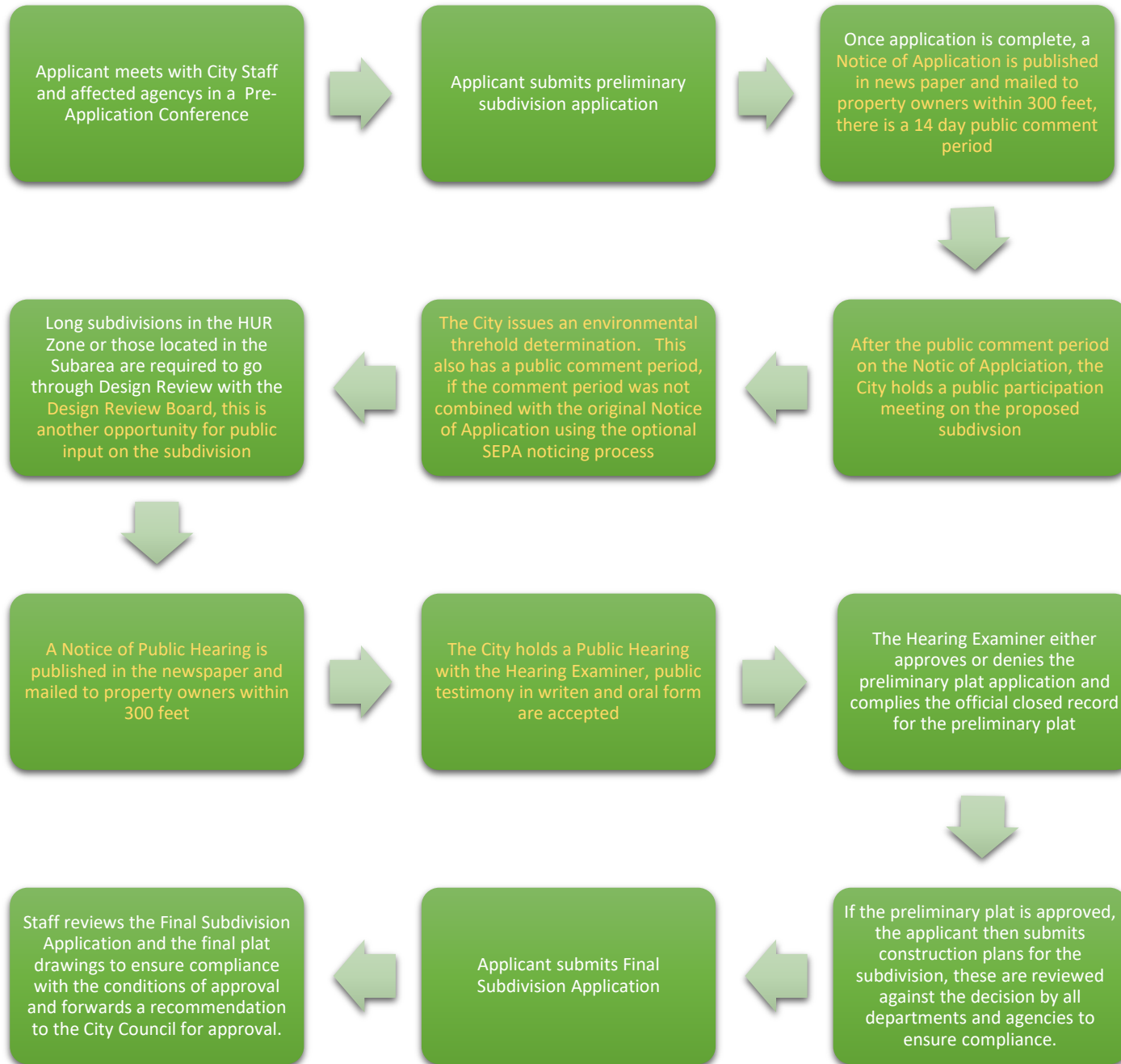
6.08.020 Developer's Contracts.

15. FINAL ACCEPTANCE

The City agrees to accept title to the Project extension, subject to the terms herein, when all work has been completed and when the City has made final inspection and given approval of the system as having been completed in accordance with the plans and specifications. Final acceptance of said Project extension shall be by action of the City Council, except when such extension is part of a final plat, which shall be accepted by the Public Works Director, and shall only occur after City receipt of a completed and executed bill of sale, maintenance bond, easements and all other documents required pursuant to this Agreement, payment in full of all fees and charges, and execution of any applicable Utility Reimbursement Agreement.

Attachment D

SUBDIVISION PROCESS (Highlighted text indicated public notice or hearing)





Staff Report
City of Lake Stevens
Planning Commission
Briefing
Date: **April 4, 2018**

SUBJECT: LUA2018-0035- City initiated code amendment regarding Temporary Encampments

CONTACT PERSON/DEPARTMENT: Joshua Machen, *Senior Planner* / Russ Wright, *Community Development Director*

SUMMARY:

The City is considering drafting regulations regarding the siting of Temporary Encampments within the City.

ACTION REQUESTED OF PLANNING COMMISSION:

Review research matrix and provide recommendations to staff regarding proposed regulations.

What is a Temporary Encampment?

“*Temporary encampment*” means a short-term residence facility for a group of people that is composed of tents or other temporary structures on a site provided or arranged for by a sponsor with services provided by a sponsor and supervised by a managing agency. These encampments are most often sponsored by a church or religious organization.

Purpose of Code Amendment

The City of Lake Stevens insurance provider, WCIA, performs regular audits of our municipal codes, among other things, to limit the City’s potential liability. As part of their last audit, they pointed out that the City needed to develop “temporary encampment” regulations as preemptive measures, providing protection to the City. During a recent City Council meeting discussing the 2018 Long Range Planning Work Program, the Council requested that work on regulations for temporary encampments begin as soon as possible. The City Council expressed that these regulations are needed to ensure public safety.

Framework for Proposed Regulations

Attached to this staff report is a matrix of regulations from cities in the region that have temporary encampment regulations. The regulations typically contain the following regulatory features:

- Limitation on Allowed Locations, Duration and Frequency
- Requirements for Public Notice/Meetings
- Setbacks
- Limitations on the Number of Residents
- Screening Requirements
- Requirements for a Code of Conduct
- No Unaccompanied Minors

- Exclusion of Sex Offenders
- Distance to Transit
- Sanitation Accommodations
- Trash Collection
- Fire Safety/Extinguishers
- Designated Smoking Areas
- Open to Inspections
- Site Restoration Requirements

The City of Shoreline, was the most recent city to adopt temporary encampment regulations. Staff is proposing to use their ordinance as a starting point and has suggested regulations as contained in the attached matrix.

Next steps

The purpose of this briefing is to discuss the issues and concerns that can come with temporary encampments, discuss the proposed regulations and determine if the regulations adequately address the potential impacts from the temporary use. Based on the outcomes of the briefing at Planning Commission, specific code language will be drafted to articulate the regulations and be brought back to the Planning Commission for review before setting a date for a public hearing.

Attachments

- A Temporary Encampment Code Comparison Matrix

Attachment A

Temporary Encampments Code Comparison

<u>Code Provisions:</u>	<u>Seattle</u>	<u>Bothell</u>	<u>Lynnwood</u>	<u>Kirkland</u>	<u>Shoreline</u>	<u>Lake Stevens- Proposed)</u>
Permit Type	Type I Master Permit	Type II Transitory Permit	Temporary Use Permit	Temporary Use Permit	Temporary Use Permit	Type II Permit
Permit Fee	\$3240.00 Min (Hourly)	\$2,707.00	\$ 0.00 -no charge	\$231.00	\$ 0.00 -no charge	\$200.00 -Temporary Structures
Allowed locations	Church, Private, Public Property	Any Host Property	Church/religious organization	Church or Community Based organization	Non-profit Church or community organization	Non-profit Church or community organization
Public Notice/ Meeting	Yes, public meeting a min 14 days prior to application	Yes, only with schools and Child Care Facilities (600')	Notice only on Decision	Yes, Public notice and meeting 14 days prior to decision	Yes, Public notice and meeting 14 days prior to decision	Yes, Public notice and meeting 14 days prior to decision
Setbacks	25'-residential property	20'- unless waiver by adjacent property	20' commercial/ Multi family or 40' Single-family unless reduced by director	20' to residential development	10' min to adjacent property 5' min to ROW	20' to adjacent property, unless reduced by director based on topography or screening.
Number of Residents	100	No limit, based on available space	100	100	100	100
Site Size	5,000 sq ft 100 sq ft per occupant	No minimum-adequate	No minimum	No minimum	7,500 useable site area -50 residents then 150 sq ft per addition resident	7,500 useable site area -50 residents then 100 sq ft per addition resident
Screening	6' fence or vegetation	6' fence or vegetation	6' fence or vegetation	Fence or sufficient existing vegetation	Fence /structure or sufficient existing vegetation	6 ' fence or sufficient existing vegetation
Allowed Duration	1-year/ 1 year extension	90 days	90 days	92 days	90 days/90 days extention	90 days

Frequency	At least 12 months	Once every 365 days	Not within 180 days of expiration or once per calendar year	Once every 365 days	Not within 180 days of expiration	Once every 365 days
Lighting	No regulation	No regulation	Yes, downward and contained	Yes, downward and contained	No regulation	Yes, downward and contained
Code of Conduct	No regulation	Yes	Yes	Yes	Yes	Yes
No Unaccompanied Minors	Yes	No regulation	Yes	Yes	No regulation	Yes
Exclusion of Sex Offenders	No regulation	Yes	Yes	Yes	Yes	Yes
Distance to Transit	1/2 mile	1/2 mile	No minimum	1/2 mile	No regulation	No regulation, limited transit routes within Lake Stevens
Toilet and running water	Yes, outdoor or access to indoor	Yes	Yes	Refers to State or City Code	Sanitation only	Yes, provision for outdoor or access to indoor
Trash Collection	Yes	Yes	Yes	Refers to State or City Code	Sanitation provision	Yes, includes receptical and patrol language
Animal prohibition	No	No	No	Yes	No	No
Require fire retardant tents / extinguishers	Yes	No	No	Refers to State or City Code for fire-resistant materials	Yes	Yes
Designated Smoking Areas	Yes	No	No	No	Yes	Yes
Open to Inspections	Yes	Yes	Yes	Yes	Yes	Yes
Restoration of Site	No	Yes	Yes	No	No	Yes