



## PLANNING COMMISSION AGENDA

Regular Meeting Date: 08/05/2020

### **BY REMOTE PARTICIPATION ONLY**

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**Call in: 253 215 8782**

**Meeting ID: 879 2530 4822**

Planning Commission  
Meeting:

First Wednesday of  
every Month @ 7:00pm

Planning & Community  
Development  
Department

1812 Main Street  
Lake Stevens, WA  
98258 (425) 622-9430

[www.lakestevenswa.gov](http://www.lakestevenswa.gov)

#### Municipal Code

Available online:

[www.codepublishing.com/WA/LakeStevens/](http://www.codepublishing.com/WA/LakeStevens/)

- **CALL TO ORDER      7:00pm**  
Pledge of Allegiance
- **ROLL CALL**
- **GUEST BUSINESS**
- **ACTION ITEMS**
  1. Approve minutes for 07-15-2020
- **PUBLIC HEARING**  
Mobile Vending Unit Code Amendments Planner Needham
- **DISCUSSION ITEMS**
  1. 2020 Comp Plan Director Wright
  2. Multi-Family Tax Exemption Planner Gassaway
  3. Waterfront Residential Planner Levitan
- **COMMISSIONER REPORTS**
- **PLANNING DIRECTOR'S REPORT**
- **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) 622-9419 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**

Remote Participation  
Wednesday, July 15, 2020

CALL TO ORDER: 7:07 pm by Chair Jennifer Davis

MEMBERS PRESENT: Janice Huxford, Vicki Oslund, Jennifer Davis, Linda Hoult, John Cronin and Mike Duerr

MEMBERS ABSENT: Todd Welch

STAFF PRESENT: Community Development Director Russ Wright, Senior Planner Dave Levitan, Assistant Planner Jill Needham, Clerk Kathy Pugh and Clerk Teresa Meyers

OTHERS PRESENT: Councilmember Gary Petershagen and Steve Ewing

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Chair Davis called the meeting to order at 7:07 p.m. and led the Pledge of Allegiance.

**Roll Call:** All present minus Todd Welch

**Guest business:** None.

**Approval of Minutes:** Motion by Commissioner Huxford, seconded by Commissioner Hoult to approve the minutes of the 06-17-2020 as amended to acknowledge Councilmember Steve Ewing's attendance. The motion carried (6-0-0-1).

**Discussion Items:**

Senior Planner Dave Levitan updated the Commission that the Waterfront Residential Task Force has been selected and approved by Mayor Gailey. The first meeting is scheduled for 7/29/2020. Commissioner Huxford asked what time of the day the meetings would be held. Planner Levitan responded the proposed time would be for an evening option but staff is open to whatever works best for the group. Commissioner Huxford asked how the applicants had been selected. Planner Levitan said a questionnaire was sent to the applicants to determine what interest, knowledge of waterfront area and potential skillsets they might have to best accommodate the task force mission. Commissioner Huxford inquired if anyone selected might have a financial gain as a result of the task force. Planner Levitan stated there are some waterfront residents, two members who use the lake for recreation and representatives from Master Builders.

Assistant Planner Jill Needham gave an update on the mobile food vendor ordinance proposal. The Public Hearing was held at the last City Council meeting. There have been some edits to the interim code. Changes made were to address some health districts redundancies, additional insurance requirements, clarify PM/Peak hour use on 20<sup>th</sup> St NE and SE during on 4:00 pm to 6:00 pm which is not allowed and updated the buffer from 250ft to 150ft from existing businesses on the same side of the street.

**Commissioner Reports:**

Commissioner Oslund thanked the staff for the presentation.

Commissioner Huxford commented that she believes the Police Department would be her recommendation as a focus of education for safety and response time for proposed annexation residents.

Commissioner Hoult commented that Lake Stevens police was the biggest draw for the north end of Lake Stevens to want to annex into the City.

**Planning Director's Report:**

Director Wright reported that the Council has approved moving forward with annexation and will be meeting with the County to negotiate. The annual Arts and Parks events for summer have all been cancelled. City Hall is still closed to the public unless pre-arranged. The Mill is mostly complete, and the Farmer's Market is in full swing. North Cove Phase II has just been approved and will be going to bid shortly.

Chair Davis asked to leave the motion to excuse Todd Welch's absence until it could be determined if the absence was due to technical difficulties.

**Adjourn:**

**MOTION:** Moved by Commissioner Hoult seconded by Commissioner Oslund to adjourn the meeting at 7:45 p.m. On vote the motion carried (6-0-0-1).

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Jennie Fenrich, Planning Commission Clerk



## Staff Report City of Lake Stevens Planning Commission

Planning Commission Public Hearing

Date: **August 5, 2020**

Subject: **Permanent Mobile Vending Unit Code LUA2020-0069**

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

### **SUMMARY:**

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Amendments to the current interim Mobile Vending Unit code for the permanent code

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### **ACTION REQUESTED OF PLANNING COMMISSION:**

Hold a public hearing and forward a recommendation to the City Council.

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### **BACKGROUND/DISCUSSION:**

Earlier this year, Council directed staff to begin exploration of a food truck ordinance, as food trucks are currently only allowed when associated with a City authorized event. Council wished to develop an interim ordinance pursuant to RCW 36.70A.390, which was passed on May 26, 2020.

At the last briefing on July 15, staff presented the draft revisions to the Planning Commission for review. Staff has issued a SEPA DNS and sent the proposed amendments out for agency review and comment. After discussion with the Fire Department, staff has made some edits and additions to ensure compliance with the 2018 International Fire Code (IFC). The revised ordinance (**Exhibits 1 and 2**) shows changes new to Planning Commission in red – insertions are underlined and deletions are struck through. Changes made before that are underlined/struck through in black. The following list summarizes proposed changes added since the July 15 briefing:

- Added definition for *Mobile Food Preparation Vehicle* in 14.08, as defined by the IFC.
- Added 14.44.085 (d) (5), requiring Fire Dept. approval. Fire may require an inspection and/or separate permit in the future.
- Added 14.44.085(b) (1), requiring Fire approval for all Mobile Food Preparation Vehicles operating within in the City, even those associated with events.
- Added (iii) to LSMC 14.44.085 (e) (4) to restrict mobile vending units from selling on state and federal highways.
- Renamed 'Concession Agreement' in 14.44.085 (e) to 'Public Property Use Agreement' to better reflect the intent.

## **FINDINGS AND CONCLUSIONS:**

### **1. *Compliance with selected Land Use Goals of the Comprehensive Plan***

- Economic Development Goal 6.8, Policy 6.8.2 – Support business startups, small businesses and locally owned businesses to help them continue to prosper.
- Economic Development Goal 6.8, Policy 6.8.1 – Promote economic activity and employment growth that creates widely shared prosperity and sustains a diversity of family-wage jobs for the City’s residents.
- Land Use Goal 2.3, Policy 2.3.2 – Preserve and promote the character of existing neighborhoods through thoughtful development regulations and standards.
- Land Use Goal 2.3, Policy 2.3.4 – Maintain development regulations to promote compatibility between uses; retain desired neighborhood character; ensure adequate light, air and open space; protect and improve environmental quality; and manage potential impacts on public facilities and services.
- Parks, Recreation, and Open Space Goal 5.8, Policy 5.8.1 – Promote the use of local parks through the media, Aquafest, other festivals by providing information as to their availability such as publishing maps showing park locations and their available facilities.

**Conclusions – The proposed code amendments are consistent with several Land Use, Economic Development and Parks, Recreation, and Open Space goals.**

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

- Staff prepared an environmental checklist for the proposed code revisions, dated July 28, 2020 (**Exhibit 2a**).
- The SEPA official issued a Determination of Non-significance on July 28, 2020 (**Exhibit 2b**).

**Conclusions – The proposed code amendments have met 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 July 21, 2020 and received an acknowledgment letter on July 21, 2020 (**Exhibit 3**).
- Staff will file the final ordinance with the Department of Commerce within 10 days of City Council action.

**Conclusions – The proposed code amendments have met Growth Management Act requirements.**

### **4. *Public Notice and Comments***

- The City published a Notice of SEPA determination in the Everett Herald on July 28, 2020.
- The City published a Notice of Public Hearing in the Everett Herald on July 22, 2020 and July 29, 2020 (**Exhibit 4a**).
- The City also published the Notice of Public Hearing on its Facebook page and its main website. The Lake Stevens Chamber of Commerce was also sent a copy of the proposed amendments.
- 14 public comments were received (**Exhibit 4b**). Comments submitted were generally

supportive of mobile vending units in Lake Stevens.

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

**RECOMMENDATION: Forward a recommendation to the City Council to APPROVE the proposed code amendment to allow Mobile Vending Units in Lake Stevens (LUA2020-0069).**

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**ATTACHMENTS:**

1. Amendments to Chapter 14.08 LSMC Definitions, Chapter 14.40 Permissible Uses, 14.44 LSMC Supplementary Use Regulations
2. SEPA
  - a. Checklist
  - b. DNS
3. Commerce Review Request Acknowledgment
4. Public Noticing
  - a. Notice of Public Hearing
  - b. Public Comments.

## DRAFT Food Truck Code

### 14.08 Definitions

*Mobile Food Preparation Vehicle.* Vehicles that contain cooking equipment that produce smoke or grease-laden vapors or utilize LP-gas systems or CNG systems for the purpose of preparing and serving food to the public. Vehicles intended for private recreation shall not be considered mobile food preparation vehicles.

*Mobile Food Vendor.* A seller of prepackaged or prepared food from a food preparation van, truck, cart or other vehicle of conveyance, whether upon private property, the public right-of-way, or other public property.

*Mobile Sales and Delivery.* A business where employees or contractors provide mobile sales of goods and services of that includes ice cream trucks, mobile delivery, peddlers, and similar uses. Mobile sales and delivery do not include mobile food vendors or mobile food vendors or mobile food vending units as defined separately.

*Mobile Vending Unit.* A mobile food preparation van, truck, trailer, cart, or other vehicle of conveyance used for the sale of food prepackaged or prepared food.

#### 14.44.080 Mobile Sales and Delivery.

Mobile sales (excluding mobile food vendors) and delivery (Class 2.300 uses) is permitted in all zones. Review will occur annually in conjunction with a business license renewal.

**TABLE 14.40-I: TABLE OF PERMISSIBLE USES BY ZONES<sup>16</sup>**

	USE DESCRIPTIONS	R4	WR	R6	R8-12	MFR	LB	MU	PBD	LI	GI	P/SP
2.300	Mobile Sales and Delivery (Vending Carts, (Ice Cream Trucks, Mobile Delivery, Peddlers, and Similar Uses) (See Section <a href="#">14.44.080</a> ) <sup>2</sup>	P	P	P	P	P	P	P	P	P	P	P
2.310	Mobile Food Vending Units (Food trucks or similar vehicles, Vending Carts)						P	P	P	P	P	P

#### 14.44.085 Mobile Food Vendors

- (a) Purpose. The purpose of this section is to support local entrepreneurs, stimulate economic vitality, and provide regulations that protect public health and safety associated with the operation of mobile food vendors.
- (b) License Required. To operate a mobile food vendor unit a city business license and mobile food vending license are is required. All licenses for mobile food vendors shall be valid for one calendar year.

- (1) No licenses shall be required for mobile food vendors exempt from a business license under LSMC 4.04.040 or associated with a city authorized event, except that 14.44.085 (d) (5) still applies.
  - (2) All mobile food vendor licenses shall be prominently displayed upon all carts, vehicles or locations from which a mobile food vendor sells products.
- (c) Application. The submittal requirements for mobile food vending business license review shall include the following:
- (1) Mobile Food Vendor Addendum Application
  - (2) A scaled site plan depicting the following:
    - (i) Vehicle ingress and egress;
    - (ii) Location of the mobile vending unit, signs, and accessory equipment such as tables and canopies, if any; and
    - (iii) Site conditions including property parcel lines, parking, and buildings.
  - (3) Photograph of the vending unit, proposed signs, and any accessory equipment.
  - (4) ~~Proof of approval by the~~ Copy of Snohomish Health District Permit.
  - ~~(5) A written plan demonstrating appropriate disposal of wastewater and/or used cooking oil generated by the mobile vending unit. Grease shall be properly disposed of pursuant to the adopted Washington State health regulations.~~
  - (6) Evidence of current Washington vehicle registration.
  - ~~(7) Proof of approval by the Washington State Department of Labor & Industries.~~
  - (8) Written permission from the property owner for each proposed location the mobile food vendor proposed to conduct sales of food. This includes written permission from the property owner for employees of the vending unit to use the property owner's restroom.
  - (9) Certificate of public liability insurance in an amount not less than \$500,000 for injuries, including those resulting in death, resulting from any one occurrence, and on account of any one accident; property damage insurance of not less than \$25,000 for damages on account of any one accident or occurrence.
- (d) General Regulations.
- (1) No portion of the vending unit may be used as sleeping quarters.
  - (2) All attachments to the vending unit, including but not limited to signs, lights, overhangs, and awnings shall be maintained in such a manner as to not create a hazard to pedestrians, customers or vehicles.
  - (3) Mobile Food Vendors shall not obstruct sidewalks, streets, access points, fire lanes, or parking lot circulation by either the location of the vending unit, its accessories, or by causing customers to congregate.

(4) The mobile vendor shall comply with the standards set forth by the Washington State Department of Labor & Industries for electrical service to the mobile unit. Electrical lines shall not be located overhead or on the ground service in any location in which the public has access.

~~(5) If a mobile food vendor will be utilizing an external propane tank (not mounted on the mobile food preparation van), wood/charcoal, external power connections and/or tent structures, the mobile food vendor will be subject to additional review by the Fire Marshal. All mobile food preparation vehicles shall possess an operational fire approval prior to operating in the City, and shall comply with all Fire District Standards.~~

(6) Trash and other waste.

(i) The mobile food vendor shall leave the site clean and vacant each day, including picking up all trash and litter generated by the mobile food vendor's customers within 100-feet of the vending unit.

~~(ii) The mobile food vendor shall provide trash receptacles large enough to accommodate customer use.~~

(ii) Trash receptacles not intended for customer use shall be screened from public view and securely covered.

(iv) The mobile food vendor shall install and maintain an adequate grease trap in the vending unit.

(v) Grease shall be properly disposed of per adopted Washington State health regulations.

(vi) Wastewater generated by the vending unit shall be disposed of in a proper manner and documented.

(7) The hours of operation for mobile vending are limited to 7:00 a.m. to 11:00 p.m. Vendors operating along 20<sup>th</sup> ST NE and 20<sup>th</sup> ST SE ~~within the public right of way~~ shall not conduct sales between 4:00 p.m. to 6:00 p.m.

(e) Permitted Locations.

(1) Mobile food vending units shall be prohibited in any residential zones and abutting rights-of-way.

(2) Mobile food vending units shall not be located within ~~250~~ 150 feet of any restaurant without written permission from the restaurant owner. Distance shall be measured using the shortest possible straight line from the closest edge of the mobile vending unit to the closest edge of the restaurant building on the same side of the street.

(3) Mobile food vending units are allowed on private properties, in commercial and industrial areas pursuant to Table 14.40-I, and subject to written approval from the owner and the following requirements and restrictions:

(i) One portable pop-up tent that does not exceed 120 square feet or up to three tables with beach type umbrellas may be permitted as an accessory to the mobile vending unit. No cooking shall take place under the tent. Umbrellas and canopies must be removed at the end of the day.

(ii) Mobile food vendor must obtain restroom use permission for employees from the property owner. Portable restrooms are not permitted on site.

- (iii) Mobile food vending unit may not diminish required off-street parking for another use.
  - (iv) Vending unit shall conform to the standard front setback for the zoning district.
  - (v) All temporary signage associated with the mobile vending unit shall be limited to 10 square feet.
- (4) Mobile food vending units are allowed on public properties, including parks and street rights-of-way subject to a Public Property Use Agreement~~concession agreement~~, in addition to the license requirements in this section, subject to the following requirements:
- (i) Customers shall not be served on the street side of the vending unit if parked in the public right of way;
  - (ii) No vending unit, sign, canopy or accessory may be located in the sight distance triangle or project into the roadway as to cause a safety hazard; and
  - ~~(iii) Right of way use permit shall be required for mobile food vendors to operate in right of way.~~
  - (iii) No vending unit may vend on any state or federal highway.
- (f) Special Events.
- (1) Mobile food vendors may operate part on private and public properties as part of an approved event permit, subject to the following:
- (i) Management of vendors, such as vendor selection, booth location and products offered shall be the responsibility of the event sponsor. Through the event permit process, the City may regulate the location of vendors to protect the health, safety and general welfare of the public and ensure that the event does not adversely affect the ability of the City to perform its duties and functions.
  - (ii) The event sponsor shall be responsible to ensure that the vendors who prepare food or beverages on or off site, and who intend to sell or serve food or beverage items to the public, have the required insurance policy as required by the City's current insurance provider. Said insurance shall list the City of Lake Stevens as additional insured and will include the endorsement of said policy.
  - (iii) The event sponsor shall be responsible to ensure that all food vendors have the necessary permits per the current Snohomish County Health District requirements or other applicable State or County regulatory agency.
- (g) Revocation of permit. A mobile food vendor, permitted pursuant to this section, may have its license revoked, suspended, or denied subject to LSMC 4.04.15 if the City finds:
- (a) The vendor has violated or failed to meet the terms of this section and all other applicable sections of the municipal code or conditions of approval; or
  - (b) The mobile food unit operation is detrimental to the surrounding businesses or to the public due to either appearance or conditions of the stand.



**CITY OF LAKE STEVENS**  
PLANNING AND COMMUNITY DEVELOPMENT  
PO BOX 257, LAKE STEVENS, WA 98258  
PHONE: (425) 377-3235 / FAX: (425) 212-3327

## **SEPA ENVIRONMENTAL CHECKLIST**

**UPDATED 2014**

### ***Purpose of checklist:***

Governmental agencies use this checklist to help determine whether the environmental impacts of your proposal are significant. This information is also helpful to determine if available avoidance, minimization or compensatory mitigation measures will address the probable significant impacts or if an environmental impact statement will be prepared to further analyze the proposal.

### ***Instructions for applicants:***

This environmental checklist asks you to describe some basic information about your proposal. Please answer each question accurately and carefully, to the best of your knowledge. You may need to consult with an agency specialist or private consultant for some questions. You may use "not applicable" or "does not apply" only when you can explain why it does not apply and not when the answer is unknown. You may also attach or incorporate by reference additional studies reports. Complete and accurate answers to these questions often avoid delays with the SEPA process as well as later in the decision-making process.

The checklist questions apply to all parts of your proposal, even if you plan to do them over a period of time or on different parcels of land. Attach any additional information that will help describe your proposal or its environmental effects. The agency to which you submit this checklist may ask you to explain your answers or provide additional information reasonably related to determining if there may be significant adverse impact.

### ***Instructions for Lead Agencies:***

Please adjust the format of this template as needed. Additional information may be necessary to evaluate the existing environment, all interrelated aspects of the proposal and an analysis of adverse impacts. The checklist is considered the first but not necessarily the only source of information needed to make an adequate threshold determination. Once a threshold determination is made, the lead agency is responsible for the completeness and accuracy of the checklist and other supporting documents.

### ***Use of checklist for nonproject proposals:***

For nonproject proposals (such as ordinances, regulations, plans and programs), complete the applicable parts of sections A and B plus the [SUPPLEMENTAL SHEET FOR NONPROJECT ACTIONS \(part D\)](#). Please completely answer all questions that apply and note that the words "project," "applicant," and "property or site" should be read as "proposal," "proponent," and "affected geographic area," respectively. The lead agency may exclude (for non-projects) questions in Part B - Environmental Elements –that do not contribute meaningfully to the analysis of the proposal.

#### **A. BACKGROUND**

1. Name of proposed project, if applicable:

Amendments to the City of Lake Stevens Municipal Code – Mobile Vending Unit  
(Food Truck) Permanent Ordinance

2. Name of applicant:

City of Lake Stevens

3. Address and phone number of applicant and contact person:

Jill Needham, Assistant Planner  
City of Lake Stevens  
1812 Main Street / PO Box 257  
Lake Stevens, WA 98258

425-622-9428

4. Date checklist prepared:

July 20, 2020

5. Agency requesting checklist:

City of Lake Stevens

6. Proposed timing or schedule (including phasing, if applicable):

SEPA Determination: July 29, 2020

Dates listed below are tentative and subject to change:

Planning Commission Public Hearing: August 5, 2020

City Council Briefing: September 8, 2020

City Council Public Hearing (1<sup>st</sup> Reading and Adoption): September 22, 2020

7. Do you have any plans for future additions, expansion, or further activity related to or connected with this proposal? If yes, explain.

Not at this time

8. List any environmental information you know about that has been prepared, or will be prepared, directly related to this proposal.

SEPA DNS will be prepared.

9. Do you know whether applications are pending for governmental approvals of other proposals directly affecting the property covered by your proposal? If yes, explain.

City Council approval and Commerce review

10. List any government approvals or permits that will be needed for your proposal, if known.

Food truck applicants will be required to apply for an annual food truck license and City of Lake Stevens business license. Applicants will be required to submit a site plan, application, and concession agreement if utilizing public property such as parks or right of way.

11. Give brief, complete description of your proposal, including the proposed uses and the size of the project and site. There are several questions later in this checklist that ask you to describe certain aspects of your proposal. You do not need to repeat those answers on this page. (Lead agencies may modify this form to include additional specific information on project description.)

The City of Lake Stevens is proposing amendments to Chapter 14.44 and 14.08. This ordinance allows food trucks on private property in commercial zones and on public property with approval of a public food vendor agreement. It also establishes an annual licensing and review process for applications.

12. Location of the proposal. Give sufficient information for a person to understand the precise location of your proposed project, including a street address, if any, and section, township, and range, if known. If a proposal would occur over a range of area, provide the range or boundaries of the site(s). Provide a legal description, site plan, vicinity map, and topographic map, if reasonably available. While you should submit any plans required by the agency, you are not required to duplicate maps or detailed plans submitted with any permit applications related to this checklist.

The amendments would allow mobile vending units in commercial zones, public parks, right of way, and other public property pending the approval of the mobile vending unit application.

## **B. ENVIRONMENTAL ELEMENTS**

### **1. Earth**

- a. General description of the site (circle one): Flat, rolling, hilly, steep slopes, mountainous, other:

Not applicable, this is a non-project action.

- b. What is the steepest slope on the site (approximate percent slope)?

Not applicable, this is a non-project action.

- c. What general types of soils are found on the site (for example, clay, sand, gravel, peat, muck)? If you know the classification of agricultural soils, specify them and note any agricultural land of long-term commercial significance and whether the proposal results in removing any of these soils.

Not applicable- Non-project action

- d. Are there surface indications or history of unstable soils in the immediate vicinity?

yes                      no

If so, describe.

N/A-Non-project action.

- e. Describe the purpose, type, total area, and approximate quantities and total affected area of any filling, excavation, and grading proposed. Indicate source of fill.

Not applicable, this is a Non-project action. No construction will occur under this amendment.

- f. Could erosion occur as a result of clearing, construction, or use? If so, generally describe.

Not applicable, this is a Non-project action. No construction will occur under this amendment.

- g. About what percent of the site will be covered with impervious surfaces after project construction (for example, asphalt or buildings)?

Not applicable, this is a Non-project action. No construction will occur under this amendment.

- h. Proposed measures to reduce or control erosion, or other impacts to the earth, if any:

Not applicable, this is a Non-project action. No construction will occur to cause erosion of other impacts to the earth.

## 2. Air

- a. What types of emissions to the air would result from the proposal during construction, operation, and maintenance when the project is completed? If any, generally describe and give approximate quantities if known.

Not applicable, this is a Non-project action

- b. Are there any off-site sources of emissions or odor that may affect your proposal? If so, generally describe.

Not applicable, this is a Non-project action

- c. Proposed measures to reduce or control emissions or other impacts to air, if any:

Not applicable, this is a Non-project action

## 3. Water

- a. Surface Water:

- 1) Is there any surface water body on or in the immediate vicinity of the site (including year-round and seasonal streams, saltwater, lakes, ponds, wetlands)? If yes, describe type and provide names.

If appropriate, state what stream or river it flows into.

Not applicable, this is a non-project action

- 2) Will the project require any work over, in, or adjacent to (within 200 feet) the described waters? If yes, please describe and attach available plans.

Not applicable, this is a non-project action

- 3) Estimate the amount of fill and dredge material that would be placed in or removed from surface water or wetlands and indicate the area of the site that would be affected. Indicate the source of fill material.

Not applicable, this is a non-project action

- 4) Will the proposal require surface water withdrawals or diversions? Give general description, purpose, and approximate quantities if known.

Not applicable, this is a non-project action

- 5) Does the proposal lie within a 100-year floodplain? If so, note location on the site plan.

If so, note location on the site plan.

Not applicable, this is a non-project action

- 6) Does the proposal involve any discharges of waste materials to surface waters? If so, describe the type of waste and anticipated volume of discharge.

Not applicable, this is a non-project action

b. Ground Water:

- 1) Will groundwater be withdrawn from a well for drinking water or other purposes? If so, give a general description of the well, proposed uses and approximate quantities withdrawn from the well. Will water be discharged to groundwater? Give general description, purpose, and approximate quantities if known.

Not applicable, this is a non-project action

- 2) Describe waste material that will be discharged into the ground from septic tanks or other sources, if any (for example: Domestic sewage; industrial, containing the following chemicals. . . ; agricultural; etc.). Describe the general size of the system, the number of such systems, the number of houses to be served (if applicable), or the number of animals or humans the system(s) are expected to serve.

Not applicable, this is a non-project action

c. Water runoff (including stormwater):

- 1) Describe the source of runoff (including storm water) and method of collection and disposal, if any (include quantities, if known). Where will this water flow? Will this water flow into other waters? If so, describe.

Not applicable, this is a non-project action.

- 2) Could waste materials enter ground or surface waters? If so, generally describe.

All wastewater, used cooking oil, and trash will be disposed in Snohomish Health District approved commissary, as required. No groundwater or surface water impacts.

- 3) Does the proposal alter or otherwise affect drainage patterns in the vicinity of the site? If so, describe.

Not applicable, this is a non-project action.

- d. Proposed measures to reduce or control surface, ground, and runoff water, and drainage pattern impacts, if any:

Not applicable, this is a non-project action

#### 4. Plants

- a. Check the types of vegetation found on the site:

Not applicable, this is a non-project action

- b. What kind and amount of vegetation will be removed or altered?

Not applicable, this is a non-project action

- c. List threatened and endangered species known to be on or near the site.

Not applicable, this is a non-project action

- d. Proposed landscaping, use of native plants, or other measures to preserve or enhance vegetation on the site, if any:

Not applicable, this is a non-project action

- e. List all noxious weeds and invasive species known to be on or near the site.

Not applicable, this is a non-project action

#### 5. Animals

- a. List any birds and other animals which have been observed on or near the site or are known to be on or near the site. Examples include:

Birds: hawk, heron, eagle, songbirds, other:

Mammals: deer, bear, elk, beaver, other: raccoons, opossums, rodents

Fish: bass, salmon, trout, herring, shellfish, other: sculpin and stickleback

Not applicable, non-project action.

- b. List any threatened and endangered species known to be on or near the site.

Not applicable, non-project action.

- c. Is the site part of a migration route? If so, explain.

Not applicable, non-project action.

If so, explain.

- d. Proposed measures to preserve or enhance wildlife, if any:

Not applicable, this is a non-project action.

- e. List any invasive animal species known to be on or near the site.

Not applicable, this is a non-project action.

## 6. Energy and natural resources

- a. What kinds of energy (electric, natural gas, oil, wood stove, solar) will be used to meet the completed project's energy needs? Describe whether it will be used for heating, manufacturing, etc.

Not applicable, this is a non-project action

- b. Would your project affect the potential use of solar energy by adjacent properties? If so, generally describe.

Not applicable, this is a non-project action

- c. What kinds of energy conservation features are included in the plans of this proposal? List other proposed measures to reduce or control energy impacts, if any:

Not applicable, this is a non-project action

## 7. Environmental health

- a. Are there any environmental health hazards, including exposure to toxic chemicals, risk of fire and explosion, spill, or hazardous waste, that could occur as a result of this proposal? If so, describe.

Not applicable, this is a non-project action

- 1) Describe any known or possible contamination at the site from present or past uses.

Not applicable, this is a non-project action

- 2) Describe existing hazardous chemicals/conditions that might affect project development and design. This includes underground hazardous liquid and gas transmission pipelines located within the project area and in the vicinity.

Not applicable, this is a non-project action

- 3) Describe any toxic or hazardous chemicals that might be stored, used, or

produced during the project's development or construction, or at any time during the operating life of the project.

Not applicable, this is a Non-project action

- 4) Describe special emergency services that might be required.

Not applicable, this is a Non-project action

- 5) Proposed measures to reduce or control environmental health hazards, if any:

Not applicable, this is a Non-project action

**b. Noise**

- 1) What types of noise exist in the area which may affect your project (for example: traffic, equipment, operation, other)?

Not applicable, this is a Non-project action

- 2) What types and levels of noise would be created by or associated with the project on a short-term or a long-term basis (for example: traffic, construction, operation, other)? Indicate what hours noise would come from the site.

Not applicable, this is a Non-project action

- 3) Proposed measures to reduce or control noise impacts, if any:

Not applicable, this is a Non-project action

**8. Land and shoreline use**

- a. What is the current use of the site and adjacent properties? Will the proposal affect current land uses on nearby or adjacent properties? If so, describe.

The City of Lake Stevens includes a variety of urban land uses including residential, commercial, office, industrial and public. Mobile vending units will only be permitted in parks, on commercially zoned properties and their abutting right of ways

- b. Has the project site been used as working farmlands or working forest lands?

Not applicable, this is a non-project action.

If so, describe. How much agricultural or forest land of long-term commercial significance will be converted to other uses as a result of the proposal, if any? If resource lands have not been designated, how many acres in farmland or forest land tax status will be converted to nonfarm or nonforest use?

Not applicable, this is a non-project action.

- 1) Will the proposal affect or be affected by surrounding working farm or forest land normal business operations, such as oversize equipment access, the application of pesticides, tilling, and harvesting? If so, how:

Not applicable, this is a non-project action

- c. Describe any structures on the site.

Not applicable, this is a non-project action.

- d. Will any structures be demolished? If so, what?

Not applicable, this is a non-project action.

- e. What is the current zoning classification of the site?

Mobile vending units are permitted in the following zoning districts: Mixed Use (MU), Mixed Use Neighborhood (MUN), Local Business (LB), Central Business District (CBD), Commercial District (CD), Planned Business District (PBD), Public/Semi-Public (P/SP), Light Industrial (LI), and General Industrial (GI).

- f. What is the current comprehensive plan designation of the site?

Comprehensive Planning Designations include Local Commerce (LC), Mixed Use (MU), Commercial, Downtown / Local Commerce (D/LC), Planned Business District (PBD), Light Industrial (LI), General Industrial (GI), and Public / Semi-Public (P/SP).

- g. If applicable, what is the current shoreline master program designation of the site?

The only shoreline designation that overlaps with potential locations is Urban Conservancy (UC).

- h. Has any part of the site been classified as a critical area by the city or county? If so, specify.

Not applicable, this is a Non-project action.

- i. Approximately how many people would reside or work in the completed project?

Not applicable, this is a Non-project action

- j. Approximately how many people would the completed project displace?

Not applicable, this is a Non-project action

- k. Proposed measures to avoid or reduce displacement impacts, if any:

Not applicable, this is a Non-project action

- L. Proposed measures to ensure the proposal is compatible with existing and projected land uses and plans, if any:

This code amendment would only allow mobile food vendors in non-residential zones between the hours of 7:00am and 11:00pm.

- m. Proposed measures to ensure the proposal is compatible with nearby agricultural and forest lands of long-term commercial significance, if any:

There are no agricultural or forest lands of long-term commercial significance located within the city boundaries of Lake Stevens.

## 9. **Housing**

- a. Approximately how many units would be provided, if any? Indicate whether high, middle, or low-income housing.

Not applicable, this is a Non-project action

- b. Approximately how many units, if any, would be eliminated? Indicate whether high, middle, or low-income housing.

Not applicable, this is a Non-project action

- c. Proposed measures to reduce or control housing impacts, if any:

Not applicable, this is a Non-project action

## 10. **Aesthetics**

- a. What is the tallest height of any proposed structure(s), not including antennas; what is the principal exterior building material(s) proposed?

Not applicable, this is a Non-project action

- b. What views in the immediate vicinity would be altered or obstructed?

Not applicable, this is a Non-project action

- c. Proposed measures to reduce or control aesthetic impacts, if any:

Not applicable, this is a Non-project action

## 11. **Light and glare**

- a. What type of light or glare will the proposal produce? What time of day would it mainly occur?

Not applicable, this is a Non-project action

- b. Could light or glare from the finished project be a safety hazard or interfere with views?

Not applicable, this is a Non-project action

- c. What existing off-site sources of light or glare may affect your proposal?

Not applicable, this is a Non-project action

- d. Proposed measures to reduce or control light and glare impacts, if any:

Not applicable, this is a Non-project action

## 12. Recreation

- a. What designated and informal recreational opportunities are in the immediate vicinity?

Not applicable, this is a Non-project action

- b. Would the proposed project displace any existing recreational uses? If so, describe.

Not applicable, this is a Non-project action

- c. Proposed measures to reduce or control impacts on recreation, including recreation opportunities to be provided by the project or applicant, if any:

Not applicable, this is a Non-project action

## 13. Historic and cultural preservation

- a. Are there any buildings, structures, or sites, located on or near the site that are over 45 years old listed in or eligible for listing in national, state, or local preservation registers located on or near the site? If so, specifically describe.

Not applicable, this is a Non-project action

- b. Are there any landmarks, features, or other evidence of Indian or historic use or occupation? This may include human burials or old cemeteries. Are there any material evidence, artifacts, or areas of cultural importance on or near the site? Please list any professional studies conducted at the site to identify such resources.

Not applicable, this is a Non-project action

- c. Describe the methods used to assess the potential impacts to cultural and historic resources on or near the project site. Examples include consultation with tribes and the department of archeology and historic preservation, archaeological surveys, historic maps, GIS data, etc.

Not applicable, this is a Non-project action.

- d. Proposed measures to avoid, minimize, or compensate for loss, changes to, and disturbance to resources. Please include plans for the above and any permits that may be required.

Not applicable, this is a Non-project action

#### 14. Transportation

- a. Identify public streets and highways serving the site or affected geographic area and describe proposed access to the existing street system. Show on site plans, if any.

The city of Lake Stevens includes several major roads including highways SR-9, SR-92, and SR-204. Major roads through the city include Vernon, Lundeen Parkways, 20th Street NE and 20th Street SE. Under the proposed amendment, mobile vending units are prohibited from vending on state and federal highways and from 4-6pm on 20<sup>th</sup> ST NE and 20<sup>th</sup> ST SE.

- b. Is the site or affected geographic area currently served by public transit?

yes  no

If so, generally describe. If not, what is the approximate distance to the nearest transit stop?

Community Transit of Snohomish County provides transit service to select areas of Lake Stevens.

- c. How many additional parking spaces would the completed project or non-project proposal have? How many would the project or proposal eliminate?

Not applicable, this is a Non-project action

- d. Will the proposal require any new or improvements to existing roads, streets, pedestrian, bicycle or state transportation facilities, not including driveways? If so, generally describe (indicate whether public or private).

Not applicable, this is a Non-project action

- e. Will the project or proposal use (or occur in the immediate vicinity of) water, rail, or air transportation? If so, generally describe.

Not applicable, this is a Non-project action

- f. How many vehicular trips per day would be generated by the completed project or proposal? If known, indicate when peak volumes would occur and what percentage of the volume would be trucks (such as commercial and nonpassenger vehicles). What data or transportation models were used to make these estimates?

Not applicable, this is a Non-project action

- g. Will the proposal interfere with, affect or be affected by the movement of agricultural and forest products on roads or streets in the area? If so, generally describe.

Not applicable, this is a Non-project action

- h. Proposed measures to reduce or control transportation impacts, if any:

Vending in the right of way is restricted on 20<sup>th</sup> ST NE and 20<sup>th</sup> ST SE during the hours of 4-6pm to reduce potential traffic. Each vending unit in the right of way will require a concession agreement reviewed on a case-by-case.

#### 15. **Public services**

- a. Would the project result in an increased need for public services (for example: fire protection, police protection, public transit, health care, schools, other)? If so, generally describe.

Not applicable, this is a Non-project action

- b. Proposed measures to reduce or control direct impacts on public services, if any.

Not applicable, this is a Non-project action

#### 16. **Utilities**

- a. Circle utilities currently available at the site: electricity, natural gas, water, refuse service, telephone, sanitary sewer, septic system, other:

Not applicable, this is a Non-project action

- b. Describe the utilities that are proposed for the project, the utility providing the service, and the general construction activities on the site or in the immediate vicinity which might be needed.

Not applicable, this is a Non-project action

**C. SIGNATURE**

The above answers are true and complete to the best of my knowledge. I understand that the lead agency is relying on them to make its decision.

Signature: Jill Needham

Name of signee: Jill Needham

Position and Agency/Organization: Assistant Planner

Date Submitted: 7/28/2020

#### D. SUPPLEMENTAL SHEET FOR NONPROJECT ACTIONS

(IT IS NOT NECESSARY to use this sheet for project actions)

Because these questions are very general, it may be helpful to read them in conjunction with the list of the elements of the environment.

When answering these questions, be aware of the extent the proposal, or the types of activities likely to result from the proposal, would affect the item at a greater intensity or at a faster rate than if the proposal were not implemented. Respond briefly and in general terms.

1. How would the proposal be likely to increase discharge to water; emissions to air; production, storage, or release of toxic or hazardous substances; or production of noise?

This proposed code amendment may insignificantly increase vehicle emissions and noise due to vending vehicles and generators. Due to potential noise impacts, vending units are not permitted in residential zones. Per Health District regulations, disposal of wastewater, grease, and trash must occur at the approved commissary.

Proposed measures to avoid or reduce such increases are:

Due to potential noise impacts, vending units are not permitted in residential zones and may not operate between 11:00pm and 7:00am.

2. How would the proposal be likely to affect plants, animals, fish, or marine life?

The proposal is not likely to affect plants, animals, fish, or marine life as the current floodplain is highly developed.

Proposed measures to protect or conserve plants, animals, fish, or marine life are:

Not applicable.

3. How would the proposal be likely to deplete energy or natural resources?

The proposal is likely to deplete an insignificant amount of energy. Generators and propane tanks are often used to power/heat vending units.

Proposed measures to protect or conserve energy and natural resources are:

Generators and propane used for the purposes of powering or heating a vending unit are not likely use a significant amount of energy. Therefore, no specific measures are included with this ordinance.

4. How would the proposal be likely to use or affect environmentally sensitive areas or areas designated (or eligible or under study) for governmental protection; such as parks, wilderness, wild and scenic rivers, threatened or endangered species habitat, historic or cultural sites, wetlands, floodplains, or prime farmlands?

Mobile vending units are restricted to commercially zoned areas and will locate in more developed areas.

Proposed measures to protect such resources or to avoid or reduce impacts are:

Location of each unit must be pre-approved by the city. Protected areas such as NGPEs and NGPAs may not be used.

5. How would the proposal be likely to affect land and shoreline use, including whether it would allow or encourage land or shoreline uses incompatible with existing plans?

Mobile vending units are a temporary use and may not stay in a static location. For this reason, they are unlikely to impact any future land uses. Since only commercial zones may be used for mobile vending, it may encourage more permanent commercial uses in the subareas and commercial zones. Most areas in shoreline jurisdiction are not zoned for commercial. Any future land use would be required to comply with the municipal code and/or the SMP.

Proposed measures to avoid or reduce shoreline and land use impacts are:

Any future development proposals within the special flood hazard area of Lake Stevens will be required to comply with the City's floodplain regulations.

6. How would the proposal be likely to increase demands on transportation or public services and utilities?

The proposal is not likely to increase demands on transportation or public services and utilities.

Proposed measures to reduce or respond to such demand(s) are:

Not applicable.

7. Identify, if possible, whether the proposal may conflict with local, state, or federal laws or requirements for the protection of the environment.

The proposal creates no known conflicts with local, state, or federal law. It is consistent with the City of Lake Stevens Comprehensive Plan, City of Lake Stevens Municipal Code, Snohomish Health District regulations, and IFC regulations.



## NON-PROJECT DETERMINATION OF NONSIGNIFICANCE (SEPA DNS)

**Issuance Date:** July 28, 2020

**Project Name (No.):** Mobile Vending Unit Code Amendment / LUA2020-0069

**Proponent:** City of Lake Stevens

**Applicant:** City of Lake Stevens  
1812 Main Street  
Lake Stevens, WA 98258

**Description of Proposal:** The City of Lake Stevens is proposing a code amendment to allow mobile vending units such as food trucks outside of city authorized special events. The amendment proposes to create a formal application process for mobile food vendors and would allow vendors to locate on private property in commercial zoning districts and on public property such as parks and right-of-ways abutting commercial zones. An interim ordinance under RCW 36.70A.390 was adopted by council on May 26, 2020 and is currently in effect.

**Project Location (including street address, if any):** Within the City limits of Lake Stevens

**Contact Person:** Jill Needham      **Phone:** (425) 622-9428

**Threshold Determination:** The City of Lake Stevens, acting as lead agency for this non-project action proposal has determined that it does not have a probable significant adverse impact on the environment. An environmental impact statement is not required under RCW 43.21C.030(2)(c). This decision was made after review of a completed environmental checklist and other information on file with the lead agency. This information is available to the public on request. This DNS is issued under 197-11-340(2); the lead agency will not act on this proposal for 14 days from the date of issuance.

**SEPA Responsible Official:**

A handwritten signature in black ink that reads "Russ Wright".

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Russ Wright, *Community Development Director, City of Lake Stevens*

**Comments on the Threshold Determination:** If you would like to comment on this Threshold Determination, your written comments should be sent to the address below by **August 11, 2020** (14 days from issuance). The Responsible Official may incorporate any substantial comments into the DNS. If the DNS is substantially modified, it will be reissued for further public review.

**Appeals:** You may appeal this determination of non-significance by submitting an appeal to the address below no later than 4:00 PM, **August 11, 2020** (14 days from issuance). The appeal must be in written form, contain a concise statement of the matter being appealed and the basic rationale for the appeal. A fee is required per the City's Fee Resolution. Please note that failure to file a timely and complete appeal shall constitute a waiver of all rights to

an administrative appeal under City code. All comments or appeals are to be directed to City Hall, P.O. Box 257, Lake Stevens WA, 98258.



STATE OF WASHINGTON  
DEPARTMENT OF COMMERCE  
1011 Plum Street SE • PO Box 42525 • Olympia, Washington 98504-2525 • (360) 725-4000  
[www.commerce.wa.gov](http://www.commerce.wa.gov)

07/21/2020

Ms. Jill Needham  
Assistant Planner  
City of Lake Stevens  
1812 Main Street  
Post Office 257  
Lake Stevens, WA 98258-0257

Sent Via Electronic Mail

Re: City of Lake Stevens--2020-S-1594--Request for Expedited Review / Notice of Intent to Adopt Amendment

Dear Ms. Needham:

Thank you for sending the Washington State Department of Commerce (Commerce) the Request for Expedited Review / Notice of Intent to Adopt Amendment as required under [RCW 36.70A.106](#). We received your submittal with the following description.

**Proposed land use code amendment allowing food trucks (known as mobile vending units) outside of City authorized events.**

We received your submittal on 07/21/2020 and processed it with the Submittal ID 2020-S-1594. Please keep this letter as documentation that you have met this procedural requirement. Your 60-day notice period ends on 09/19/2020.

You requested expedited review under [RCW 36.70A.106\(3\)\(b\)](#). We have forwarded a copy of this notice to other state agencies for expedited review and comment. If one or more state agencies indicate that they will be commenting, then Commerce will deny expedited review and the standard 60-day review period (from date received) will apply. Commerce will notify you by e-mail regarding of approval or denial of your expedited review request. If approved for expedited review, then final adoption may occur no earlier than fifteen calendar days after the original date of receipt by Commerce.

If you have any questions, please contact Growth Management Services at [reviewteam@commerce.wa.gov](mailto:reviewteam@commerce.wa.gov), or call Kirsten Larsen, (360) 280-0320.

Sincerely,

Review Team  
Growth Management Services

**PROPOSED PROJECT DESCRIPTION:**

Public hearing with the Lake Stevens Planning Commission to consider changes to the Interim Mobile Vending Unit code to be adopted under a permanent ordinance. The project file number is LUA2020-0069. The hearing will be held on **August 5, 2020 at 7:00pm** by remote video conference at Planning Commission. Public testimony will be taken in writing prior to the hearing and during the video conference call. Written public testimony will be read for the record.

**PUBLIC REVIEW AND COMMENT:**

Interested parties may submit written comments before the hearing or testify in person. Comments can be submitted to City Hall, Attn: Jill Needham, PO Box 257, Lake Stevens, WA 98258 or by email at [jneedham@lakestevenswa.gov](mailto:jneedham@lakestevenswa.gov). The draft regulations can be viewed at City Hall, 1812 Main Street or on the city website.

***It is the City's goal to comply with the American with Disabilities Act. The City offers its assistance to anyone with special needs, including the provision of TDD services.***

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Distribution:

Posted at Permit Center

Published in Everett Herald

## Jennie Fenrich

---

**From:** Missy <missymjudd@gmail.com>  
**Sent:** Tuesday, July 21, 2020 3:54 PM  
**To:** Jill Needham  
**Subject:** Food trucks in Lake Stevens

Hello,

I will keep this short and informal. I think it would be a great idea to allow food trucks! Long over due

Thank you,  
Missy Judd

Missy Judd

**Jennie Fenrich**

---

**From:** Ron Rollins <rstrollins@comcast.net>  
**Sent:** Tuesday, July 21, 2020 7:33 PM  
**To:** Jill Needham  
**Subject:** Food trucks!

We are 100% for the food trucks. My only suggestions would be to increase the 150' to 500' from established restaurants, unless an written agreement has been established with the restaurant. And we would like to see the food truck permit to be under a \$1000.00 not including the city License.

Ron & Shana Rollins  
2302 Cherry Road  
Lake Stevens

425-238-2349

Sent from my iPhone

**Jennie Fenrich**

---

**From:** Jill Needham  
**Sent:** Wednesday, July 22, 2020 10:06 AM  
**To:** Timbo  
**Subject:** RE: Food truck ordinance

Thank you for your comment, Tim. I will add it to the record for Planning Commission.

Best regards,

Jill Needham  
Assistant Planner  
City of Lake Stevens | Planning & Community Development  
1812 Main Street | PO Box 257  
Lake Stevens, WA 98258-0257  
425.622.9428 | [jneedham@lakestevenswa.gov](mailto:jneedham@lakestevenswa.gov) Due to current COVID-19 concerns, I will be out of the office but will still be available by email.  
NOTICE: All emails and attachments sent to and from the city of Lake Stevens are public records and may be subject to disclosure pursuant to the Public Records Act (RCW 42.56).

-----Original Message-----

**From:** Timbo <[tcrook11@gmail.com](mailto:tcrook11@gmail.com)>  
**Sent:** Wednesday, July 22, 2020 9:43 AM  
**To:** Jill Needham <[jneedham@lakestevenswa.gov](mailto:jneedham@lakestevenswa.gov)>  
**Cc:** [lakestevensbrewingcompany@gmail.com](mailto:lakestevensbrewingcompany@gmail.com)  
**Subject:** Food truck ordinance

Jill. I am writing in regards to the ridiculous food truck ordinance in our city. With the current economic downturn we need to make it easier for businesses to thrive. Please consider this a vote to remove the barriers we have in place to increase local revenue and help keep our area vibrant and exciting with new options for our residents.

Best regards  
Tim Crook  
Lake Stevens, WA

Sent from: Timbodiddlybobob

## Jennie Fenrich

---

**From:** Sue Boone <sueboone@hotmail.com>  
**Sent:** Tuesday, July 21, 2020 8:10 PM  
**To:** Jill Needham  
**Subject:** Food Trucks in Lake Stevens

I love food trucks! Bring 'em here. They are a great dinner when you don't want to cook and usually small, independent business owners.

Just saw a post from a friend in Lynnwood. Her post says:

"Loving all the food trucks hitting up the neighborhoods all around our house. Piroshkies for dinner!"

## Jennie Fenrich

---

**From:** Jill Needham  
**Sent:** Thursday, July 23, 2020 7:57 AM  
**To:** Travis Martin  
**Subject:** RE: Food Truck Ordinance

Thank you for your comment Travis. I will add it to the record for planning commission.

Jill Needham  
Assistant Planner  
City of Lake Stevens | Planning & Community Development  
1812 Main Street | PO Box 257  
Lake Stevens, WA 98258-0257  
425.622.9428 | [jneedham@lakestevenswa.gov](mailto:jneedham@lakestevenswa.gov)

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-----Original Message-----

From: Travis Martin <[trvs.martin@icloud.com](mailto:trvs.martin@icloud.com)>  
Sent: Wednesday, July 22, 2020 3:02 PM  
To: Jill Needham <[jneedham@lakestevenswa.gov](mailto:jneedham@lakestevenswa.gov)>  
Subject: Food Truck Ordinance

Hello Jill,

I'm writing in regards to the absurd ordinance for operating a food truck in our city of Lake Stevens. Our local government should work to make it easier for businesses to operate and thrive at this time, not harder. The obstacles that are currently in place only prevent the increase of local revenue, give its citizens less choices, and make people go elsewhere. Please consider this a vote to remove the barriers that food trucks must operate under. Thank you.

Lake Stevens Residents  
Travis and Renae Martin  
Sent from my iPhone

## Jennie Fenrich

---

**From:** Jill Needham  
**Sent:** Tuesday, July 21, 2020 2:36 PM  
**To:** Victor Z  
**Subject:** RE: Food trucks

Thanks for your comment Victor. It will be included in the record for Planning Commission.

Jill Needham

Assistant Planner

City of Lake Stevens | Planning & Community Development

1812 Main Street | PO Box 257

Lake Stevens, WA 98258-0257

425.622.9428 | [jneedham@lakestevenswa.gov](mailto:jneedham@lakestevenswa.gov) Due to current COVID-19 concerns, I will be out of the office but will still be available by email.

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-----Original Message-----

From: Victor Z <[victorzuniga123@icloud.com](mailto:victorzuniga123@icloud.com)>

Sent: Tuesday, July 21, 2020 1:47 PM

To: Jill Needham <[jneedham@lakestevenswa.gov](mailto:jneedham@lakestevenswa.gov)>

Subject: Food trucks

It would be awesome if we had some food trucks! There is a negative stigma that surrounds them, which is unfortunate. I think it provides a good option for the community.

Victor Zuniga  
115th and 20th

## Jennie Fenrich

---

**From:** Jill Needham  
**Sent:** Thursday, July 23, 2020 10:51 AM  
**To:** acschultz9  
**Subject:** RE: Food trucks

Alan,

Thank you for your comment. It will be included in the record for planning commission.

Best regards,

Jill Needham  
Assistant Planner  
**City of Lake Stevens | Planning & Community Development**  
1812 Main Street | PO Box 257  
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**From:** acschultz9 <acschultz9@comcast.net>  
**Sent:** Thursday, July 23, 2020 9:43 AM  
**To:** Jill Needham <jneedham@lakestevenswa.gov>  
**Subject:** Food trucks

Jill, please encourage the city leaders to ease the restrictions and the fees associated with food trucks within the city. Food trucks often are the first step for a young chef and entrepreneur to enter into the food service industry. These people may be living on a shoestring budget and by making it easier for them could mean the difference between failure and success. If they succeed often times the next step is a brick and mortar restaurant which benefits the city and those who live here. Thank you for your time. Alan Schultz

Sent from Samsung tablet.

## Jennie Fenrich

---

**From:** Sue Boone <sueboone@hotmail.com>  
**Sent:** Tuesday, July 21, 2020 8:10 PM  
**To:** Jill Needham  
**Subject:** Food Trucks in Lake Stevens

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Jill Needham  
Assistant Planner  
**City of Lake Stevens | Planning & Community Development**  
1812 Main Street | PO Box 257  
Lake Stevens, WA 98258-0257  
425.622.9428 | [jneedham@lakestevenswa.gov](mailto:jneedham@lakestevenswa.gov)

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**From:** acschultz9 <acschultz9@comcast.net>  
**Sent:** Thursday, July 23, 2020 9:43 AM  
**To:** Jill Needham <jneedham@lakestevenswa.gov>  
**Subject:** Food trucks

Jill, please encourage the city leaders to ease the restrictions and the fees associated with food trucks within the city. Food trucks often are the first step for a young chef and entrepreneur to enter into the food service industry. These people may be living on a shoestring budget and by making it easier for them could mean the difference between failure and success. If they succeed often times the next step is a brick and mortar restaurant which benefits the city and those who live here. Thank you for your time. Alan Schultz

Sent from Samsung tablet.

## Jennie Fenrich

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**From:** Amber Scoglio <amberscoglio@gmail.com>  
**Sent:** Tuesday, July 21, 2020 7:16 PM  
**To:** Jill Needham  
**Subject:** Food trucks

I love the idea of food trucks in Lake Stevens. I would sign a petition if I need to or help out any way I can. I think it would be a great addition to our community.

Thank you so much,  
Amber Scoglio

## Jennie Fenrich

---

**From:** Jill Needham  
**Sent:** Tuesday, July 28, 2020 3:57 PM  
**To:** Ana Mocanu  
**Subject:** RE: Mobile Food Vending Ordinance

Thank you for your comments Ana. I will include them in the record for planning commission.

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Assistant Planner  
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**Due to current COVID-19 concerns, I will be out of the office but will still be available by email.**

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**From:** Ana Mocanu <[ana.mocanu92@gmail.com](mailto:ana.mocanu92@gmail.com)>  
**Sent:** Tuesday, July 28, 2020 1:47 PM  
**To:** Jill Needham <[jneedham@lakestevenswa.gov](mailto:jneedham@lakestevenswa.gov)>  
**Subject:** Mobile Food Vending Ordinance

I submitting a few comments in regard to the Mobile food vending ordinance in Lake Stevens.

Food truck owners deserve to be seen and respected just as brick and mortar business owners. There is no need for high vending fees and timing restrictions that effect the ability to productively serve the City of Lake Stevens. Small business owners of food trucks want to create a relationship with the community and not have to jump through hoops to be able to establish a consistent presence.

Thank you.  
Ana Bujor

## Jennie Fenrich

---

**From:** Jill Needham  
**Sent:** Wednesday, July 22, 2020 5:01 PM  
**To:** Leah Everett  
**Cc:** Sabrina Gassaway  
**Subject:** Re: Food Trucks Should Probably Be Allowed

Hi Leah,  
Thanks for your thoughtful comment. It will be included in the record for planning commission.

Best regards,

Jill Needham  
Assistant Planner  
**City of Lake Stevens | Planning & Community Development**  
1812 Main Street | PO Box 257  
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**From:** Leah Everett <lgrassl@hotmail.com>  
**Sent:** Wednesday, July 22, 2020 4:30 PM  
**To:** Jill Needham <jneedham@lakestevenswa.gov>  
**Subject:** Food Trucks Should Probably Be Allowed

Good Afternoon Jill,

It is with great pleasure (and fanfare) that I see the city is taking comments on changing the food truck ordinance to allow food trucks in our fair village. Long has it been that we have been stuck with mediocre, "brown-food" options at our local festivals and events. Alas, oft have I yearned for poke, pan-asian fusion, or an obscure purveyor of high-quality grilled cheese sandwiches or barbecue at a community falderal -- with none to be found.

At this time I would like to express my sincere request that unnecessary barriers to food trucks be removed in order to create a more colorful and interesting pallet of options for our gustatory needs as a community. To quote Ronald Reagan in addressing Mr. Gorbachev, it is time to, "tear down this wall" of unnecessary tomfoolery in city ordinance.

Thank you for considering acquiescence of my, and the community's, request.

Sincerely,

Leah Everett

## Jennie Fenrich

---

**From:** Jill Needham  
**Sent:** Thursday, July 23, 2020 10:55 AM  
**To:** Lori Johnson  
**Cc:** Russell Wright  
**Subject:** RE: Comments for Mobile Food Vending Code

Lori, thank you for your comments on the proposed draft I will include these in the record for planning commission.

Best regards,

Jill Needham  
Assistant Planner  
**City of Lake Stevens | Planning & Community Development**  
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**From:** Lori Johnson <[lorij@wafoodtrucks.org](mailto:lorij@wafoodtrucks.org)>  
**Sent:** Wednesday, July 22, 2020 2:20 PM  
**To:** Jill Needham <[jneedham@lakestevenswa.gov](mailto:jneedham@lakestevenswa.gov)>  
**Subject:** Comments for Mobile Food Vending Code

Hi Jill,

The Washington State Food Truck Association has already submitted comments but we will add the following now seeing the draft:

1. Do not charge BOTH a business license plus a mobile food vending license fee. No other cities are doing this. In fact, we have gone back to fix codes for the sole reason of undoing this extra fee as it is a deterrent and will drive vendors to do business in neighboring cities.
2. Do not restrict vendors operating along 20th ST NE and 20th ST SE between 4:00 p.m. to 6:00 p.m unless this same restriction applies to other food business establishments as well. It is not the role of local government to choose market winners and losers.
3. Consider creating a street permit for individual vendors who want to operate in appropriate right of way parking zones as Seattle and Everett and many others have done.

Thank you for your attention.

*Sincerely,*

Lori Johnson, Executive Director  
Washington State Food Truck Association, LLC  
(360) 223-3801  
[www.wafoodtrucks.org](http://www.wafoodtrucks.org)  
<https://twitter.com/wafoodtrucks>

## Jennie Fenrich

---

**From:** nancy crook <wabeancounter@gmail.com>  
**Sent:** Wednesday, July 22, 2020 1:24 PM  
**To:** Jill Needham  
**Cc:** lakestevensbrewingcompany@gmail.com  
**Subject:** Food truck ordinance

Good afternoon Jill,

This email is in regards to the unreasonable food truck ordinance in the city of Lake Stevens. With the current downturn in the economy we need to make it easier for businesses to expand. Consider this a vote to eliminate the obstacles that we have in place to increase local revenue and to help keep our city lively and exciting with new opportunities for our residents.

Thank you,  
Nancy Crook

## Jennie Fenrich

---

**From:** Jill Needham  
**Sent:** Thursday, July 23, 2020 10:51 AM  
**To:** acschultz9  
**Subject:** RE: Food trucks

Alan,

Thank you for your comment. It will be included in the record for planning commission.

Best regards,

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*Sincerely,*

*Lori Johnson, Executive Director*  
Washington State Food Truck Association, LLC  
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[www.wafoodtrucks.org](http://www.wafoodtrucks.org)  
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Staff Report  
City of Lake Stevens  
Planning Commission

2020 Comprehensive Plan Docket Briefing

**Date:** August 5, 2020

**Subject:** 2020 Comprehensive Plan Docket: Planning Commission Briefing

**Contact Person(s)/Department:** Russ Wright, *Community Development Director*

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**ACTION REQUESTED:** This is an informational briefing.

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**BACKGROUND/ DISCUSSION:**

Under the Growth Management Act, the City can amend its Comprehensive Plan and Future Land Use Map once per year, with a few exceptions, through an annual docket process. The Planning Commission has been briefed on this year's docket (**Exhibit 1**). The purpose of this briefing is to provide an update to the Planning Commission on the specific topics under consideration.

Changes to the Land Use Element will include the following items:

1. Text amendments

• **T-1 Chapter 2 Land Use**

- The city has implemented the waterfront task force and held its first meeting. As the process goes along any changes needed for consistency between the comprehensive plan and zoning code regulations will be made.
- Depending on timing and acceptance of proposed annexations (Machias Industrial and Southeast Interlocal), maps and data may be updated. Initial conversations started with County and other affected agencies. Public outreach will begin no later than September.
- In conjunction with M-1 map changes, texts and tables will be updated.

- **T-2 Chapter 7 – Public Services** – coordination with Lake Stevens School District is underway. After adoption by School Board, the updated LSSD plan will be updated and incorporated by reference into the city's plan.

- **T-3 Chapter 9 Capital Facilities** – Planning and Public Works staff are coordinating on status of capital projects including new, altered and completed projects to revise the Capital Projects Table.

- **T-4 Procedural Amendments** – Standard administrative updates, including incorporating SEPA documents and updating the dates on the cover, footnotes and the Table of Contents will occur concurrently.

- **P-1 Placeholder** – Chapter 5 Parks will be updated to reflect acquisition of Davie Beach, completion of projects and new planned projects.

2. City-Initiated Land Use Map Amendment and Rezone

- **M-1 City-initiated Map Amendment** – the city will prepare a map of the proposed zoning / land use changes and parallel shoreline change before the next PC meeting and notify affected properties.

**NEXT STEPS:**

- Draft chapters will be presented to the Planning Commission at its September and October meetings for discussion and comment.
- SEPA and Commerce review will commence no later than October
- Planning Commission Public Hearing in November

At a future meeting, staff will bring back final changes and hold a public hearing with the Commission to summarize each of the proposed amendments, state their consistency with the decision criteria and present other findings and recommendations.



## Staff Report City of Lake Stevens Planning Commission

Planning Commission Briefing  
Date: **August 5, 2020**

**SUBJECTS:** Multifamily Tax Exemption Code Amendment

**CONTACT PERSON/DEPARTMENT:** Russ Wright, *Community Development Director*  
Sabrina Gassaway, *Associate Planner*

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**SUMMARY:** Introduce Multifamily Tax Exemption Code Amendment

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**ACTION REQUESTED OF PLANNING COMMISSION:** None required

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### **Background:**

Washington State legislation, though RCW 84.14, offers a Multi-Family tax exemption program that cities can participate in through local ordinance adoption. The City of Lake Stevens with a population of over 15,000 is eligible to participate. The Lake Stevens City Council has expressed interest in participating in this program. The multi-family tax exemption (MFTE) is an incentive that cities can offer to developers to encourage the construction of market rate housing and affordable multifamily housing in predesignated targeted areas. The program offers two durations; an 8-year exemption and 12-year exemption. Projects in target areas that plan to build market rate multifamily units are eligible for the 8-year exemption and those projects that construct 20% of the units for low to moderate incomes are eligible for the 12-year exemption.

### **Purpose of Code Amendment:**

The purpose of this amendment is to designate areas of the city as target areas for the Multifamily tax exemption program and adopt exemption option(s) as permitted by RCW 84.14. The code amendment would include provisions for an application process, requirements for addressing demolition of existing structures and, building limitations.

- **Target Areas for MFTE:** The Downtown, Lake Stevens Center, and 20<sup>th</sup> Street SE subareas are being considered as target areas for the application of the multifamily tax exemption programs. In the Lake Stevens Downtown Subarea staff is recommending expanding the target area to include adjacent multifamily zoning and the Planned Business District north of the Downtown subarea.
- **MFTE Options:** The city can adopt one or both options provided in RCW 84.14 and include additional requirements that meet the needs of our community.

Staff is proposing the code amendment be split between Title 3 Revenue and Finance and Title 14 Land Use of the Lake Stevens municipal code.

## **Next Steps**

Staff plans to bring this to City Council next workshop in September for review. Staff is proposing a four to six-month process to draft the code amendment for the Planning Commission and the City Council to consider. Other tasks included in the scope of the project include SEPA notification and actions, various staff reports and briefings to the Planning Commission and City Council, WA Department of Commerce 60-day review, public notification and public hearings as needed.

## **Attached:**

- 1) Scope of Work
- 2) Draft Code Amendment Framework
- 3) Target Areas Map



# Scope of Work

**Subject: Multi-Family Tax Exemption Zoning Code Amendment (LUA2020-0110)  
Chapter 14.38 Sub Areas**

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## **BACKGROUND/HISTORY:**

Washington State legislation, though RCW 84.14, offers a Multi-Family tax exemption program that cities can participate in through local ordinance adoption. The City of Lake Stevens with a population of over 15,000 is eligible to participate. The Lake Stevens City Council has expressed interest in participating in this program.

## **Purpose of this Code Amendment:**

The purpose of this code amendment is to:

- Provide regulations for limited exemptions from property taxation for multifamily housing in a residential targeted area
- Determine applicability and limitations of exemptions in line with RCW 84.14
- Provide more opportunities for housing for a variety of incomes
- Clarify thresholds for low and moderate incomes

## **Regulations affected:**

- The regulations may be adopted in new chapters in Title 3 Revenue and Finance or Title 14 Land Use
- The project will require adoption of a resolution to identify the targeted areas and a code amendment process to set regulations.

## **Timeline:**

- Approximately 4 - 6 months for final adoption

**Title 3 - Chapter 31 Multifamily Tax Exemption Program**

- 3.31. Definitions
- 3.31. Application procedure and fee
- 3.31. Amendment to MFTE contacts
- 3.31. Final certificate
- 3.31. Annual Reporting
- 3.31. Severability
- 3.31. Conflict of Provisions

**Title 14 - Chapter 14.44 Supplementary Use Regulations**

- Part VI. Multifamily Housing Property Tax Exemption Program
  - 14.42.600 Purpose and Intent
  - 14.42.600 Target Areas
  - 14.42.600 Applicability
  - 14.42.600 Multifamily Residential Standards
  - 14.42.600 Application Review and Issuances

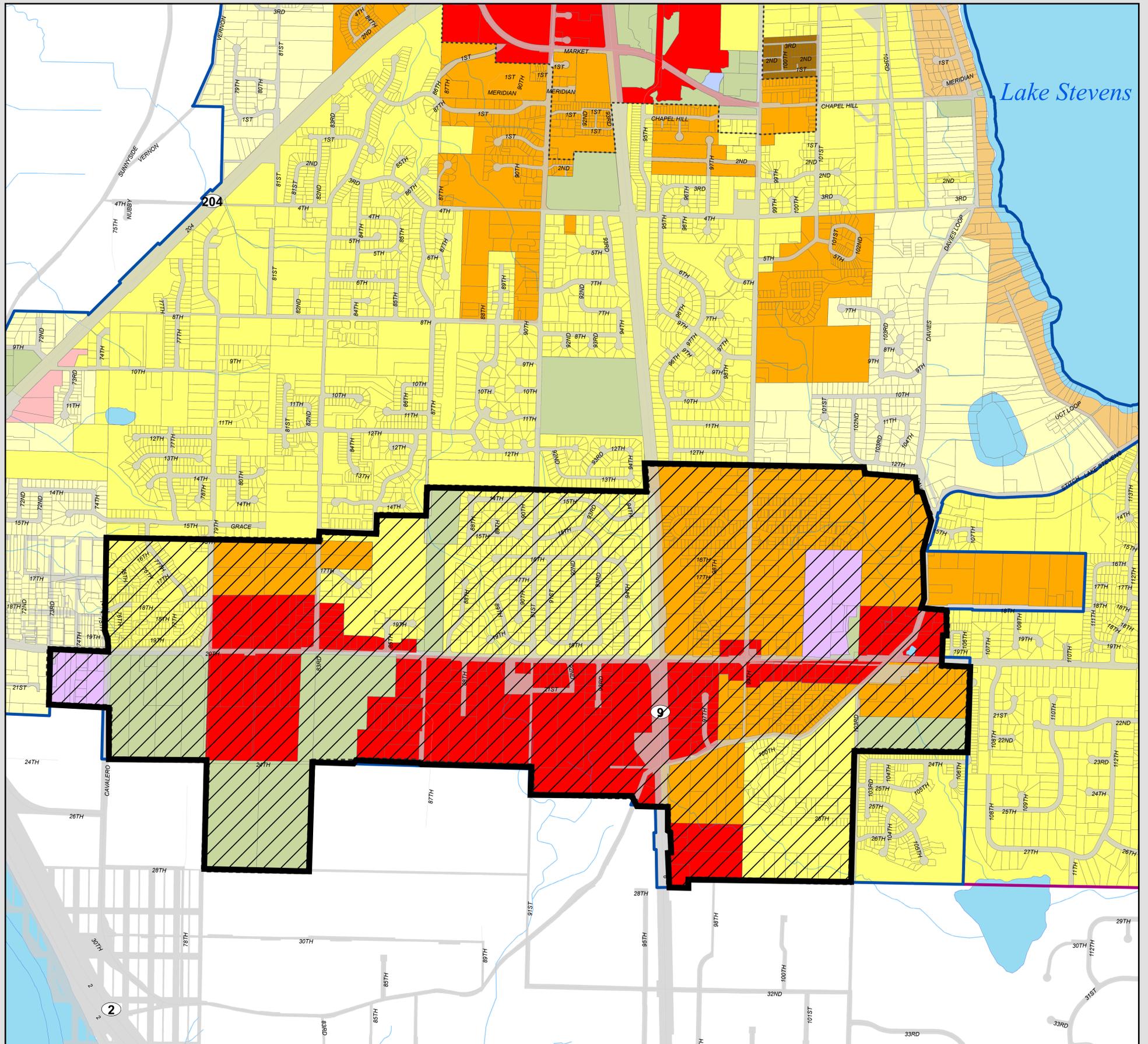




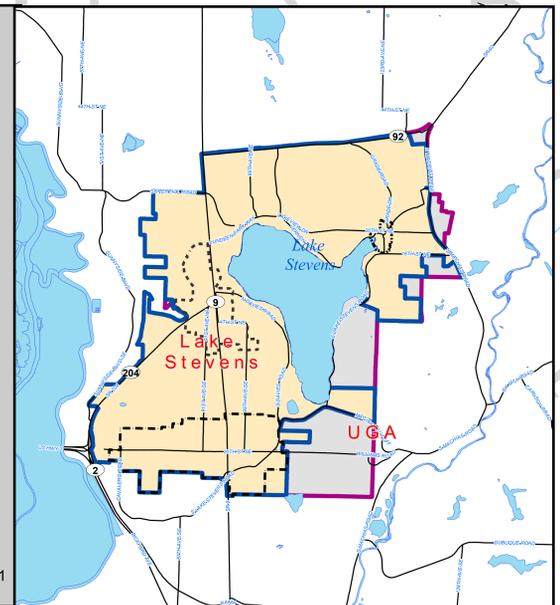


# CITY OF LAKE STEVENS ZONING MAP

## 20th STREET SUB AREA TARGET AREA



<b>City Zoning</b>		<b>Boundary</b>		<b>Subarea Boundaries</b>		<b>Features</b>	
R4 (formerly SR)	Multi-Family Residential (MFR)	Neighborhood Business (NB)	City of Lake Stevens	20th Street SE Corridor	Waterbody		
R6 (formerly UR)	MF Development Agreement (MFDA)	Central Business District (CBD)	Unincorporated UGA	Lake Stevens Center	Stream		
R8-12 (formerly HUR)	Mixed Use (MU)	Commercial District (CD)	Parcels	Downtown			
Waterfront Residential (WR)	Mixed-Use Neighborhood (MUN)	Planned Business District (PBD)	Right-of-Way				
Local Business (LB)	Public / Semi-Public (P/PS)	Business District (BD)					
		General Industrial (GI)					
		GI Development Agreement (GIDA)					



All data, information and maps are provided "as is" without warranty or any representation of accuracy, timeliness or completeness. The burden for determining accuracy, completeness, timeliness, merchantability and fitness for or the appropriateness for use rests solely on the requestor. The city of Lake Stevens makes no warranties, expressed or implied as to the use of the information obtained here. There are no implied warranties of merchantability or fitness for a particular purpose. The requestor acknowledges and accepts all limitations, including the fact that the data, information and maps are dynamic and in a constant state of maintenance, correction and update.

Data Sources: Snohomish County (2019), City of Lake Stevens (2019)      Revision Date: November 2019      Updated via: Ordinance No. 1061

## Staff Memo City of Lake Stevens Planning Commission

Planning Commission Briefing  
Date: August 5, 2020

Subject: Waterfront Residential Task Force Meeting 1 Update

Contact Person/Department: Russ Wright, *Community Development Director* and  
David Levitan, *Senior Planner*

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The first meeting of the Waterfront Residential Task Force (WRTF) was held on July 29 via the Zoom online platform. 10 of 11 members were present, as was Commissioner Huxford (Planning Commission liaison). The meeting started with staff and task force member introductions, which was followed by a staff Powerpoint presentation. The presentation included an overview of the regulatory hierarchy of state, regional, and local land use planning; an introduction to topics such as buildable land supply and permitted housing types; details on recent changes to the Zoning Code in other residential districts; and an overview of the next meeting, which is scheduled for August 26.

Throughout and following the presentation, task force members asked a number of questions about the process, and asked staff to provide additional information at the next meeting on a number of topics, including:

- How is the project related to and consistent with the Shoreline Management Act (SMA) and Shoreline Master Program (SMP)? Does the SMA establish a preference for detached single family residences and certain water dependent uses? Is multifamily development limited/prohibited, or simply not a preferred use?
- How would the city address transportation, stormwater, sewer, and other infrastructure needs if housing options are expanded? If multifamily residential development were to be permitted, would infrastructure constraints be used to limit where it could occur?
- How might surface water issues and topography impact potential development standards?
- Might the Covid-19 pandemic result in decreased demand for multifamily housing?
- Can the city's current zoning regulations and buildable lands capacity meet the 2035 growth targets? If so, are additional changes to the waterfront zone needed or warranted? Should the growth targets be updated before we consider any code updates?

At the next WRTF meeting on August 26, staff will provide responses to many of the questions above, as well as introduce some potential code language and design options for the task force to provide early feedback and guidance on. These materials will also be shared with the Planning Commission at one of their September meetings, along with a summary of WRTF feedback. Staff is happy to answer any questions from the Commission about the process on August 5 and would encourage Commissioner Huxford to provide her thoughts on the first meeting.

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