



## PLANNING COMMISSION AGENDA

Regular Meeting Date: 11.4.2015

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

Municipal Code

Available online:

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

\*Items attached

\*\*Items previously distributed

# Items to be distributed

- A. **CALL TO ORDER: 7:00pm**  
Pledge of Allegiance
- B. **ROLL CALL**
- C. **GUEST BUSINESS**
- D. **ACTION ITEMS**
  - 1. Approval of 09.02.2015 Meeting Minutes
- F. **DISCUSSION ITEMS**
  - 1. 2015-2016 Long-Range Planning Work Program — Wright\*
  - 2. Planning Commission Rules of Procedure — Wright\*
  - 3. Manufacturing/Industrial Tax Exemptions (Engrossed SB 5761) — Ableman McCrary#
- G. **COMMISSIONER REPORTS**
- H. **PLANNING DIRECTOR / STAFF REPORTS**  
Comprehensive Plan, Marijuana Retail Moratorium
- I. **ADJOURN**

### SPECIAL NEEDS

*The City of Lake Stevens strives to provide accessible opportunities for individuals with disabilities. Please contact Steve Edin, 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, September 2, 2015

CALL TO ORDER: 7:01 pm by Chair Tom Matlack

MEMBERS PRESENT: Chair Tom Matlack, Janice Huxford, Mirza Avdic, Linda Hoult, Gary Petershagen, Vicky Oslund

MEMBERS ABSENT: Vice Chair Jennifer Davis

STAFF PRESENT: Director Becky Ableman-McCrary, Associate Planner Stacie Pratschner, Engineer Adam Emerson, and Clerk Jill Meis

OTHERS PRESENT: None

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**Excused Absence:** Commissioner Hoult made a motion to excuse Commissioner Davis, Commissioner Huxford 2<sup>nd</sup>. Motion carried 5-0-0-2. Commissioner Avdic arrived at 7:02pm.

**Guest business:** None.

**Action Items:**

1. *Approve July 29, 2015 Meeting Minutes.* Commissioner Hoult made a motion to approve July 29, 2015 minutes, Commissioner Avdic 2<sup>nd</sup>. Motion carried 6-0-0-1.

**Public Hearing B Continued from 07.29.2015 Planning Commission Meeting: High Urban Residential (HUR) Impervious Surface Allowance Code Amendment to Lake Stevens Municipal Code (LSMC) 14.48.055.**

**PC Chair Reopens Meeting** - Commissioner Hoult made a motion to reopen the public hearing, Commissioner Avdic 2<sup>nd</sup>. Motion carried 6-0-0-1.

**Staff Presentation** – Associate Planner Stacie Pratschner presented the Power Point Presentation with detailed description of the Code Amendment and answered questions the Planning Commission had asked at the previous meeting. On May 7, Staff received an application from Seattle Pacific Development to amend LSMC section 14.48.055 to allow 65% impervious surface allowance in the HUR zone. Planner Pratschner discussed the consistency with the Comprehensive Plan for density targets and how the storm water would be mitigated. On July 29, 2015 the Planning Commission asked for additional information on examples of plats that allowed increased impervious allowance, code examples from surrounding jurisdictions that allowed up to 75% impervious, and a GIS map that demonstrated parcels eligible for development under this proposed code amendment.

The Power Point Presentation gave an overview of Stonebriar Planned Residential Development that demonstrates a 55% impervious surface limitation. Planner Pratschner also noted that the plat was originally approved under Snohomish County regulations and the impervious surface of 55% only included the structure in contrast to City regulations that include, structure, driveways, walkways and gravel. Planner Pratschner also showed examples of other neighborhoods that allow up to 65% impervious surface. A GIS map was shown that detailed the 27 lots zoned HUR that have the potential to be redeveloped or

approximately 43 acres. Staff also demonstrated how the City sets standards for storm water management pursuant to the request of the Planning Commission.

Planner Pratschner recommended the Planning Commission forward a recommendation to approve the Code Amendment because it was consistent with the Comprehensive Plan, state and local requirements, and fire codes. Director Ableman-McCrary also added that this code amendment is not project specific, it is city-wide.

**Commissioner's questions for staff – None**

**Proponent's comments** – Mr. Darin Huseby of Seattle Pacific Homes spoke on behalf of the applicant. He states consistency with the subarea and surrounding jurisdictions allowable impervious would improve the housing options provided.

**Comments from the audience** – Mr. Dick Todd, a neighbor of this development, wanted to know if the city had observed the outflow of water from the site. Chair Matlack reminded Mr. Todd that the code amendment was not site specific and was a city-wide code amendment. Mr. Todd had questions regarding inflow into Lake Stevens, Inglewood Forest and other drainage issues and how he would be protected.

Ms. Sally Jo Sebring, 1023 99<sup>th</sup> Ave SE, wanted to know why the 2005 Stormwater manual is used rather than an updated version. She wanted to know the “nature” of the 27 properties in question and how the increased impervious allowance would affect wetlands. Adam Emerson with the Public Works department said the 2005 Storm water manual is the version that is required and has been adopted by the City Council. The 2012 Storm water manual is required to be adopted by the end of next year. The current manual still requires that the water level present before development be retained onsite. Associate Planner Pratschner answered that the “nature” of the 27 properties is vacant or undeveloped, but could not give any details as to wetlands present, ect. Director Ableman-McCrary stated that Snohomish County prepares the maps at broad level and then as development applications come in, the City reviews them at a detailed level. Planner Pratschner also added that pursuant to LSMC 14.88 wetlands are set aside as well as buffers so there would be no potential impact to wetlands. Adam Emerson also explained that the Public Works review on development over 5,000 sq. ft. stipulates that the discharge to wetlands has to be the same amount as before development.

Mr. Dick Todd interjected that he wanted to know how the city or SeaPac would insure his protection. Chair Matlack informed him he would have to wait.

**Proponent rebuttal comments** – None

**Comments from the audience** – None

**Proponent rebuttal comments** – None

**Close public comments portion of hearing by motion-** Commissioner Hoult made motion to close public testimony portion, Commissioner Petershagen 2<sup>nd</sup>, motion carried 6-0-0-1.

**Close public hearing-** Commissioner Hoult made a motion to close public hearing, Commissioner Avdic 2<sup>nd</sup>, motion carried 6-0-0-1.

**Commissioner's questions for staff-** Commissioner Hoult commended staff on the quality of the map and materials. She asked about the Whispering Meadows Plat and other development in the area without the roads being improved. Director Ableman-McCrary clarified that the Whispering Meadows Plat was a county vested plat. Commissioner Hoult

wanted to know if there was any written comment submitted, staff reported that there had been no written comment submitted.

Commissioner Huxford wanted to know what the development would look like aesthetically, and how the surrounding municipalities feel about the environmental health in the areas that they have allowed the increased impervious surface. Adam Emerson, Public Works, testified that the detention facilities are the responsibility of the home owners association and there would not be a negative impact. He explained that the storm water detention would be designed to accommodate the increased impervious surface before any development increase would take place.

Commissioner Petershagen thanked the planning staff for the presentation and clarified that the code amendment would not be increasing density but increasing usable area for each lot. He also wanted to confirm the HUR zone was subject to the Design Review Board approval to help with concerns about aesthetics.

Commissioner Oslund stated it was a great presentation.

Commissioner Avdic gave his compliments to the staff for the presentation.

Chair Matlack wanted to know why the need for the increased impervious. He also wanted clarification on the city-wide SEPA vs. the planned action SEPA. He feels that the SEPA review hasn't been adequate for this project. He asked why so many checklist items were marked N/A on the SEPA checklist. He wanted to know why the drainage manual was incomplete. The geotechnical report states it (Westlake Crossing) was a wet lot, not a wetland and it would be scraped away. Commissioner Matlack wanted to know why the Design Review Board didn't address this. Commissioner Petershagen explained that the Design Review Board wouldn't address these items early in the process, it would come later depending on what the market would be for the housing options. He also wanted to point out that the density would not be increasing. Planner Pratschner stated that the developer would submit the complete storm water report at the time of Construction Plan Review so it was not incomplete at the preliminary plat stage.

Commissioner Hoult wanted to confirm that there would still be an individualized review of each project and this would not be a blanket approval for any project in the HUR zone.

Commissioner Huxford stated that she thought the impact to wetlands section of the SEPA checklist was not complete.

Commissioner Avdic wanted to reiterate that this was not a project specific code amendment, it was for the entire HUR zone and that any concern of each project would be reviewed at the project level.

Commissioner Matlack stated concern that the review for the subarea was more in depth than the code amendment. Planner Pratschner explained that the Environmental Impact Statement for the subarea planning is not the same review procedure for the code amendment, but every project would be a site specific review.

**Commission Action by Motion** – Commissioner Petershagen made motion to forward a recommendation of the High Urban Residential (HUR) Impervious Surface Allowance Code Amendment to Lake Stevens Municipal Code (LSMC) 14.48.055 to City Council, Commissioner Oslund 2<sup>nd</sup>, motion carried 5-1-0-1. Commissioner Matlack requested that his handout be attached to the letter of recommendation. Director Ableman-McCrary said she would show Commissioner Matlack and another commissioner the draft letter before forwarding to City Council.

**Discussion Items:** None

**Commissioner Reports:** Commissioner Oslund reported that school has started. Commissioner Hoult thanked the audience members for participation and staff for the presentation. Commissioner Huxford thanked the community for helping their neighbors during the storm and is excited about the new executive board for Aquafest. Commissioner Petershagen thanked staff for their presentation. Commissioner Matlack attended fire district meeting, sewer district meeting and toured the sewer plant. Commissioner Matlack also informed everyone that the downtown development meeting was cancelled but a consultant will be at the City Council meeting to discuss the development. Commissioner Avdic thanked staff for presentation and audience for participating.

**Planning Director Report:** Director Ableman-McCrary reported that the Comprehensive Plan comments came back from the Department of Commerce and they stated that the City of Lake Stevens plan was the best they had seen. She also stated that Council will be reviewing some I-502 changes and the representative from Reid Shockey will be there discussing the downtown development.

**Adjourn:** Motion by Commissioner Petershagen, Commissioner Hoult 2<sup>nd</sup>, motion carried 6-0-0-1. Meeting adjourned at 8:14 p.m.

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Tom Matlack, Chair

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Jill Meis, Clerk, Planning &  
Community Development



Staff Report  
City of Lake Stevens Planning Commission

Planning Commission Briefing  
Date: **November 4, 2015**

**SUBJECTS:**

1. 2015-2016 Long-Range Planning Work Program
2. Planning Commission Rules of Procedure
3. Manufacturing/Industrial Tax Exemptions (Engrossed SB 5761)

**CONTACT PERSON/DEPARTMENT:** Rebecca Ableman McCrary, *Planning & Community Development Director* and Russ Wright, *Lead Senior Planner*

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**SUMMARY:** Discuss Long-Range Work Program, Rules of Procedure and Manufacturing/Industrial Tax Exemptions

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**ACTION REQUESTED OF PLANNING COMMISSION:** No action requested at this time.

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**Discussion Item 1 – 2015-2016 Long-Range Planning Work Program**

City staff is bringing forward a draft long-range planning work program and master schedule for the Planning Commission's review. The work program includes a mix of mandatory code amendments, Comprehensive Plan implementation amendments, and housekeeping amendments. In addition, it includes annual updates to the Comprehensive Plan, potential revisions to the Shoreline Master Program and development of the Downtown Lake Stevens Subarea Plan.

**Discussion Item 2 – Planning Commission Rules of Procedure**

Staff is providing the Planning Commission's Rules of Procedures adopted in 2010 for the Commission to review before we begin implementing the long-range work program. This information is to help Commissioners and staff understand roles and responsibilities as well as help the public during the public meeting process.

**Discussion Item 3 – Manufacturing/Industrial Tax Exemptions (Engrossed SB 5761)**

The city will be considering tax incentives to attract manufacturing businesses as part of the city's economic development plan and long-range work program to implement Engrossed Senate Bill 5761. The city will coordinate with neighboring cities to develop this program.

**ATTACHED:**

1. Work Program
2. Master Schedule
3. Rules of Procedure

Attachment 1

Implementation tasks from Comprehensive Plan Update, compliance with current State and Federal requirements and improve internal code function and implementation.

2015-2016 LONG RANGE PLANNING WORK PROGRAM						
CATEGORY	IMPROVEMENT					
<i>Code Component / Affected Code Sections</i>	Implement Comp. Plan Goals	Process / Admin. Efficiency	Legal Clarity	Predict-ability	Mandate	Staff
<b>Environment</b>						
1. Critical Areas – Review entire Chapter 14.88 LSMC for internal consistency (e.g., application of standards across critical area type). <ul style="list-style-type: none"> <li>Clarify status of maintenance and monitoring bonds in LSMC 14.88.278.</li> <li>Clarify when to use easement and when to use tracts to establish Native Growth Protection Areas in LSMC 14.88.290.</li> <li>Review density transfer section, specifically acreage requirement and wetland restriction in LSMC 14.88.297.</li> <li>Adopt updated wetland rating system and buffers per revised Department of Ecology manual in Chapter 14.88 LSMC Part VII Wetlands.</li> </ul>	X	X	X	X	X	AL <sup>i</sup>
2. <i>Shoreline Master Program</i> – Update Appendix B of the <i>Shoreline Master Program</i> to reflect changes to the critical areas code as a Comprehensive Plan Amendment.	X	X	X	X	X	AL
3. DOE Floodplain Audit – Update affected sections of Chapters 14.64 LSMC Part I Special Flood Hazard Areas and 14.88 LSMC Part V Frequently Flooded Areas.	X		X	X	X	REW <sup>ii</sup>
4. Clearing & Grading / Forest Practices – Review and update to incorporate revised clearing & grading standards and adopt local administration of forest practices in Chapter 14.64 LSMC Part II Drainage, Erosion Control, Storm Water Management.	X	X	X	X	X	SJP <sup>iii</sup>

CATEGORY	IMPROVEMENT					
<i>Code Component / Affected Code Sections</i>	Implement Comp. Plan Goals	Process / Admin. Efficiency	Legal Clarity	Predict-ability	Mandate	Staff
<b>Environment – Continued</b>						
<p>5. <i>2012 Stormwater Management Manual for Western Washington</i> – Adopt current stormwater manual, Low Impact Development Standards and update NPDES.</p> <ul style="list-style-type: none"> <li>Review and update to incorporate adoption of new stormwater manual and low impact development standards in Chapters 11.06 LSMC Stormwater Management and Chapter 14.64 LSMC Part II Drainage, Erosion Control, Storm Water Management.</li> <li>Review and update to incorporate adoption of low impact development standards in Chapter 14.56 LSMC Streets and Sidewalks.</li> <li>Review and update to incorporate adoption of new stormwater manual and low impact development standards in <i>Engineering Design and Development Standards</i>.</li> </ul>	X	X	X	X	X	REW / MG <sup>iv</sup>
<p>6. Electric Vehicles – Evaluate adopting electric vehicle charging stations and other emission reducing standards in Chapters 14.56 LSMC Streets and Sidewalks, 14.72 LSMC Parking and <i>Engineering Design and Development Standards</i>.</p>	X					SJP
<p>7. Landscape Code – Evaluate screen definitions, highway screening requirements, tree retention, parking lot standards, update table in Chapter 14.76 LSMC.</p>	X	X		X		AL

**2015-2016 LONG RANGE PLANNING WORK PROGRAM**

CATEGORY	IMPROVEMENT					
<i>Code Component / Affected Code Sections</i>	Implement Comp. Plan Goals	Process / Admin. Efficiency	Legal Clarity	Predict- ability	Mandate	
<i>Process</i>						
1. Public Notice – Review code requirements for public notice in Chapters 14.16A and 14.6B LSMC.	X	X	X	X		REW
2. Decision / Appeals – Review code requirements for final decisions and appeal in Chapters 14.16A and 14.6B LSMC.	X	X	X	X		REW
3. Bonds – review bond section in LSMC 14.16A.180, consider landscape security.		X	X	X		REW
4. Change of Use – Review code requirements for change of use applications in LSMC 14.16C.030.		X		X		SJP
5. Home Occupations – Review code requirements for home occupation applications, specifically use of garages and clarify allowed equipment in LSMC 14.16C.070.		X		X		SJP
6. Temporary Use – Review code requirements for temporary use / structure applications in LSMC 14.16C.110. Consider standards for construction trailers / sales centers with projects/subdivisions, model homes and temporary dwellings for medical / relative – cross reference ADU.		X		X		SJP
7. Nonconforming Situations – Review code requirements for nonconforming situations in Chapter 14.32 LSMC.		X		X		REW
8. Permissible Uses – Review procedural requirements for permissible uses in Chapter 14.40 LSMC.	X	X		X		REW
9. Park Fees – Update Chapter 14.120 LSMC to incorporate revised methodology for calculating park impact mitigation fees.	X		X	X		AL

**2015-2016 LONG RANGE PLANNING WORK PROGRAM**

CATEGORY	IMPROVEMENT					
<i>Code Component / Affected Code Sections</i>	Implement Comp. Plan Goals	Process / Admin. Efficiency	Legal Clarity	Predictability	Mandate	Staff
<i>Miscellaneous Zoning Code Updates</i>						
1. Temporary Encampments – Propose code standards for temporary encampments to comply with RCWs 35.21.915, 35A.21.360 and 36.01.290 in LSMC 14.16C.125. <sup>v</sup>			X		X	AL
2. Wireless Facilities – Review and update code requirements for wireless facilities to comply with Communication Act 47 USCA 332 and WAC 197-11-800(25), in Chapters 14.08, 14.40 and 12.12 LSMC and LSMC 14.44.360. <sup>vi</sup>		X	X	X	X	SJP
3. State-Licensed Marijuana Facilities – Update code requirements for marijuana sales and production / processing, including number of retail locations, co-location of production/processing facilities, processing requirements and definitions in LSMC 14.44.097 and Chapter 14.40.		X	X	X		REW
4. Subdivisions – Review and update subdivision code requirements in LSMC 14.18 Part I and unit lot subdivisions in LSMC 14.46.030. Add MSRC language to prohibit back to back short plats. Consider lot size averaging, clarify density calculation, access to BLA and tracts/easements		X		X		REW
5. Accessory Dwelling Unit – Propose new code standards for accessory dwelling unit applications including clarification on standards for attached and detached units in LSMC 14.16C.120.	X	X		X		REW
6. Fences – Review and update code requirements for residential fences in LSMC 14.44.420, 14.48.040, 14.48.050 and 14.80.090.		X		X		SJP

CATEGORY	IMPROVEMENT					
<i>Code Component / Affected Code Sections</i>	Implement Comp. Plan Goals	Process / Admin. Efficiency	Legal Clarity	Predictability	Mandate	Staff
<i>Housekeeping / Scriveners' Errors</i>						
1. Definitions – Review and update definitions in Chapter 14.08 LSMC (e.g., legal lot, Accessory Apartment, Substantial Development, Substantial Improvement [change of use], Temporary Dwelling, Lands Covered by Water, Condominium, Certificate of Occupancy, Kennel, etc.)		X	X	X		TBD
2. PND – Evaluate need for PND requirements in LSMC14.36.040.	X	X		X		TBD
3. Table Reference – Correct Neighborhood Business reference in freestanding sign table 14.38.100(e).	X	X		X		TBD
3. Neighborhood Commercial – Review need for LSMC 14.44.095 as NC zone not part of comprehensive plan.	X			X		TBD
4. Building Height – reevaluate 14.48.060(e) for consistency with Fire Department requirements.			X	X		TBD
5. Private Roads – clarify setback requirements from private roads / access tracts in Table14.48-I: Density and Dimensional Standards.		X		X		TBD
6. Rural subdivisions – Remove LSMC 14.48.100 as there is probably no application within city limits and UGA.		X		X		TBD
7. Open Space – Removed outdated references to open space in Title 14.	X	X		X		TBD
8. Title 6 Sewer and Chapter 14.60 LSMC Part II Sewer – Review and update to implement unification agreement.		X	X	X		TBD
9. Sub-regional Commercial – Remove code references to Sub-regional Commercial zoning district in municipal code (e.g., Chapters 14.36, 14.40, 14.48 and 14.68) as zone no longer exists.	X	X		X		TBD
10. School Impact Mitigation – Review Chapter 14.100 for consistency with School District rules – remove sections 14.100.130 and .230.	X	X	X	X		TBD

**2015-2016 LONG RANGE PLANNING WORK PROGRAM**

<b>CATEGORY</b>	<b>IMPROVEMENT</b>					
<i>Code Component / Affected Code Sections</i>	<b>Implement Comp. Plan Goals</b>	<b>Process / Admin. Efficiency</b>	<b>Legal Clarity</b>	<b>Predict- ability</b>	<b>Mandate</b>	<b>Staff</b>
<i>Economic Development</i>						
1. Impact Fees – Update timing requirements for collection of impacts fees for schools, parks and traffic in Chapters 14.100, 14.112 and 14.120 LSMC per enactment of SEB 5923.	X	X		X	X	REW
2. Manufacturing Tax Exemption	X					JA <sup>vii</sup> / REW
3. Multifamily Housing Tax Exemption	X					JA / REW

**2015-2016 LONG RANGE PLANNING WORK PROGRAM**

<b>CATEGORY</b>	<b>IMPROVEMENT</b>					
<i>Component</i>	<b>Implement Comp. Plan Goals</b>	<b>Process / Admin. Efficiency</b>	<b>Legal Clarity</b>	<b>Predict- ability</b>	<b>Mandate</b>	
<i>Comprehensive Plan</i>						
1. Downtown Subarea Plan – develop and adopt a subarea plan, planned action EIS and development regulations for Downtown Lake Stevens.	X			X		REW
2. Shoreline Master Program – Consider updates to the Shoreline Master Program affected by the adoption of a subarea plan for Downtown Lake Stevens.	X	X	X	X		REW
3. Annual 2016 Comprehensive Plan Docket – The docket may include city and citizen initiated amendments to be determined.	X		X		X	REW

- <sup>i</sup> AL – Amy Lucas
- <sup>ii</sup> REW – Russ Wright
- <sup>iii</sup> SJP – Stacie Pratschner
- <sup>iv</sup> MG – Mathew Goad
- <sup>v</sup> WCIA Audit
- <sup>vi</sup> WCIA Audit
- <sup>vii</sup> JA- Jeanie Ashe

DRAFT

<b>2015 – 2016 Long Range Work Program</b>					
<b>Project Group</b>	<b>4<sup>th</sup> Quarter 2015</b>	<b>1st Quarter 2016</b>	<b>2nd Quarter 2016</b>	<b>3<sup>rd</sup> Quarter 2016</b>	<b>4<sup>th</sup> Quarter 2016</b>
<i>Code Amendments</i>					
<b>Environment</b>	Planning Commission		City Council		
<b>Miscellaneous Zoning Code Updates (Part 1)</b> <ul style="list-style-type: none"> <li>• Temporary Encampments</li> <li>• Wireless Facilities</li> <li>• Marijuana Updates</li> </ul>		Planning Commission	City Council		
<b>Economic Development (Part 1)</b> <ul style="list-style-type: none"> <li>• Impact Fees</li> </ul>		Planning Commission	City Council		
<b>Economic Development (Part 2)</b>			Planning Commission	City Council	
<b>Miscellaneous Zoning Code Updates (Part 2)</b> <ul style="list-style-type: none"> <li>• Subdivisions</li> <li>• Accessory Dwelling Units</li> <li>• Fences</li> </ul>			Planning Commission	City Council	
<b>Process</b>				Planning Commission	City Council
<b>Housekeeping</b>				Planning Commission	City Council
<i>Comprehensive Plan</i>					
<b>Downtown Subarea Plan</b>		Planning Commission			City Council
<b>Shoreline Master Program (CA)</b>	Planning Commission		City Council		
<b>Shoreline Master Program (DT)</b>		Planning Commission			City Council
<b>Annual Comprehensive Plan Docket</b>		Planning Commission		City Council	



**CITY OF LAKE STEVENS PLANNING COMMISSION**  
**Rules of Procedures**

**I. MEETINGS**

Location: All meetings shall be held in the Lake Stevens Community Center, unless otherwise directed by the Chairperson and appropriate notification to the media and public is provided. All meetings shall be open to the public.

Date and Time: Regular meetings shall be held on the first Wednesday of each month, at 7:00 p.m., for the primary purpose of advising the City Council on all matters relating to land use, comprehensive planning and zoning and conducting formal public hearings on Type VI land use applications. If a second meeting is required in a month, it shall be held on the third Wednesday of the month at the same time and place as regular meetings.

Rescheduling Meetings for Holidays: When a regular meeting falls on a holiday or is preempted by a City Council meeting, the meeting shall be rescheduled at the discretion of the Chairperson.

Special Meetings: Special meetings may be requested by the Planning and Community Development Department or City Council and held at the discretion of the Chairperson. Action to recommend approval or denial of an application for development or amend a long-range plan or land use application may take place at a special meeting, provided that appropriate public notice requirements are met.

Meeting Notices and Agenda: Written notice of all regular and special meetings shall be post-marked one week in advance of the meeting date. The notice shall include an agenda of the matters to be considered by the Planning Commission at the meeting. **ATTACHMENT 1** includes procedure for noticing special meetings.

Meeting Cancellation: If no matters over which the Planning Commission has jurisdiction are pending, a meeting may be cancelled at the discretion of the Chairperson.

**II. ORGANIZATION OF THE PLANNING COMMISSION (Pursuant to Chapter 2.64 LSMC)**

Membership: The Planning Commission membership shall be per the Lake Stevens Municipal Code, Section 2.64.020, as amended.

Term of Office: Each member shall serve a four year term. The term shall terminate on the last day of the respective calendar year.

Election of Officers: The officers of the Planning Commission shall consist of a Chairperson and Vice-Chairperson elected from the members of the Planning Commission by a majority vote of the members. The Chairperson and Vice-Chairperson shall be elected at the first regularly scheduled meeting in January of each year. Any officer may be removed at any time by a majority vote of the Planning Commission. The vacancy of an office

caused by the resignation or removal of any officer of the Planning Commission during his or her term of office shall be filled for the remaining term by a majority vote of the members of the Planning Commission.

Duties of the Chairperson and Vice-Chairperson: The Chairperson shall preside over the meetings of the Planning Commission and will exercise all the powers usually incident to the office. The Chairperson may create standing or temporary committees to examine, investigate and inquire into subjects of interest to the Planning Commission. No standing or temporary committee shall have the power to commit the Planning Commission to endorse any plan or program.

The Vice-Chairperson shall, in the absence of the Chairperson, perform all duties of the Chairperson at a regular or special meeting. In the absence of the Chairperson and Vice-Chairperson, the members present may elect a temporary Chairperson to preside at the meeting.

Secretary: The Planning and Community Development Department shall assign a staff member to serve as the secretary to the Planning Commission. The secretary shall be primarily responsible for all official records, the preparation of minutes of Planning Commission hearings, regular and special meetings, and shall prepare all notices of meetings, requiring notice to be given to the media and the public in according with the appropriate statutes.

### **III. OPERATIONS AND CONDUCTING BUSINESS**

Quorum: A quorum is required for the Planning Commission to conduct business. It shall consist of at least four Planning Commission members of record, including the Chairperson, at the call for a vote on a question. If members leave during the course of a meeting, reducing the attendance below three members, the quorum will have ceased. Action shall be by majority of those present and voting, when those present constitute a quorum, at any regular or special meeting of the Planning Commission.

Motions and Voting: All members of the Planning Commission may make and vote on motions to recommend approval, approval with conditions, or denial of any development proposal or amendment to a long-range plan or land use application. All motions shall be made in the affirmative. For matters requiring a public hearing, all motions shall be accompanied by an oral statement, by the person making the motion, of reasons and findings supporting the motion. This statement may include reference to any part or all of the planning staff's report and to testimony or evidence submitted at the hearing.

Motions addressing development proposals may be acted on by a majority of the Planning Commission present at the time of a vote on the question, provided there is a quorum present. Recommendations for approval on amendments to the text or maps of long-range plans and land use applications require an affirmative vote by a majority of the Planning Commission.

Planning Commission members must be present to vote on motions; proxy votes are not considered valid votes. A tie vote means the motion fails. A member may abstain from voting.

Where not otherwise specified in these rules of procedure, the meetings of the Lake Stevens Planning Commission and the manner of conducting business shall be governed by Robert's Rules of Order Newly Revised (RONR).

Conflict of Interest and Appearance of Fairness: Any member of the Planning Commission who in his or her opinion has a personal interest in any matters before the Planning Commission that would tend to prejudice his or her actions shall indicate such interest. In the event of a conflict, he or she shall remove him or herself from the proceedings and retire to another room until a vote is taken on the item. In the event there is an appearance that any member could not make a fair and impartial decision because of a real or perceived interest in a matter before the commission, the member shall state the real or perceived interest, or have interest described by other members of the commission or the audience and remove him or herself from the proceedings.

#### **IV. GUEST BUSINESS**

A time for guest business is included on the agenda of each Planning Commission meeting. **ATTACHMENT 2** includes specific procedures.

#### **V. PUBLIC HEARING PROCEDURES**

- A. The Chairperson shall open the public hearing on the subject case by identifying and briefly describing the proposal. **ATTACHMENT 2** includes general public hearing procedures. **ATTACHMENT 3** includes public hearing script for Chair for regular public hearings. **ATTACHMENT 4** includes script for Chair for quasi-judicial, open record hearings.
- B. The chair shall state that testimony and input will be taken in a prescribed fashion. All persons wishing to speak on the matter before the Commission must first be recognized by the Chairperson. For the record, that person shall state his or her name and address, and group or organization he or she represents, if any. All statements by the speaker shall be addressed to the Chairperson of the Planning Commission. The Chairperson may limit the amount of time allowed to any person or group in order to give all who wish the opportunity to speak. Speakers should keep their statements to the issue at hand and avoid repeating information already presented. The Chairperson may limit input to avoid duplication. Because public hearings are to gather information, there will be no cross-examination of speakers.
- C. The presentation and speaking order shall be as follows:
  1. Staff Planner: Presentation of staff report and other materials and correspondence into the record.

2. Proponent: Presentation and statements by one representative of the proponent/applicant.
  3. Members of the Public: Presentations and statements by the public who wish to speak for or against the application.
- D. The public testimony portion of the public hearing is then closed. Planning commissioners then deliberate on the application and the testimony received. Members may ask questions of both staff and any other speakers to clarify their understanding of relevant points or to gather additional information; all questions shall be coordinated through the Chairperson who shall ask the appropriate party for answers.
- E. A motion for disposition can then be made. This motion may be to continue the hearing to gather additional information, to recommend approval, approval with conditions, or denial of the proposal.
- F. The Planning Commission shall present its actions in unison to the City Council. Planning Commission actions shall be transmitted to the City Council in writing and shall include the recommendation, the tally of the vote, findings of fact if different from the planning staff report, the planning staff report, other correspondence, in any, and a summary of testimony presented to the Planning Commission.
- G. Written minutes of all public hearings shall be prepared for the review and approval of the Planning Commission at its next regularly scheduled meeting.

## VI. AMENDMENTS

These Rules of Procedure of the City of Lake Stevens Planning Commission may be amended at any regular or special meeting of the Planning Commission by majority vote of the entire membership.

DATED THIS 6th day of October, 2010. SIGNED:



Chairperson

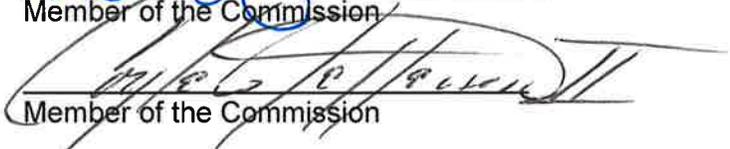


Vice-Chairperson

  
Member of the Commission

  
Member of the Commission

  
Member of the Commission

  
Member of the Commission

  
Member of the Commission

## ATTACHMENT 1

### *Special Meeting Notices*

1. A special meeting is when the board/commission changes the date, time or place of their regular meeting as well as adding any additional meetings, i.e. Planning Commission meets on the first Wednesday at 7:00 p.m. at the Community Center, if they decide to have a meeting on the third Wednesday this would be considered a special meeting. **Any item you plan to take action on must be listed on the special meeting notice as an action item, cannot take action on anything not listed.**
2. For special meetings State law requires 24 hour noticing to the board/commission members, newspapers of record (Journal and Herald), and posting on our outdoor bulletin board at City Hall (this is our official posting place). You can e-mail the notice or hand deliver, if there is enough time you can mail the notice (with the PC packet since they are mailed Thursday/Friday for the next Wednesday meeting).
3. The notice is attached.
4. Affidavit of posting and mailing are also attached:
  - a. Attach a copy of the notice to the affidavit of posting and a copy of the e-mail to the affidavit of mailing
  - b. I will forward the distribution lists that I used for Park Board and Planning Commission.  
**Remember** if you mail the notice to the “world” which includes the newspapers and the Planning Commission or Park Board at the same time, make sure the boards are sent as “blind copies” – their e-mails are not public and should never be disclosed to the general public
  - c. Print off the e-mail that was sent and attach to affidavit of mailing
  - d. If the board/commission is receiving an agenda packet for the special meeting – note under “Information” on the agenda that the notice is attached and include in packet (this is your proof of mailing along with the affidavit)
  - e. Your affidavit of mailing for the general e-mail distribution list (which includes the two newspapers) and PC agenda packet should be done on the same day so you don’t have to create two separate affidavits of mailing
  - f. Have the affidavits notarized
5. File the affidavits in a special folder for future reference or audit purposes.

**City of Lake Stevens Planning Commission**

**Public Participation: Rules of Procedure**

**Guest Business:**

This is an opportunity for the public to address the Planning Commission about problems or issues which are not scheduled elsewhere on the Agenda or which will be scheduled for a public hearing at a later date. Essentially, this opportunity is an oral substitute for a letter, although the latter is preferred so that the facts and observations can be reviewed in a more orderly and efficient manner. Comments may be used to summarize an issue which is discussed in greater detail in a letter and submitted to the Commission.

Those who desire to testify should go to the podium and state their full name, address, and relationship to the City (e.g., resident, property owner, business owner / employee, etc.). A five minute limit is strictly observed.

**Public Hearing:**

The purpose of a public hearing is for interested people to provide the Commission with information and opinions on the subject for which the hearing was convened. It is an official “on-the-record”, direct communication which allows Commission members to obtain data they should consider in their decision-making process.

**How to Participate:**

1. After the public hearing has been opened, the Chair will ask the representative of the Department of Planning and Community Development to make a presentation. Following that, the applicant will be invited to speak, then those in support of the application, and finally those in opposition.
2. Those who desire to testify may go to the podium, state their name, address, and relationship to the City (e.g. resident, property owner, business owner / employee, etc.), sign in, and give their testimony.
3. Testimony should be limited in length. A three minute limit is usually imposed; the chair person can modify this limit at his discretion. Complex information should be put in writing, with copies provided to the Commission for insertion into the record. Although petitions will not be considered as substantive testimony, the Planning Commission will consider them as an expression of the signatories' opinion.
4. Repetition should be avoided. Unless new information is presented, a brief statement of support or disagreement with previous testimony is all that should be presented.
5. When the last person desiring to speak has testified, the Chair will allow speakers to rebut the testimony of others. Rebuttals must not be repetitive of previous testimony and should not exceed two minutes per speaker.
6. Commissioners may ask questions of speakers during or immediately after their testimony, or later in the hearing during the deliberation.
7. After all testimony and rebuttal has been given, the Commission will begin its deliberation. When sufficient information is obtained, the public hearing will be closed and a recommendation made.

ATTACHMENT 3

**PUBLIC HEARING PROCEDURE**

1. The public hearing before the Planning Commission in consideration of \_\_\_\_\_ is now open.
  
2. Everyone present will be given an opportunity to be heard. This meeting is recorded; therefore, when you address the Commission, begin by stating your name and address. Public testimony will be limited to three minutes per person. (Start timer after you type in their name and address) I also ask that those giving testimony sign the register at the back of the room prior to leaving this evening so we have the correct spelling of your name and address for the record.
  
3. Before hearing from the audience, \_\_\_\_\_ will present the staff report:

**This is where the Chair of the Planning Commission continues with the process and uses the agenda public hearing format.**

## PUBLIC HEARING PROCEDURE (QUASI-JUDICIAL; OPEN RECORD HEARING)\*

1. The public hearing before the Planning Commission, in consideration of \_\_\_\_\_ is now open.
2. Everyone present will be given an opportunity to be heard. This meeting is recorded; therefore, when you address the Commission, begin by stating your name and address. I also ask those giving testimony to sign the register at the back of the room prior to leaving this evening so that I have the correct spelling of your name and address. Because the applicant has the burden of proof, the applicant will not be limited in time to make a presentation. The initial testimony of other interested persons will be limited to three minutes. After all interested parties have had an opportunity to present testimony, if any interested party wishes to make additional comments, an opportunity will be allowed. The applicant will be allowed an opportunity to present rebuttal comments also.
3. Before hearing testimony, it is necessary to insure that this hearing is fair both in fact and appearance. Does anyone have any objection to me serving as chair of this meeting? [If objections stated, make determination on record] Does anyone have any objection to any member of this commission hearing and deciding this matter? [If objection stated, make determination on the record]
  - a. Does anyone have a conflict of interest to disclose?
  - b. Does anyone have private information about the subject of this application?
  - c. Has anyone received any ex parte communications about this application or matter?
  - d. Can all decide this matter in a fair and impartial manner based upon the record of this proceeding?

**Do not read this: *Make determination on the record if all can serve.***

4. Before hearing from the audience, Planning Department, will present the staff report.