



City of Lake Stevens Vision Statement

By 2030, we are a sustainable community around the lake with a vibrant economy, unsurpassed infrastructure and exceptional quality of life.

CITY COUNCIL SPECIAL MEETING AGENDA REMOTE ACCESS ONLY

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TO LISTEN TO THE MEETING PLEASE DIAL:

1 669 900 6833 – ENTER MEETING ID NO. 224 147 038

Tuesday, April 7, 2020 – 7:00 p.m.

CALL TO ORDER	7:00 p.m.	Mayor
PLEDGE OF ALLEGIANCE		Mayor
ROLL CALL		
APPROVAL OF AGENDA		Council President
GUEST BUSINESS	None	
CITIZEN COMMENTS	None	
COUNCIL BUSINESS		Council President
MAYOR'S BUSINESS	COVID-19 Update	
CITY DEPARTMENT REPORT		
CONSENT AGENDA		
PUBLIC HEARING:		
ACTION ITEMS:	*A Temporary Hazardous Duty Compensation	Anya

Lake Stevens City Council Special Meeting Agenda

April 7, 2020

DISCUSSION ITEMS:	#B Affordable Housing Legislation	Russ
	C Ballot Titles	
	• Fireworks	Gene
	• Transportation Benefit District	Gene
	• Annexation	Russ
	*D LSMC Amendment re Approval Process for Alcohol in the Park and Public Facilities	Jill/Russ
	*E Sign Code Update	Russ
	*F Discussion re Amendment of LSMC 76.30 re WATV's	John D.

CITIZEN COMMENTS

EXECUTIVE SESSION:

ADJOURN

* ITEMS ATTACHED

** ITEMS PREVIOUSLY DISTRIBUTED

ITEMS TO BE DISTRIBUTED

THE PUBLIC IS INVITED TO ATTEND

Special Needs

The City of Lake Stevens strives to provide accessible opportunities for individuals with disabilities. Please contact Human Resources, City of Lake Stevens ADA Coordinator, (425) 622-9400, 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, (800) 833-6384, and ask the operator to dial the City of Lake Stevens City Hall number.

NOTICE: All proceedings of this meeting are audio recorded, except Executive Sessions.



LAKE STEVENS CITY COUNCIL
STAFF REPORT

Council Agenda Date: 4/7/2020

Subject: Temporary Hazardous Duty Compensation Plan

Contact Anya Warrington/Human Resources
Person/Department: Barb Stevens/Finance

Budget Impact: See Below

RECOMMENDATION(S)/ACTION REQUESTED OF COUNCIL:

Approve establishment of Temporary Hazardous Duty Compensation Policy.

SUMMARY/BACKGROUND:

Lake Stevens Municipal Code Section 2.76.030 provides that the City has adopted, and will from time to time adopt, personnel policies and procedures which establish vacation, holiday, sick leave and other benefits for City employees, and that personnel policies shall be proposed by the Mayor or City Administrator and approved by City Council. Personnel procedures designed to implement personnel policies shall be approved by the Mayor, or City Administrator pursuant to the executive authority provided by the Mayor.

On February 29, 2020, Governor Jay Inslee issued Proclamation 20-05 Declaring a State of Emergency in all counties of the State of Washington, and Mayor Gailey issued an Emergency Declaration on March 5, 2020, for the City of Lake Stevens, to address the impacts of the novel coronavirus (COVID-19).

The Washington state outbreak of COVID-19 and the effects of its extreme risk of person-to-person transmission throughout the City of Lake Stevens and Washington State significantly impacts the life and health of our employees. The City recognizes the risk of exposure employees have to COVID-19 when on duty, especially those in positions having frequent, uncontrollable interaction with the public. The City is proposing to provide hazardous duty pay for patrol officers, public works field employees and building inspectors, due to the high risk involved in their daily duties during the COVID-19 pandemic.

It is recommended that eligible employees receive a flat rate per day supplement to their base pay. Using a flat rate provides an equitable benefit to eligible employees – regardless of their base rate of pay or seniority, the risk of exposure is the same. It is recommended that patrol officers receive a flat rate of \$33 per day, which is equivalent to approximately a 6% increase of the average base pay of all officers. For public works and building inspectors, a \$10 per day rate is recommended, which is equivalent to approximately a 3% increase of the average base pay for those job classes. Patrol officers and public works employees will receive the benefit every shift

they work 8 hours or more, and building inspectors will receive hazard pay on days actually worked in the field.

It is recommended hazard pay be retroactively applied to March 5, 2020, when the Mayor issued a Declaration of Emergency for Lake Stevens. Due to the uncertainty of the COVID-19 pandemic, the need for hazard pay will be evaluated every two weeks.

During the formation of this policy, input was gathered from the Mayor, City Administrator, Finance and impacted Department Directors. We have been in discussion with Teamsters and Lake Stevens Police Guild, who are in agreement with this policy.

APPLICABLE CITY POLICIES: City of Lake Stevens Municipal Code Section 2.76.030 Additional Employee Benefits and Policies.

BUDGET IMPACT:

Retroactive application of hazard pay to March 5, 2020, for all eligible job classes would cost approximately \$13,800 (\$11,400 plus \$2400 in benefits). This number is estimated on the high end, assuming all eligible employees worked in their scheduled shift in the field every day.

Every two weeks the fiscal impact is estimated as high as \$9,000, assuming all eligible employees work every scheduled shift in the field and do not take any leave. This number would most likely be closer to \$7,500.

ATTACHMENTS:

- Exhibit A: Temporary Hazardous Duty Compensation Plan

Temporary Hazardous Duty Compensation Policy

Purpose: The City recognizes the impact novel coronavirus (COVID-19) has on employees, especially those in positions having frequent, uncontrollable interaction with the public. This policy is created in order to provide hazard pay for those specific positions exposed to uncontrollable risk related to the COVID-19 pandemic.

Duration: The benefits available under this policy are available beginning March 5, 2020, initiated by the Emergency Declaration signed by the Mayor. The duration of this benefit will be assessed every two weeks, and the City will notify employees when the benefits under this policy have expired.

Compensation: Hazard pay is in addition to the employee's base pay and will be provided at a flat rate per day the employee works a shift of eight (8) hours or more. Hazard pay will not be paid when the employee is on leave or City closure pay. The hazard pay for eligible employees will be applied retroactively to March 5, 2020.

Eligible Positions & Rate of Pay:

Position Title	Daily Hazardous Duty Pay
Patrol Police Officers (including Corporal and Sergeant)	\$33.00
Public Works field employees (Crew Worker I, Crew Worker II, Crew Lead, PW Inspector, Engineering Technician – Surface Water, and PW Operations Manager)	\$10.00
Building Official *	\$10.00
Building Inspector *	\$10.00
Plans Examiner/Bldg Inspector *	\$10.00

*The Building Official, Building Inspector and Plans Examiner/Building Inspector will only receive hazard pay on days worked in the field.



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LAKE STEVENS CITY COUNCIL
STAFF REPORT

Council Agenda

Date: April 7, 2020

Subject: Title 10 Code Amendment Allowing Alcohol in Parks Facilities

Contact	Jill Meis, Parks Planning and Development	Budget	
Person/Department:	<u>Coordinator</u>	Impact:	<u>N/A</u>

RECOMMENDATION(S)/ACTION REQUESTED OF COUNCIL: Provide direction to staff on allowing alcohol in parks or in facilities only.

SUMMARY/BACKGROUND:

In developing the facility use policy for the Mill, City Council expressed a desire to allow staff approval of alcohol with the rental of the facility rather than by Council approval as is currently required pursuant to LSMC 10.03.150. A code amendment is required to allow review and approval of alcohol in a city facility at a staff level.

In considering the code amendment, staff is posing a question of an additional option of allowing staff review and approval of alcohol in parks, in addition to facilities. Staff review would be equally rigorous and would streamline the process for events such as Aquafest VIP tent and the Rotary beer garden at the City sponsored Music by the Lake event.

The proposed code amendment attached has **optional language** authorizing the director or designee to approve alcohol within the park with a special event permit. Without the optional language the amendment would allow the director or designee to approve alcohol within city facilities only and all requests for alcohol in the park will remain a City Council decision.

APPLICABLE CITY POLICIES: LSMC 10.03.150

BUDGET IMPACT: N/A

ATTACHMENTS:

- ▶ Exhibit A: Proposed code amendment with optional language allowing staff review of alcohol in parks

10.03.150 Intoxicating Liquor and Drugs Prohibited.

(a) No person shall bring into any park or consume by mouth, inhalation, or injection, or possess while in any park, any intoxicating liquor, narcotic, or dangerous drugs or consume by any method any material or substance (such as glue, for example) capable of producing a state of intoxication or euphoria; provided, however, that this section shall not be applied to any person consuming a drug obtained by such person by lawful prescription and taken pursuant to the medical direction of a licensed health care practitioner; further provided, **the City Council may permit the sale and consumption of alcoholic beverages within a confined licensed area pursuant to an event permit issued by the City and a permit issued by the Washington State Liquor Control Board. Any application to the City Council for such a permit shall include a site plan identifying the specific areas to be licensed. In granting such a permit, the Council may apply restriction reasonably calculated to comply with the purpose of the Public/Semi-Public Zone as set forth in the Lake Stevens Land Use Ordinance**

(b) Alcohol may be sold or consumed within a fully enclosed city building pursuant to an approved rental agreement or event permit that includes permission by the Director or designee and a permit issued by the Washington State Liquor and Cannabis Board.

(optional) Alcohol may be sold or consumed in any park within a confined licensed area pursuant to an event permit issued by the City and a permit issued by the Washington State Liquor Cannabis Board. Such permit shall include a site plan identifying the specific areas to be licensed.

If optional language is adopted, the highlighted text of subsection a would be modified to incorporate language.



Workshop Discussion

April 7, 2020

Subject: Temporary Signage

BACKGROUND/HISTORY:

Non-Commercial Signs are a form of speech entitled to protection under the First Amendment. The U.S. Supreme Court's decision in *Reed v. Town of Gilbert* has far-reaching impacts on sign regulations for local jurisdictions. The conservative regulatory approach for a municipality is to apply content-neutral regulations. On June 18, 2015, the U.S. Supreme Court ruled that the Arizona town of Gilbert sign code was unconstitutional pursuant to content-based restrictions on speech in the regulations, and therefore in violation of the First Amendment. The town of Gilbert code identified different categories of signs based on the information they conveyed, and then applied different restrictions based on that category.

At the February 11, workshop staff presented a comparison of other regulations that comply with *Reed v. Town of Gilbert* including Bremerton, Covington, Edmonds, Everett, Fircrest, Kirkland, Gig Harbor, Sammamish and Yakima. A review of these codes showed the Lake Stevens regulations, drafted by the City Attorney, are comparable with other cities when looking at sign sizes. Number and separation requirements varied greatly as did duration and permitting requirements. At the workshop council provided its input on preferred sizes for temporary signs. There was also discussion about the types of temporary signs allowed and prohibited and how these are enforced.

Subsequent to the meeting, the Mayor requested that staff evaluate the Everett Code as a good model because of its readability. Staff and the City Attorney have reviewed Everett's temporary sign code and identified commonalities and differences. The entire sign code was reviewed for consistency to identify any content-based standards and eliminate those standards

Sections 2 and 3 of the draft ordinance include the following changes :

- Additional definitions not present in the current sign code;
- Updating the title to "Temporary Signs" per recommendation of the City Attorney;
- Consolidating redundant elements into a General Regulations section for simplicity;
- Streamlining Section (d) Temporary Signs in Public Right-of-Way and includes Council's preferred sign sizes; and
- Simplifying Section (e) Temporary Signs on Private Property and includes Council's preferred sign sizes.

Other changes include updates to LSMC 14.68.020 and 030 for compatibility with the permanent temporary sign regulations and size recommendations.

If council is fine with the proposed draft, staff will move issue SEPA, start the Commerce review process and set a date for a public hearing in June.

Attached:

Draft Ordinance

Annotated Everett Code

DRAFT ORDINANCE NO. 10xx

AN ORDINANCE OF THE CITY OF LAKE STEVENS, WASHINGTON, CONCERNING NON-COMMERCIAL TEMPORARY SIGNAGE; ADOPTING FINDINGS OF FACT, DEFINITIONS, AND SIGN CODE REGULATIONS REPLACING INTERIM CODE REGULATIONS FOR TEMPORARY NONCOMMERCIAL SIGNS ADOPTED IN ORDINANCE 1070; PROVIDING FOR SEVERABILITY, EXPIRATION AND AN EFFECTIVE DATE; AND REPEAL OF ORDINANCE NO. 1070.

WHEREAS, the Lake Stevens City Council has determined that the adoption of sign code regulations providing consistency with the *Reed v. Town of Gilbert* United States Supreme Court decision as interpreted by decisions from the lower federal courts is necessary for continued enforcement of local regulations addressing the placement of non-commercial temporary signs; and

WHEREAS, as noted by Justice Alito in *Reed v. town of Gilbert*: “In addition to regulating signs put up by private actors, government entities may also erect their own signs consistent with the principles that allow governmental speech. See *Pleasant Grove City v. Summum*, 555 U.S. 460, 467-469 (2009). They may put up all manner of signs to promote safety, as well as directional signs and signs pointing out historic sites and scenic spots”; and

WHEREAS, on **Month XX 2020**, the City’s SEPA Responsible Official complied with the State Environmental Policy Act (SEPA) by issuing a SEPA Determination of Non-Significance, complying with SEPA’s procedural requirements; and

WHEREAS, on **Month XX, 2020** the proposed amendments contained herein were transmitted to the State Department of Commerce as required by law and the Department of Commerce granted expedited review of the proposed code amendments; and

WHEREAS, the Lake Stevens City Council held a public hearing on the sign code amendments proposed herein on **Month xx 2020**; and

WHEREAS, the City adopted temporary regulations for noncommercial signs in Ordinance No. 1070 under the provisions of RCW 36.70A.390 and RCW 35A.63.220 and after study and public hearing on proposed temporary noncommercial sign code regulations the City Council has determined the temporary noncommercial sign regulations set forth in this ordinance should be approved and replace the interim temporary noncommercial sign regulations in Ordinance No. 1070; and

WHEREAS, the City of Lake Stevens finds that the proposed amendments set forth below will provided the necessary consistency with federal case law interpreting the U.S. Supreme Court’s *Reed v. Gilbert* decision, and further the public health, safety and welfare by providing sign code language that promotes traffic and pedestrian safety, by providing needed direction to the users of the public right of ways.

NOW, THEREFORE,

THE CITY COUNCIL OF THE CITY OF LAKE STEVENS, WASHINGTON, DO ORDAIN AS FOLLOWS:

Section 1. Findings. The City Council hereby adopts the recitals expressed above as findings in support of this ordinance.

Section 2. Definition Adopted. The following terms are to be included in Lake Stevens Municipal Code (“**LSMC**”) **section 14.08.010** is hereby adopted to read as follows:

Sign, Commercial. *Commercial sign* means a sign erected for a business transaction or advertising the exchange of goods and services.

Sign, Construction. *Construction sign* means any sign used to identify the architects, engineers, contractors or other individuals or firms involved with the construction of a building, or to announce the character or type of building.

Sign, Electrical. *Electrical sign* means a sign or sign structure in which electrical wiring, connections or fixtures are used.

Sign, Electronic Changing Message. *Electronic changing message sign* means an electrically activated sign whose message content, either in whole or in part, may be changed by means of electronic programming. These signs shall include those displaying time, temperature, and messages of a public or commercial nature.

Sign, Feather or Sail. *Feather or sail sign* means a vertical portable sign that contains a harpoon-style pole or staff driven into the ground for support or supported by means of an individual stand.

Sign, Flashing. *Flashing sign* means a sign or a portion thereof which changes light intensity or switches on and off in a constant pattern or contains motion or the optical illusion of motion by use of electrical energy.

Sign, Incidental. *Incidental sign* means a small sign, emblem or decal informing the public of goods, facilities or services available on the premises, e.g., a credit card sign or a sign indicating hours of business, which does not exceed two square feet in size.

Sign, Noncommercial. *Noncommercial sign* means any sign that is not a commercial sign. This definition also includes signs regarding fund raising or membership drive activities for noncommercial or nonprofit entities or groups.

Sign, Temporary. *Temporary sign* means any sign that is intended and designed to be displayed for a limited period of time, including, without limitation, a sign that is not permanently mounted, painted or otherwise affixed, excluding portable signs as defined by this chapter, including any poster, banner, placard, stake sign or sign not placed in the ground with concrete or other means to provide permanent support, stability and rot prevention. Temporary signs may only be made of nondurable materials including, but not limited to, paper, corrugated board, flexible, bendable or foldable plastics, foamcore board, vinyl canvas or vinyl mesh products of less than twenty-ounce fabric, vinyl canvas and vinyl mesh products without polymeric plasticizers and signs painted or drawn with water soluble paints or chalks. Signs made of any other materials shall be considered permanent and are subject to the permanent sign regulations of Chapter 14.68 LSMC. Blade and feather signs are not considered temporary signs.

Section 3. Temporary Sign Regulations. A new Lake Stevens Municipal Code section 14.68.015 is hereby adopted , to read as follows:

- a) General Regulations. Notwithstanding any language to the contrary in this chapter, the temporary sign regulations contained in this section shall be controlling in the event of any discrepancy or inconsistency with any other sign code provision contained in the remainder of Chapter 14.68 LSMC:
 1. All signs shall be kept in good repair and shall be maintained in a safe, neat, clean and attractive condition.

2. No temporary sign shall mimic, or be attached to, official roadway signage (stop signs, yield, etc.).
 3. All temporary sign shall be placed in a manner that is safe. Temporary signs shall not block access to structures or parked cars, block vehicular sight distance views at corners or intersections, or block pedestrian walking paths.
 4. No temporary sign shall obstruct or impair access to a public sidewalk, public or private street or driveway, traffic control sign, bus stop, fire hydrant, bench, or any type of street furniture, or otherwise create a hazard, including a tripping hazard.
 5. All signs placed or erected that do not meet these regulations will be removed without notice.
- b) Types of Temporary Signs Allowed. The temporary non-commercial signs types listed below are subject to the specific regulations identified in this section in addition to the further regulations contained in (d) and (e) below.
1. Stake or Picket Signs. A sign supported by a stake or wire frame is considered temporary in nature and may not have any foundational element such as concrete or rely upon any structural support from adjacent fixtures.
 2. A-Frame Signs. A-frame signs must be constructed in a manner to ensure the sign remains in an upright placement and will no spread and expand its footprint beyond the width as originally placed or into designated any walking paths or sidewalks.
 3. Banners.
 - i. No banner shall be placed on any public structure including walls, fences or buildings or over or across any passable roadway, driveway, or alley.
 - ii. Temporary Banners on Buildings. Not more than one temporary banner per tenant space may be permitted. The maximum size for temporary banners shall be 32 square feet.
 - iii. If placed above a pedestrian passable area such as a sidewalk, entrance, or access point, the lowest part of the banner must be higher than 8 feet.
 - iv. Banners must be constructed in a manner to withstand wind so that the banner substantially maintains its installed position.
- c) Prohibited Temporary Signs. Prohibited signs are those signs not listed in (b) above and include, but are not limited to, the following:
1. Inflatable – includes balloons or other gas-filled figures.
 2. Feather signs – defined as a vertical portable sign that contains a harpoon-style pole or staff driven into the ground for support or supported by means of an individual stand.
 3. Animated – includes any sign with action or motion (including those that flash, oscillate or revolve) or one that involves color changes.
- d) Temporary Signs in Public Right-of-Way.
1. Location. Temporary signs are prohibited from being placed within roundabouts; medians; shoulders; travel lanes; and areas of the public right-of-way that are not accessible by a sidewalk or pedestrian walking path. Temporary signs are prohibited on

any public structure including utility poles, walls, fences or buildings. Temporary non-commercial signs in rights-of-way shall not be located adjacent to city facilities or parks.

2. If temporary signs are placed in the right-of-way, the sign owner is responsible to ensure such placement into the ground does not damage any infrastructure that is located under the surface, including but not limited to irrigation and utility infrastructure.
3. Temporary signs in residential zones are limited in size to four square feet per side and shall not exceed three feet in height from the ground when displayed.
4. Temporary signs in nonresidential zones including mixed use zones are limited in size to 16 square feet per side and shall not exceed four feet in height from the ground when displayed.
5. Number. Signs shall not be placed within 10 feet of another temporary sign in the right-of-way and shall not otherwise be placed in a manner to create a continuous visual barrier for approaching vehicles traveling at the designated speed limit.

e) Temporary Signs on Private Property.

1. All temporary non-commercial signs placed on private property shall be placed with the property owner's consent or person in control of the property, such as a tenant.
2. Temporary non-commercial signs in residential zones are limited in size to 16 square feet per side and shall not exceed three feet in height from the ground when displayed.
3. Temporary non-commercial signs in nonresidential zones included mixed use zones are limited in size to 32 square feet per side and shall not exceed four feet in height from the ground when displayed.

Section 4. 14.68.020 Signs Excluded from Regulation. Lake Stevens Municipal Code section 14.68.020 is hereby amended, to read as follows (deletions shown by strikeout; additions by underline):

The following signs are exempt from regulation under this title:

- (a) Signs not exceeding four square feet in area that are customarily associated with residential use. Examples include names of residents, addresses, no parking, no trespassing, home occupations, beware of dog and security signs.
- (b) Non-commercial signs ~~Signs~~ erected/placed by or on behalf of or pursuant to the authorization of a city, county, school district, state or federal governmental agency ~~body~~, for public purposes including legal notices, identification and informational signs, and traffic, directional, or regulatory signs.
- (c) Official signs of a noncommercial nature erected by public utilities.
- (d) Flags, pennants, or insignia of any governmental or nonprofit organization when not displayed in connection with a commercial promotion or as an advertising device.
- (e) Integral decorative or architectural features of buildings or works of art, so long as such features or works do not contain business identification, trademarks, moving parts, or lights, or are not displayed in connection with a commercial promotion or as an advertising device.
- (f) Informational ~~S~~signs directing and guiding pedestrian and/or automobile traffic on private property that do not exceed four square feet each and that bear no advertising matter.

- (g) School and church: bulletin boards, identification signs, and directional signs that do not exceed one per abutting street and 16 square feet in area per side and that are not internally illuminated.
- (h) Signs painted on or otherwise permanently attached to currently licensed motor vehicles that are not primarily used as signs.
- ~~(i) Signs proclaiming religious, political, or other noncommercial messages that do not exceed one sign per abutting street and 16 square feet in area and that are not internally illuminated.~~
- (ji) Names of buildings, commemorative plaques or tablets, and similar noncommercial signs when carved into stone, concrete, or similar material, or made of bronze, aluminum, or other permanent-type construction, made an integral part of the structure, and projecting no more than two inches from the wall (when installed on a building), or at grade (when installed on the ground).
- (kj) Public information stations such as kiosks, bulletin boards, or similar devices used to convey community information.

Section 5. Certain Temporary Signs: Permit Exemptions. Lake Stevens Municipal Code section 14.68.030 is hereby amended, to read as follows (deletions shown by stikeout; additions by underline):

- (a) The following temporary signs are permitted without a permit but are subject to the limitations contained within this chapter:
 - (1) Signs advertising that the property on which the sign is located is for sale, lease, or rent. ~~These may not exceed four square feet in area per side with a maximum of two sides. Such signs, and shall be removed immediately after sale, lease, or rental per street frontage. For lots of less than five acres, a single sign on each street frontage may be erected. For lots with five acres or more and street frontage in excess of 400 feet, a second sign may be erected.~~
 - (2) Off-premises signs for temporary activities customarily associated with residential uses which identify the activity, location and the person responsible for the sign. Temporary activities related to residential uses include those activities that are noncontinuous and occur only occasionally. They include garage sales; sale, lease or rental of single-family residential structures or property; family gatherings; craft shows; etc. They do not include advertising home occupations.
 - i. Such signs may not exceed four in number, except there shall be no maximum number of signs for garage sales, nor ~~six~~ four square feet in area per side with a maximum of two sides.
 - ii. They shall only be allowed during the hours of 9:00 a.m. to 8:00 p.m., Sunday through Thursday, or 9:00 a.m. Friday until 8:00 p.m. Sunday, and only when the person conducting the activity is on-site, except that garage sale signs may be erected for a continuous period not to exceed 72 hours.
 - iii. Garage sale signs shall include on their back the name and address of the owner. The signs may be placed on private or public property with the permission of the owner of the property on which the sign is placed. ~~Under no circumstances shall they be placed in the public right-of-way so as to encroach into a driveway, sidewalk, identifiable unimproved pedestrian walkway, or vehicular travel lanes;~~

~~or obscure fire hydrants, traffic control devices, or block the vision or pathway of vehicles or pedestrians. No signs shall be posted, tacked, nailed, or in any manner affixed upon any telephone or utility pole, traffic control device, or other such public structure, or on any tree or shrub.~~

- (3) Construction site identification signs. Such signs may identify the project, the owner or developer, architect, engineer, contractor and subcontractors, funding sources, and may contain related information including but not limited to sale or leasing information. Not more than one such sign may be erected per site, and it may not exceed 32 square feet in area. Such signs shall not be erected prior to the issuance of a building permit and shall be removed within 10 days after completion of the project.
- (4) Signs attached temporarily to the interior of a nonresidential building window or glass door. Such signs, individually or collectively, may not cover more than 25 percent of the surface area of the transparent portion of the window or door to which they are attached. ~~Such signs shall be removed within 30 days after placement.~~
- (5) Temporary Displays, including lighting, flags, or pennants, erected in connection with the observance of holidays or seasons when not displayed in connection with a commercial promotion or as an advertising device. These shall be removed within 10 days following the holidays or seasons.
- ~~(6) Signs erected in connection with elections or political campaigns. Such signs shall be removed within three days following the election or conclusion of the campaign. No such sign may exceed 16 square feet in surface area.~~
- ~~(7)~~ Signs indicating that a grand opening or a permitted event on a nonresidential site is to take place on the lot where the sign is located. No more than one such sign per frontage shall be allowed. Signs may be erected not sooner than two weeks before the grand opening or permitted event and must be removed not later than three days after the grand opening or permitted event.
- ~~(8) In all residential zones, temporary signs not covered in the foregoing categories, so long as such signs meet the following restrictions:~~
 - ~~(i) Not more than one such sign may be located on any lot.~~
 - ~~(ii) No such sign may exceed four square feet in surface area.~~
 - ~~(iii) Such sign may not be displayed for longer than three consecutive days nor more than 12 days out of any 365-day period.~~
- ~~(9) In the commercial zone districts, temporary signs not covered in the foregoing categories, so long as such signs meet the following restrictions:~~
 - ~~(i) Any number of such signs are permissible; provided, that they do not exceed 50 square feet in total area.~~

Section 6. Sub-Regional Commercial Zoning Districts. Lake Stevens Municipal Code section 14.68.160 is hereby repealed in its entirety as this zoning district no longer exists.

Section 7. Copy to Commerce Department. Pursuant to RCW 36.70A.106(3), the City Clerk will send a copy of the permanent ordinance to the State Department of Commerce for its files within ten (10) days after adoption.

Section 8. Severability. If any section, sentence, clause or phrase of this Ordinance should be held to be unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this Ordinance.

Section 9. Effective Date. This Ordinance shall take effect and be in full force five days after passage and publication of an approved summary consisting of the title. On the effective date of this ordinance, Ordinance No. 1070 shall be repealed in its entirety.

PASSED by the Council and approved by the Mayor of the City of Lake Stevens, this XX day of Month 2020.

CITY OF LAKE STEVENS

Mayor Brett Gailey

ATTEST/AUTHENTICATED:

Kathy Pugh, City Clerk

APPROVED AS TO FORM:
Office of the City Attorney

Greg Rubstello

FILED WITH THE CITY CLERK:
PASSED BY THE CITY COUNCIL:
PUBLISHED:
EFFECTIVE DATE:
ORDINANCE NO. 10XX

Everett

19.36.060 Temporary signs.

These standards apply to all signs meeting the definition of temporary signs in this title. For portable signs, see Section 36.050.D.

A. General Requirements for Temporary Signs.

1. No sign shall obstruct or impair access to a public sidewalk, public or private street or driveway, traffic control sign, bus stop, fire hydrant, bench or any type of street furniture, or otherwise create a hazard.

2. ~~Duration. All temporary signs shall be removed within seven days following the event or activity being promoted.~~

Duration is not enforceable – need to use standard such as maintained in good condition as included in current lake stevens draft, “All signs shall be kept in good repair and shall be maintained in a safe, neat, clean and attractive condition.”

Does not define types of allowed or prohibited signs.

Does not make a distinction between temporary and temporary non-commercial signs.

Draft Lake Stevens code provides, “all signs placed or erected that do not meet the regulations will be removed without notice.”

Draft Lake Stevens Code includes a section on Signs Excluded from Regulation, such as governmental signs.

B. Temporary Signs in Public Right-of-Way.

1. Location. Temporary signs are prohibited from being placed within roundabouts, medians, shoulders, travel lanes and areas of the public right-of-way that are not accessible by a sidewalk or pedestrian walking path. Temporary signs shall not be located in right-of-way adjacent to public property owned or under the control of a unit of federal, state or local government, or special purpose district such as a school, park, public utility, port or library district, unless otherwise approved by the unit of government or special purpose district.

Need additional language as included in current Lake Stevens draft, “Temporary non-commercial signs are prohibited on any public structure including utility poles, walls, fences or buildings.”

2. Safety. All temporary signs shall be placed in a manner that is safe for all users of public right-of-way. Temporary signs shall not block access to structures or parked cars, and shall not block vehicular sight distance at corners or intersections.

Need to add additional language as included in current Lake Stevens draft, “... or intersections, or block pedestrian walking paths. No temporary non-commercial sign shall mimic, or be attached to, official roadway signage (stop signs, yield, etc.).”

Proposed Lake Stevens code includes a section on ensuring, “the sign owner does not damage any infrastructure that is located under the surface, including but not limited to irrigation and utility infrastructure.”

3. Residential Zones. Temporary signs in residential zones are limited in size to four square feet total, and shall not exceed three feet in height from the ground when displayed.

Proposed Lake Stevens code is the same.

4. Nonresidential Zones. Temporary signs in nonresidential zones are limited in size to six square feet total, and shall not exceed three feet in height from the ground when displayed.

Proposed Lake Stevens code would allow 16 square feet and four feet from ground and includes reference to mixed-use zones.

~~5. Temporary signs shall only be placed in the right-of-way if the sign owner has permission from the owner of the abutting property.~~

Proposed Lake Stevens code includes this provision, the city attorney suggests it will be hard to enforce.

C. Temporary Signs on Private Property.

1. All signs placed on private property shall have the consent of the property owner or person in control of the property, such as a tenant. The property owner or person in control of the property may remove the sign(s) without notice. For residential uses in any zone, no more than four signs visible from the public right-of-way per lot are allowed. The total size of all signs combined shall be limited to six square feet total.

Everett Code places additional restrictions highlighted above not proposed in the Lake Stevens code.

2. Temporary Signs in Residential Zones. Maximum height of all temporary signs shall be six feet. For nonresidential uses, no more than one sign visible from the public right-of-way per tenant space is allowed. The sign shall be limited to six square feet in size.

Everett Code places additional restrictions highlighted above, not proposed in the Lake Stevens code. City Council recommended allowing signs up to 16 square feet.

3. Temporary Signs in Nonresidential Zones. Maximum height of all temporary signs shall be six feet, except for temporary banners placed on a building.

Everett Code places additional restrictions highlighted below, not proposed in the Lake Stevens code. City Council recommended allowing signs up to 16 square feet.

a. For nonresidential uses, no more than one sign visible from the public right-of-way per tenant space is allowed. The sign shall be limited to six square feet in size.

b. Temporary Banners on Buildings. Not more than one temporary banner per tenant space may be permitted. The maximum size for temporary banners shall be thirty-two square feet for a duration not to exceed thirty days during any consecutive three-hundred-sixty-five-day period.

Proposed Addition in draft Lake Stevens code.

4. Signs that exceed the height or size requirements herein are considered permanent signs and must meet the standards of the applicable sign category in this chapter. (Ord. 3684-19 § 2(A)(Exh. 1 § 6), 2019)

Draft Lake Stevens code has similar language in general regulations section.



LAKE STEVENS CITY COUNCIL
STAFF REPORT

Council Agenda

Date: April 7, 2020

Subject: Request to Amend LSMC re WATVs

Contact

Person/Department: John Dyer, Police Chief **Budget Impact:** N/A

RECOMMENDATION(S)/ACTION REQUESTED OF COUNCIL: For discussion only. Provide direction to Staff regarding citizen request to amend LSMC re WATV's.

SUMMARY/BACKGROUND: At the last council meeting, a request by a citizen to include quad type vehicles in the ATV ordinance was brought up to include in a future workshop meeting. I wanted to outline my thoughts on this:

I spoke to both Officer Aukerman, who is our Traffic Officer, and Commander Beazizo, who is a retired State Trooper. Our concerns with including Quad-type vehicles into the ATV ordinance are:

- Quads are not designed for street use. Socially, these vehicles are made for sports use in rural areas. They are small, very quick vehicles meant to be used as trail vehicles or in rural areas. They are not designed for street use.
- They are often compared to motorcycles:
 - Unlike motorcycles, they do not “lean” into turns. They have an inherent flaw in their design, resulting in a lack of lateral stability, making them prone to tipping.
 - Motorcycle riders are required to have an endorsement and go through special training to ride them on the highways.
- They do not have seat belts, which makes them less safe. (We do not support the “I might get trapped in my seatbelt” argument.)
- They are approved in more rural areas to help facilitate getting from trail to trail. Lake Stevens is an urban area with no national or state ATV trail system.
- They are typically noisier than other types of ATV's.

If the Council chooses to approve the use of Quads on city streets, I request that they require driver's license requirements, registration, insurance, headlamps, turn signals, horn, speedometer, mirrors, lighted license plate holders, and the use of either windshield or eye protection, as well as mandatory helmet use.

Thank you for your consideration

APPLICABLE CITY POLICIES: N/A

BUDGET IMPACT: N/A

ATTACHMENTS: Citizen written comment previously submitted.

Kathleen Pugh

From: Gene Brazel
Sent: Monday, March 23, 2020 11:51 AM
To: Kathleen Pugh; John Dyer
Subject: FW: Lake Stevens Municipal Code Change Proposal
Attachments: Lake Stevens Municipal Code Change.docx

FYI

NOTICE: All emails and attachments sent to and from [City of Lake Stevens](#) are public records and may be subject to disclosure pursuant to the Public Records Act (RCW 42.56).

Gene R. Brazel
City of Lake Stevens | City Administrator
1812 Main Street | PO Box 257
Lake Stevens, WA 98258-0257
Office: 425-377-3230
Cell: 425-308-7540 | gbrazel@lakestevenswa.gov



From: dave@mylakestevens.com <dave@mylakestevens.com>
Sent: Sunday, March 22, 2020 6:33 PM
To: Brett Gailey <bgailey@lakestevenswa.gov>; Gary Petershagen <gpetershagen@lakestevenswa.gov>; Marcus Tageant <mtageant@lakestevenswa.gov>; Steve Ewing <sewing@lakestevenswa.gov>; Kim Daughtry <kdaughtry@lakestevenswa.gov>; Shawn Frederick <sfriderick@lakestevenswa.gov>; Mary Dickinson <mdickinson@lakestevenswa.gov>; Anji Jorstad <ajorstad@lakestevenswa.gov>; Gene Brazel <gbrazel@lakestevenswa.gov>
Subject: Lake Stevens Municipal Code Change Proposal

Greetings Mayor Gailey, Council President Tageant, and the rest of the City of Lake Stevens Councilmembers, My name is Dave Schultz. I reside at 11721 Meridian PL SE Lake Stevens, WA 98258.

Please review, in its *entirety*, the attached Proposal and Benefits for a municipal code change. I hit on multiple points, some of which have been already supported by the city council on past decisions.

Given the emergency state we are in due to the COVID-19 outbreak, I understand the council meetings are now call-in for an uncertain amount of time, with public comment to be submitted via email.

If there is a call in number open to the public, please provide it so that I may listen to the discussion, response, and address any concerns and questions that might arise.

I had reached out to Mayor Gailey and a few of the councilmembers *prior to* the accelerated conditions we now face. I am hesitant to pursue this request at this time since there are graver challenges facing the city and I have considered tabling this request until our state and community have returned to more normal operating conditions.

However, I've received guidance from one of the council members to continue in my effort and send you an email for public comment and consideration, to request a proposal for a small Municipal Code change regarding the definition of WATV's. It is felt by everyone I've met with that this will provide immediate relief, if only in a small way, to the impact to the local restaurants as well as long term benefits to everyone in the community.

I have interviewed most of the downtown restaurant owners or managers, corresponded with Snohomish County Councilmember Sam Low, spoken with Snohomish County Parks Director Tom Teigen, and the Chamber of Commerce Director Matt Tabor. All have expressed support or positive feedback of this proposal to allow straddle Quad/ATV's with handlebars on Lake Stevens roads.

I strongly urge setting aside personal biases and implement this proposal that will help not just the local businesses, but also residents facing economic hardships that might rely on these type vehicles as a source of income or local transportation.

Quad/ATV's may soon become a source of income for some struggling families, not just recreation. Many Lake Stevens restaurants are now new options listed on UberEats and DoorDash.

Respectfully,

Dave Schultz
425-328-5339
11721 Meridian PL SE
Lake Stevens, WA 98258

**Lake Stevens Municipal Code Chapter 7.30.010
WHEELED ALL-TERRAIN VEHICLES (WATVS)
Proposed Definition Change**

Reference:

LSMC: <https://www.codepublishing.com/WA/LakeStevens/#!/LakeStevens07/LakeStevens0730.html#7.30>

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- (c) “Motorcycle helmet” has the same meaning as provided in RCW 46.37.530.
- (d) “Rules of the road” means all the rules that apply to vehicle or pedestrian traffic as set forth in State and/or local statutes, rules or regulations.
- (e) “Sidewalk” means that property between the curb lines or the lateral lines of a City street and the adjacent property, set aside and intended for the use of pedestrians or such portion of private property parallel and in proximity to a City street and dedicated to use by pedestrians.
- (f) “Wheeled all-terrain vehicle” or “WATV” means (A) any motorized non-highway vehicle with handlebars that is 50 inches or less in width, has a seat height of at least 20 inches, weighs less than 1,500 pounds, and has four tires having a diameter of 30 inches or less, or (B) (1) a utility-type vehicle designed for and capable of travel over designated roads that travels on four or more low-pressure tires of 20 psi or less, has a maximum width less than 74 inches, has a maximum weight less than 2,000 pounds, has a wheelbase of 110 inches or less, and satisfies at least one of the following: (i) has a minimum width of 50 inches, (ii) has a minimum weight of at least 900 pounds, or (iii) has a wheelbase of over 61 inches, and (2) has a steering wheel for steering control, and (3) has non-straddle seating, with the operator and passenger sitting side by side in the vehicle, manufactured primarily for recreational nonhighway all-terrain use, as further defined by the State Model Traffic Ordinance. (Ord. 1045, Sec. 1, 2018)

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This proposed draft edit in red, brings LSMC in alignment with:

1. RCW 46.09.310
2. Snohomish County Code Chapter 11.50.020
2. Snohomish Municipal Code Chapter 11.07.010
3. Monroe Municipal Code Chapter 10.30.10
4. Granite Falls Municipal Code Chapter 10.92.010

Benefits:

Immediate:

- A way to help mitigate Lake Stevens impact by Washington State's COVID-19 Major Disaster Declaration to provide inexpensive transportation for impacted residents with Quad/ATVs to get around town and provide a financial option for them to deliver food and restaurant takeout orders, eg UberEats, Door Dash, pizza delivery, etc;
- Side by Side WATV's cost approx. \$16,000 - \$26,000 making it affordable to a smaller market. Straddle Quad/ATV with handlebars cost approx. \$6000 new, thus much more affordable to middle-class residents.

Reduced Traffic Congestion/Footprint:

- **Supports Lake Stevens City Council Approval of Resolution for US 2 Coalition** to reduce congestion along Hwy 2 corridor and environmental impacts
 - Lake Stevens residents touring to Hwy 2 corridor cities, riding straddle WATV's with handlebars, will have to take designated county back roads to those cities. These type ATV's sip gas compared to regular cars/trucks
- Straddle type WATV's with handlebars have a **smaller footprint** on the ever increasing congestion of Lake Stevens' roads partly due to lower speed limits and increased housing density. By approving these type vehicles for use on the road, it will help mitigate this congestion.
- **By aligning municipal codes between the cities, it will promote alternate means of travel between cities** using back roads, thus reducing congestion on major arterials and roads that exceed 35 mph.

Increased Business Revenue:

- Several WATV associations and clubs are currently partnering with Snohomish County Parks Department to develop tour routes (Ref. **Tom Teigen**, Snohomish County Parks Department). *If Lake Stevens does not adjust the ordinance definition of WATV's to match the surrounding communities and county definition, Lake Stevens businesses are at risk of missing out on tourist dollars.* The East Snohomish County tour routes will have to **bypass Lake Stevens**.

Francisco's	Midori Teriyaki
Creekside	Jenny Cookies Bake Shop
Buzz Inn	Burger King
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Biscuit & Bean	Tom Thumb Grocery
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Subway	Frontier Village
Many Others	Market Place

- Various friends & family rides from adjoining communities will bring additional revenue to local Lake Stevens restaurants and businesses if they were approved for use on city streets

Safety:

- Typical handlebar straddle seating ATV (aka Quads) provide **more protection** to the rider than most motorcycles being driven today. They are stable and have wheel fairings, forward and aft, and foot rests that provide more protection than most motorcycles.
- They are not prone to “lay down” where the rider may tip the vehicle over, sliding across the road that happens with motorcycles.
- Lake Stevens has **reduced speed limits** in and around the city due to increased housing density and other infrastructure changes, most recently, but not limited to:
 - ✓ Lundeen Park: Speed limit reduced from 35 mph to 25 mph
 - ✓ Machias Cutoff: Speed limit reduced from 35 mph to 30 mph
 - ✓ 20th St SE (at Cavalero Mid-High): Speed limit was reduced from 45 mph to 35 mph when Cavalero Mid-High was built

This reduction in speed limits will result in reduced collisions and accidents.

There are few, if any, roads in the city of Lake Stevens that now exceed the 35 mph limitation pursuant to RCW Chapter 46.09.310 with the exception of Hwy 9 and Hwy 92.

Precedence:

- **Lake Stevens/State** approved street legal straddle type handlebar vehicles:
 - ✓ Can-Am Ryker type vehicles (2 wheels in front, 1 wheel in back)
 - ✓ Trike-Motorcycle type vehicles(1 wheel in front, 2 wheels in back)
 - ✓ Motorcycles
- **Lake Stevens** approved Side by Side 4-wheeled WATV's
- **RCW Chapter 46.09** authorizes their use on roads
- **Snohomish County** has approved 4-Wheel straddle WATV's with handle bars on most 35 mph or less roads east of Hwy 9 (Snohomish County Councilmember Sam Low)
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Environmental Benefits:

- Straddle-type WATV's with handlebars sip fuel in comparison to normal cars and trucks, thus reduced carbon emissions in alignment with federal, state, and county policies.

Increase Tax Revenue:

- Straddle-type WATV's with handlebars are much more affordable as described above than the currently approved Side by Side WATV's. This will end up in increased vehicle road tab revenue.

Joining Communities:

- By having Lake Stevens' municipal codes in alignment with surrounding cities, communities, and county regulations, this will help bring communities together, promoting alternate means of travel through back roads and touring type of road events. Various associations, clubs, families, and friends will be able to organize fun events from other cities to come to Lake Stevens, and vice versa.
- Great way to attract visitors from neighboring communities to come enjoy the newly redeveloped North Cove Park while mitigating increased traffic and parking congestion

Aquafest:

- Since utility straddle-type WATV's with handlebars have a much smaller footprint than Side by Side Gators, might be considered for logistical use during Aquafest for shuttling equipment and supplies around. This might lower Aquafest Side by Side "Gator" rental costs.

Additional Supporting WATV Regulation References:

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City of Snohomish Municipal Codes (WATV):
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City of Granite Falls Municipal Codes (WATV):
<https://www.codepublishing.com/WA/GraniteFalls/#!/GraniteFalls10/GraniteFalls1092.html#10.92>

Snohomish County Codes (WATV):
<https://snohomishcountywa.gov/4000/WATV-Information>

East Snohomish County Roads WATV approved (map):
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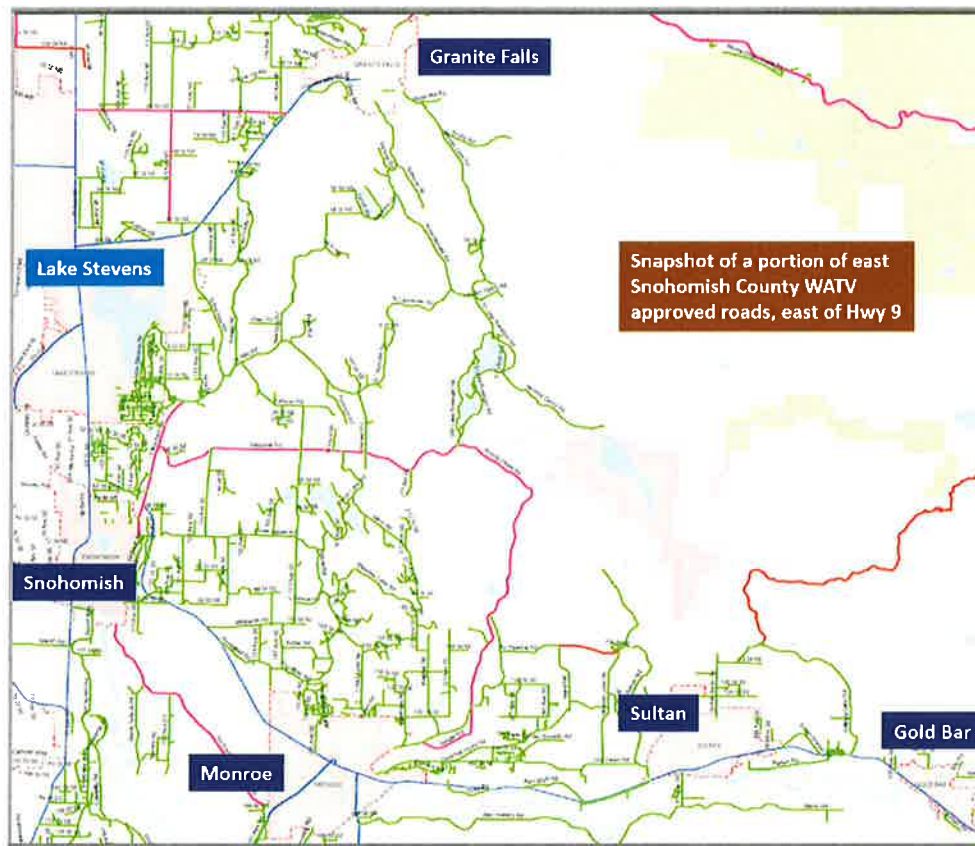
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Approved roads in **green**.

Without this LSMC code change, friends and family WATV tours will bypass Lake Stevens resulting in loss business revenue as well as not being WATV linked to the neighboring communities.



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