



## ***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.*

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### **CITY COUNCIL REGULAR MEETING AGENDA REMOTE ACCESS ONLY**

**[CLICK HERE TO JOIN MEETING](#)**

**TO LISTEN TO THE MEETING PLEASE DIAL IN TO 253-215-8782  
MEETING ID NO: 827 7714 3601**

**Tuesday, May 12, 2020 – 7:00 p.m.**

<b>CALL TO ORDER</b>	7:00 p.m.	Mayor
<b>PLEDGE OF ALLEGIANCE</b>		Mayor
<b>ROLL CALL</b>		
<b>APPROVAL OF AGENDA</b>		Council President
<b>OATH OF OFFICE</b>	Michael Hingtgen	Chief Dyer
<b>GUEST BUSINESS</b>	Snohomish County Health District COVID-19 Response Update	Heather Thomas
<b>CITIZEN COMMENTS</b>		
<b>COUNCIL BUSINESS</b>		Council President
<b>MAYOR'S BUSINESS</b>		
<b>CITY DEPARTMENT REPORT</b>	Update	
<b>CONSENT AGENDA</b>	 *A 2020 Vouchers *B City Council Regular Meeting Minutes of April 28, 2020 *C Ordinance 1087 re Cashiers Funds	Barb Kathy Barb
<b>PUBLIC HEARING:</b>	*D Ordinance 1081 re Infill Regulations	Sabrina
<b>ACTION ITEMS:</b>	 *E Facility Use Policy *F Food Truck Introduction	Jill/Russ Russ

**Lake Stevens City Council Regular Meeting Agenda**

**May 12, 2020**

\*G Security System Solution for The Mill Troy

**DISCUSSION ITEMS:** \*H Floodplain Regulation Amendments Russ

**CITIZEN COMMENTS**

**EXECUTIVE SESSION:** Discussion of Personnel Issue – No Action to Follow  
Litigation – No Action to Follow

**ADJOURN**

* ITEMS ATTACHED	** ITEMS PREVIOUSLY DISTRIBUTED	# ITEMS TO BE DISTRIBUTED
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**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.**

# A Shared Vision for Health

## City of Lake Stevens and Snohomish Health District

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**City Council Presentation**  
**Heather Thomas, Public & Government Affairs Manager**  
**Snohomish Health District**

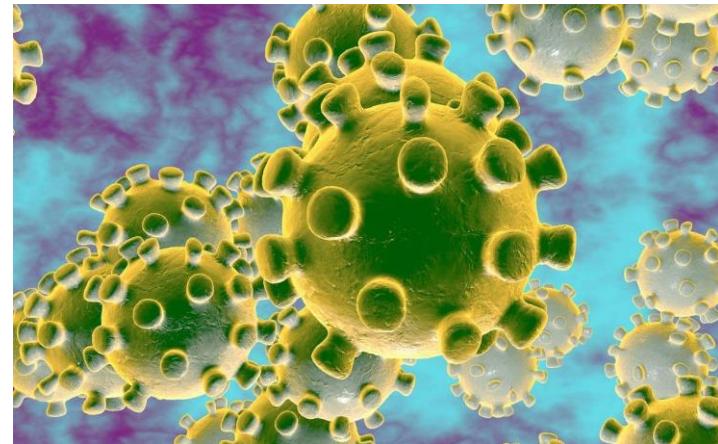


**May 12, 2020**

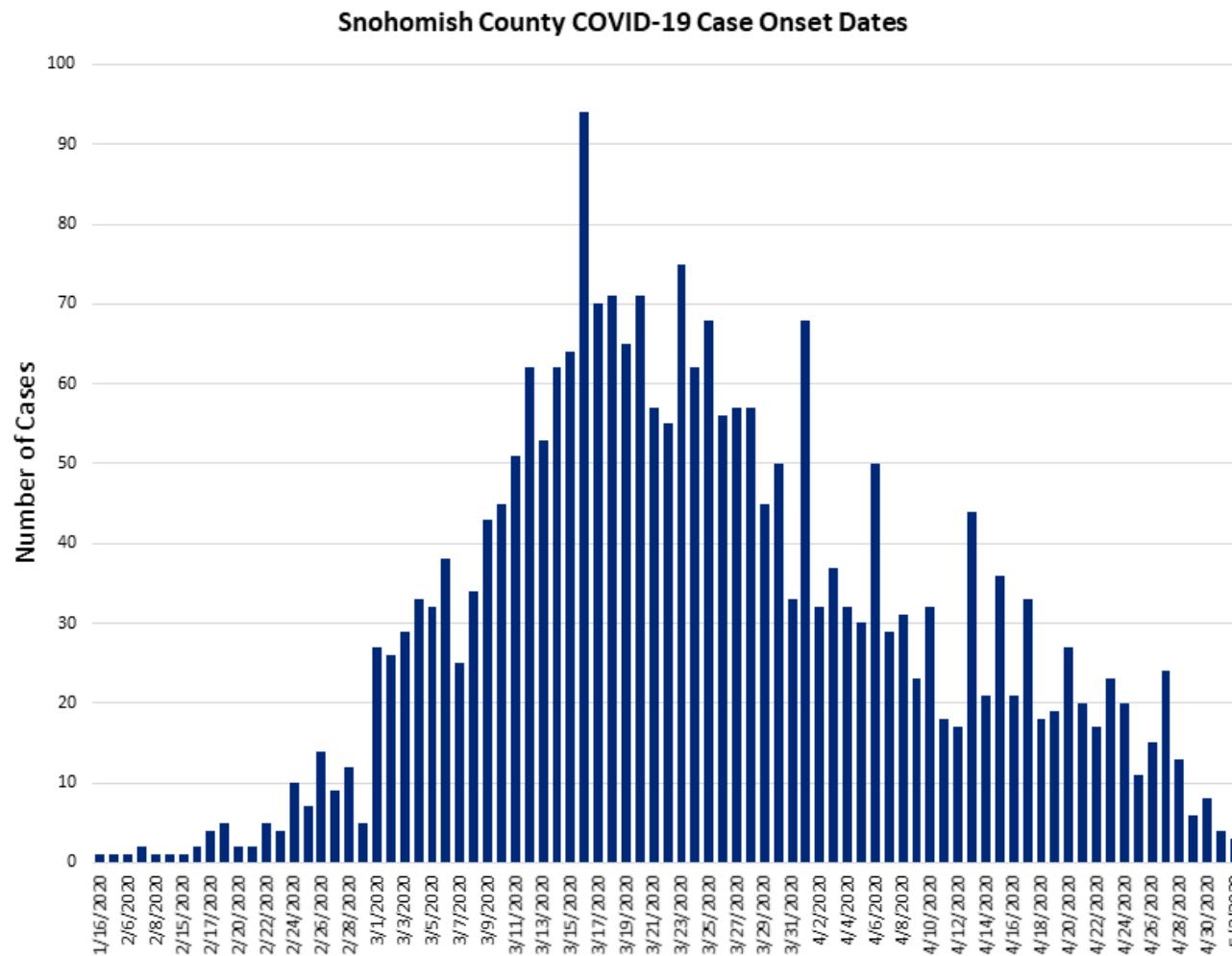
# COVID-19 RESPONSE

# Novel Coronavirus (COVID-19)

- Situation continues to evolve, with guidance and information shifting accordingly.
- Encourage following [www.snohd.org/ncov2019](http://www.snohd.org/ncov2019) and social medial channels (Facebook, Twitter and Instagram) for latest information.

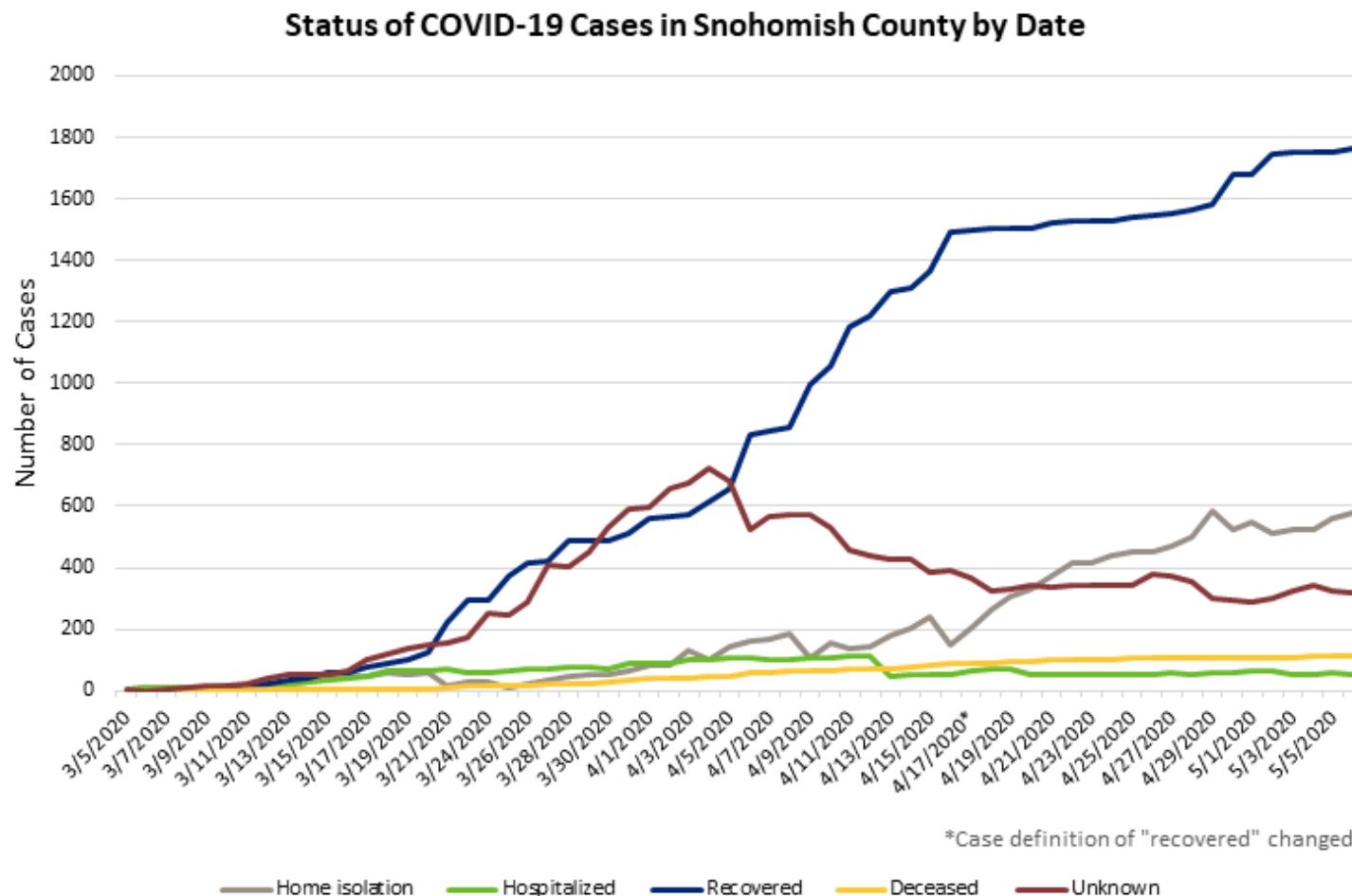


# COVID-19 Cases by Onset Date



As of May 6, 2020

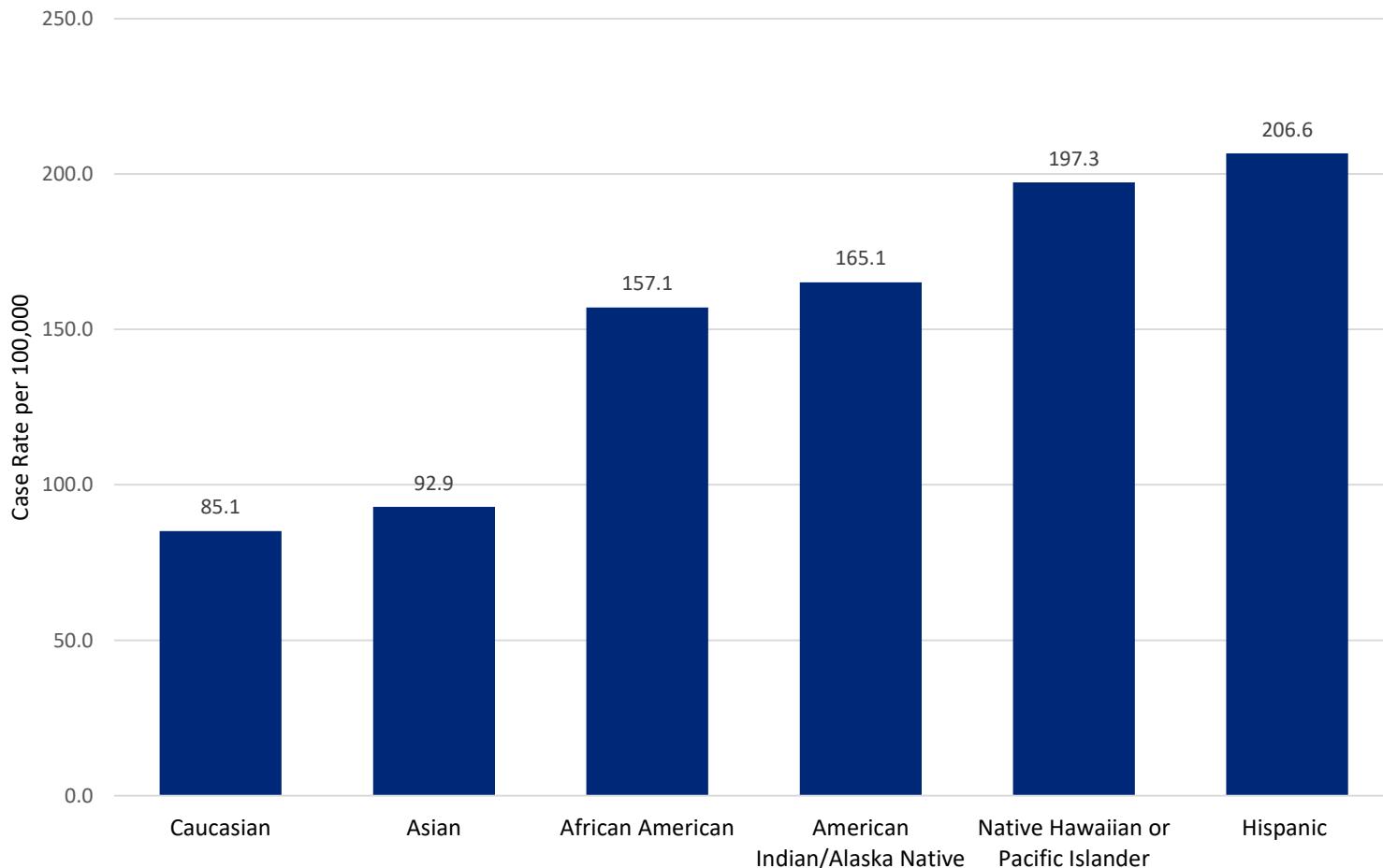
# Cases by Status



As of May 6, 2020

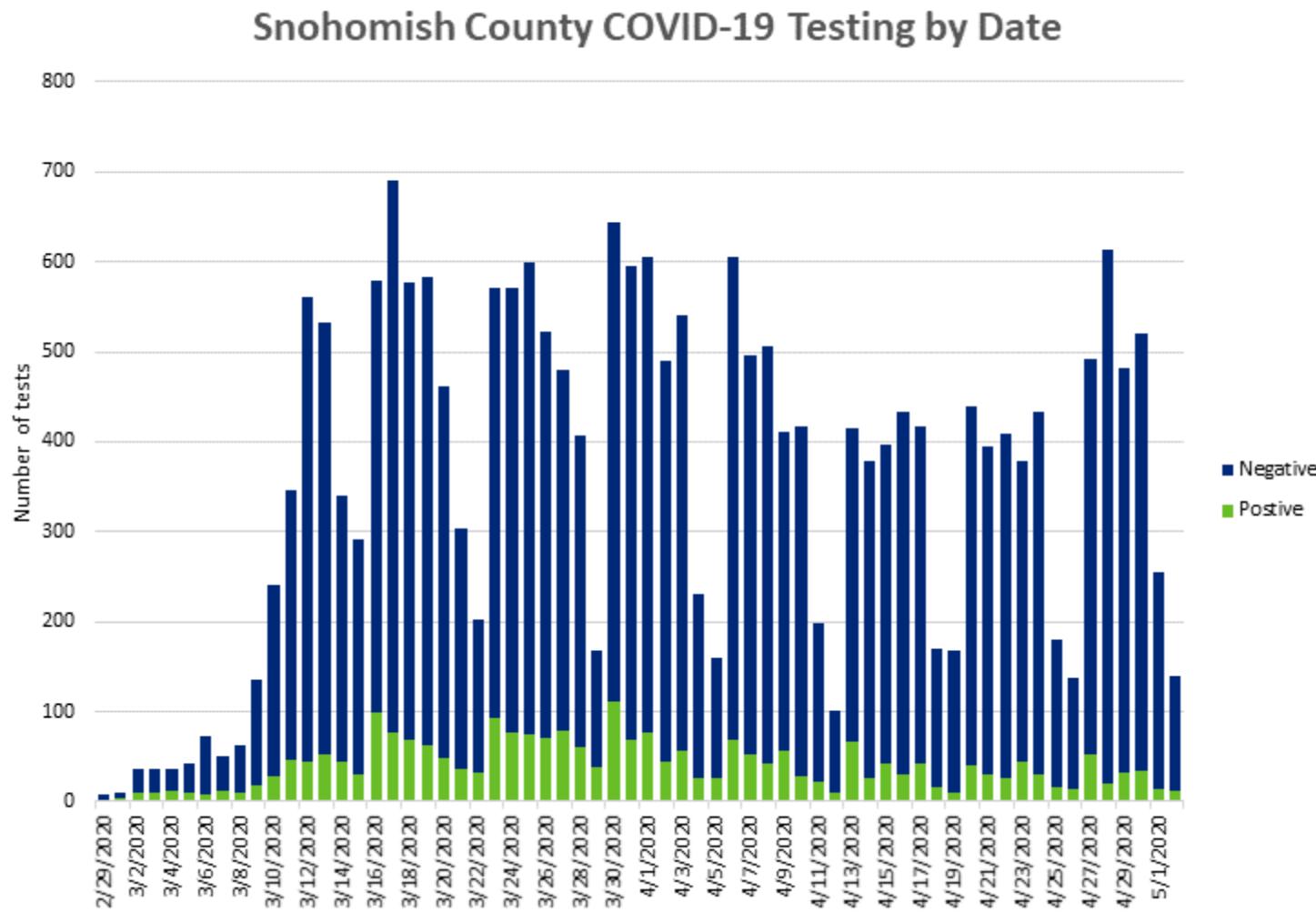
# Race and Ethnicity

Snohomish County COVID-19 Case Rates per 100,000 by Race and Ethnicity



As of April 17, 2020

# Positive vs. Negative Testing



As of May 6, 2020

# Key Priorities

- ✓ Testing capacity
- ✓ Resources for case investigations & tracing
- ✓ Long-term care facilities
- ✓ PPE availability and healthcare capacity
- ✓ Mid- and long-range planning
- ✓ Ongoing communications
- ✓ Translated materials & expanding outreach

**Moving  
FORWARD**

# Continuing Essential Work

- ✓ Issuing birth and death certificates
- ✓ Tracking and responding to other communicable diseases like tuberculosis, whooping cough & STDs.
- ✓ Supporting children's health needs
- ✓ Inspecting food establishments, pools & spas, etc.
- ✓ Reviewing permit applications
- ✓ Providing refugee health screenings
- ✓ Responding to complaints and violations

# Ongoing Hepatitis A Outbreak

- **18 cases of hep A** identified in the county since December that are part of this ongoing outbreak.
- Medical Reserve Corps volunteers and District staff provided **four vaccination clinics** for high-risk populations.
- About 1,500 informational postcards provided for distribution through the county's point-in-time homelessness count as well as cold weather and other shelters.

## Hepatitis A is spreading in Snohomish County

The hepatitis A virus can cause severe liver disease and sometimes death.

If you are experiencing homelessness or unstable housing, or if you use drugs, watch for these signs:



Yellow eyes or skin



No appetite



Stomach pain or throwing up



Fever



Dark pee, light poop, diarrhea



Aching joints or muscles

If you think you might have hepatitis A, tell your doctor or go to the hospital.

More info: [www.snohd.org/hepatitis](http://www.snohd.org/hepatitis)



## Protect yourself, family and friends

The virus is in the poop of anyone infected with hepatitis A.

Get vaccinated! Hep A shots are safe and effective. Children as young as 1 can be vaccinated.



Wash hands with soap and water every time you use the toilet and before you cook or eat.



Use your own towels, toothbrush, cups, and eating utensils.



Don't share food, drinks, needles, pipes or smokes.

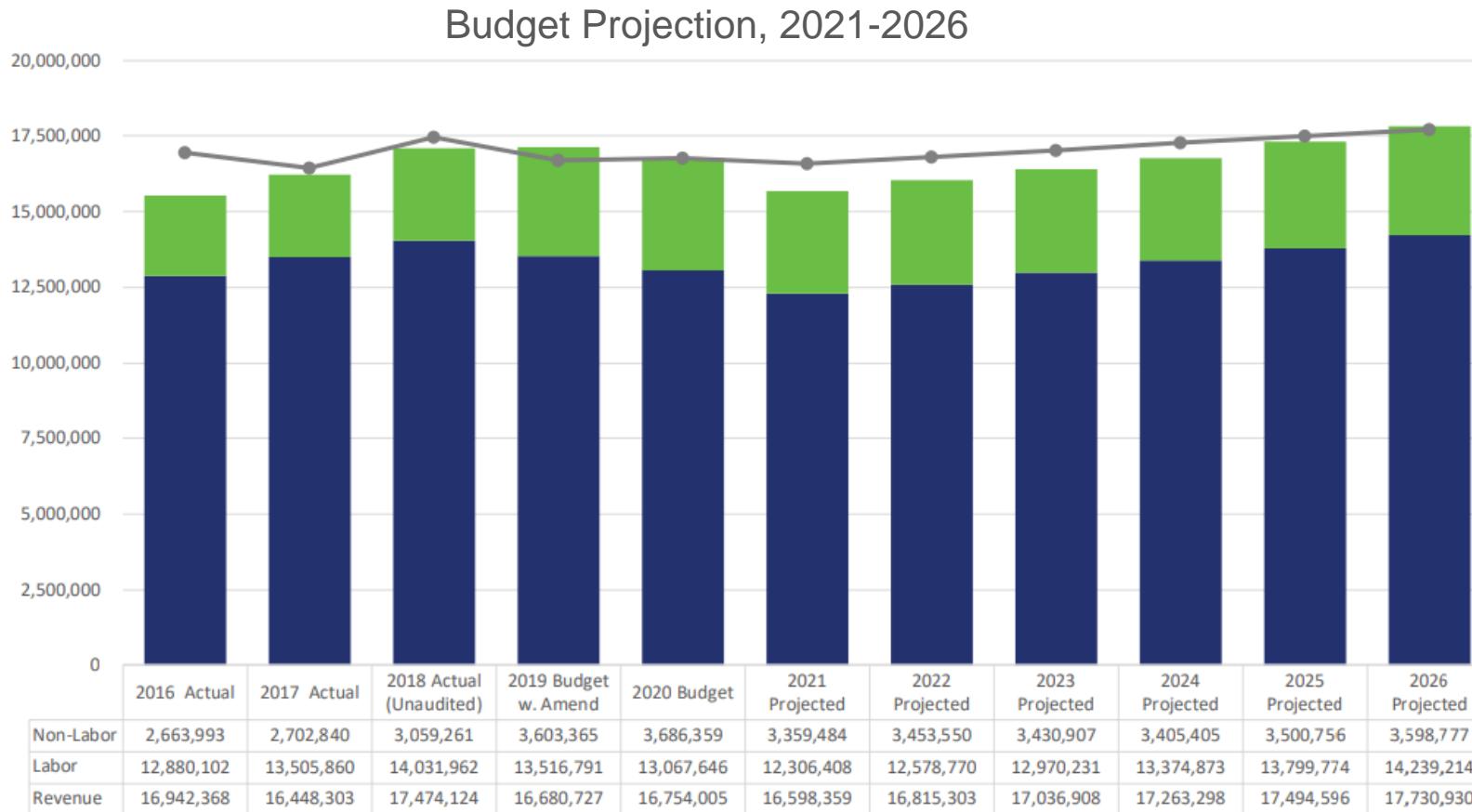


More info: [www.snohd.org/hepatitis](http://www.snohd.org/hepatitis)



# Monitoring Budgets & Projections

- 2020 budget was balanced, with \$16.75 million in revenues/expenditures.
- Current budget includes 113 full-time equivalent positions.



# Preparing for Special Session(s)

**Additional funding is needed for state and local public health.**



**Case investigations and contact tracing**



**Preparedness and planning**



**Communications and outreach**

# Implementing Our Strategic Plan

## Mission

Spearhead efforts to protect, promote and advance the collective health of our community.

## Goals

- Reduce the rate of communicable disease and other notifiable conditions
- Prevent or reduce chronic diseases and injuries
- Provide high-quality environmental health services
- Improve maternal, child, and family health outcomes
- Provide legally required vital records
- Address ongoing, critical public health issues
- Support increased access to medical, oral, and mental health care
- Build a more sustainable organization



**SNOHOMISH**  
HEALTH DISTRICT  
[WWW.SNOHD.ORG](http://WWW.SNOHD.ORG)

**2020 Strategic Plan**

# Stay in touch

## Blog & Newsletters



Sign up for our blog,  
newsletters, alerts and more  
at [www.snohd.org/NotifyMe](http://www.snohd.org/NotifyMe)

## Social Media



Follow us on Facebook,  
Twitter, YouTube, and  
Instagram

# Thank you

## **contact information**

For more info, please contact:

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**Heather Thomas, MPA, MA**  
**Public & Government Affairs Mgr.**  
425.339.8688  
HThomas@snohd.org



**CITY DEPARTMENT REPORT  
CITY COUNCIL REGULAR MEETING  
MAY 12, 2020**

**Community Development – Update**

- Tenant improvement applications received for UBREAKIFIX and Allstate at the new mixed-use building on State Route 204 and 10<sup>th</sup> Street SE
- Park Restrooms have reopened
- Inspections have started again with a average of 23 per day



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BLANKET VOUCHER APPROVAL  
**2020**

Payroll Direct Deposits	<b>04/25/2020 &amp; 05/10/2020</b>	<b>\$473,930.67</b>
Payroll Checks	<b>50185-50188, 50296-50298</b>	<b>\$12,884.38</b>
Electronic Funds Transfers	<b>ACH</b>	<b>\$204,332.29</b>
Claims	<b>50290-50295, 50299-50384</b>	<b>\$688,288.27</b>
Void Checks	<b>50160, 50251</b>	<b>(\$4,603.53)</b>
Total Vouchers Approved:		<b>\$1,374,832.08</b>

**This 12th day of May 2020**

I, the undersigned, do hereby certify under penalty of perjury that the materials have been furnished, the services rendered or the labor performed as described herein, that any advance payment is due and payable pursuant to a contract or is available as an option for full or partial fulfillment or a contractual obligation, and that the claim is a just, due and unpaid obligation against the City of Lake Stevens, and that I am authorized to authenticate and certify to said claim.

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Finance Director/Auditing Officer

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Mayor



May 12th, 2020

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**City Expenditures by Type on this voucher packet**

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Personnel Costs	\$	486,815	35%
Payroll Federal Taxes	\$	133,143	10%
Retirement Benefits - Employer	\$	62,770	5%
Paid Family Medical Leave	\$	8,088	1%
Other Employer paid Benefits	\$	369	0%
Employee paid benefits - By Payroll	\$	12,904	1%
Supplies	\$	32,875	2%
Professional Services *	\$	355,653	26%
Capital **	\$	283,106	21%
Debt Payments	\$	3,713	0%
Void Check	\$	(4,604)	-0.3%
<b>Total</b>	<b>\$</b>	<b>1,374,832.08</b>	<b>100%</b>

**Large Purchases**

\* 24th Street SE Extension Consulting - \$96,149

\*\* Police Station/Evidence Facility - \$162,211

\*\* North Cove Park Plaza Design - Phase II -\$46,647



**Vendor: 1801 WLD LS Townhomes LLC**

**Check Number: 50299**

Invoice No	Check Date	Account Number	Account Name	Description	Amount
050120 WLD LS	5/6/2020	301 000 345 85 10 03	Traffic Mitigation - TIZ 3	Refund Overpayment BLD2019-0827/0828/0829/0830/0831	\$41,776.00
050120 WLD LS	5/6/2020	302 000 345 86 10 01	Park Mitigation	Refund Overpayment BLD2019-0827/0828/0829/0830/0831	\$32,204.76

**\$73,980.76**

**Vendor: Ace Hardware**

**Check Number: 50300**

Invoice No	Check Date	Account Number	Account Name	Description	Amount
66052	5/6/2020	001 008 521 20 31 00	LE-Office Supplies	Quart Freezer Bags	\$14.68
66127	5/6/2020	410 016 531 10 31 02	SW-Operating Costs	Wiping Cloths/Tape Measure/Utility Scraper	\$48.57
66135	5/6/2020	410 016 531 10 31 02	SW-Operating Costs	Rubbing Compound/Shop Towels/Polisher	\$76.90
66137	5/6/2020	410 016 531 10 31 02	SW-Operating Costs	Spray Wand/Hose/Bucket/Sprinkler/Cleaner	\$321.34
66139	5/6/2020	001 013 518 20 31 00	GG-Operating Costs	Drill Bits/Angle Zmax - Library	\$28.70
66141	5/6/2020	001 013 518 20 31 00	GG-Operating Costs	Spray Paint/Paint Scraper/Wire Brush - Library	\$40.72
66143	5/6/2020	001 010 576 80 31 00	PK-Operating Costs	Adapter Pex	\$8.70
66145	5/6/2020	001 010 576 80 31 00	PK-Operating Costs	Adapter Pex/Thread Seal Tape	\$9.12
66155	5/6/2020	001 013 518 20 31 00	GG-Operating Costs	Acrylic Latex House/Trim Paint	\$359.68
66176	5/6/2020	001 013 518 20 31 00	GG-Operating Costs	Multi Mix Container/Handyman Syringes - Library	\$34.12
66179	5/6/2020	001 013 518 20 31 00	GG-Operating Costs	Spray Paint/Multi Mix Container - Library	\$23.16
66188	5/6/2020	001 010 576 80 31 00	PK-Operating Costs	Spray Paint Lacquer	\$21.76
66314	5/6/2020	001 008 521 20 31 02	LE-Minor Equipment	Ford Key	\$4.35

**\$991.80**

**Vendor: Active Excavator Rentals Inc**

**Check Number: 50301**

Invoice No	Check Date	Account Number	Account Name	Description	Amount
10358	5/6/2020	302 010 594 76 61 00	PM - Frontier Heights Capital	Excavator Rental - Frontier Heights	\$7,727.66

**\$7,727.66**

**Vendor: Amazon Capital Services**

**Check Number: 50302**

Invoice No	Check Date	Account Number	Account Name	Description	Amount
1HPM-W7P1-9HYJ	5/6/2020	001 008 521 20 31 02	LE-Minor Equipment	CV - Industrial Nitrile Gloves	\$100.18
1QRK-4W37-DXTV	5/6/2020	001 008 521 20 31 02	LE-Minor Equipment	Emergency Thermal Blankets	\$52.31
1T1Q-XD7T-GXVV	5/6/2020	001 008 521 20 31 00	LE-Office Supplies	CV - Industrial Nitrile Gloves	\$195.00

**\$347.49**

**Vendor: Amazon Capital Services**

**Check Number: 50303**

Invoice No	Check Date	Account Number	Account Name	Description	Amount
1913-GPM7-QQXX	5/6/2020	001 013 518 20 31 00	GG-Operating Costs	CV - Procedural Masks (1000)	\$429.69
19JY-KW7F-7XX9	5/6/2020	410 016 531 10 31 02	SW-Operating Costs	Fuses - Credit	(\$8.71)
1LHV-717X-717L	5/6/2020	001 010 576 80 31 00	PK-Operating Costs	Steel Troughs/Steel Cube Planters	\$3,335.28

1MGV-6T7R-QLPF	5/6/2020	001 007 559 30 31 00	PB-Office Supplies	4-Port USB Hub	\$10.89
1RT6-DKGT-JGLJ	5/6/2020	410 016 531 10 31 01	SW-Office Supplies	Earbud Adapter Aux Cable	\$17.31
1TNQ-LCWD-3M4X	5/6/2020	001 010 576 80 31 10	PK - Boat Launch Expenses	Hex Keys	\$29.04
1W7L-M1V7-1KMJ	5/6/2020	510 006 518 80 31 00	Purchase Computer Equipment	Mini Industry Laptop	\$528.64
					<b>\$4,342.14</b>

**Vendor: Atcom Services Inc**

**Check Number: 50304**

Invoice No	Check Date	Account Number	Account Name	Description	Amount
136304	5/6/2020	001 012 594 75 64 00	CS - Pavillion - Capital	Fiber Lines for The Mill	\$2,679.12
					<b>\$2,679.12</b>

**Vendor: Barrett**

**Check Number: 50305**

Invoice No	Check Date	Account Number	Account Name	Description	Amount
2164	5/6/2020	410 016 531 10 31 02	SW-Operating Costs	Street Sweepings Disposal	\$962.50
2165	5/6/2020	302 010 594 76 61 00	PM - Frontier Heights Capital	Rock - Frontier Heights	\$1,317.50
2172	5/6/2020	302 010 594 76 61 00	PM - Frontier Heights Capital	Sod/Debris Pick Up - Frontier Heights	\$7,948.75
					<b>\$10,228.75</b>

**Vendor: Bills Blueprint Inc**

**Check Number: 50306**

Invoice No	Check Date	Account Number	Account Name	Description	Amount
609911	5/6/2020	301 016 595 30 60 01	20th St SE Phase II Construct	20th St Plans Bound	\$184.54
					<b>\$184.54</b>

**Vendor: Bliven**

**Check Number: 50307**

Invoice No	Check Date	Account Number	Account Name	Description	Amount
20289	5/6/2020	001 010 576 80 41 01	PK -Professional Tree Srv	Tree Removal Services 12324 36th St NE	\$3,815.00
20290	5/6/2020	001 010 576 80 41 01	PK -Professional Tree Srv	Tree Removal Services 113 87th AVE	\$7,630.00
					<b>\$11,445.00</b>

**Vendor: Builders Exchange of Washington Inc**

**Check Number: 50308**

Invoice No	Check Date	Account Number	Account Name	Description	Amount
1065526	5/6/2020	301 016 595 30 60 01	20th St SE Phase II Construct	Publication - 20th St SE Phase II Segment 1	\$13.25
					<b>\$13.25</b>

**Vendor: Canon Financial Services Inc**

**Check Number: 50309**

Invoice No	Check Date	Account Number	Account Name	Description	Amount
21327570	5/6/2020	001 013 518 20 48 00	GG-Repair & Maintenance	Copier Repair & Maintenance CH	\$285.26
21349262	5/6/2020	101 016 542 30 48 00	ST-Repair & Maintenance	Copier Repair & Maintenance PW	\$17.08
21349262	5/6/2020	410 016 531 10 48 00	SW-Repairs & Maintenance	Copier Repair & Maintenance PW	\$17.08
					<b>\$319.42</b>

**Vendor: CDK Construction Services Inc**

**Check Number: 50310**

Invoice No	Check Date	Account Number	Account Name	Description	Amount
PROGRESS 2 CDK	5/6/2020	306 000 382 20 00 00	PW Retainage	Retainage Police Station/Evidence Facility Project 18035	(\$7,440.85)
PROGRESS 2 CDK	5/6/2020	306 000 594 21 60 00	Police Dept Project Account	Police Station/Evidence Facility Project 18035	\$162,210.53
					<b>\$154,769.68</b>

**Vendor: Chinook Lumber Inc**

**Check Number: 50311**

Invoice No	Check Date	Account Number	Account Name	Description	Amount
1627078	5/6/2020	410 016 531 10 31 02	SW-Operating Costs	2x6 Face Mount Joist Hanger	\$95.95
1627351	5/6/2020	001 010 576 80 31 00	PK-Operating Costs	Lumber/Cedar Fencing	\$273.47
1629540	5/6/2020	001 010 576 80 31 00	PK-Operating Costs	Lumber/Cedar Fencing/Brackets/Air Hose Plug	\$1,134.22

1629565	5/6/2020	001 010 576 80 31 00	PK-Operating Costs	Circular Saw	\$226.37
1629565	5/6/2020	101 016 544 90 31 02	ST-Operating Cost	Circular Saw	\$226.38
1629565	5/6/2020	410 016 531 10 31 02	SW-Operating Costs	Circular Saw	\$226.38
1630056	5/6/2020	101 016 544 90 31 02	ST-Operating Cost	Lumber/Fasteners/Caulk	\$228.48
1630056	5/6/2020	410 016 531 10 31 02	SW-Operating Costs	Lumber/Fasteners/Caulk	\$228.47
					<b>\$2,639.72</b>

**Vendor: City of Arlington**  
**Check Number: 50312**

Invoice No	Check Date	Account Number	Account Name	Description	Amount
042420ARLINGTON	5/6/2020	001 008 521 40 49 01	LE-Registration Fees	Registration Emergency Vehicle Operation Course	\$244.60
					<b>\$244.60</b>

**Vendor: City of Everett**  
**Check Number: 50313**

Invoice No	Check Date	Account Number	Account Name	Description	Amount
I20002153	5/6/2020	001 008 554 30 41 00	LE - Animal Control	Animal Control Services March 2020	\$1,025.00
					<b>\$1,025.00</b>

**Vendor: City of Marysville**  
**Check Number: 50314**

Invoice No	Check Date	Account Number	Account Name	Description	Amount
POLIN 20-0027	5/6/2020	001 008 523 60 41 00	LE-Jail	Prisoner Medical SCORE Feb 2020	\$145.77
POLIN 20-0029	5/6/2020	001 008 523 60 41 00	LE-Jail	Prisoner Medical SCORE Feb 2020	\$2,728.39
POLIN 20-0031	5/6/2020	001 008 523 60 41 00	LE-Jail	Prisoner Housing Marysville Feb 2020 Video Court Fees	\$638.00
POLIN 20-0033	5/6/2020	001 008 523 60 41 00	LE-Jail	Prisoner Housing SNCO Jail Court Fees Feb 2020	\$623.74
POLIN 20-0035	5/6/2020	001 008 523 60 41 00	LE-Jail	Prisoner Housing SCORE March 2020	\$3,498.67
POLIN 20-0037	5/6/2020	001 008 523 60 41 00	LE-Jail	Prisoner Housing SNCO Jail Court Fees Jan 2020	\$783.42
POLIN 20-0038	5/6/2020	001 008 523 60 41 00	LE-Jail	Prisoner Housing Marysville March 2020	\$1,687.84
POLIN 20-0038	5/6/2020	001 008 523 60 41 00	LE-Jail	Prisoner Housing Marysville Video Court March 2020	\$290.00
					<b>\$10,395.83</b>

**Vendor: Crystal Springs**  
**Check Number: 50315**

Invoice No	Check Date	Account Number	Account Name	Description	Amount
16015194 042520	5/6/2020	001 008 521 50 30 00	LE-Facilities Supplies	Bottled Water - Police Department	\$79.94
					<b>\$79.94</b>

**Vendor: Dept Graphics**  
**Check Number: 50316**

Invoice No	Check Date	Account Number	Account Name	Description	Amount
10487	5/6/2020	520 008 594 21 63 00	Capital Equipment	Graphics Installed on PT-20-88	\$1,218.78
10488	5/6/2020	001 008 521 20 48 00	LE-Repair & Maintenance Equip	Graphics Removal PT-15-64	\$219.60
10502	5/6/2020	520 008 594 21 63 00	Capital Equipment	Graphics Installed on PT-20-87	\$1,218.78
10504	5/6/2020	001 008 521 20 48 00	LE-Repair & Maintenance Equip	Graphics Removal PT-15-63	\$219.60
					<b>\$2,876.76</b>

**Vendor: Dept of Labor and Industries**  
**Check Number: 0**

Invoice No	Check Date	Account Number	Account Name	Description	Amount
Q1 2020 WCI	5/6/2020	001 000 281 00 00 00	Payroll Liability Taxes	Q1 2020 Workers Comp Insurance	\$45,911.85
Q1 2020 WCI	5/6/2020	001 008 521 20 24 00	LE-Workers Comp	Q1 2020 Workers Comp Insurance	\$3.50
Q1 2020 WCI	5/6/2020	001 010 576 80 24 00	PK-Workers Comp	Q1 2020 Workers Comp Insurance	\$91.66
Q1 2020 WCI	5/6/2020	001 013 518 30 24 00	GG-Workers Comp	Q1 2020 Workers Comp Insurance	(\$0.78)
Q1 2020 WCI	5/6/2020	101 016 542 30 24 00	ST-Workers Comp	Q1 2020 Workers Comp Insurance	\$91.66
Q1 2020 WCI	5/6/2020	410 016 531 10 24 00	SW-Workers Comp	Q1 2020 Workers Comp Insurance	\$91.66
					<b>\$46,189.55</b>

**Vendor: Dept of Retirement (Deferred Comp)**

**Check Number: 0**

Invoice No	Check Date	Account Number	Account Name	Description	Amount
042420	4/29/2020	001 000 282 00 00 00	Payroll Liability Retirement	Employee Portion-State Deferre	\$2,450.00 <b>\$2,450.00</b>

**Vendor: Dept of Retirement PERS LEOFF**

**Check Number: 0**

Invoice No	Check Date	Account Number	Account Name	Description	Amount
042420	4/29/2020	001 000 282 00 00 00	Payroll Liability Retirement	PERS LEOFF Contributions	\$60,269.92
042420S	4/29/2020	001 000 282 00 00 00	Payroll Liability Retirement	PERS LEOFF Contributions-State Contribution	\$50.22 <b>\$60,320.14</b>

**Vendor: Dept of Revenue EFT**

**Check Number: 0**

Invoice No	Check Date	Account Number	Account Name	Description	Amount
MARCH2020	5/6/2020	001 013 518 90 49 06	GG-Excise Tax	Excise Taxes March 2020	\$40.28 <b>\$40.28</b>

**Vendor: Dept of Revenue Leasehold EFT**

**Check Number: 0**

Invoice No	Check Date	Account Number	Account Name	Description	Amount
Q1 2020 DOR	5/6/2020	001 013 518 90 49 06	GG-Excise Tax	Q1 2020 Leasehold Excise Tax	\$0.05
Q1 2020 DOR	5/6/2020	633 000 589 30 00 01	Leasehold Excise Tax Remit	Q1 2020 Leasehold Excise Tax	\$3,137.68 <b>\$3,137.73</b>

**Vendor: Dept of Transportation**

**Check Number: 50317**

Invoice No	Check Date	Account Number	Account Name	Description	Amount
RE41JZ0684L001	5/6/2020	301 016 595 30 60 01	20th St SE Phase II Construct	Plan Review & Inspection w/WSDOT 20th St Widening	\$1,824.31 <b>\$1,824.31</b>

**Vendor: Dicks Towing Inc**

**Check Number: 50318**

Invoice No	Check Date	Account Number	Account Name	Description	Amount
4270	5/6/2020	001 008 521 20 41 00	LE-Professional Services	Evidence Towing 2020-07363	\$126.27
4271	5/6/2020	001 008 521 20 41 00	LE-Professional Services	Towing Services PT-17-75	\$114.66
71354	5/6/2020	001 008 521 20 41 00	LE-Professional Services	Evidence Towing 2020-07839	\$126.27
M62389	5/6/2020	001 008 521 20 41 00	LE-Professional Services	Evidence Towing 2020-06842	\$126.27
SNO2046	5/6/2020	001 008 521 20 48 00	LE-Repair & Maintenance Equip	Towing Services PT-19-81	\$115.29 <b>\$608.76</b>

**Vendor: Drug Free Business**

**Check Number: 50319**

Invoice No	Check Date	Account Number	Account Name	Description	Amount
403907	5/6/2020	101 016 542 30 41 02	ST-Professional Service	Annual Membership Drug Free Business	\$75.00
403907	5/6/2020	410 016 531 10 41 01	SW-Professional Services	Annual Membership Drug Free Business	\$75.00 <b>\$150.00</b>

**Vendor: Dunlap Industrial Hardware**

**Check Number: 50320**

Invoice No	Check Date	Account Number	Account Name	Description	Amount
315562-1	5/6/2020	001 010 576 80 31 00	PK-Operating Costs	V-Roller Support Stand/Battery/Drill Press	\$254.78
315562-1	5/6/2020	101 016 544 90 31 02	ST-Operating Cost	V-Roller Support Stand/Battery/Drill Press	\$254.77
315562-1	5/6/2020	410 016 531 10 31 02	SW-Operating Costs	V-Roller Support Stand/Battery/Drill Press	\$254.78 <b>\$764.33</b>

**Vendor: EASL Inc**  
**Check Number: 50321**

Invoice No	Check Date	Account Number	Account Name	Description	Amount
LS-0520	5/6/2020	001 013 518 20 41 00	GG-Professional Service	Strategic Communication Services April 2020	\$908.91 <b>\$908.91</b>

**Vendor: EFTPS**  
**Check Number: 0**

Invoice No	Check Date	Account Number	Account Name	Description	Amount
042420	5/6/2020	001 000 281 00 00 00	Payroll Liability Taxes	Federal Payroll Taxes	\$87,231.09 <b>\$87,231.09</b>

**Vendor: Electronic Business Machines**  
**Check Number: 50322**

Invoice No	Check Date	Account Number	Account Name	Description	Amount
AR163735	5/6/2020	001 007 558 50 48 00	PL-Repairs & Maint.	Copier Repair & Maintenance PL	\$61.47
AR163735	5/6/2020	001 007 559 30 48 00	PB-Repair & Maintenance	Copier Repair & Maintenance PB	\$61.47
AR163735	5/6/2020	101 016 542 30 48 00	ST-Repair & Maintenance	Copier Repair & Maintenance PW	\$61.47
AR163735	5/6/2020	410 016 531 10 48 00	SW-Repairs & Maintenance	Copier Repair & Maintenance PW	\$61.47
AR163903	5/6/2020	001 008 521 20 48 00	LE-Repair & Maintenance Equip	Copier Repair & Maintenance PD	\$53.14

**\$299.02**

**Vendor: Employment Security Department**

**Check Number: 50290**

Invoice No	Check Date	Account Number	Account Name	Description	Amount
Q1 2020 PFML	4/29/2020	001 000 284 00 00 00	Payroll Liability Other	Q1 2020 Paid Family Medical Leave	\$8,088.08
Q1 2020 PFML	4/29/2020	001 013 518 30 20 00	GG-Benefits	Q1 2020 Paid Family Medical Leave	(\$64.31)

**\$8,023.77**

**Vendor: Employment Security Department**

**Check Number: 50323**

Invoice No	Check Date	Account Number	Account Name	Description	Amount
Q1 2020 ESD	5/6/2020	501 000 517 60 49 00	Payment to Claimants	Q1 2020 Payments to Claimants	\$1,540.00 <b>\$1,540.00</b>

**Vendor: Fastenal Company**

**Check Number: 50324**

Invoice No	Check Date	Account Number	Account Name	Description	Amount
WAARN139435	5/6/2020	410 016 531 10 31 02	SW-Operating Costs	Cold Weather Drivers Gloves	\$180.93 <b>\$180.93</b>

**Vendor: FBI - LEEDA**

**Check Number: 50325**

Invoice No	Check Date	Account Number	Account Name	Description	Amount
200042787	5/6/2020	001 008 521 40 49 01	LE-Registration Fees	Registration - SLI Marysville - Hingtgen	\$695.00
200042921	5/6/2020	001 008 521 40 49 01	LE-Registration Fees	Registration - Distance Learning Ethics 20-3E - Hingtgen	\$350.00
200042923	5/6/2020	001 008 521 40 49 01	LE-Registration Fees	Registration - Distance Learning Ethics 20-3E - Thomas	\$350.00

**\$1,395.00**

**Vendor: Feldman and Lee**

**Check Number: 50326**

Invoice No	Check Date	Account Number	Account Name	Description	Amount
040120 FELDMAN	5/6/2020	001 011 515 91 41 00	LG-General Public Defender	Public Defender Services April 2020	\$10,000.00 <b>\$10,000.00</b>

**Vendor: Foster**

**Check Number: 50327**

Invoice No	Check Date	Account Number	Account Name	Description	Amount
41848	5/6/2020	305 016 595 30 60 02	Main Street Project - Local	Memorial Plaque for Roadway Trail	\$820.29 <b>\$820.29</b>

**Vendor: FS COM INC**  
**Check Number: 50328**

Invoice No	Check Date	Account Number	Account Name	Description	Amount
FS202004040011	5/6/2020	510 006 594 18 64 00	Capital - Purch Computer Equip	Ethernet Switches/Transceivers/Fiber Patch Cables	\$4,191.96 <b>\$4,191.96</b>

**Vendor: Gardner**  
**Check Number: 50329**

Invoice No	Check Date	Account Number	Account Name	Description	Amount
757	5/6/2020	001 008 521 20 48 00	LE-Repair & Maintenance Equip	Remove Equipment from PT-14-56	\$162.75
763	5/6/2020	001 008 521 20 48 00	LE-Repair & Maintenance Equip	Remove Equipment from PT-15-64	\$162.75
764	5/6/2020	520 008 594 21 63 00	Capital Equipment	Install Equipment in PT-20-87	\$1,953.00
765	5/6/2020	001 008 521 20 48 00	LE-Repair & Maintenance Equip	Remove Equipment from PT-15-63	\$162.75
766	5/6/2020	520 008 594 21 63 00	Capital Equipment	Install Equipment in PT-20-88	\$1,953.00
					<b>\$4,394.25</b>

**Vendor: Grainger**  
**Check Number: 50330**

Invoice No	Check Date	Account Number	Account Name	Description	Amount
9508201044	5/6/2020	001 010 576 80 31 00	PK-Operating Costs	Cleaner/Disinfectant	\$205.79
9510862098	5/6/2020	001 010 576 80 31 00	PK-Operating Costs	Cleaner/Disinfectant	\$119.81
9511627987	5/6/2020	001 010 576 80 31 00	PK-Operating Costs	CV - Disinfecting Wipes	\$49.79
9514957498	5/6/2020	410 016 531 10 31 01	SW-Office Supplies	Wirebound Notebooks	\$62.43
9515241009	5/6/2020	001 010 576 80 31 00	PK-Operating Costs	CV - Disinfect Cleaner	\$239.63
9516612109	5/6/2020	410 016 531 10 31 02	SW-Operating Costs	Lubricant Stick	\$15.59
9818236766	5/6/2020	001 010 576 80 31 00	PK-Operating Costs	Horizontal Band Saw	\$856.78
9818236766	5/6/2020	101 016 544 90 31 02	ST-Operating Cost	Horizontal Band Saw	\$856.77
9818236766	5/6/2020	410 016 531 10 31 02	SW-Operating Costs	Horizontal Band Saw	\$856.78
					<b>\$3,263.37</b>

**Vendor: Gustafson**  
**Check Number: 50331**

Invoice No	Check Date	Account Number	Account Name	Description	Amount
11751	5/6/2020	001 013 518 20 41 00	GG-Professional Service	Appraisal Rpt/Market Rent Analysis 1819 S Lake Stevens Rd	\$3,300.00 <b>\$3,300.00</b>

**Vendor: HB Jaeger Co LLC**  
**Check Number: 50332**

Invoice No	Check Date	Account Number	Account Name	Description	Amount
U2016017766	5/6/2020	410 016 531 10 31 02	SW-Operating Costs	Sumersible Pump/Alum Adapter	\$458.57 <b>\$458.57</b>

**Vendor: HDR Engineering Inc**  
**Check Number: 50333**

Invoice No	Check Date	Account Number	Account Name	Description	Amount
1200261090	5/6/2020	304 016 595 60 60 05	Trestle/HOV Lane	Engineering Services - 20th Street BAT Lane Impr	\$13,643.77 <b>\$13,643.77</b>

**Vendor: Heritage Bank**  
**Check Number: 50334**

Invoice No	Check Date	Account Number	Account Name	Description	Amount
100635410 0420	5/6/2020	213 008 592 21 83 00	2015 LTGO Interest Pymt PD	2015 LTGO Bond Interest	\$3,712.80 <b>\$3,712.80</b>

**Vendor: Home Depot**  
**Check Number: 50335**

Invoice No	Check Date	Account Number	Account Name	Description	Amount
12117	5/6/2020	001 010 576 80 31 00	PK-Operating Costs	Sanding Sheets/Sander/Orbit Sander	\$106.61
12117	5/6/2020	101 016 544 90 31 02	ST-Operating Cost	Sanding Sheets/Sander/Orbit Sander	\$106.60

12117	5/6/2020	410 016 531 10 31 02	SW-Operating Costs	Sanding Sheets/Sander/Orbit Sander	\$106.60
2521500	5/6/2020	410 016 531 10 31 02	SW-Operating Costs	Quick Connect Kits/Rubber Air Hoses	\$80.72
5130340	5/6/2020	001 013 518 20 31 00	GG-Operating Costs	Airless Paint Sprayer/Extension/Cleaner - Library	\$742.33
5130971	5/6/2020	001 010 576 80 31 00	PK-Operating Costs	Lumber/Sleeve Anchor	\$259.75
7013911	5/6/2020	001 010 576 80 31 00	PK-Operating Costs	Rubber Casters/Nuts/Washers/Buckets/Screws/Frame Hangers	\$92.16
7013911	5/6/2020	101 016 544 90 31 02	ST-Operating Cost	Rubber Casters/Nuts/Washers/Buckets/Screws/Frame Hangers	\$92.15
7013911	5/6/2020	410 016 531 10 31 02	SW-Operating Costs	Rubber Casters/Nuts/Washers/Buckets/Screws/Frame Hangers	\$92.15
7020814	5/6/2020	001 013 518 20 31 00	GG-Operating Costs	Prime Whitewood Studs/Lumber - Library	\$156.94
					<b>\$1,836.01</b>

**Vendor: Honey Bucket**

**Check Number: 50336**

Invoice No	Check Date	Account Number	Account Name	Description	Amount
0551499472	5/6/2020	001 010 576 80 45 00	PK-Equipment Rental	Honey Bucket Rental - Catherine Creek Park	\$150.15
0551503090	5/6/2020	302 010 594 76 61 06	PM - War Memorial	Honey Bucket Rental - War Memorial	\$355.00
0551505586	5/6/2020	001 010 576 80 45 00	PK-Equipment Rental	Honey Bucket Rental - Community Garden	\$117.50
0551512632	5/6/2020	001 010 576 80 45 00	PK-Equipment Rental	Honey Bucket Rental - Swim Beach	\$170.15
					<b>\$792.80</b>

**Vendor: Housing Authority of Snohomish County**

**Check Number: 50337**

Invoice No	Check Date	Account Number	Account Name	Description	Amount
580096	5/6/2020	001 007 558 50 41 00	PL-Professional Servic	Annual Housing Authority Assessment	\$3,501.00
					<b>\$3,501.00</b>

**Vendor: HSA Bank**

**Check Number: 50291**

Invoice No	Check Date	Account Number	Account Name	Description	Amount
042420	4/29/2020	001 000 284 00 00 00	Payroll Liability Other	Health Savings Account Employee Contribubtions	\$456.24
					<b>\$456.24</b>

**Vendor: HW Lochner Inc**

**Check Number: 50338**

Invoice No	Check Date	Account Number	Account Name	Description	Amount
27	5/6/2020	301 016 544 40 41 02	17005 - 24th & 91st Ext Design	24th Street SE Extension Consulting	\$96,148.60
					<b>\$96,148.60</b>

**Vendor: Industrial Bolt & Supply Inc**

**Check Number: 50339**

Invoice No	Check Date	Account Number	Account Name	Description	Amount
726699-1	5/6/2020	410 016 531 10 31 02	SW-Operating Costs	Shank Drag Set/Wire Wheel/Large Rack 4 Drawer	\$838.18
727123-1	5/6/2020	410 016 531 10 31 02	SW-Operating Costs	Polishing Compound/Hand Cleanser/Socket Set	\$459.41
					<b>\$1,297.59</b>

**Vendor: Industrial Supply Inc**

**Check Number: 50340**

Invoice No	Check Date	Account Number	Account Name	Description	Amount
651116	5/6/2020	101 016 544 90 31 02	ST-Operating Cost	Skirt	\$143.89
					<b>\$143.89</b>

**Vendor: International Institute of Municipal Clerks**

**Check Number: 50341**

Invoice No	Check Date	Account Number	Account Name	Description	Amount
31685 0420	5/6/2020	001 003 514 20 49 00	CC-Miscellaneous	IIMC 2020 Membership Renewal - Pugh	\$210.00
					<b>\$210.00</b>

**Vendor: Iron Mountain Quarry LLC**  
**Check Number: 50342**

Invoice No	Check Date	Account Number	Account Name	Description	Amount
0301114	5/6/2020	302 010 594 76 61 00	PM - Frontier Heights Capital	Rock - Frontier Heights	\$338.84
0301190	5/6/2020	302 010 594 76 61 00	PM - Frontier Heights Capital	Rock - Frontier Heights	\$239.19
<b>\$578.03</b>					

**Vendor: J Thayer Company Inc**  
**Check Number: 50343**

Invoice No	Check Date	Account Number	Account Name	Description	Amount
1449208-0	5/6/2020	001 013 518 20 31 00	GG-Operating Costs	Envelopes/Pens/Highlighters	\$52.18
1449208-0	5/6/2020	101 016 544 90 31 01	ST-Office Supplies	Copy Paper - PW Shop	\$31.58
1449208-0	5/6/2020	410 016 531 10 31 01	SW-Office Supplies	Copy Paper - PW Shop	\$31.59
1449366-0	5/6/2020	001 013 518 20 31 00	GG-Operating Costs	Handsoap	\$21.76
1450315-0	5/6/2020	001 007 559 30 31 00	PB-Office Supplies	CV - Gloves	\$4.51
1450315-0	5/6/2020	001 007 559 30 31 00	PB-Office Supplies	Lables/Pens	\$43.32
<b>\$184.94</b>					

**Vendor: King County Directors Association Purchasing Dept**

**Check Number: 50344**

Invoice No	Check Date	Account Number	Account Name	Description	Amount
300481153	5/6/2020	306 000 594 21 60 00	Police Dept Project Account	LSPD Training Room Addtl Chairs	\$8,220.78
<b>\$8,220.78</b>					

**Vendor: Lake Industries LLC**

**Check Number: 50345**

Invoice No	Check Date	Account Number	Account Name	Description	Amount
283771	5/6/2020	302 010 594 76 61 00	PM - Frontier Heights Capital	Rock - Frontier Heights	\$1,123.46
38182	5/6/2020	410 016 531 10 31 02	SW-Operating Costs	Fill Hauled In - Dry Material	\$180.00
38183	5/6/2020	302 010 594 76 61 00	PM - Frontier Heights Capital	Fill Hauled In - Dry Material - Frontier Heights	\$1,392.00
<b>\$2,695.46</b>					

**Vendor: Lake Stevens Chamber of Commerce**

**Check Number: 50346**

Invoice No	Check Date	Account Number	Account Name	Description	Amount
050120 CHAMBER	5/6/2020	001 013 518 90 49 01	GG-Chamber of Commerce	Contributions for VIC May 2020	\$1,500.00
<b>\$1,500.00</b>					

**Vendor: Lake Stevens Fire**

**Check Number: 50347**

Invoice No	Check Date	Account Number	Account Name	Description	Amount
Q1 2020 FIRE	5/6/2020	633 000 589 30 00 02	Fire District Fee Remit	Q1 2020 Fire Fees	\$13,875.00
<b>\$13,875.00</b>					

**Vendor: Lake Stevens Police Guild**

**Check Number: 50292**

Invoice No	Check Date	Account Number	Account Name	Description	Amount
042420	4/29/2020	001 000 284 00 00 00	Payroll Liability Other	Employee Paid Union Dues	\$1,121.00
<b>\$1,121.00</b>					

**Vendor: Lake Stevens School District**

**Check Number: 50348**

Invoice No	Check Date	Account Number	Account Name	Description	Amount
0019200112	5/6/2020	001 008 521 20 32 00	LE-Fuel	Fuel	\$5,425.88
<b>\$5,425.88</b>					

**Vendor: Land Development Consultants Inc**

**Check Number: 50349**

Invoice No	Check Date	Account Number	Account Name	Description	Amount
20744	5/6/2020	302 010 594 76 61 01	PM - North Cove Capital	North Cove Park Plaza Design - Phase II	\$46,646.65
20786	5/6/2020	001 007 558 50 41 04	Permit Related Professional Sr	Permitting Review Services	\$208.75
20805	5/6/2020	301 016 595 61 64 02	18004 - S. Lake Stevens Rd	S Lake Stevens Rd Multi Use Path	\$3,823.64
					<b>\$50,679.04</b>

**Vendor: LN Curtis & Sons**

**Check Number: 50350**

Invoice No	Check Date	Account Number	Account Name	Description	Amount
INV380469	5/6/2020	001 008 521 20 31 02	LE-Minor Equipment	Sergeant Chevrons	\$58.94
INV380576	5/6/2020	001 008 521 20 31 01	LE-Fixed Minor Equipment	Navy Pants	\$53.90
INV381915	5/6/2020	001 008 521 20 31 01	LE-Fixed Minor Equipment	Sponge Exact Impact Rounds	\$250.32
					<b>\$363.16</b>

**Vendor: McDermott**

**Check Number: 50351**

Invoice No	Check Date	Account Number	Account Name	Description	Amount
0420 MCDERMOTT	5/6/2020	001 000 362 00 00 04	Lundeen Shelter Rental	Refund Lundeen Rental 04/18/2020 Due to COVID-19	\$120.00
					<b>\$120.00</b>

**Vendor: McLoughlin & Eardley Group Inc**

**Check Number: 50352**

Invoice No	Check Date	Account Number	Account Name	Description	Amount
0247952-IN	5/6/2020	520 008 594 21 63 00	Capital Equipment	Dome Lights Dodge Charger	\$348.41
					<b>\$348.41</b>

**Vendor: Method Barricade & Construction Supply LLC**

**Check Number: 50353**

Invoice No	Check Date	Account Number	Account Name	Description	Amount
12761	5/6/2020	001 010 576 80 31 00	PK-Operating Costs	Signs - Lundeen Park/In Partnership	\$580.43
12817	5/6/2020	101 016 544 90 31 02	ST-Operating Cost	Flex-O-Line Pavement Tape	\$141.70
12821	5/6/2020	101 016 544 90 31 02	ST-Operating Cost	Three Flag Brackets	\$681.25
12836	5/6/2020	001 010 576 80 31 00	PK-Operating Costs	Sign - Don't Feed the Ducks	\$159.41
12839	5/6/2020	101 016 544 90 31 02	ST-Operating Cost	Sign - Double Arrow	\$136.25
					<b>\$1,699.04</b>

**Vendor: Mitigation Banking Services LLC**

**Check Number: 50293**

Invoice No	Check Date	Account Number	Account Name	Description	Amount
042820 MBS	4/29/2020	301 016 595 30 60 01	20th St SE Phase II Construct	Wetland Bank Credits-20th St SE Widening Project	\$3,570.00
					<b>\$3,570.00</b>

**Vendor: Motorola Solutions Inc**

**Check Number: 50354**

Invoice No	Check Date	Account Number	Account Name	Description	Amount
16102492	5/6/2020	001 008 521 20 31 06	LE-Emergency Mgmt Supplies	PD Radios	\$5,381.11
					<b>\$5,381.11</b>

**Vendor: Mumma**

**Check Number: 50355**

Invoice No	Check Date	Account Number	Account Name	Description	Amount
032720 MUMMA	5/6/2020	001 007 559 30 31 00	PB-Office Supplies	Reimburse - Car Chargers for Inspection Vehicles	\$18.32
					<b>\$18.32</b>

**Vendor: Nationwide Retirement Solution**

**Check Number: 0**

Invoice No	Check Date	Account Number	Account Name	Description	Amount
042420	4/29/2020	001 000 282 00 00 00	Payroll Liability Retirement	Employee Portion-Nationwide	\$4,420.00 <b>\$4,420.00</b>

**Vendor: Ogden Murphy Wallace PLLC**

**Check Number: 50356**

Invoice No	Check Date	Account Number	Account Name	Description	Amount
837784	5/6/2020	001 011 515 41 41 00	Ext Consultation - City Atty	Legal Services March 2020	\$24,022.20
837784	5/6/2020	001 011 515 41 41 01	Ext Consult - PRA	Legal Services Public Records March 2020	\$2,473.50
837784	5/6/2020	401 070 535 10 41 00	SE-Professional Service	Legal Services Sewer March 2020	\$2,310.00

**\$28,805.70**

**Vendor: Petersen Brothers Inc**

**Check Number: 50357**

Invoice No	Check Date	Account Number	Account Name	Description	Amount
1716605	5/6/2020	101 016 542 64 48 01	ST-Traf Control - Guardrail	Guardrail Repairs	\$5,438.09 <b>\$5,438.09</b>

**Vendor: Quadient Finance USA Inc**

**Check Number: 50358**

Invoice No	Check Date	Account Number	Account Name	Description	Amount
80346335 0420	5/6/2020	001 008 521 20 42 00	LE-Communication	Postage PD	\$150.00 <b>\$150.00</b>

**Vendor: Ramos**

**Check Number: 50359**

Invoice No	Check Date	Account Number	Account Name	Description	Amount
042920 RAMOS	5/6/2020	001 000 362 00 00 04	Lundeen Shelter Rental	Refund Lundeen Rental 06/06/2020 Due to COVID-19	\$120.00 <b>\$120.00</b>

**Vendor: Rexel USA Inc**

**Check Number: 50360**

Invoice No	Check Date	Account Number	Account Name	Description	Amount
0H34998	5/6/2020	101 016 544 90 31 02	ST-Operating Cost	PVC Conduit/Elbows/Caps	\$211.64
0H35418	5/6/2020	001 010 576 80 31 00	PK-Operating Costs	THHN Copper	\$78.80
0H35418	5/6/2020	101 016 544 90 31 02	ST-Operating Cost	THHN Copper	\$78.80
0H35418	5/6/2020	410 016 531 10 31 02	SW-Operating Costs	THHN Copper	\$78.80
0H36592	5/6/2020	101 016 544 90 31 02	ST-Operating Cost	PVC Conduit Coupling	\$29.69
0H48011	5/6/2020	001 010 576 80 31 00	PK-Operating Costs	Conduit/Metallic Square Boxes/Lampholders/Switches	\$61.68
0H48011	5/6/2020	101 016 544 90 31 02	ST-Operating Cost	Conduit/Metallic Square Boxes/Lampholders/Switches	\$61.68
0H48011	5/6/2020	410 016 531 10 31 02	SW-Operating Costs	Conduit/Metallic Square Boxes/Lampholders/Switches	\$61.68
0H76612	5/6/2020	410 016 531 10 31 02	SW-Operating Costs	Conduit/Set Screw Connector/Masonry Box	\$14.54

**\$677.31**

**Vendor: Roundy**

**Check Number: 50361**

Invoice No	Check Date	Account Number	Account Name	Description	Amount
050420 ROUNDY	5/6/2020	001 004 514 23 31 00	FI-Office Supplies	CV - Reimburse - Monitor	\$185.63 <b>\$185.63</b>

**Vendor: Sherwin-Williams Co**

**Check Number: 50362**

Invoice No	Check Date	Account Number	Account Name	Description	Amount
0034-0	5/6/2020	001 013 518 20 31 00	GG-Operating Costs	Paint/Chip Brush - Library	\$75.90
0073-8	5/6/2020	001 013 518 20 31 00	GG-Operating Costs	Paint/Chip Brush - Library	\$37.95

**\$113.85**

**Vendor: Snohomish County**  
**Check Number: 50363**

Invoice No	Check Date	Account Number	Account Name	Description	Amount
I000528956	5/6/2020	001 013 525 10 41 00	GG-Emergency	Q2 2020 Emergency Management Services	\$11,660.75 <b>\$11,660.75</b>

**Vendor: Snohomish County 911**  
**Check Number: 50364**

Invoice No	Check Date	Account Number	Account Name	Description	Amount
2483	5/6/2020	001 008 528 00 41 00	LE - SNO911	Dispatch Services	\$31,935.50 <b>\$31,935.50</b>

**Vendor: Snohomish County PUD**  
**Check Number: 50365**

Invoice No	Check Date	Account Number	Account Name	Description	Amount
100425864	5/6/2020	001 012 575 51 47 00	CS - Grimm House Utilities	222484701 Grimm House Electric	\$16.60
105328225	5/6/2020	001 010 576 80 47 00	PK-Utilities	221908015 City Shop Mechanic	\$59.29
105328225	5/6/2020	101 016 543 50 47 00	ST-Utilities	221908015 City Shop Mechanic	\$59.28
105328225	5/6/2020	410 016 531 10 47 00	SW-Utilities	221908015 City Shop Mechanic	\$59.27
118547563	5/6/2020	101 016 542 63 47 00	ST-Lighting - Utilities	202013249 Traffic Signal 1933 79th Ave SE	\$84.10
118547563	5/6/2020	101 016 542 64 47 00	ST-Traffic Control -Utility	202013249 Traffic Signal 7441 20th St SE	\$68.67
121858000	5/6/2020	001 010 576 80 47 00	PK-Utilities	203599006 City Shop Electric/Water	\$249.54
121858000	5/6/2020	101 016 543 50 47 00	ST-Utilities	203599006 City Shop Electric/Water	\$249.55
121858000	5/6/2020	410 016 531 10 47 00	SW-Utilities	203599006 City Shop Electric/Water	\$249.62
128461278	5/6/2020	001 013 518 20 47 02	GG-Utilities for Rentals	222450314 - 1819 S Lake Stevens Rd Commercial	\$685.36
128465486	5/6/2020	101 016 542 63 47 00	ST-Lighting - Utilities	202988481 Street Lights	\$189.48
131776474	5/6/2020	001 010 576 80 47 00	PK-Utilities	202340527 Decant Yard	\$7.21
131776474	5/6/2020	101 016 543 50 47 00	ST-Utilities	202340527 Decant Yard	\$7.21
131776474	5/6/2020	410 016 531 10 47 00	SW-Utilities	202340527 Decant Yard	\$7.20
144937475	5/6/2020	001 010 576 80 47 00	PK-Utilities	203582010 Lundein Restrooms Electric	\$122.33
144937475	5/6/2020	001 010 576 80 47 00	PK-Utilities	203582010 Lundein Restrooms Water	\$341.67
144937475	5/6/2020	001 012 557 30 40 01	CS - VIC Utilities	203582010 Visitor Information Center Electric	\$122.44
144937475	5/6/2020	101 016 542 63 47 00	ST-Lighting - Utilities	203582010 Street Lights	\$57.65
151523900	5/6/2020	101 016 542 63 47 00	ST-Lighting - Utilities	203728159 Traffic Signal	\$49.02
154765220	5/6/2020	001 010 576 80 47 00	PK-Utilities	200493443 Catherine Creek Park Electric	\$15.45
167594766	5/6/2020	101 016 542 63 47 00	ST-Lighting - Utilities	203731153 Traffic Signals	\$147.42
					<b>\$2,848.36</b>

**Vendor: Snohomish County PW**  
**Check Number: 50366**

Invoice No	Check Date	Account Number	Account Name	Description	Amount
I000528909	5/6/2020	410 016 531 20 41 00	SW-SnoCo Lake Monitoring	ILA Billing - Surface Water Mgmt Jan-March 2020	\$1,207.60
I000529002	5/6/2020	101 016 542 64 48 00	ST-Traffic Control - R&M	Signal/Sign Repair & Maint March 2020	\$1,986.14

**\$3,193.74**

**Vendor: Snohomish County Sheriffs Office**  
**Check Number: 50367**

Invoice No	Check Date	Account Number	Account Name	Description	Amount
2020-6286	5/6/2020	001 008 523 60 41 00	LE-Jail	Jail Services March 2020	\$19,770.98
2020-6306	5/6/2020	001 008 523 60 41 00	LE-Jail	Jail Services Medical March 2020	\$146.15

**\$19,917.13**

**Vendor: Sound Publishing Inc**  
**Check Number: 50368**

Invoice No	Check Date	Account Number	Account Name	Description	Amount
EDH896265	5/6/2020	301 016 544 40 41 02	17005 - 24th & 91st Ext Design	91st Ave SE Road Extension NPDES Permit	\$141.18
EDH896467	5/6/2020	001 007 558 50 41 03	PL-Advertising	Northcove Phase II NPDES Permit	\$97.74
					<b>\$238.92</b>

**Vendor: Sound Safety Products Co Inc**  
**Check Number: 50369**

Invoice No	Check Date	Account Number	Account Name	Description	Amount
15505/6	5/6/2020	101 016 542 30 26 00	ST-Boot - Clothing Allowance	Boots - Ubert R	\$245.95
15567/6	5/6/2020	101 016 542 30 26 00	ST-Boot - Clothing Allowance	Boots - Bredstrand M	\$245.95
15568/6	5/6/2020	410 016 531 10 26 00	SW Clothing-Boot Allowance	Boots - Womack K	\$139.21
15689/6	5/6/2020	410 016 531 10 26 00	SW Clothing-Boot Allowance	Boots - Ervin M	\$148.50
15696/6	5/6/2020	410 016 531 10 26 00	SW Clothing-Boot Allowance	Boots - Bailey T	\$278.44
344308/1	5/6/2020	410 016 531 10 26 00	SW Clothing-Boot Allowance	Boots - Nedrow N	\$176.38
344312/1	5/6/2020	410 016 531 10 26 00	SW Clothing-Boot Allowance	Rubber Safety Boots - Nedrow N	\$143.28
344750/1	5/6/2020	001 010 576 80 26 00	PK- Clothing - Boot Allowance	Boots - Young K	\$293.03
345112/1	5/6/2020	410 016 531 10 26 00	SW Clothing-Boot Allowance	Boots - Erwin M	\$149.32
345115/1	5/6/2020	410 016 531 10 26 00	SW Clothing-Boot Allowance	Boots - Waltz S	\$317.30
345117/1	5/6/2020	101 016 542 30 26 00	ST-Boot - Clothing Allowance	Boots - Evans J	\$149.32
345118/1	5/6/2020	410 016 531 10 26 00	SW Clothing-Boot Allowance	Boots - Connolly B	\$284.63
345456/1	5/6/2020	410 016 531 10 26 00	SW Clothing-Boot Allowance	Boots - Stevens P	\$335.97
346147/1	5/6/2020	001 010 576 80 26 00	PK- Clothing - Boot Allowance	Boots - Young M	\$232.37
346447/1	5/6/2020	410 016 531 10 26 00	SW Clothing-Boot Allowance	Boots - Nedrow N	\$174.02
347110/1	5/6/2020	101 016 542 30 26 00	ST-Boot - Clothing Allowance	Boots - Hammrich M	\$256.36
347113/1	5/6/2020	101 016 542 30 26 00	ST-Boot - Clothing Allowance	Boots - Thomsen J	\$256.36
347246/1	5/6/2020	410 016 531 10 26 00	SW Clothing-Boot Allowance	Boots - Mann T	\$292.60
					<b>\$4,118.99</b>

**Vendor: Stevens**  
**Check Number: 50370**

Invoice No	Check Date	Account Number	Account Name	Description	Amount
050520 BSTEVENS	5/6/2020	001 004 514 23 31 00	FI-Office Supplies	Reimburse - Batteries	\$10.88
					<b>\$10.88</b>

**Vendor: SVR Inc**  
**Check Number: 50371**

Invoice No	Check Date	Account Number	Account Name	Description	Amount
23678	5/6/2020	302 010 594 76 61 00	PM - Frontier Heights Capital	Dumpster Rental - Frontier Heights	\$764.75
					<b>\$764.75</b>

**Vendor: Tacoma Screw Products Inc**  
**Check Number: 50372**

Invoice No	Check Date	Account Number	Account Name	Description	Amount
18273292	5/6/2020	001 010 576 80 31 00	PK-Operating Costs	CV - Nitrile Gloves	\$167.33
18273293	5/6/2020	410 016 531 10 31 02	SW-Operating Costs	Steel Deck Screws	\$45.06
18273294	5/6/2020	001 010 576 80 31 00	PK-Operating Costs	Liquid Glass Cleaner	\$62.28
18273652	5/6/2020	001 010 576 80 31 00	PK-Operating Costs	Washers/Screws	\$11.47
18273762	5/6/2020	001 010 576 80 31 00	PK-Operating Costs	Safety Glasses/Non-Slip Gloves/Nitrile Gloves	\$259.95
18273762	5/6/2020	101 016 544 90 31 02	ST-Operating Cost	Safety Glasses/Non-Slip Gloves/Nitrile Gloves	\$259.95
18273762	5/6/2020	410 016 531 10 31 02	SW-Operating Costs	Safety Glasses/Non-Slip Gloves/Nitrile Gloves	\$259.95
30100168	5/6/2020	001 010 576 80 31 00	PK-Operating Costs	Steel Socket Cap Screws	\$6.92
30100168	5/6/2020	101 016 544 90 31 02	ST-Operating Cost	Steel Socket Cap Screws	\$6.91
30100168	5/6/2020	410 016 531 10 31 02	SW-Operating Costs	Steel Socket Cap Screws	\$6.91
					<b>\$1,086.73</b>

**Vendor: Technological Services Inc**  
**Check Number: 50373**

Invoice No	Check Date	Account Number	Account Name	Description	Amount
16273	5/6/2020	001 008 521 20 48 00	LE-Repair & Maintenance Equip	Cooling System Repair PT-17-75	\$574.13
16289	5/6/2020	001 008 521 20 48 00	LE-Repair & Maintenance Equip	Express Lube/Filters/Transmission Service PT-16-60	\$351.03
16301	5/6/2020	001 008 521 20 48 00	LE-Repair & Maintenance Equip	Express Lube PT-16-65	\$86.91
16315	5/6/2020	001 008 521 20 48 00	LE-Repair & Maintenance Equip	New Tire (1) I-17-73	\$183.21
16324	5/6/2020	001 008 521 20 48 00	LE-Repair & Maintenance Equip	New Tires (4)/Lf Door Handle Kit A-14-68	\$1,071.73
16358	5/6/2020	001 008 521 20 48 00	LE-Repair & Maintenance Equip	Express Lube/Brake Inspection/Repair PT-19-83	\$825.59
					<b>\$3,092.60</b>

**Vendor: The Daily Herald**  
**Check Number: 50374**

Invoice No	Check Date	Account Number	Account Name	Description	Amount
042320 HERALD	5/6/2020	001 013 518 20 31 00	GG-Operating Costs	The Daily Herald Subscription 2020-2021	\$203.36
					<b>\$203.36</b>

**Vendor: TransUnion Risk and Alternative**  
**Check Number: 50375**

Invoice No	Check Date	Account Number	Account Name	Description	Amount
4016011-2020041	5/6/2020	001 008 521 20 41 01	LE-Professional Serv-Fixed	TILO - Information Gathering Services April 2020	\$54.50
					<b>\$54.50</b>

**Vendor: United Rentals North America Inc**  
**Check Number: 50376**

Invoice No	Check Date	Account Number	Account Name	Description	Amount
180567849-001	5/6/2020	410 016 531 10 45 01	SW-Rentals-Leases	Bedding Box 5 Yard	\$1,569.60
					<b>\$1,569.60</b>

**Vendor: UPS**  
**Check Number: 50377**

Invoice No	Check Date	Account Number	Account Name	Description	Amount
0000074Y42160	5/6/2020	001 008 521 20 42 00	LE-Communication	Evidence Shipping	\$17.64
					<b>\$17.64</b>

**Vendor: Vantagepoint Transfer Agents - 108991**  
**Check Number: 50294**

Invoice No	Check Date	Account Number	Account Name	Description	Amount
042420	4/29/2020	001 000 282 00 00 00	Payroll Liability Retirement	ICMA Deferred Comp - Employer Contribution	\$368.95
					<b>\$368.95</b>

**Vendor: Vantagepoint Transfer Agents - 307428**  
**Check Number: 50295**

Invoice No	Check Date	Account Number	Account Name	Description	Amount
042420	4/29/2020	001 000 282 00 00 00	Payroll Liability Retirement	ICMA Deferred Comp - Employee Contribution	\$2,030.77
					<b>\$2,030.77</b>

**Vendor: Washington State Support Registry**  
**Check Number: 0**

Invoice No	Check Date	Account Number	Account Name	Description	Amount
042420	4/29/2020	001 000 284 00 00 00	Payroll Liability Other	Employee Paid Child Support	\$543.50
					<b>\$543.50</b>

**Vendor: Wave Broadband**  
**Check Number: 50378**

Invoice No	Check Date	Account Number	Account Name	Description	Amount
103946401-0008119	5/6/2020	001 002 513 11 42 00	AD-Communications	Telephone Service	\$23.50
103946401-0008119	5/6/2020	001 003 514 20 42 00	CC-Communications	Telephone Service	\$47.01
103946401-0008119	5/6/2020	001 004 514 23 42 00	FI-Communications	Telephone Service	\$47.01
103946401-0008119	5/6/2020	001 005 518 10 42 00	HR-Communications	Telephone Service	\$23.51

103946401-0008119	5/6/2020	001 006 518 80 42 00	IT-Communications	Telephone Service	\$70.51
103946401-0008119	5/6/2020	001 007 558 50 42 00	PL-Communication	Telephone Service	\$152.86
103946401-0008119	5/6/2020	001 007 559 30 42 00	PB-Communication	Telephone Service	\$23.51
103946401-0008119	5/6/2020	001 008 521 20 42 00	LE-Communication	Telephone Service	\$799.49
103946401-0008119	5/6/2020	001 012 575 30 42 00	CS - Museum - Communications	Telephone Service Museum	\$23.50
103946401-0008119	5/6/2020	001 012 575 50 42 00	CS- Pavillion - Communication	Telephone Service Senior Ctr	\$23.51
103946401-0008119	5/6/2020	001 013 518 20 42 00	GG-Communication	Telephone Service	\$94.02
103946401-0008119	5/6/2020	101 016 543 30 42 00	ST-Communications	Telephone Service Shop	\$135.27
103946401-0008119	5/6/2020	410 016 531 10 42 00	SW-Communications	Telephone Service Shop	\$135.28
103946401-0008119	5/6/2020	510 006 518 80 49 04	LR - WaveBroadband Fiber Lease	Fiber Leases	\$1,886.70
					<b>\$3,485.68</b>

**Vendor: Weed Graafstra & Associates Inc**

**Check Number: 50379**

Invoice No	Check Date	Account Number	Account Name	Description	Amount
050120 WGA	5/6/2020	301 016 595 30 60 03	17005- 24th St & 91st Ext	Legal Services - 24th & 91st Extension	\$4,633.00
050120 WGA	5/6/2020	301 016 595 61 64 02	18004 - S. Lake Stevens Rd	Legal Services - S Lake Stevens Rd	\$1,335.00
					<b>\$5,968.00</b>

**Vendor: Welch Comer & Associates Inc**

**Check Number: 50380**

Invoice No	Check Date	Account Number	Account Name	Description	Amount
55000200-001	5/6/2020	410 016 531 10 49 01	SW-Staff Development	Drone Training - Mangold	\$1,261.75
					<b>\$1,261.75</b>

**Vendor: West Marine Pro**

**Check Number: 50381**

Invoice No	Check Date	Account Number	Account Name	Description	Amount
002417	5/6/2020	001 008 521 21 31 00	LE-Boating Minor Equipment	Aluminum Boat Hook	\$36.21
					<b>\$36.21</b>

**Vendor: Wetland Resources Inc**

**Check Number: 50382**

Invoice No	Check Date	Account Number	Account Name	Description	Amount
20054-0420	5/6/2020	302 010 594 76 61 00	PM - Frontier Heights Capital	Frontier Heights Park Mitigation Plan	\$1,410.00
					<b>\$1,410.00</b>

**Vendor: WM Corporate Services Inc**

**Check Number: 50383**

Invoice No	Check Date	Account Number	Account Name	Description	Amount
8899182-4968-7	5/6/2020	001 008 521 50 47 00	LE-Facility Utilities	Dumpster Service - Police Conference Center	\$184.97
8899182-4968-7	5/6/2020	001 013 518 20 47 02	GG-Utilities for Rentals	Dumpster Service - 1825 S Lake Stevens Rd Comm	\$500.11
					<b>\$685.08</b>

**Vendor: Zachor and Thomas Inc PS**

**Check Number: 50384**

Invoice No	Check Date	Account Number	Account Name	Description	Amount
20-LKS00004	5/6/2020	001 011 515 41 41 02	Ext Consult - Prosecutor Fees	Prosecution Services April 2020	\$12,900.00
					<b>\$12,900.00</b>

**CITY OF LAKE STEVENS  
CITY COUNCIL SPECIAL MEETING MINUTES**

Tuesday, April 28, 2020  
By Remote Participation

CALL TO ORDER: 7:00 p.m. by Mayor Brett Gailey

ELECTED OFFICIALS PRESENT: Mayor Brett Gailey, Councilmember Steve Ewing

ELECTED OFFICIALS  
PARTICIPATING REMOTELY: Councilmembers Kim Daughtry, Gary Petershagen, Shawn  
Frederick, Mary Dickinson, Anji Jorstad, Marcus Tageant,

ELECTED OFFICIALS ABSENT: None

STAFF MEMBERS PRESENT: City Administrator Gene Brazel, City Clerk Kathy Pugh,  
Public Works Director Eric Durpos

STAFF MEMBERS  
PARTICIPATING REMOTELY: Finance Director Barb Stevens, Community Development  
Director Russ Wright, Police Chief John Dyer, Human  
Resources Director Anya Warrington, Human Resources  
Specialist Julie Good, City Attorney Greg Rubstello, City  
Engineer Grace Kane. Associate Planner Sabrina Harris

OTHERS:

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Mayor Gailey opened the meeting at 7:00 p.m.

**Pledge of Allegiance:** Mayor Gailey led the Pledge of Allegiance.

**Roll Call:** Mayor Gailey noted for the record all Councilmembers are present.

**Approval of Agenda:** Moved by Councilmember Daughtry, seconded by Councilmember  
Frederick, to approve the agenda. On roll call vote the motion carried (7-0-0-0).

**Citizen Comments:**

Dave Schultz, participating remotely, commented a letter was provided to Councilmembers by  
email from John Graham, Northwest Quad Association of Everett, in support of the proposed  
code amendment to LSCM 7.30.010 Definitions, and said he is available to answer any  
questions or provide additional information.

Mark Somers, participating remotely, liked the joint letter sent by the Snohomish County mayors  
to the community and agreed with the message. He added he likes calling in to the meetings  
and is looking forward to the new meeting room at The Mill and how the audio video will be  
provided and managed.

**Council Business:**

- Councilmember Daughtry: Snohomish Counties for Improved Transportation update regarding COVID-related lost gas tax revenues; Aquafest for 2020 is cancelled.
- Councilmember Petershagen: Sewer Utility Committee; happy to see construction coming back.

Councilmember Petershagen introduced Resolution 2020-08 opposing the Governor's Proclamation 20-50 reducing the state prison population, saying there is concern about the release of prisoners and the public's safety. He asked Councilmembers consider the resolution, saying it is an important issue and an important point to be made.

There was agreement to consider this resolution now.

**MOTION:** Moved by Councilmember Petershagen, seconded by Councilmember Daughtry, to pass Resolution 2020-08, a resolution of the City of Lake Stevens, Washington, opposing Governor's Proclamation 2050 reducing prison population.

Mayor Gailey invited Council discussion.

Councilmember Jorstad said she just received the resolution today and asked about the motivation for the City of Lake Stevens to pass this resolution.

Councilmember Petershagen responded he is concerned about the releasing of prison populations into the general population based on a virus; he believes there are better ways to handle this through segregation and quarantining of offender populations. He added he people who are being considered for release are violent offenders in his mind and it is important to not have offenders dropped into the neighborhood.

Councilmember Jorstad did look at the Department of Corrections website and said 450 individuals have already been released, with only 37 coming to Snohomish County; she does not believe this represents a large influx into the city. She reviewed charges and she didn't see any that were violent offenders. She added this appears to be a national issue and not a Washington state issue. She believes the push is to minimize density and take precautions within facilities so the virus is not communicated outside the prisons by staff. Councilmember Jorstad also commented on the large decrease of populations in county jails and asked if a resolution is being considered in response.

Councilmember Ewing explained in county jails people have been charged but have not been convicted whereas in prisons, people have been convicted. He said efforts to keep prison populations are extraordinary, and that a citizen is six times more likely to be infected with COVID than someone in a correctional facility. He added another challenge with this early release is that inmates are not prepared to be released and a number who have been released have re-offended and are back in custody. Councilmember Ewing said there is good reason to bring this resolution forward.

Councilmember Dickinson does not believe this is a City Council issue, and she finds it divisive. Councilmember Dickinson prefers to show unity during these times.

Councilmember Daughtry disagreed, saying it is important for the Council to show support or nonsupport for what elected officials above the Council level are doing. Councilmember Daughtry believes if the Council does not share its pleasure or displeasure with state-level decisions, then it is not serving city citizens.

Councilmember Frederick is concerned with the language in paragraph 2 of the resolution against releasing a person for medical reasons and believes there may be medical situations outside the capabilities of the corrections system, and it is appropriate to ensure these persons receive appropriate medical care.

Councilmember Tageant appreciated Commissioner Ewing's comments. He said he is aware of and has heard from citizens who are concerned, and he is concerned that integration services are not available for inmates who are released under the Governor's Proclamation 20-50. Councilmember Tageant agreed with Councilmember Daughtry's comments that it is important for the Council to weigh in on what other elected officials are doing as this is how the community is heard.

Responding to Councilmember Jorstad's question, Councilmember Tageant said he is hearing from community members and there is concern about this proclamation.

Councilmember Jorstad said she is hearing support for this Proclamation within the community and that needs to be considered as well.

Councilmember Petershagen acknowledged some may not support the Proclamation but believes most would. He added there are lots of concerned comments when citizens see the DOC workers in the city. Responding to Councilmember Frederick's concerns regarding people being released for a health problem, Councilmember Petershagen believes the intent is to release healthy inmates.

Councilmember Frederick explained the language in paragraph 2 of the resolution suggests a person meeting other criteria for early release but having a medical condition would not be released.

Councilmember Daughtry suggested there are probably already procedures in place for inmate medical conditions and concerns, but he would not oppose that part of the resolution being stricken.

Councilmember Ewing assured that any inmates who have a medical condition or emergent medical situation that is beyond the ability of the prisons to address are immediately provided with the level of care required from facilities located within the Pacific Northwest.

**MOTION TO AMEND MAIN MOTION:** Moved by Councilmember Frederick, seconded by Councilmember Tageant, to strike the words "emergency medical release" from paragraph 2 of Resolution 2020-08. On roll call vote the motion carried (5-2-0-0) with Councilmembers Jorstad and Dickinson opposing the motion.

**VOTE ON MAIN MOTION:** On roll call vote the motion carried (5-2-0-0) with Councilmembers Jorstad Dickinson opposing.

- Councilmember Frederick: Provided an update on COVID, noting the curve appears to be flattening and some restrictions are being lifted; every effort is to make sure this occurs in a safe manner.
- Councilmember Dickinson: Senior Center repair; Highland Elementary PTA virtual meeting; Bloodworks NW.

- Councilmember Ewing: Planning Commission; Mayors' letter; thanked Permit Center for maintaining permit functions.
- Councilmember Tageant: Sewer Utility Committee; The Mill.

**Mayor's Business:** Updated on the Mayor's Coalition coming together to write the letter sent to the Governor and said efforts will continue to move forward; Farmers Market; working with other mayors and Department of Emergency Management for next industries that could reopen hopefully in the near future.

**City Department Report:**

- Community Development Director Russ Wright: Limited reopening of parks and open spaces on May 5<sup>th</sup> and safe guidelines will be followed; working to keep permit functions open and inspection duties are being conducted; kick-off meeting for 18<sup>th</sup> Street (Festival Street").
- Public Works Director Eric Durpos: South Lake Stevens Road and Frontier Heights Park updates.
- Finance Director Barb Stevens: Annual financial statements, auditors will begin work next week, COVID-19 Payroll Benefits. Director Stevens provided a brief financial update due to COVID-19 and the city is looking at an approximate 7% decrease in revenues over the year. said the city is not as reliant on sales tax as other cities and explained how the calculations are arrived at. She said there is funding for current capital projects, but timing may need to be adjusted based on when revenues are received. COVID-related expenses are being tracked for reimbursement. Director Stevens added reserve funds are healthy.
- Police Chief John Dyer: Police Department building update is moving forward.
- City Administrator Gene Brazel: Purchase and sale agreement with Costco; Everett Herald inquiry re boat launch, which has been open.

**Consent Agenda:** Moved by Councilmember Frederick, seconded by Councilmember Dickinson, to approve the Consent Agenda:

- A. 2020 Vouchers [Electronic Funds Transfers (ACH) of \$295,789.22, Claims Check Nos. 50176-50184, 50189-50289 totaling \$1,880,266.53, Void Check Nos. 49012, 50030, 50035, 50058 totaling \$80, Total Vouchers Approved \$2,175,975.75]
- B. City Council Regular Meeting Minutes of April 14, 2020;
- C. Amendment to Temporary Hazardous Pay Policy; and
- D. Ordinance 1086 Authorizing Financing for Purchase of Vactor Truck.

On roll call vote the motion carried (7-0-0-0).

**Public Hearing:**

**Infill Regulations and Ordinance 1081:** Mayor Gailey opened the public hearing and said comments will be taken at the May 12<sup>th</sup> meeting.

Associate Planner Sabrina Harris presented the staff report and briefly reviewed the history of developing proposed amendments to the infill regulations, including gathering input from the public. She explained that adoption of infill regulations will help guide the development process by providing flexibility and efficient standards to increase diversity in housing stock throughout the community and promote quality neighborhoods. Planner Harris next highlighted some of the proposed amendments. Staff's recommendation is to continue the hearing to the May 12, 2020

Council meeting; she noted as of tonight's meeting no additional public comment has been received since posting notice of this public hearing.

Responding to Councilmember Petershagen's question, Planner Harris said no studies have been completed on the number of housing units projected, but staff has already received interest in the application of this zoning code, so it is hoped this will increase housing stock. She confirmed this applies only to R4, R6, R8 and R12 zones.

**MOTION:** Moved by Councilmember Tageant, seconded by Councilmember Ewing to leave the public hearing open for public comment and continue the hearing to the May 12, 2020 City Council meeting. On roll call vote the motion carried (7-0-0-0).

**Action Items:**

**South Lake Stevens Road Multi-Use Path – Grind and Overlay Change Order:** Public Works Director Durpos presented the staff report and explained that in addition to the city's project to add a multi-use path along South Lake Stevens Road, the road has also been impacted by other construction projects including extensive sanitary sewer work by the Lake Stevens Sewer District and construction of the Pellerin Plat by MainVue Homes. Collectively these projects have caused significant impact on the road quality, and the roadway needs significant road improvements to ensure its longevity. Strider Construction provided a cost estimate in the amount of \$330,000, for a grind and overlay of South Lake Stevens Road from 20<sup>th</sup> Street SE to 116<sup>th</sup> Street SE. This work will be undertaken as a change order to the original contract with Strider for the multi-use path. Both MainVue Homes and Lake Stevens Sewer District projects included half lane overlays or patches, and both have committed their funds totaling \$140,000 to partially fund this change order. Of the cost the city will be responsible, \$80,000 is already budgeted as part of the South Lake Stevens Road budget and explained this is a good time to move forward with this repaving as the cost of oil has dropped significantly.

Councilmembers Tageant and Daughtry support moving forward with this change order.

**MOTION:** Moved by Councilmember Daughtry, seconded by Councilmember Tageant, to authorize the Mayor to execute a Change Order with Strider Construction of Bellingham, WA in the amount of \$330,000 for a grind and overlay of South Lake Stevens Road from 20<sup>th</sup> Street SE to 116<sup>th</sup> Street SE. On roll call vote the motion carried (7-0-0-0).

**Interlocal Agreement with Lake Stevens Sewer District re Decant Facility:** Director Durpos presented the staff report and explained this interlocal agreement sets out the responsibilities of the Sewer District and City for cost sharing of purchase, design, construction and maintenance of the decant facility. Also review of construction bids and bid award will be shared equally and the construction process will be jointly managed. Director Durpos commented the Sewer District Board of Commissioners approved the interlocal agreement at their April 23, 2020 meeting.

**MOTION:** Moved by Councilmember Tageant, seconded by Councilmember Petershagen, to authorize the Mayor to enter into an Interlocal Agreement with Lake Stevens Sewer District for Capital Construction of a City Decant Facility that will allow utilization of the facility for the treatment and disposal of stormwater liquids and solids from the district. On roll call vote the motion carried (7-0-0-0).

**Ordinance 1085 Amending LSMC 7.30 re WATVs:** Police Chief Dyer provided a brief history of the Council's approval of WATVs on city streets and said this matter is brought forward following a request received earlier this year to amend LSMC 7.30.010 Definitions to allow smaller WATVs, commonly known as "quads" on city streets. He briefly reviewed safety concerns related to quad-type vehicles that were brought forward at the time LSMC 7.30 was adopted and said he still has those concerns.

Responding to Councilmember Jorstad's question, Chief Dyer said he has not seen emails supporting this amendment directed to Council earlier in the week.

Councilmember Ewing asked if there is data from surrounding cities that allow quads either supporting or refuting the safety challenges of quads on city streets. Chief Dyer said visibility is a primary concern and the quads are lower to the ground than motorcycles; it is particularly difficult to see quads travelling on streets where cars are parked. Chief Dyer said he does not have data on visibility issues from surrounding jurisdictions.

Councilmember Tageant said his concerns are visibility, tipping and general safety concerns. He added quad riders are not required to have any additional licensing, unlike for motorcycle riders.

Councilmember Petershagen asked about a sunset date, perhaps two years, for the original ordinance and Chief Dyer responded there is not one. Councilmember suggested possibly a sunset clause to see how this might go.

Councilmember Frederick visited Consumer Product Safety Commission where there is data on ATV-related deaths and said there is a lot of data. The very first thing written to reduce ATV-related deaths is do not drive ATVs on paved roads. He also visited the ATV Safety.Org website where the first comment is always wear a helmet and the second comment is never ride on paved roads, except to cross and where permitted by law. He believes these vehicles are not designed for paved roads and his research supports this.

**MOTION:** Moved by Councilmember Daughtry, seconded by Councilmember Petershagen, to approve Ordinance 1085, an Ordinance of the City of Lake Stevens, Washington, amending Title 7 LSMC 7.30 Wheeled All-Terrain Vehicles (WATVS) Section 7.30.010, Definitions; providing for severability, an effective date and summary publication by ordinance title only.

There was discussion regarding amending the motion to add a sunset clause, with consensus to not do so.

**VOTE:** On roll call vote the motion failed (3-4-0-0) with Councilmembers Daughtry, Petershagen and Ewing voting in favor of the motion, and Councilmembers Frederick, Dickinson, Jorstad and Tageant voting against the motion.

### **Discussion Items:**

**Annexation:** Community Development Director Russ Wright presented the staff report and said tonight's discussion is a follow up to previous discussions on annexation of the remaining UGA. He reviewed the methods for annexation including petition, election and interlocal agreement, noting the Legislature provided additional tools for annexation by interlocal agreement in 2019. These tools include that the annexation area is heavily affected or reliant on the city's transportation system. Looking at Annexation Areas 1 and 2 on the southeast and

south end of the lake, a way forward is to use this new tool and work with Snohomish County to complete an annexation under an interlocal agreement. Director Wright explained the process includes working with special purpose districts including Lake Stevens Sewer District and the Fire District; he added the interlocal agreement requires a public hearing and a longer public notice time. Staff previously developed an annexation fact sheet, which could be updated, and would work to educate the community on annexation benefits.

Director Wright briefly reviewed a timeline for annexation of Areas 1 and 2 under an interlocal agreement. If Council determines to use the new tool and move forward in this manner, the process could begin in June after the new legislation becomes effective. A resolution would be brought forward, to initiate the process and authorize negotiation with Snohomish County, and it would take approximately five to six months to complete the annexation process.

Councilmember Dickinson said public outreach is critical and asked if there is any benefit moving forward now. Councilmember Wright responded this is a question for the Mayor and Council. From staff's perspective there is no rush to move forward, and this is brought forward for discussion now following Council's direction at the recent retreat.

Mayor Gailey responded to Councilmember Dickinson's question saying there are benchmarks on the horizon relating to the Growth Management Act (GMA) and the city's Urban Growth Area (UGA). Annexation or attempted annexation of Areas 1 and 2 is part of that process. Additionally, this annexation fulfills the city's vision of one community around the lake, and he believes the city can provide better services to these two areas especially in the areas of law enforcement and public works. He also believes many of the residents in these annexation areas already consider themselves a part of the Lake Stevens community.

Councilmember Tageant would like to move forward with annexing these areas.

Councilmember Petershagen asked if the county could block these annexations. Director Wright said this is highly unlikely and the city and county previously entered a Master Annexation Interlocal Agreement that provides the framework for moving forward with annexations. Director Wright added the county would not be able to block any revenue benefits the city might receive through annexation.

Councilmember Daughtry confirmed the areas are already in the city's UGA.

Councilmembers Petershagen and Daughtry agreed it is important to keep these annexations moving forward, and Councilmember Daughtry said public outreach will be important.

Councilmember Ewing also agreed with moving forward and appreciated the work that has already been put into this by the Mayor and staff.

Director Wright said he will bring a resolution forward in July.

**Garbage Contract:** Public Works Director Durpos said garbage services for Lake Stevens are provided by both Republic (Rabanco/Allied Waste) Services and Waste Management. Republic Services provides service within the original city limits of Lake Stevens under a franchise agreement which has been amended two times to provide a senior disabled rate, and rate increases, and a third amendment to extend the term of the franchise to expire on May 31 2021 to coincide with the Waste Management contract term, which also expires on May 31, 2021 as it relates to the Southwest Annexation area. Waste Management provides service to areas that

have been annexed into the city from the County. Director Durpos explained Republic Services' service area is very small, all the newly annexed areas are serviced by Waste Management. Under the UTC Waste Management is entitled to provide service to these areas for a period of ten years after the date of annexation. Director Durpos explained waste management is very expensive and staff wants to move forward now to allow ample time for contract negotiation for whichever provider is selected to gear up.

Responding to Councilmember Ewing's question, Director Durpos said the intention is to have one provider for all of the city.

City Administrator Brazel explained that garbage contracts are different than other contracts and there are options for moving forward. One is to complete an RFP process, listing all elements that the city wants to see. Another way forward is direct negotiation. Administrator Brazel believes direct negotiation is the best way forward at this time, knowing that the process could be stopped at any time and an RFP process could be used. Administrator Brazel said there have been some preliminary discussions and his recommendation is to direct negotiate with provider that already services most of the area with the goal being to obtain a better rate and services for the ratepayers.

Responding to Councilmember Daughtry's question, Administrator Brazel recommends direct negotiation with Waste Management.

Councilmember Tageant is not sure about direct negotiation with Waste Management and said Republic Services has been a good partner to the city.

Councilmember Daughtry agreed with Councilmember Tageant and said Waste Management is late to the game.

Councilmember Jorstad asked if direct negotiations can be done at the same time with both companies and asked if information from one company can be shared with the other during direct negotiations.

Attorney Rubstello responded direct negotiations can be conducted simultaneously with two parties, but information sharing has ethical problems and would have long range negative consequences. Attorney Rubstello said direct negotiations with a trusted vendor does have advantages and is often used by cities negotiating with the garbage industry.

Responding to Councilmember Ewing's question, Administrator Brazel said he did not come to the recommendation to direct negotiate with Waste Management lightly. It is about service provided to the ratepayers and not necessarily about community events. He noted the cost of community events is built into the ratepayer cost. In this instance there is more to consider including the companies' track records, ratepayer satisfaction. Administrator Brazel said more complaints about Republic Services are received at City Hall, and also there have been some administrative changes at Republic Services that have negatively impacted services. He believes there is an opportunity to negotiate a better rate for some of the ratepayers with direct negotiation; he added an RFP drives the price up and the process takes a year.

Councilmember Ewing supports one service providers for the city and achieving good value for the ratepayers whether residential or commercial.

Director Durpos there is a lot less impact to residents for one third of the city to change providers than for two thirds of residents to make a change. Also, direct negotiating with Waste Management is a positive as it relates to annexations.

Responding to Councilmember Daughtry's question, Director Durpos said garbage service is mandatory, and he believes all cities have mandatory waste pick up. Snohomish County does not require garbage service.

Attorney Rubstello said the best contracts are direct negotiated contract and are exclusive contracts. This cuts down on code enforcement concerns as well.

Director Durpos said waste management contracts are very complex, and direct negotiation provides a lot of flexibility that an RFP cannot provide.

Councilmember Jorstad said she does support direct negotiation with Waste Management.

Councilmember Petershagen confirmed his understanding that both providers do recycle and yard waste pickup.

Responding to Councilmember Tageant's question, Attorney Rubstello said direct negotiation can be done with two companies, but the best result comes for negotiating with only one company.

Responding to Councilmember Dickinson's question, Administrator Brazel said data can be obtained from Waste Management regarding customer satisfaction. He added direct negotiation can be started with one company, but if at some point the negotiations are not going well, this will be reported back to Council and direction can be changed.

Councilmember Ewing supports the idea of providing waste service flexibility in the contract for areas that are newly annexed and not currently required to use garbage service.

Councilmember Daughtry commented newly annexed areas are with Waste Management now and those customer rates stay in place for ten years from annexation.

Director Durpos responded the intention is to negotiate a lower rate for annexed areas as well as for other customers within the city. He believes most people living in the UGA already have garbage service.

Mayor Gailey confirmed there is consensus to move forward with direct negotiation with Waste Management.

**MOTION:** Moved by Councilmember Ewing, seconded by Councilmember Dickinson, to extend the meeting by 20 minutes. On vote the motion carried (7-0-0-0).

**Executive Session:** Mayor Gailey announced an executive session and explained Councilmembers and participating staff will conduct the executive session via telephone conference call. The executive session involves potential litigation with no action to follow. He asked Councilmembers to mute their mics and turn off their video; he added Councilmembers should unmute their mics and turn their video back on when the meeting reconvenes. Mayor Gailey said the executive session will begin at 8:58 p.m. and last 10 minutes.

At 9:08 p.m. Mayor Gailey advised the executive session was extended 5 minutes, and Clerk Pugh announced the extension.

At 9:13 p.m. the regular meeting of the City Council reconvened.

**Adjourn:**

Moved by Councilmember Tageant, seconded by Councilmember Ewing, to adjourn the meeting at 9:13 p.m. On vote the motion carried (7-0-0-0).

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Brett Gailey, Mayor

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Kathy Pugh, City Clerk



LAKE STEVENS CITY COUNCIL  
**STAFF REPORT**

**Council Agenda Date:** May 12th, 2020

**Subject:** Cashier's Change Fund Elimination

**Contact Person/Department:** Barb Stevens / Finance Director      **Budget Impact:** N/A

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**RECOMMENDATION(S)/ACTION REQUESTED OF COUNCIL:** Approve Ordinance No. 1087 eliminating the cashier's change funds at the City Hall and the Police Station and repealing LSMC 3.44.010.

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**SUMMARY/BACKGROUND:** Currently there are seven separate cash funds used for making change during receipting processes. City Hall has three separate funds of \$100.00 each and the Police Station has four funds in the amount of \$200.00 each.

Due to the closing of the downtown branch of the City's financial institution, the City eliminated cash as an accepted method of tender beginning March 1<sup>st</sup>. As such, the cashier change funds are no longer needed.

This ordinance will eliminate the change funds at City Hall and the Police Department and repeal our municipal code (LSMC 3.44.010) to reflect the elimination.

The \$1,100.00 will be redeposited and accounted for in the General Fund.

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**APPLICABLE CITY POLICIES:** City Council approves the creation of change funds and their amounts.

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**BUDGET IMPACT:** N/A

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**ATTACHMENTS:**

- Exhibit A: Ordinance No. 1087

CITY OF LAKE STEVENS  
LAKE STEVENS, WASHINGTON

**ORDINANCE NO. 1087**

**AN ORDINANCE REPEALING ORDINANCE NOS. 610, 587, 414, 751, 755, 807, 857, 1021 AND 1077 CODIFIED AS LAKE STEVENS MUNICIPAL CODE SECTION 3.44.010, ENTITLED “CASHIER’S CHANGE FUND CREATED” TO ACCOMMODATE CUSTOMER PAYMENTS AT CITY HALL AND THE POLICE STATION, PROVIDING FOR SUMMARY PUBLICATION BY ORDINANCE TITLE AND AN EFFECTIVE DATE.**

WHEREAS, the City no longer receives cash as a form of payment from customers, and

WHEREAS, there is no longer a need to provide cashier change funds for payments at City Hall and at the Police Station, and

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

Section 1. Ordinance Nos. 610, 587, 414, 751, 755, 807, 857, 1021 and 1077 codified as Lake Stevens Municipal Code Section 3.44.010, entitled “Cashier’s Change Fund Created”, is hereby repealed.

~~3.44.010 Cashier’s Change Fund Created. The City of Lake Stevens shall retain three separate cash funds at City Hall of \$100.00 each and five four separate cash funds at the Police Station of \$200.00 each, known as the Cashier’s Change Funds, to accommodate customer payments.~~

Section 2. Effective Date and Publication. A summary of this ordinance consisting of its title shall be published in the official newspaper of the City. This ordinance shall take effect and be in force five (5) days after the date of publication.

PASSED by the City Council of the City of Lake Stevens this 12th day of May 2020.

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Brett Gailey, Mayor

ATTEST:

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Kathy Pugh, City Clerk

APPROVED AS TO FORM:

First and Final Reading: May 12, 2020

Date of Publication: \_\_\_\_\_

Effective Date: \_\_\_\_\_

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Greg Rubstello, City Attorney



LAKE STEVENS CITY COUNCIL  
**STAFF REPORT**

**Council Agenda**  
**Date:** May 12, 2020

**Subject:** Infill Regulations and Ordinance 1081

**Contact**

**Person/Department:** Sabrina Harris, Associate Planner      **Budget Impact:** N/A

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**RECOMMENDATION(S)/ACTION REQUESTED OF COUNCIL:**

- **Continue the public hearing from April 28, 2020, City Council meeting and take public comment on the proposed code amendments**
- **Approve Ordinance 1081 amending the city's zoning regulations.**

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**Project Goals**

1. Define what new development can look like in standard subdivisions for properties within and outside city limits considering the current land supply;
2. Define innovative housing tools that will support more diverse neighborhoods with a mix of housing types; and
3. Define an infill toolbox for re-developable and partially used properties.

**Background**

A city-initiated code amendment to evaluate the city's zoning code and identify flexible and efficient standards to increase diversity in housing stock throughout the community and promote quality neighborhoods. This code amendment is responsive to House Bill 1923 to increase building supply through infill development of duplexes, triplexes and fourplexes in single-family zones within the city. In addition, this amendment has been supported through time sensitive grant funding as part of Housing Bill 1923.

Staff created an outreach program to discuss these issues with a Land Use Advisory Committee comprised of interested citizens and industry constituents. Work with the Committee has included a visual preference survey, review of the city's current zoning standards, comparison of standards from multiple jurisdictions, briefing on the city's buildable lands and participation in creating updated standards for residential and infill development. Common themes expressed by the group focused on promoting more diversity in neighborhoods, efficiency in development and community aesthetics. Staff held eight meetings with the Land Use Advisory Committee throughout 2019 including a workshop with the Planning Commission. Staff has briefed the Planning Commission six times and periodically briefed the Council. As part of this update, staff has worked and met with representatives from Master Builders and

other stakeholders to ensure that the changes result in projects that can be constructed as envisioned. The Planning Commission held a public hearing on February 19, 2020 and recommended approval of the proposed changes discussion and considering public testimony. Public testimony given during the public hearing indicated support from citizens and both the building community. At the time of opening this public hearing and this continuation staff has not received any additional public comment or request for testimony. Staff recommend the continuing of the public hearing and approval of the proposed Infill Housing code amendment.

Amendments to Chapter 14.46 LSMC parts I and II include the simplification of the review process for innovative housing projects and minor code updates to cottage housing developments. The revisions help simplify the review process for innovative housing projects and remove duplicative processes.

LSMC 14.46.015 Review and Processing – Removed the requirement that an applicant host a neighborhood meeting prior to the project's submittal.

- LSMC 14.46.020 Application - Removed duplicate project submittal requirements that already existed in 14.16.105.
- LSMC 14.46.025 Sewer Requirements – Updated to section title to Utility Requirements and include provisions for both sewer and water.
- LSMC 14.46.100 Purpose and Intent – Deleted reference to 14.44.035 to specifically call out allowed zoning for cottage housing.
- LSMC 14.46.115 Community Assets – Deleted minimum open space requirement for cottage housing developments and increased the height for community buildings in cottage developments from 18 to 25 feet.

Chapters 14.46 LSMC create regulations for infill housing with eligibility criteria, dimensional standards, design standards, and development bonuses for infill housing projects contained within Part III.

- LSMC 14.46.200 Purpose and Intent - New section added to provide direction as to the purpose and intent of the infill housing code.
- 14.46.210 Applicability - New section added to provide eligibility criteria for infill housing developments including applicable zoning, project size and minimum dwelling unit creation.
- 14.46.230 Infill Residential Standards
  - Adds infill standards that reduce dimensional requirements of the underlying zone for lot area and width, with an additional reduction for detached dwelling units under 1,600 sq ft in size.
  - Added infill development standards that provide dimensional requirements and incentives for setback, small multiplexes, parking and impervious surface.
  - Added infill design standards that provide requirements to ensure compatibility of infill development with the character of existing neighborhoods. These include parking, building orientation, landscaping, building façade and site design requirements.

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## **FINDINGS AND CONCLUSIONS:**

**1. Compliance with elements of the Comprehensive Plan**

- Land Use Element Policy 2.1.1 – Accommodate a variety of land uses to support population and employment growth, consistent with the city’s responsibilities under the Growth Management Act, Regional Growth Strategy and Countywide Planning Policies.
- Land Use Element Goal 2.2 – Achieve a well balanced and well-organized combination of residential, commercial, industrial, open space, recreation and public uses.
- Land Use Element Policy 2.3.2 – Preserve and promote the character of existing neighborhoods through thoughtful development regulations and design standards.
- Land Use Element Policy 2.3.3 – Encourage infill development on suitable parcels and redevelopment of underutilized parcels. Ensure the height, bulk and design of infill and redevelopment projects are compatible with their surroundings.
- Land Use Element Policy 2.3.4 – Maintain development regulations to promote compatibility between uses; retain desired neighborhood character; ensure adequate light, air and open space; protect and improve environmental quality; and manage potential impacts on public facilities and services.
- Land Use Element Goal 2.14 – Design and build a healthy community to improve the quality of life for all people who live, work, learn, and play within the city.
- Housing Element Goal 3.1 – Provide fair and equal access to a range of housing types and choices to meet the existing and project housing needs of all Lake Stevens residents regardless of income level or demographic status.
- Housing Element Policy 3.1.3 – Allow diverse subdivision methods including short subdivisions, formal subdivisions, cluster subdivisions, planned residential developments and units lot subdivisions to create buildable lots throughout the city.
- Housing Element Goal 3.3 – Encourage the use of innovative techniques to provide a broad range of infill housing types for all income levels and housing needs.
- Housing Element Goal 3.5 – Provide a balanced development pattern, which promotes pedestrian activities, a sense of community and safety.

**Conclusions** – The proposed code amendments are consistent with Comprehensive Plan goals as they relate to the diverse zoning opportunities, process and regulation.

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

- A DNS was issued on December 24, 2019.
- No comments or appeals from agencies or the public were received regarding the SEPA determination.

**Conclusions** – The proposed code amendment has met local and state SEPA requirements.

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

- The city requested expedited review from the Department of Commerce on December 19, 2019.
- Staff will file the final ordinance with the Department of Commerce within 10 days of City Council action.

**Conclusions** – The proposed code amendment has met local and state SEPA requirements.

**4. Public Notice and Comments**

- The city published a notice of SEPA determination on or around December 24, 2019.
- The city published a notice of public hearing in the Everett Herald twice per Chapter 14.16B LSMC.
- No written comments have been received.

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

**ATTACHED:**

5. Ordinance 1081
6. Planning Commission Recommendations

**CITY OF LAKE STEVENS  
LAKE STEVENS, WASHINGTON**

**ORDINANCE NO. 1081**

AN ORDINANCE OF THE CITY OF LAKE STEVENS, WASHINGTON REVISING AND UPDATING PORTIONS OF CHAPTER 14.46 LSMC INNOVATIVE HOUSING OPTIONS PROGRAM; PROVIDING FOR SEVERABILITY, SUMMARY PUBLICATION BY ORDINANCE TITLE ONLY; AND AN EFFECTIVE DATE.

WHEREAS, Washington State has adopted the Growth Management Act (Ch. 36.71A RCW), which requires local governments to adopt comprehensive plans and implementing regulations; and

WHEREAS, The Lake Stevens City Council has been reviewing proposed amendments to the City's zoning requirements to encourage the development of moderately priced housing within the City; and

WHEREAS, the state legislature in House Bill 1923 (Chapter 348, 2019 Laws) encouraged cities to consider flexible tools to take two or more of the listed actions to increase residential building capacity as reflected through the adoption of infill housing development standards and provisions for small multi-family projects in single family residential zones to encourage affordable and market rate housing in a greater variety of housing types and at prices that are accessible to a greater variety of incomes; and

WHEREAS, if taken prior to April 1, 2021, the actions taken by the City to implement the residential building capacity described above are exempt from administrative or judicial appeal under SEPA and the GMA, and if taken by a city with a population over 20,000, the city is eligible to apply for grant funding through the Department of Commerce (Commerce) to support such planning and outreach efforts; and

WHEREAS, Staff created an outreach program to discuss these issues with an advisory committee comprised of interested citizens and industry constituents and the City Council and the Planning Commission have been briefed on the project multiple times; and

WHEREAS, on December 24, 2019, the City's SEPA Responsible Official complied with the State Environmental Policy Act (SEPA) by issuing a Determination of Nonsignificance (DNS) for the proposed amendments; and

WHEREAS, on December 19, 2019, the city submitted the proposal to the Department of Commerce for review of the proposed code amendments (Submittal ID 2019-S-1049). No comments were received; and

WHEREAS, on February 19, 2020, the City held a duly noticed public hearing with the Planning Commission to discuss the proposed code updates and amendments; and

WHEREAS, the Planning Commission adopted Findings, Conclusion and a Recommendation to the City Council which is attached hereto (Exhibit A) and incorporated by this reference; and

WHEREAS, on April 28, 2020, the City held a duly noticed public hearing with the City Council to review the proposed code updates and amendments; and

WHEREAS, the City Council has determined that it is in the public interest and in furtherance of the public health and welfare to adopt the proposed code updates and amendments, as set forth below.

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

**SECTION 1.** The City Council hereby makes the following findings:

- A. This ordinance amending the City's municipal code changing zoning regulations was sent to the Washington State Department of Commerce for expedited review on December 19, 2019 as required by the Growth Management Act; no comments were received.
- B. The requirements of Chapter 14.16C.075 LSMC for land use code amendments have been met.
- C. As required by LSMC 14.16C.075(f), the adoption and amendment of codes are consistent with the Comprehensive Plan, comply with the Growth Management Act and serve to advance the public health, safety and welfare.
- D. Adoption of infill housing standards and adding provisions within the Innovative Housing and infill furthers the city's commitment to providing varied housing options pursuant to House Bill 1923.
- E. The Findings of Fact, Conclusions and Recommendation of the Planning Commission attached hereto is hereby approved and adopted by the City Council as its own (**Exhibit A**).
- F. The above recitals are incorporated as additional findings of fact.

**SECTION 2.** The title of Chapter 14.46 LSMC currently titled Innovative Housing Options Program is hereby amended to read as Chapter 14.46 Innovative Housing and Infill.

**SECTION 3.** The following sections of Chapter 14.46 LSMC Part I are hereby amended to read as follows (additions shown by underline, deletions shown by strikethrough) (all other sections of Part I remain unchanged):

**1. 14.46.001 Purpose**

(a) ~~This~~ purpose of this chapter is to help achieve the goals and objectives of the Land Use and Housing elements of the Lake Stevens Comprehensive Plan ~~by providing for a separate program for individual projects creating a type of housing appropriately sized for smaller households~~. These housing options encourage more efficient use of land and energy, build communities, and offer more affordability.

**2. 14.46.005 Goals**

The goals ~~of the~~ for innovative housing and infill as defined in this chapter ~~options program~~ are to:

- (a) Increase housing supply and the choice of housing styles available in the community in accordance with the Comprehensive Plan.
- (b) Provide for development of housing that responds to changing demographics and smaller-sized households.
- (c) Support the efficient use of land and higher density infill in developed areas.
- (d) Promote housing affordability and greater choice by encouraging smaller and more diverse home sizes and mixes of income levels.
- (e) Promote ~~high~~ quality design and materials that are compatible with adjacent neighborhoods.

(f) Allow flexibility in site and design standards while promoting infill projects compatible with existing single-family developments.

3. **14.46.010 Applicability**

(a) This chapter applies to all innovative housing projects allowed and submitted under this chapter.

4. **14.46.015 Review and Processing**

~~Innovative housing projects shall be reviewed and processed according to the requirements of Sections 14.16C.015, 14.16C.045 and 14.40.020(b), with the additional requirements below:~~

(a) A pre-application conference per Section 14.16A.220(d) is ~~required~~ highly recommended to exchange general and preliminary information and to identify potential issues.

(b) Projects that use the provisions included in this chapter shall follow the ~~permit path associated with the underlying permit pursuant to Chapters 14.16A and 14.16B.~~

(c) Innovative housing projects are subject to design review per LSMC 14.16C.050.

(b) After the pre application conference, the applicant shall schedule and host a neighborhood meeting before submitting an application to the City. The purpose of the neighborhood meeting is to provide residents who live adjacent and nearby to the proposed cottage housing development an opportunity to obtain information about the proposal and provide comment on the overall project before an applicant expends significant time and resources in developing the specific site and development features of the proposal.

(1) The meeting shall be located in the general area of the proposed project.

(2) Notice of the neighborhood meeting shall be mailed to all property owners located within 300 feet of the proposed project or 20 property owners (whichever results in more property owners being noticed) and shall provide details of the proposed project, including a description of any modification or flexibility in site design standards that will be requested.

(3) Comprehensive notes describing the meeting shall be submitted with the project application.

(4) Following the neighborhood meeting, the applicant shall consider public input received during the neighborhood meeting and shall consider recommendations, if any, for revising the proposed innovative housing project to respond to neighborhood concerns.

Duties and authority are as follows:

(c) Design review is required for projects in accordance with this chapter.

(1) Prior to a final decision by the Director or the Hearing Examiner, a staff report including findings of fact must be provided demonstrating whether the proposed project meets the specific design requirements provided in this chapter for the specific type of innovative housing option and may propose allowable modifications.

5. **14.46.020 Application**

~~Applications for an innovative housing project shall be made on forms provided by the City, shall be available for public review for a minimum of two week prior to the neighborhood meeting, and shall include the following materials pursuant to the permit path associated with~~

the underlying permit. In addition, the following items shall be provided at the time of submittal.

- (a) Preliminary Development Plan. A site plan of the proposed development, indicating property lines, proposed setbacks, and lot coverage calculations. The site plan shall also include the location of all adjacent structures, the distance to property lines, and the footprint of any existing structures on the property with a note on which structures will remain. The preliminary development plan shall consist of a site plan drawn to scale and shall display the following information:
  - (1) The location, size, configuration, and dimensions of the lot(s) on which the cottage housing development will be developed;
  - (2) The location and footprint for each cottage;
  - (3) A depiction of individual dwelling unit area that delineates the spacing around each cottage;
  - (4) A delineation of the common open areas;
  - (5) The height and square footage of each cottage;
  - (6) The parking locations, layout, circulation, ingress and egress;
  - (7) The location, if applicable, of any buildings to be used in common by the residents of the cottage housing development;
  - (8) The layout and dimensions of pedestrian circulation from the parking areas to the cottages, and connecting the cottages;
  - (9) Design illustrations that show, and a design checklist that lists, the design features that constitute the required design points for each cottage;
  - (10) A depiction of the driveway access from a publicly maintained street to the cottage housing development parking areas, with its dimensions; and
  - (11) Any other information the Director finds necessary to ensure compliance with this title.
- (b) Conceptual drawings of the proposed innovative housing type, including building footprints and building elevations, floor plans, roof plans, and additional architectural features.
- (c) A detailed description of how the proposed development is consistent and not in conflict with the surrounding neighborhood character and neighborhood design.
- (d) A detailed description of how the proposed development meets the purpose and goals of this chapter and complies with all the criteria and project parameters for an innovative housing project.
- (e) A detailed description of the proposed unit type, including proposed square footage, unit mix, and number of bedrooms per unit.
- (f) General information about the site including the number of dwelling units allowed by the zone and the number of proposed dwelling units, open space allowed and proposed, impervious surface allowed and proposed, and building height allowed and proposed.
- (g) Photographs of the site and adjacent properties keyed to the site plan.
- (h) Additional information as required by the application forms provided by the City or deemed necessary by City staff to consider the application.

- (a) Preliminary Development Plan. A preliminary development plan indicating property lines, proposed setbacks, proposed structures, parking, roads, infrastructure and open space / landscape areas, and other items identified in LSMC 14.16C.105 Site Plan Review.
- (b) A detailed description of how the proposed development is consistent and not in conflict with the surrounding neighborhood character and neighborhood design.
- (c) A detailed description of how the proposed development meets the purpose and goals of this chapter and complies with all the criteria and project parameters for an innovative housing project.
- (d) A detailed description of how the proposed development is applying development bonuses including but not limited to parking reductions, lot width reductions, and lot size reductions.
- (e) Additional information as required by the application forms provided by the City or deemed necessary by City staff to consider the application.

## 5. **14.46.025 Sewer Utility Requirements**

Innovative housing developments are required to be developed on sewers where public utilities including public water and sanitary sewer are available or can be extended to. No septic systems shall be allowed.

## 6. **14.46.035 Modifications to the Previsions in this Chapter**

- (a) An applicant may request modifications to the provisions of this chapter or other provisions of this title related specifically to this chapter, to the extent that such modifications are consistent with the purpose, intent and requirements of this chapter.
- (b) The applicant must describe each requested modification and document in writing how the modifications are consistent with the purpose, intent and requirements of this chapter.
- (c) Director or Hearing Examiner may approve modifications after: documented in writing that the modifications are consistent with the purpose and requirements of this chapter and do not threaten the public health, safety, or welfare depending on the underlying permit type.
  - (1) Considering the design review staff report and findings of fact; and
  - (2) Documenting in writing that the modifications are consistent with the purpose and requirements of this chapter and do not threaten the public health, safety, or welfare.
- (d) Minor changes to a site plan or design elements approved under this chapter may be approved by the Director. Changes that increase the intensity of development, e.g., trips generated or number of residential units; alter the character of the development or balance of mixed uses; increase the floor area in one building by more than 10 percent; change access points; move buildings around on the site; reduce the acreage of common open area or buffering areas; or diminish the effectiveness of perimeter buffers, are major and shall be subject to the requirements of this chapter. Major modifications may be approved by the original decision body and may be shall be subject to design review approval.

**SECTION 4.** Chapter 14.46 LSMC Part II is hereby amended to read as follows (additions shown by underline, deletions shown by strikethrough) (all other sections of Part II remain unchanged):

**1. 14.46.100 Purpose and intent.**

- (a) These regulations set forth the required standards for cottage housing developments as permissible uses in ~~various the following~~ zoning districts ~~as specified in Section 14.44.035~~: R6, R8-12 and MFR.
- (b) Cottage housing allows for a higher density development than is normally allowed. This is made possible by smaller home sizes, clustered home sites, and parking and design standards.
- (a) The intent of the cottage housing development regulations is to:
  - (1) Support the growth management goal of more efficient use of urban residential land;
  - (2) Support development of diverse housing in accordance with the Comprehensive Plan;
  - (3) Increase the variety of housing types available for smaller households;
  - (4) Provide opportunities for small, detached dwelling units within existing neighborhoods; and
  - (5) Provide opportunities for creative, diverse and high-quality development that is compatible with existing neighborhoods.

**1. 14.46.115 Community Assets.**

- (a) Common Open Area. The minimum common open area requirements set forth in this section are intended to provide a sense of openness, visual relief, and community in cottage housing developments. Common open areas shall provide a centrally located, focal area for the cottage housing development.
  - (1) At least 400 square feet of common open area per cottage is required for each cluster.
  - (2) Required common open area may be divided into no more than two separate areas per cluster.
  - (3) To be considered as part of the minimum open space requirement, an area of common open area must have a minimum dimension of 35 feet on all sides.
  - (4) ~~The total common open area shall be at least 3,000 square feet, regardless of the number of units in the cluster.~~
  - (54) At least two sides of the common open area shall have cottages along the perimeter.
  - (65) Parking areas, yard setbacks, private open space, and driveways do not qualify as common open area. Community buildings can be counted towards the common open area calculations.
- (b) Community Buildings.
  - (1) Community buildings are permitted in cottage housing developments.

- (2) Community buildings shall be clearly incidental in use and size to dwelling units.
- (3) Building height for community buildings shall be no more than two stories with a maximum height of ~~48~~ 25 feet, including ground level structured parking.
- (4) Maximum size of community buildings shall be 2,000 square feet.
- (5) Design shall be similar to and compatible with the design of the cottages.
- (6) ~~Community buildings may be constructed on top of parking structures to a maximum of 23 feet.~~
- (c) Other shared facilities could include tool sheds, gazebos, workshops, or similar common elements.

**SECTION 5.** Chapter 14.46 LSMC is hereby amended to include the new Part III Infill Development as follows:

Part III.                    Infill Development

**1. 14.46.200 Purpose and Intent**

The purpose of this section is to encourage the efficient development of underutilized residential parcels in areas that are primarily built out, where infill residential development should be encouraged. This section identifies conditions under which infill development is supported and relaxes certain development requirements to promote the efficient construction of infill development in appropriate areas of the city.

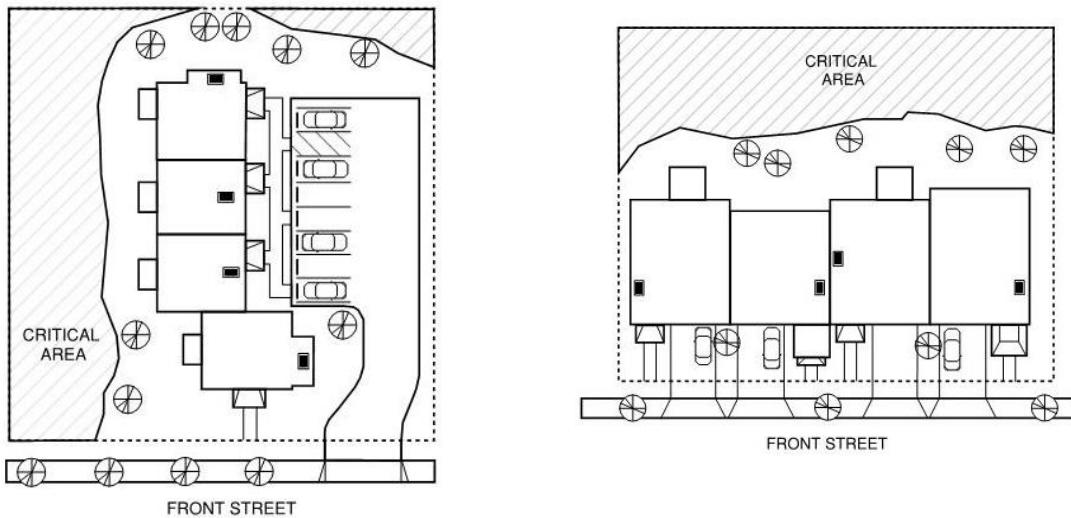
**2. 14.46.210 Applicability**

- (a) *Eligibility Criteria.* This chapter may be applied to development or redevelopment that meets all the following criteria:
  - (1) The lot is within one of the following zoning districts: R4, R6 and R8-12;
  - (2) Adjacent properties abutting at least 50 percent of the non-street perimeter of the subject property:
    - (i) Are developed with single-family dwellings or higher intensity uses; or
    - (ii) Are encumbered by critical areas and associated buffers near the boundary; or
    - (iii) Are utility easements, such as the Everett Waterline or PUD power easement, that create a substantial break in development and/or redevelopment potential.
  - (3) The subject property is at least 125 percent of the minimum lot size for the underlying zoning district up to a maximum of one acre, not including those lands encumbered by critical areas, their associated buffers, proposed dedications to the City and existing utility easements that will remain; and
    - (i) If the infill development is made up of multiple parcels the maximum size shall be taken from the combined area of the parcels.
  - (4) The development or redevelopment creates a minimum of one new lot or dwelling unit.

**3. 14.46.230 Infill Residential Standards**

- (a) All other provisions of this title that would apply to a non-infill project shall apply to infill development except as specifically modified by this chapter.

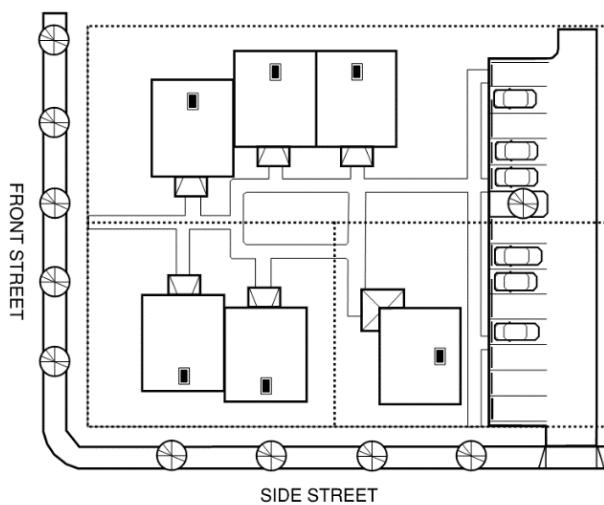
- (b) *Infill Land Division Standards* - Reduction in Dimensional Requirements for Infill Residential Development. Notwithstanding the dimensional development standard requirements found in the underlying residential zones of Chapter 14.48 LSMC, property that is eligible for infill residential development pursuant to LSMC 14.46.210 shall be eligible for subdivision of land as follows:
  - (1) Minimum Lot Area. Minimum lot area may be reduced by 20 percent, of the minimum areas required in Chapter 14.48 LSMC for the underlying zone.
  - (2) Minimum Lot Width. Minimum lot width may be reduced by 20 percent of the required minimum lot width of the underlying zone with no lots being narrower than 40 feet.
  - (3) Developments that provide detached housing units 1,600 square feet or smaller shall be granted a 20 percent adjusted gross density bonus to the underlying zoning district.
- (c) *Infill Development Standards*. Properties eligible for infill residential development pursuant to LSMC 14.46.210 may apply these additional development standards, provided all required utility infrastructure, access requirements, and street elements can be accommodated in accordance with the city design and construction standards.
  - (1) If the proposed project conforms to the average existing building lines or setbacks of adjoining structures, reduced front setbacks will be permitted. In no case, shall front setbacks be reduced for a garage or carport.
  - (2) Side setbacks for single-family units may be 5 feet per side.
  - (3) Impervious Surface. Maximum impervious surfaces can be increased by five percent over that allowed in the underlying zone.
  - (4) Parking. Attached dwelling units, with shared parking lots, located within a half mile of a transit center with one or less bedrooms will qualify for a reduced parking standard of 1.5 spaces required per unit.
  - (5) Attached dwelling units of up to four (4) units shall be allowed in single-family zones as infill development subject to the following lot size standards:
    - (i) Duplex lots shall be 125% of the minimum lot size of the underlying zone.
    - (ii) Triplex lots shall be 150% of the minimum lot size of the underlying zone.
    - (iii) Fourplex lots shall be 175% of the minimum lot size of the underlying zone.
    - (iv) Up to four units may be provided in a garden / courtyard apartment with a minimum of two units per structure on a single lot.



(d) *Infill Design Standards.* Property that is eligible for infill residential development pursuant to LSMC 14.46.210 shall adhere to the following design requirements. While creativity and variation in architectural design is encouraged, the purpose of these requirements is to ensure compatibility of infill development with the character of nearby existing residential structures.

- (1) Building orientation on infill lots shall match the predominant orientation of other buildings along the street frontage to match the neighborhood character. Multiplexes may have one unit face the street to meet this design standard.
- (2) **Parking.** Infill developments shall comply with all parking standards pursuant to Chapter 14.72 LSMC except as specifically modified by this chapter.
  - (i) Parking may be consolidated for infill projects. Parking lots can be attached to individual lots, in common easements or set aside in a separate tract.
  - (ii) For single-family and townhome projects, the access and off-street parking shall be like the predominant character for existing development along the street frontage; however, a central parking lot at the rear or side of the development would be allowed.
  - (iii) For stacked apartment style projects, the primary vehicular access and off-street parking is preferred to be located to the rear or side of the proposed structures.
  - (iv) For garden / courtyard style apartments the parking must be on the side or rear of the development.
- (3) Landscaping shall be provided along the perimeter of the development and parking lots to soften the transition between new and existing dwelling units when the new dwellings are different than the adjacent existing land use.
  - (i) Attached dwelling-units, including townhomes, stacked apartment and garden/courtyards shall provide a Type B screen as described in 14.76.040 LSMC.
  - (ii) Detached single-family infill projects are exempt from buffer landscaping adjacent to other single-family zoning districts.

- (4) Integration with Natural Amenities. Natural amenities (views, mature trees, creeks, rock outcrops, and other similar features) should be preserved and integrated with the development to the maximum extent feasible. Clustering of lots/units and adjusting roadway configuration to integrate these features is encouraged to achieve these goals. Access and visibility to these natural amenities is encouraged.
- (5) Horizontal building facades longer than 25 feet, or the width of individual attached units, shall be treated to reduce building mass and visual bulk using elements described in the Lake Stevens Design Guidelines for blank wall treatments.
- (6) Attached dwelling units shall be design reviewed using the Multifamily Chapter of the Lake Stevens Design Guidelines.
- (7) Additional requirements for Garden / Courtyard Apartments:



**Figure 14.46-I: Multiple lots combined to create a garden courtyard project that includes a detached single family, duplex and triplex with consolidated parking in the rear of the development.**

- (i) Each dwelling unit must have a separate, ground-related entrance with entrances facing the shared open space.
- (ii) Garden / courtyard projects shall provide architectural details on facades that face the courtyard and the public right of way.
- (iii) Garden / courtyard entries shall be well defined using landscaping, ornamental fencing, or architectural features.
- (iv) Every unit shall have a covered entry from the courtyard.
- (v) The internal garden / courtyard space of the development shall be defined through architectural features, buildings, or landscape, and include community amenities.
- (vi) A walkway from each dwelling unit shall be provided that connects the dwelling unit to the street through the courtyard. Connections through the parking area of the development do not count towards this requirement.
- (vii) Parking accessed from a street or lane shall be limited to one driveway with a maximum width as defined by the currently adopted EDDS.
- (viii) Garbage/recycling areas shall be consolidated and screened from public view.

**SECTION 6.** Severability. If any section, subsection, sentence, clause, phrase or word of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality thereof shall not affect the validity or constitutionality of any other section, subsection, sentence, clause, phrase or word of this ordinance.

**SECTION 7.** Effective Date and Publication. The summary of this ordinance consisting of its title shall be published in the official newspaper of the City. This ordinance shall take effect five (5) days after the date of publication.

PASSED by the City Council of the City of Lake Stevens this 28<sup>th</sup> Day of April 2020.

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Brett Gailey, Mayor

ATTEST/AUTHENTICATION:

By: \_\_\_\_\_  
Kathy Pugh, City Clerk

APPROVED AS TO FORM:

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Greg Rubstello, City Attorney

First Reading: April 28, 2020

Second Reading: \_\_\_\_\_

Published: \_\_\_\_\_

Effective Date: \_\_\_\_\_



**Planning & Community Development**  
1812 Main Street  
P.O. Box 257  
Lake Stevens, WA 98258

February 19, 2020

Lake Stevens City Council  
1812 Main Street  
Lake Stevens, WA 98258

**Subject: Planning Commission Recommendation – Infill Housing**

Dear Council Members:

The Lake Stevens Planning Commission held several briefings to consider a code amendment to update and add infill housing regulations to the City's innovation housing regulations. The Commission held a public hearing on February 19, 2019. The Planning Commission forwarded a recommendation to City Council to approve the code amendment following the hearing, review of testimony and deliberation.

Commissioners Present: Janice Huxford, Vicki Oslund, John Cronin, Linda Hoult, Jennifer Davis

Commissioners Absent: None

**PLANNING COMMISSION PUBLIC HEARING**

City staff presented the proposed infill housing code amendment, summarized the code amendment process and milestones reached and answered the Commission's questions related to the proposal.

Testimony from the public included one comment from a representative from Master Builders Association supporting the tools created by the amendment for infill lot developments. There was overall support of the amendments from the public in attendance. The Planning Commission discussed the application of the code throughout the city, maintaining a Lake Stevens' identity while supporting growth, and supporting a diverse housing stock within the city.

**FINDINGS AND CONCLUSIONS:**

**1. Compliance with elements of the Comprehensive Plan**

- Land Use Element Policy 2.1.1 – Accommodate a variety of land uses to support population and employment growth, consistent with the city's responsibilities under the Growth Management Act, Regional Growth Strategy and Countywide Planning Policies.

- Land Use Element Goal 2.2 – Achieve a well balanced and well-organized combination of residential, commercial, industrial, open space, recreation and public uses.
- Land Use Element Policy 2.3.2 – Preserve and promote the character of existing neighborhoods through thoughtful development regulations and design standards.
- Land Use Element Policy 2.3.3 – Encourage infill development on suitable parcels and redevelopment of underutilized parcels. Ensure the height, bulk and design of infill and redevelopment projects are compatible with their surroundings.
- Land Use Element Policy 2.3.4 – Maintain development regulations to promote compatibility between uses; retain desired neighborhood character; ensure adequate light, air and open space; protect and improve environmental quality; and manage potential impacts on public facilities and services.
- Land Use Element Goal 2.14 – Design and build a healthy community to improve the quality of life for all people who live, work, learn, and play within the city.
- Housing Element Goal 3.1 – Provide fair and equal access to a range of housing types and choices to meet the existing and projected housing needs of all Lake Stevens residents regardless of income level or demographic status.
- Housing Element Policy 3.1.3 – Allow diverse subdivision methods including short subdivisions, formal subdivisions, cluster subdivisions, planned residential developments and units lot subdivisions to create buildable lots throughout the city.
- Housing Element Goal 3.3 – Encourage the use of innovative techniques to provide a broad range of infill housing types for all income levels and housing needs.
- Housing Element Goal 3.5 – Provide a balanced development pattern, which promotes pedestrian activities, a sense of community and safety.

**Conclusions** – The proposed code amendments are consistent with Comprehensive Plan goals as they relate to the diverse zoning opportunities, process and regulation.

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

- A DNS was issued on December 24, 2019.
- No comments or appeals from agencies or the public were received regarding the SEPA determination.

**Conclusions** – The proposed code amendment has met local and state SEPA requirements.

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

- The city requested expedited review from the Department of Commerce on December 19, 2019.
- Staff will file the final ordinance with the Department of Commerce within 10 days of City Council action.

**Conclusions** – The proposed code amendment has met local and state SEPA requirements.

**4. Public Notice and Comments**

- The city published a notice of SEPA determination on or around December 24, 2019.
- The city published a notice of public hearing in the Everett Herald twice per Chapter 14.16B LSMC.
- No written comments have been received.

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

**PLANNING COMMISSION RECOMMENDATION**

Infill Housing Code Amendment: Commissioner Hoult made a motion to approve the recommendation to Council including a description of commissioner and public comments. Commissioner Cronin seconded the motion. Motion passed 5-0-0-0.

Respectfully submitted,

Lake Stevens Planning Commission



LAKE STEVENS CITY COUNCIL  
**STAFF REPORT**

**Council Agenda Date:** May 12, 2020

**Subject:** The Mill on Lake Stevens Facility Use Policy

<b>Contact</b>	Jill Meis, Parks Planning and Development	<b>Budget</b>	Future
<b>Person/Department:</b>	Coordinator	<b>Impact:</b>	Revenue for Budget

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**RECOMMENDATION(S)/ACTION REQUESTED OF COUNCIL:**

Approve Facility Use Policy for The Mill on Lake Stevens

**SUMMARY/BACKGROUND:**

The Mill on Lake Stevens is a multi-use community building located at North Cove on Main Street in Old Town, Lake Stevens. The building is intended to be used as a community space and venue for retreats, weddings and tradeshows. Staffed briefed City Council on January 21, 2020 on the policy and again on February 25, 2020. City Council provided direction on recurring rentals and discounted or free rentals. The Council wanted flexibility for the library to use it free of charge and other non-profits with a reduced rate. Staff and the library executed memorandum of understanding including a schedule and fee. There is flexibility built into the policy that allows the City to adjust fees and insurance requirements as requested. City Council also wanted recurring rentals limited to once a month up to three months in advance unless under an agreement by the Director.

The building has three distinct rental areas and each area has been outlined in the policy including, the square footage, rental rate and expectations from the user. The policy incorporates protections for the investment including insurance, cleaning and deposits.

**APPLICABLE CITY POLICIES:**

**BUDGET IMPACT:**

Future revenue for budget

**ATTACHMENTS:**

- Exhibit A: Facility Use Policy



## The Mill on Lake Stevens Facility Use Policy

The Mill on Lake Stevens (The Mill) is a multi-use building located at 1808 Main Street in the heart of Old Town Lake Stevens. It houses the City Council chambers, recreational programming and rental space. The facility is administered through the Lake Stevens Planning and Community Development Department – Parks Division.

**Rental Policy Statement:** Rental facilities within the City of Lake Stevens Parks system are provided for public use. The terms and conditions of the Facility Use Application, Facility Use Policy and the rental fees have been set in order to protect and maintain the facility. The City of Lake Stevens does not discriminate against any participant, client, or user of any services because of race, creed, color, religion, national origin, marital status, sex, sexual orientation, age or disability and fully complies with the Americans with Disabilities Act (ADA).

### **The Mill**

The Mill contains three distinct meeting spaces: The Sawyers Room (City Council Chambers), Hartford Hall and The Stack (Mezzanine). The Mill also includes a casual overlook of the Hartford Hall from The Stack as well as an outdoor picnic patio. The Sawyers Room is reserved for City Council, public meetings and City business (Monday through Thursday). There are shared restroom facilities available to all rentals accessible from the interior and exterior of the building. Electrical is available in all rooms for a maximum of 20 amps. Audio-visual equipment is available for rent. The entire building is reserved when the City hosts community events or festivals.

### *Intended uses:*

The Mill is available for weddings, birthdays, community events and meetings, classes. The spaces are also available for corporate retreats and small conferences. All rooms include the ability for a PA system, tables, chairs and presentation materials upon request.

**Reservations for the entire Mill: (Occupancy 461)** Rentals are offered on a first come, first serve basis with a maximum of two-year advanced reservation. A nonrefundable reservation fee is due at the time of booking. Full Payment is due 90 days before the date of use. Rentals must be reserved a minimum of 21 days before the date needed. More lead-time is needed if alcohol will be served. For rentals made less than 90 days before the date of use, full payment of all reservation fees is due immediately and will be non-refundable

**Cost: Friday and Sunday \$1300 all day 9:00am to 10:00pm**

**Saturday \$1800 all day 9:00am to 10:00pm**

**Damage Deposit (refundable): \$250 without alcohol/\$500 with alcohol**

**Reservation Deposit (non-refundable): \$200**

**Cancellations for When the Entire Mill Has Been Reserved:** The person or entity executing the user agreement may cancel the rental by providing written notice to the City. If the User cancels a rental more than 90 days before the date of use, the City will return all payments made, less the non-refundable reservation fee. If the User cancels a rental 90 days or fewer before the date of use or fails to obtain any required permit or insurance by the date required, the City will retain all payments made, but will refund the damage deposit. In no circumstance may a reservation or rental be assigned or sublet.

**Reservations for the Hartford Hall: (Occupancy 213)** Rentals are offered on a first come, first serve basis with a maximum of two-year advanced reservation. Reservations are only accepted with a non-refundable reservation fee due at the time of booking. Full Payment is due 45 days before the date of use. Rentals must be reserved a minimum of 21 days before the date needed and more lead-time is needed if alcohol will be served. For rentals made less than 45 days before the date of use, full payment of all reservation fees is due immediately and will be non-refundable.

**The Hartford Hall Rental:** The Hartford Hall is 3868 square feet and is open to the second floor. The Hartford Hall is ideal for festivals, weddings or trade shows.

**Cost: Monday -Thursday \$75/hr. or \$600 all day 9:00am to 10:00pm**

**Friday and Sunday \$900 all day 9:00am to 10:00pm**

**Saturday \$1300 all day 9:00am to 10:00pm**

**Damage Deposit (refundable): \$250 without alcohol/\$500 with alcohol**

**Reservation Deposit (non-refundable): \$200**

**Cancellations for the Hartford Hall:** The person or entity executing the user agreement may cancel the rental by providing written notice to the City. If the User cancels a rental more than 45 days before the date of use, the City will return all payments made, minus the non-refundable reservation fee. If the User cancels a rental 45 days or less before the date of use or fails to obtain any required permit or insurance by the date required, the City will retain all payments made. Only the damage deposit will be refunded.

**Weekend Hourly Reservations for Hartford Hall or Entire Mill:** Hourly rentals will be considered within 2 weeks of event with approval by the Director or designee at the weekday hourly rate.

**The Stack Rental: (Occupancy 50)** The Stack can be rented on an hourly basis when not in use for public meetings. The Stack is a 1750 sq. ft., semi-private room located on the second floor of the Mill. The Stack has an open railing to the Hartford Hall, capacity is a maximum of 50 occupants

and has ADA accessibility by use of a lift. The Stack is a casual space with comfortable seating as well as tables and chairs for a classroom style setting. The space is ideal for casual meetings and informal gatherings.

**Cost: Sunday-Friday \$47/hr.**

**Saturday \$67/hr.**

**Damage Deposit (refundable): \$100**

**Reservation Deposit: \$50**

**Cancellations for The Stack:** Cancellations must be made 14 days in advance for full refund of reservation fees.

**Sawyers Room Rental: (Occupancy 200)** The Sawyers Room can be rented on an hourly basis when not being used by the City for public meetings. This room faces the park and is approximately 1500 sq. ft. The space is ideal for classroom type activities and conference space.

**Cost: \$77/hr.**

**Damage Deposit (refundable): \$100**

**Reservation Deposit: \$50**

**Cancellations for Sawyers Room:** Cancellations must be made 14 days in advance for full refund of reservation fees.

**Plaza Rental:** The covered plaza shelter on the outside of the building can be rented for events and is approximately 700 sq. ft. Payment is due in full at the time of reservation.

**Cost: \$95/daily**

**Cancellations for Plaza:** Cancellations must be made 14 days in advance for full refund of payment.

**Rental Times:** The time frame of the rental includes the time of the event and the additional time needed for set-up and clean-up and must be confirmed no later than 15 days before the event.

**Check in/Check-out:** The User must check in with City staff before use and must perform a walkthrough to become familiar with the facility. The User accepts the condition of the facility upon taking possession. The User must check out with City staff at the conclusion of the use and must perform a walkthrough once cleaning is substantially completed to identify any necessary additional cleaning or damage to the facility. If staff is not available, the User is responsible to follow the cleaning and closing checklist, which will be verified by city staff. The User is responsible for returning the facility to its pre-event condition (excepting normal wear and tear) including removing all items.

**Assigning or Subletting:** In no circumstance will the reservation or rental be reassigned or sublet.

**Partnerships:** On occasion, the City may partner with non-profit agencies or service clubs to provide recreation services or events that enrich the lives of the community. The pricing for rental venues may be reduced if this is the case. Agencies wishing to request this must complete an application that can be obtained in the Permit Center located in City Hall or online at [www.lakestevenswa.gov](http://www.lakestevenswa.gov).

**Recurring Rentals:** Rental of the facility is limited to once a month up to three months in advance unless approved under a written agreement and approved by the Director or designee. If city business arises and use of the space is required, the rental may be cancelled on short notice. Storage of supplies or any group items is prohibited.

**Insurance:** Insurance requirements will be evaluated on a case by case basis and the City may waive this requirement. Additional event insurance may be required when renting the facility if your event is including but not limited to:

- Serving alcohol
- Has 200 or more people
- Deemed to be high risk
- Open to the public

**Audio Visual Needs:** Use of City owned audio-visual equipment requires an experienced staff person to be present at your event. Charges will be on an hourly basis and due before your event.

**Smoking/Vaping:** This is a non-smoking/vaping facility.

**Cleaning:** Spaces rented shall be cleaned by the conclusion of the rental. All floors swept and mopped, and all garbage dumped in the dumpster located at City Hall. All recyclables must be deposited in marked dumpster located at City Hall. All floors must be cleaned of any marks or debris at the conclusion of the rental. A check list will be provided to you that must be filled out at the conclusion of your rental.

**Patio Heater:** Use of patio heaters must be arranged in advance. No pop-up tents are allowed under the covered areas.

**Motorized or Non-Motorized Vehicles:** No motorized or non-motorized vehicles, bicycles and skateboards, roller-skates/blades, hover boards allowed.

**Stage:** Use of a stage for your event must be approved by the director or designee. Depending on the size and configuration of the stage, L&I or Building Official approval may be necessary.

**Firearms and Explosives Prohibited:** Pursuant to LSMC 10.03.100 Firearms and explosives including fireworks are prohibited unless permitted under LSMC 9.64.030 in a public display.

**Furniture Provided:** The furniture provided does not include City Council tables or chairs.

**BBQ's:** Charcoal and gas grills are not allowed without approval by the Director or designee.

**Decorations:** Decorations, pictures, signs, notices, posters, displays, or exhibits of any type may not be attached to the walls in a manner that would damage the surface in any way such as staples, tacks, nails or tape. Only approved painters' tape or putty may be used. The use of any form of confetti, rice, glitter, bird seed, silly string, sparklers, fireworks of any kind, Chinese lanterns or party favors that leave debris behind is not allowed in or around the facility including marking on windows. The rental is for the interior space of the specified room rental, decorations on the exterior of the building are not allowed. Any evidence of prohibited decorations or prohibited methods of attachment forfeit all damage deposit and the City may immediately terminate use. No decorations attached to the fans or any part of the fire suppression systems. The area may be decorated for the holidays by the City from Thanksgiving to New Years.

**Elevator for The Stack:** The lift provided is for ADA accessibility.

**Third Party Vendors:** If utilizing third party vendors, please fill out and return the Third-Party Vendor Form at least 45 days before your event or immediately if the date of use is within 45 days. The City reserves the right to reject third party vendors based on experience.

If serving alcohol

- **Applicant must have a Washington State Banquet Permit or Special Occasion License, and have it prominently displayed in the rental facility.**
- **Applicant will be required to obtain special event insurance if serving alcohol at the rental event.**
- **Applicant is aware alcohol is strictly limited to beer, wine and/or champagne, and that service of hard alcohol (over 15%) will result in immediate termination of the event with no refund.**

Failure to fully disclose all information or providing false information will result in the forfeiture of all fees and cancellation of event.

**Appropriate License:** The event must secure a Banquet Permit or Special Occasion License (as appropriate for the event) from the Washington State Liquor and Cannabis Board at least 15 business days before the date of use if alcohol will be served or distributed. The User is solely responsible for strictly complying with all requirements of such permits and all federal, state, and local laws, rules, regulations, health codes, and ordinances applicable to the service of alcohol at the facility. The User is solely responsible for ensuring that only persons who are of legal age are permitted to consume alcohol at the facility. The City of Lake Stevens is not responsible for the supervision or monitoring of the activity taking place at the facility and any City employee on site is solely present as a facility monitor. However, if a City employee observes any of the conditions of this Facility Use Agreement or state liquor laws or regulations being violated, the City may immediately terminate the event and may request that local law enforcement respond.

AT PRIVATE EVENTS BEER, WINE, CIDER AND CHAMPAGNE ONLY. USE OR POSESSION OF HARD LIQUOR (i.e., ANY LIQUOR EXCEEDING 15% ALCOHOL BY VOLUME) WILL RESULT IN IMMEDIATE TERMINATION OF THE EVENT. ON THE DAY OF THE EVENT THE LICENSE MUST BE PRESENT AND DISPLAYED WHERE ALCOHOL IS BEING SERVED.

**Insurance Requirements:** The User shall procure and maintain, for the duration of the use or rental period, insurance against any and all claims for injuries to persons or damage to property which may arise from or in connection with the use of the facility and the activities of the User and his or her or its guests, representatives, employees, and volunteers. For athletic events, the General Liability insurance shall include coverage for "participant liability" with limits of not less than \$1,000,000 per occurrence. The insurance policy shall contain or be endorsed to reflect that the Applicant's insurance coverage shall be primary insurance in respect to the City. Any insurance, self-insurance, or self-insured pool coverage maintained by the City shall be excess of the applicant's insurance and shall not contribute with it. The Certificates of Insurance and additional insured endorsements shall be furnished to the City before use of the facility.

- A. The User's maintenance of insurance as required by the Facility Use Agreement shall not be construed to limit the liability of the User to the coverage provided by such insurance, or otherwise limit the City's recourse to any remedy available at law or in equity.
- B. The User is required to procure, at its own expense, General Liability insurance at least as broad as Insurance Services Office (ISO) occurrence form CG 00 01 covering premises, operations, products-completed operations, and contractual liability. The City of Lake Stevens shall be named as an additional insured on the User's General Liability Insurance policy using ISO Additional Insured-Managers or Lessors of Premises Form CG 20 11 or an endorsement providing at least as broad coverage. The endorsement shall add "The City of Lake Stevens, its officials, officers, employees, agents, and volunteers" as additional insureds. The General Liability insurance shall be written with limits not less than \$1,000,000 each occurrence, \$2,000,000 general aggregate.
- C. The User shall additionally procure and maintain, for the duration of the use or rental period, Liquor Liability insurance in the amount of \$1,000,000 each occurrence. The City is to be named as an additional insured on the Liquor Liability insurance policy using the same additional insured language identified above. Host liquor liability coverage may be substituted when alcohol is consumed and not sold at the facility with the prior written approval of the Director.

The City of Lake Stevens shall not discriminate in the use of facilities or programs on the basis of race, creed, color, religion, national origin, marital status, sex, sexual orientation, age, handicap, honorably discharged veteran or military status, status as a mother breastfeeding her child, or the use of a trained dog guide or service animal by a person with a disability. In addition, neither the City nor a third party receiving a lease or permit from the City shall discriminate based on sex in the operation, conduct, or administration of community athletic programs. Persons having questions or wishing to file a complaint regarding this policy may contact the City's Human

Resource Director. Persons requiring a reasonable accommodation for a disability may contact the City's Human Resources Director. For more information, please contact 425.622.9400.



LAKE STEVENS CITY COUNCIL  
**STAFF REPORT**

**Council Agenda Date:** May 12, 2020

**Subject:** Food Truck Introduction

<b>Contact</b>	Russ Wright, Comm. Dev. Director	<b>Budget</b>	N/A
<b>Person/Department:</b>	<u>Jill Needham, Assistant Planner</u>	<b>Impact:</b>	_____

**RECOMMENDATION(S)/ACTION REQUESTED OF COUNCIL:**

Direction on preferred ordinance elements for mobile food vendors

**SUMMARY/BACKGROUND:**

The City Council has discussed its desire to expand the city's regulations to allow more mobile food vendor options (food trucks). The city's current rules (**Exhibit A**) only allow mobile food vendors to operate as a secondary use associated with a special event. Council has discussed allowing or considering mobile food vendors in the following instances:

1. Continue use associated with special events;
2. Consider as standalone uses in public right-of-way or in city parks with a concession agreement or special license; and
3. Allow as secondary or primary uses on private properties subject to meeting performance standards.

Staff has reviewed multiple code examples that deal with the administration of mobile food vendors. Mobile food vendor examples from Covington, Edmonds, Lynnwood and Yelm provide good examples that represent different elements mentioned above. Commonalities include clear direction on location, primary or secondary use determinations, duration, licensing/permitting strategies, safety requirements, siting requirements and sanitation.

In addition, staff has reviewed a best practices manual, *Food Truck Freedom: How to Build Better Food-Truck Laws in Your City*, prepared by the Institute for Justice, 2012 (Food Truck Freedom) (**Exhibit B**). This document has analyzed food truck ordinances from many major cities across the United States. It suggests, "... two principles of good food-truck policy: 1) no protectionism; and 2) clear, narrowly tailored, and outcome-based laws." Food Truck Freedom outlines several topics for consideration when developing regulations:

1. Food Safety – Follow state and county health codes;
2. Food-Safety Enforcement – Hold food trucks and restaurants to the same standards;
3. Parking – Cities should not pass or retain laws that tell food trucks they may not operate either within a certain distance of a brick-and-mortar competitor or in select parts of the city;
4. Refuse – Requires trucks to remove and dispose of all trash or refuse provide a litter receptacle and area of responsibility for clean up;
5. Liability Insurance – Not require trucks to purchase liability insurance beyond the amount required of all vehicles under state law;

6. Hours of operation – Not restrict hours of operation;
7. Employee Sanitation – Require trucks to have handwashing stations if they prepare food;
8. Commissary Requirements – Exempt food trucks that carry all the equipment they need to satisfy health and safety concerns from having to associate with a commissary; and
9. Licensing – simple and straightforward application process.

Staff proposes the following code elements for mobile food vendors located on private property, city property, or city street right-of-way in Lake Stevens based on the review of other ordinances and Food Truck Freedom:

1. Clear intent statement
2. Definitions
3. Permits / Licenses – common permit and licensing requirements for mobile food vendors e.g., business licenses, annual operating license, concession agreements, special events, etc.
4. Permitted areas – allow mobile food vendors on commercial, industrial and public properties
5. General requirements
  - Sanitation and health standards e.g., wash stations, grease traps, wastewater, garbage, etc.
  - ADA compatibility
  - Fire Safety
  - Access and circulation
  - Hours of operation
6. Performance standards – specific performance standards for mobile food vendors depending on location
  - Setbacks
  - Allowed accessory structures / accoutrements such as tables or canopies
  - Agreements with property owners for co-location or commissary / restroom use
  - Parking
  - Advertising

Next steps would be introducing the proposed code to the Planning Commission for further review, study and recommendations to the City Council. The review and code drafting will take approximately 4 – 6 months.

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#### **APPLICABLE CITY POLICIES:**

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**BUDGET IMPACT:** N/A – only impact is staff time and noticing

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#### **ATTACHMENTS:**

- Exhibit A: Existing Regulations
- Exhibit B: Food Truck Freedom

Exhibit A

**14.44.080 Mobile Sales and Delivery.**

Mobile sales and delivery (Class 2.300 uses) is permitted in all zones. Review will occur annually in conjunction with a business license renewal. (Ord. 811, Sec. 43, 2010; Ord. 468, 1995)

**14.44.400 Sales of Food from Stationary Motor Vehicles on City-Owned Property.**

- (a) This section applies to events which are wholly or partially located on City-owned or public property.
- (b) Sales of food from stationary motor vehicles on City-owned property is prohibited except when part of an event for which an event permit has been issued.
- (c) Management of vendors, such as vendor selection, booth location and products offered shall be the responsibility of the event sponsor, except that through the event permit process, the City may regulate the location of vendors if necessary to protect the health, safety and general welfare of the public and ensure that the event does not adversely affect the ability of the City to perform its duties and functions.
- (d) The event sponsor shall be responsible to ensure that the vendors who prepare food or beverages on or off site, and who intend to sell or serve food or beverage items to the public, have the required insurance policy as recommended and required by the City's current insurance provider. Said insurance shall list the City of Lake Stevens as additional insured and will include the endorsement of said policy.
- (e) The event sponsor shall be responsible to ensure that all food vendors have the necessary permits per the current Snohomish County Health District requirements or other applicable State or County regulatory agency. (Ord. 821, Sec. 8, 2009; Ord. 676, Sec. 40, 2003)

**14.44.410 Sales of Food from Stationary Motor Vehicles on Property Not Owned by the City.**

- (a) This section applies to events which are wholly or partially located on property not owned by the City of Lake Stevens.
- (b) Sales of food from stationary motor vehicles during events that are wholly or partially on property not owned by the City are prohibited except when a part of an event for which an event permit has been issued or as an accessory use pursuant to the provisions contained in Chapter [14.40](#). (Ord. 821, Sec. 9, 2009; Ord. 676, Sec. 41, 2003)

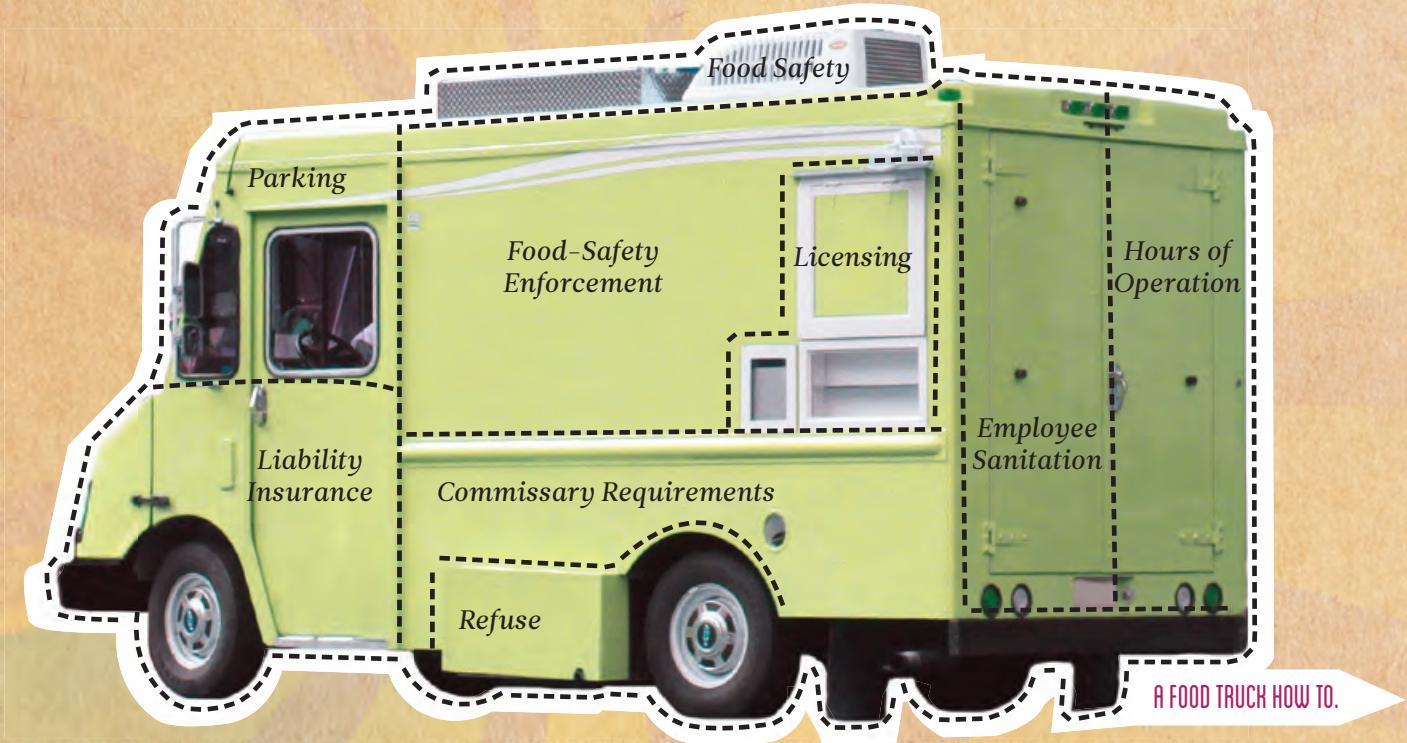


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Exhibit B

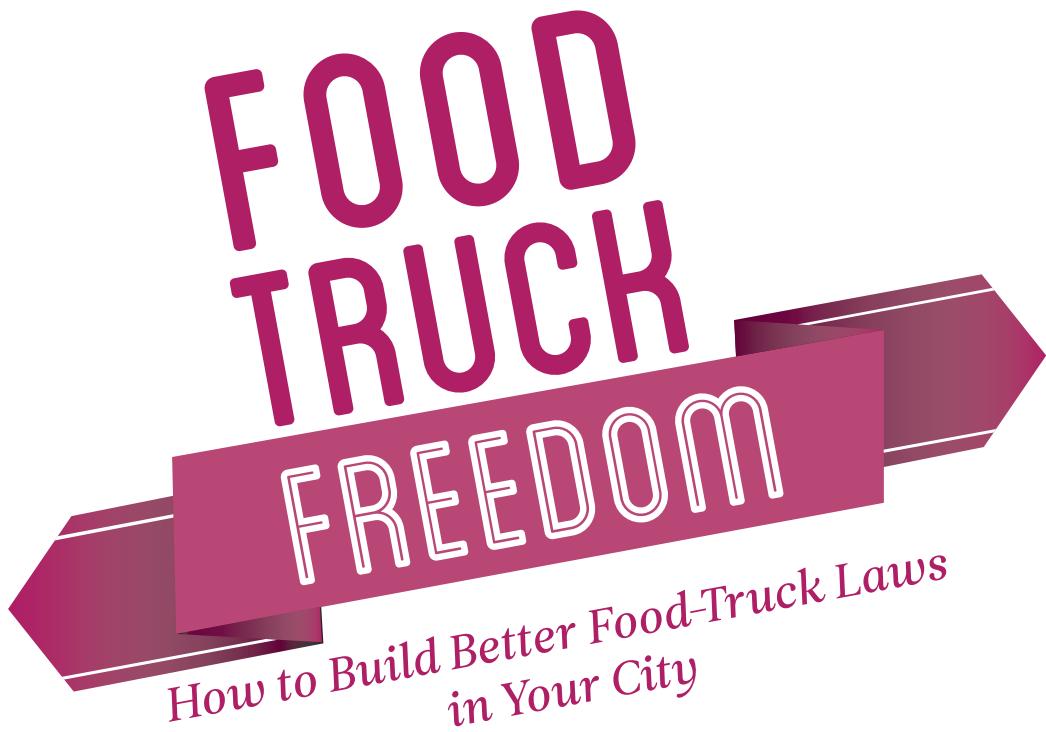
# FOOD TRUCK FREEDOM

How to Build Better Food-Truck Laws  
in Your City



By Robert Frommer & Bert Gall  
November 2012





by Robert Frommer and Bert Gall  
Institute for Justice  
November 2012



## FOREWORD

This report is a project of the Institute for Justice's National Street Vending Initiative, which the Institute created in 2010 to promote freedom and opportunity for food-truck operators and other street vendors. The initiative also seeks to combat anti-competitive and protectionist laws that stifle the economic liberty of mobile-food operators and street vendors.

Through this initiative, the Institute has successfully fought protectionist restrictions in court, and it encourages cities to instead enact narrowly tailored laws that address legitimate public health and safety concerns while not stifling entrepreneurial drive and opportunity. (For current news about the initiative, go to <http://www.ij.org/vending>.) In 2011, as part of its educational efforts, the Institute published *Streets of Dreams: How Cities Can Create Economic Opportunity by Knocking Down Protectionist Barriers to Street Vending*, which for the first time documented anti-competitive laws and regulations that restrict street vendors in the 50 largest cities in America.

In response to that report and the growing popularity of food trucks, officials and food-truck operators have asked for examples of good laws that allow the food-truck industry to flourish while also protecting public health and safety. The Institute for Justice, drawing on its research of food-truck laws nationwide, as well as its experience litigating vending cases and its discussions with food-truck operators, associations and government officials, created this document: *Food Truck Freedom: How to Build Better Food-Truck Laws in Your City*.





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## EXECUTIVE SUMMARY

America is experiencing a food-truck revolution. These mobile kitchens are a way for new and innovative chefs who are long on ideas but short on capital to try out new concepts and dishes. Thanks to their low start-up costs, food trucks give new entrepreneurs the opportunity to get into business for themselves at a fraction of what it would cost to open a restaurant. These new businesses offer consumers more dining options, create jobs, and improve the overall quality of life in their communities.

In order to foster the conditions that will let food trucks thrive in their cities, officials should remember the two principles of good food-truck policy: 1) no protectionism; and 2) clear, narrowly tailored, and outcome-based laws. The following recommendations—based on the legislative best practices of Los Angeles and other cities that have experience regulating food trucks—exemplify those principles.

**FOOD SAFETY:** The Institute for Justice recommends that cities follow their state and county health codes. To the extent the county or state food code does not deal with a specific issue, the Institute recommends that officials follow the requirements of Chapter 10 of the California Retail Food Code, which governs food trucks.

**FOOD-SAFETY ENFORCEMENT:** The Institute recommends that cities follow the approach of Los Angeles County, which inspects trucks both when they are first permitted and periodically when they are in the field. Inspectors should hold food trucks and restaurants to the same standards.

### PARKING:

**Proximity Restrictions and Restricted Zones:** Cities should not pass or retain laws that tell food trucks they may not operate either within a certain distance of a brick-and-mortar competitor or in select parts of the city. Protecting a few select businesses from competition is not a proper government role; instead, cities should regulate only to protect the public against actual health and safety concerns.

**Distance to Intersections:** The Institute recommends that cities follow the example of El Paso, Texas, which states allows food trucks to operate on the public way so long as they are not parked within 20 feet of an intersection.

**Use of Metered Parking Spaces:** The Institute recommends that cities follow the example of Los Angeles by allowing food trucks to operate from metered locations.

**Duration Restrictions (How Frequently Food Trucks Must Move):** The Institute recommends that cities follow the examples of Philadelphia and New York City, which do not force food trucks to move after a certain period of time.

**Potential Sidewalk Congestion:** The Institute for Justice recommends that cities follow the example of Los Angeles, which specifies only that food trucks not operate in a manner “which will interfere with or obstruct the free passage of pedestrians or vehicles along any such street, sidewalk or parkway.”

**REFUSE:** The Institute recommends that cities follow Los Angeles’ approach, which requires trucks to “pick up, remove and dispose of all trash or refuse which consists of materials originally dispensed from the catering truck” and to provide “a litter receptacle which is clearly marked with a sign requesting its use by patrons.” Cities should further specify the precise distance from the truck for which operators are responsible.

**LIABILITY INSURANCE:** The Institute recommends that cities follow the example of Los Angeles, which does not require trucks to purchase liability insurance beyond the amount required of all vehicles under state law.

**HOURS OF OPERATION:** The Institute recommends that cities follow Los Angeles' approach and not restrict when food trucks may operate.

#### **EMPLOYEE SANITATION:**

**Handwashing:** The Institute for Justice recommends that cities follow the example of Los Angeles County and the California Retail Food Code, which requires trucks to have handwashing stations if they prepare food, but does not require them on trucks selling only prepackaged foods like frozen desserts.

**Bathroom Access:** The Institute recommends that cities emulate Las Vegas, Charlotte and Portland, Ore., by not requiring that food trucks enter into bathroom-access agreements with brick-and-mortar businesses.

**COMMISSARY REQUIREMENTS:** The Institute recommends that cities follow the example of Portland, Ore., which exempts food trucks that carry all the equipment they need to satisfy health and safety concerns from having to associate with a commissary. For trucks that do require commissaries, the Institute recommends that cities follow Los Angeles County's approach of allowing trucks to share commissary space. Cities, however, should not follow Los Angeles County's practice of forbidding shared commercial kitchens, and should emulate the models put forward by cities like Austin, Texas, and San Francisco.

#### **LICENSING:**

**Application Process:** Cities should follow the licensing approach of Los Angeles County, which has a simple and straightforward application process. In terms of guidance, cities should emulate Boston and Milwaukee, which have both published step-by-step instructions to guide entrepreneurs through the licensing process.

**Cost:** The Institute recommends that cities should impose a flat annual fee in the range of \$200-300, as both Cleveland and Kansas City, Mo. have done. To the extent that a city issues licenses on a calendar year basis, its fee should be prorated so a truck first getting on the road halfway through the year would pay only half the full-year amount.

**Who the License Covers:** The Institute recommends that cities follow the example of Los Angeles County by licensing the overall vending business rather than the individual vendor.

**Limits on the Number of Permits Issued:** The Institute for Justice recommends that cities follow the example of Los Angeles and not limit the number of food-truck permits.

The specific laws and regulatory materials upon which these recommendations are based are discussed thoroughly in the pages that follow. Cities should implement these recommendations, which will both protect public health and safety and allow food-truck entrepreneurs to create and run businesses that will create jobs, increase customer choice, and boost the local economy.

AN ONLINE COMPENDIUM CONTAINING THE FULL LANGUAGE OF THE LAWS CITED IN THIS REPORT CAN BE FOUND AT [HTTP://WWW.IJ.ORG/VENDING](http://WWW.IJ.ORG/VENDING).



## INTRODUCTION

The food truck revolution is sweeping the nation. In 2010, *The Economist* magazine predicted that “some of the best food Americans eat may come from a food truck.”<sup>1</sup> That prediction has become true. Gourmet trucks across the country are at the forefront of modern dining, serving affordable and delicious fare that rarely can be found at the neighborhood sandwich shop. In addition, food-truck “rallies” have become popular social events around the country, with events frequently drawing thousands of hungry customers.<sup>2</sup> These mobile kitchens are also powerful engines of economic growth. Together, food trucks directly employ thousands of people nationwide, and the trucks, equipment, and food they purchase generate millions in economic activity.

In its 2011 research report on street vending entitled *Streets of Dreams*, the Institute for Justice explained how street vendors, including food-truck owners, are creating jobs, satisfying customers and generally making their communities safer and more interesting places to live.<sup>3</sup> Below are just some of the benefits that food trucks are providing as their numbers grow in cities across the country:

- Food trucks create jobs, buy products and services from local businesses, and contribute sales taxes and permit fees to cities.
- Food trucks attract foot traffic to commercial districts—which means increased sales and a more vibrant retail-business environment overall.
- Food trucks serve as “eyes on the street” and make the street a safer and more enjoyable place to visit. Their presence can help prevent crime and revitalize underused public spaces.
- Food trucks give entrepreneurs with big dreams, but only a little capital, a way to start their own food-service businesses. In many instances, trucks serve as a stepping stone toward opening a brick-and-mortar space. Food trucks also give existing restaurants a new way to reach their customers.

Given the rapid growth of the food-truck industry, it is little surprise that city officials across the country have started to look for answers about how to regulate this new culinary trend. The purpose of this report is to provide those answers.

In Part I of this report, the Institute for Justice outlines two important general principles for regulating food trucks, and then discusses how those principles have led to a thriving food-truck economy in the city of Los Angeles, which has the best overall legal framework for food trucks in the country. In Part II, the report discusses how Los Angeles and other cities have addressed specific regulatory issues based on an Institute survey of the food-truck laws in the 50 largest cities in the United States. Using these examples, as well as discussions with government officials, food-truck owners and other stakeholders, the report then offers recommendations as to what cities’ laws are models that other cities should follow.

## TWO IMPORTANT PRINCIPLES FOR THE REGULATION OF FOOD TRUCKS

In this report, the Institute discusses a variety of specific vending issues. While the details of each city’s laws concerning these issues may vary, the Institute for Justice has found that the best laws typically follow the same pattern of 1) not protecting incumbent businesses from competition, and 2) providing clear, narrowly tailored and outcome-based rules that address actual health and safety issues.

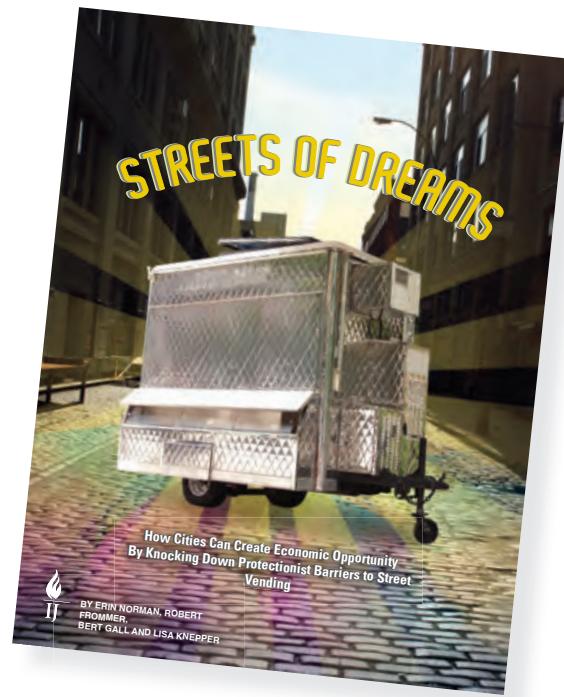
### Principle #1: No Protectionism

Cities should not pass laws meant to protect established businesses from competition from food trucks. Some of the anti-competitive laws the Institute for Justice first identified

<sup>1</sup> Jon Fasman, *Trucking Delicious*, *THE ECONOMIST*, November 22, 2010, <http://www.economist.com/node/17493279>.

<sup>2</sup> See, e.g., Sarah Meehan, *Organizers hope to grow Baltimore, D.C. food truck competition*, *BALTIMORE BUSINESS JOURNAL*, June 25, 2012, <http://www.bizjournals.com/baltimore/news/2012/06/25/organizers-hope-to-grow-baltimore.html>.

<sup>3</sup> Erin Norman, Robert Frommer, Bert Gall & Lisa Knepper, *STREETS OF DREAMS: HOW CITIES CAN CREATE ECONOMIC OPPORTUNITY BY KNOCKING DOWN PROTECTIONIST BARRIERS TO STREET VENDING* (2011), <http://www.ij.org/streets-of-dreams-2>.



in *Streets of Dreams* prevent trucks from operating in certain commercial areas, require trucks to move after an arbitrarily short time, and even stop trucks from operating within a certain distance of their brick-and-mortar competitors. These protectionist laws do not help protect public health or safety. Instead, they stifle entrepreneurship, destroy jobs and hurt consumers both by raising prices and giving them fewer choices.<sup>4</sup>

Many of these laws are the result of lobbying by a few politically connected and powerful brick-and-mortar restaurants, which argue that since food trucks don't have the same costs in terms of rent and property taxes, they amount to "unfair competition." Of course, this argument ignores the fact that restaurants have many advantages over food trucks. No food truck, for instance, can offer its patrons heating or air conditioning. Trucks generally can't offer customers anywhere to sit. And since space on a food truck is limited, once a truck is out of forks, knives and other supplies, it's just out; there's no stockroom in the back to turn to.

With all these inherent advantages, restaurants don't need the additional advantage of government intervention to "protect" them from food trucks. Furthermore, enacting rules to protect some businesses from competition isn't just wrong, it's unconstitutional. Both the U.S. Supreme Court and numerous federal courts have held that it is illegitimate for state and local governments to pass laws that burden one set of businesses in order to benefit another, more politically powerful, group.<sup>5</sup>

### Principle #2: Clear, Narrowly Tailored and Outcome-Based Laws

Cities should focus their efforts on enacting clear, narrowly tailored and outcome-based rules that address legitimate and demonstrable health and safety concerns. First, any laws that a city enacts should be drafted in a clear and easy-to-understand way. Clear laws are easier for food-truck operators to follow, since they need not guess at what the law requires or prohibits. They make it easier for new entrants to get permitted and on the road. And, lastly, clear laws are easier for a city to administer and create less risk that officials will apply vaguely worded restrictions in an unfair and anti-competitive manner.

Second, cities should enact narrowly tailored laws in order not to throw out the proverbial baby with the bathwater. In

<sup>4</sup> GLENN HUBBARD & ANTHONY PATRICK O'BRIEN, *ECONOMICS* 462-63 (4th ed. 2013) (explaining welfare effects of government barriers to entry).

<sup>5</sup> See, e.g., *Metro. Life Ins. Co. v. Ward*, 470 U.S. 869 (1985); *Craigmiles v. Giles*, 312 F.3d 220 (6th Cir. 2002); *Merrifield v. Lockyer*, 547 F.3d 978 (9th Cir. 2008); *Cornwell v. Hamilton*, 80 F. Supp. 2d 1101, (S.D. Cal. 1999).



other words, putting rules in place that go no further than what is needed to solve the particular problem at hand. Overly broad and restrictive regulations don't better protect the public, but they can make running a business more difficult, if not impossible. One example comes up with regard to congestion. In New York City, the areas around theaters can often become quite crowded, particularly as theaters let out. New York's narrow solution is to prevent food trucks from operating at these specific locations during show time. By contrast, turning all of midtown Manhattan into a "no-vending zone" would be regulatory overkill and would appear to be born more out of protectionism than any legitimate concern for public health and safety.

Officials should also enact outcome-based regulations, rather than regulations that specify particular methods or processes.

Regulations that focus on results are simpler to follow and give food trucks an opportunity to figure out the best way to solve the problem. One example is how cities regulate trash. Although most cities require food trucks to pick up their refuse, a few cities painstakingly detail the kind of trash cans a truck should use and where they must be placed. This top-down approach stops trucks from coming up with creative solutions, and its one-size-fits-all nature means that some trucks will have to carry trash cans that are far larger and more unwieldy than what they actually need. Instead, cities should lay out their regulatory goal and then give the trucks flexibility in how they make that goal happen.

Ultimately, the prescription for food-truck success is simple: provide trucks with clear, narrowly tailored and outcome-based rules that address the public's legitimate health and safety concerns. And then step back and watch this new, dynamic industry, with its jobs, satisfied customers and revitalized public spaces, flourish. To see how these two principles have been applied in the real world, look no further than how the birthplace of the modern gourmet food-truck movement—the city of Los Angeles—regulates food trucks.



## CASE STUDY: LOS ANGELES

Of all the cities in the United States, few are more closely identified with the food-truck revolution than the City of Angels. For decades, “loncheros” served tacos, burritos and tamales to construction crews and the occasional office worker.<sup>6</sup> Then in late 2008, two entrepreneurs named Roy Choi and Mark Manguera came up with the idea for a Korean/Mexican fusion taco truck.<sup>7</sup> Naming their creation “Kogi,” the two struggled at first, frequently setting up outside nightclubs in Hollywood.<sup>8</sup> But soon Kogi went viral after Manguera and Choi started using Twitter to let people know where the truck would be at any given time.<sup>9</sup> Since then, Kogi has been a wild success and now has four color-coded trucks on the road.<sup>10</sup>

Other entrepreneurs quickly realized the potential that gourmet food trucks had to offer. Within a few years, numerous entrepreneurs began to roll out their own kitchens on wheels. Now Angelenos have access to trucks selling everything from Vietnamese Banh Mi sandwiches to Hawaiian shave ice and home-style macaroni and cheese. The public reception for the trucks has been overwhelming, and the advent of food trucks has in no way diminished L.A.’s vibrant restaurant culture. Instead, Zagat.com reports that restaurant customers believe that the area’s restaurant scene has improved.<sup>11</sup>

But a more-vibrant food scene is not the only gift the trucks have given Los Angeles. The growth in Los Angeles’ food-truck industry has created hundreds, if not thousands, of new jobs, both on the trucks themselves and also at the businesses that design the trucks, build them, and supply them with the equipment and ingredients that they need. Furthermore, having the food trucks out and about draws hungry customers outside as well, and as urban theorist Jane Jacobs pointed out, “a well-used street is apt to be a safe street.”<sup>12</sup> Lastly, food trucks are entrepreneurship incubators. Food trucks, with their lower capital costs, are a way for chefs to try out new cuisines and new ideas. Those owners who succeed often take their winning ideas one step further by expanding their businesses and sometimes opening brick-and-mortar spaces. As a result of his food-truck success, for instance, Kogi’s Roy Choi expanded his empire into brick-and-mortar locations, including his new restaurant named Chego.<sup>13</sup>

The food trucks’ success in the city of Los Angeles, along with the great benefits those trucks provide, show that L.A.’s regulatory framework is one that other cities would do well to emulate. What makes Los Angeles a success comes from its adherence to the two principles discussed above.

First, Los Angeles’ regulations are not designed to stifle food trucks for the purpose of protecting brick-and-mortar restaurants from competition. As discussed above, incumbent businesses often ask local governments to put roadblocks in the way of their new competitors. But Los Angeles’ code contains few if any anti-competitive restrictions. Unlike Chicago, San Antonio and New Orleans, for instance, Los Angeles does not say that food trucks cannot operate within a certain distance of their brick-and-mortar counterparts. This difference is partially due to an earlier ruling by a California court that such proximity restrictions are unconstitutional.<sup>14</sup> Likewise, Los Angeles does not require that food trucks must be hailed before they stop and serve customers. And it does not artificially restrict when food trucks may operate.

Furthermore, California law has helped protect the public against attempts at protectionist legislation. In July 2006, the city of Los Angeles passed an ordinance that ordered food trucks to move every 30 or 60 minutes depending on whether they were in a residential or commercial area.<sup>15</sup> The city began to stringently enforce the duration restriction in 2009, but it was soon rebuffed. On June 10, 2009, Judge Barry Kohn of the California Superior Court invalidated the ordinance because it expressly conflicted with the state vehicle code, which permits cities to regulate vehicle vendors only “for the public safety.”<sup>16</sup> A similar duration restriction in the Los Angeles County code had earlier met the same fate.<sup>17</sup>

6 Jesús Hermosillo, LOCHERAS: A LOOK AT THE STATIONARY FOOD TRUCKS OF LOS ANGELES, Sept. 2010, <http://www.labor.ucla.edu/publications/reports/Locheras.pdf>.

7 Jessica Gelt, *Kogi Korean BBQ, a taco truck brought to you by Twitter*, L.A. TIMES, Feb. 11, 2009, <http://www.latimes.com/features/la-fo-kogi11-2009feb11,0,4771256.story>

8 Merrill Shindler, *Riding Shotgun with Kogi*, ZAGAT.COM, Apr. 6, 2009, <http://www.zagat.com/buzz/riding-shotgun-with-kogi>

9 Jessica Gelt, *Kogi Korean BBQ, a taco truck brought to you by Twitter*, L.A. TIMES, Feb. 11, 2009, <http://www.latimes.com/features/la-fo-kogi11-2009feb11,0,4771256.story>

10 Kogi BBQ-To-Go, <http://kogibbq.com/>.

11 Zagat.com, *Zagat Celebrates 25 Years in Los Angeles; 2,027 Restaurants Surveyed By 21,166 Local Diners*, Sept. 11, 2011, <http://www.zagat.com/node/3695295>.

12 See JANE JACOBS, THE DEATH AND LIFE OF GREAT AMERICAN CITIES 34 (1992).

13 Chego!, <http://eatchego.com/>.

14 *People v. Ala Carte Catering*, 159 Cal. Rptr. 479 (Cal. App. Dep’t Super. Ct. 1979).

15 L.A. City Code § 80.73(b)(2)(F).

16 Cal. Vehicle Code § 2245(b); Press Release, UCLA School of Law, *UCLA School of Law Clinical Program wins case challenging validity of Los Angeles city ordinance implemented against food trucks*, June 10, 2009, <http://www.law.ucla.edu/news-media/Pages/News.aspx?NewsID=737>.

17 *People v. Garcia*, No. 8EA05884 at 5-6 (Cal. Sup. Ct. Aug. 27, 2008) (referring to Los Angeles County Code § 7.62.070).



Second, the laws that the city of Los Angeles does have in place are generally narrowly tailored to deal with actual health and safety issues, straightforward, and focus on results rather than on methods and processes. Together, the state, county and city have established rules to govern, among other things, what facilities and equipment a truck must carry on board, how it prepares food and where it may operate. In Los Angeles, the law does not micromanage trucks; instead, it merely requires that they obey the traffic rules applicable to all vehicles,<sup>18</sup> follow basic safety precautions<sup>19</sup> and pick up after themselves.<sup>20</sup> That said, some provisions of Los Angeles' laws are overly burdensome. The city's requirement that trucks not park within 100 feet of an intersection,<sup>21</sup> for instance, seems excessive, particularly since other communities allow for much more reasonable distances.<sup>22</sup>

## USING LOS ANGELES AS A STARTING POINT

Although they are not perfect, and have been the subject of fights both in council chambers and the courts, Los Angeles' food-truck regulations are generally a success. Los Angeles has avoided protectionist laws in favor of clear, narrowly tailored and outcome-based health and safety rules, and its approach should serve as a starting point for cities that are drafting their own food truck laws. On the next two pages, the Southern California Mobile Food Vendors' Association emphasizes the benefits of the approach. Then starting on page 14, the Institute for Justice will discuss various food-truck topics and explain where L.A. has done well, where it has gone awry, and where other cities might have a superior approach. The Institute will then go on to provide specific recommendations that cities can adopt to address the main public health and safety issues concerning food trucks.



<sup>18</sup> L.A. City Code § 80.73(b)(2)(B).

<sup>19</sup> L.A. City Code § 80.73(b)(2)(C) (requiring that truck operators only serve customers from the side of the truck abutting the sidewalk).

<sup>20</sup> L.A. City Code § 80.73(b)(2)(E).

<sup>21</sup> L.A. City Code § 80.69(d).

<sup>22</sup> See, e.g., El Paso City Code § 12.46.020(C) (requiring that trucks not operate within 20 feet of an intersection).

## Los Angeles from the Trenches

by Matt Geller, CEO, and Jeffrey Dermer and Kevin Behrendt, Counsel, Southern California Mobile Food Vendors' Association

Southern California is the most mature mobile-vending market in the United States. The traditional taco trucks, or "loncheras," have been a familiar sight in California for generations. As a result of this unique history, Southern California and Los Angeles are more comfortable with mobile vending than perhaps other parts of the United States. Furthermore, this experience has left Los Angeles with the most well-developed and mature set of regulations in the country.

But none of this came easily. Over the years, public-interest advocates have fought tirelessly in the courts, in the state legislature, and in local government halls for a more reasonable regulatory environment for mobile vending. Other states and cities would do well to avoid these battles and instead simply "cut to the chase" by repealing any protectionist laws on their books and passing narrow regulations that deal with actual health and safety issues. By emulating the best parts of Los Angeles' regulatory landscape as described in this report, officials throughout the country can make sure that trucks comply with the law and that consumers and residents are satisfied.

Below, we briefly describe how Los Angeles' unique regulatory landscape has evolved and the economic and social benefits that it has helped produce.

### Mobile Vending in Los Angeles

Historically, mobile vending in Los Angeles was primarily a business for recent immigrants. Many of the taco trucks of the 1970s and 1980s were founded and run by Mexican immigrants. These trucks faced discriminatory enforcement of the laws and, in some cases, outright attempts by city officials to shut down mobile vending in many communities. Those pioneers fought back by pairing with civil-rights lawyers to push back on the most egregious of these laws, including one that prohibited food vending within 100 feet of a restaurant's front door.<sup>23</sup> The current state of regulations is a testament to those advocates.

Another key to California's vending landscape came in 1984, when the California Legislature passed a landmark provision telling cities that they may only regulate mobile vending "for the public safety."<sup>24</sup> One year later, the Legislature went one step further by preventing cities from instituting outright bans on mobile vending for any reason.<sup>25</sup> This law has helped food trucks fight back against anti-competitive restrictions at the city and county levels.

*The Southern California Mobile Food Vendors Association was founded in January 2010 in response to the confusing regulatory framework that confronted gourmet food-truck operators. Since then, the Association has worked with over 30 cities to repeal anti-competitive vending laws, fought back attempts at the California state legislature to weaken state protections for food trucks and brought suit against municipalities that, at the behest of brick-and-mortar businesses, enacted ordinances meant to ensure that no mobile vending occurred on their streets.*

The late 2000s saw the rise of the modern gourmet food truck. In the past, food trucks had primarily served construction workers on job sites. This business model worked well during the boom times, but the real-estate collapse of 2007-08 meant that there were few construction sites to service. Faced with a massive excess capacity of catering vehicles, many entrepreneurs bought trucks and repurposed them. This was helped, in part, by the fact that Los Angeles is home to a family-business culture and a large

<sup>23</sup> *People v. Ala Carte Catering Co.*, 159 Cal. Rptr. 479 (Cal. App. Dep't Super. Ct. 1979).

<sup>24</sup> Cal. Vehicle Code § 22455(b).

<sup>25</sup> More specifically, the 1985 amendment to section 22455 removed the final sentence of subsection (b), which previously read: "An ordinance or resolution adopted pursuant to this subdivision may prohibit vending from a vehicle upon a street."



number of different ethnic groups, many of whom brought new food concepts to this emerging industry.

But the growth in this new industry ruffled some feathers, including corporate quick-serve restaurants and the commercial developers who rent to them. Unfortunately, but not surprisingly, these forces made a concerted effort to pass new protectionist laws in the city of Los Angeles and elsewhere. Although Los Angeles itself refrained from enacting any new anti-competitive restrictions, some other municipalities in the area passed restrictive vending laws and began to enforce anti-competitive laws that were already on the books.

It was against this backdrop that the food trucks in Southern California joined forces to create the Southern California Mobile Food Vendors Association. Only two years old, the Association has grown from 30 initial members to over 150 members. Through education, lobbying and litigation, the Association has sent a clear message to regulators that consumer choice and entrepreneurship should come first.

Thankfully, forward-looking officials in Los Angeles have heard this message, embraced it, and now see the benefits that come from giving food trucks the freedom to operate. This hands-off approach has spawned an entirely new food-truck industry, with many companies now building and customizing food trucks, supplying graphic wraps for new entrepreneurs and selling technology to help consumers both locate their favorite trucks and order from them. The number of trucks has grown, leading to hundreds of new jobs. And the increased competition has pushed everyone, both food trucks and brick-and-mortar restaurants, to cook and serve food that is better tasting and a better value.

Competition is what makes America great, and Los Angeles' regulatory model wisely embraces that competitive spirit and rejects the idea that the government should protect certain businesses at the expense of consumers. The city's approach to regulating food trucks has worked for Los Angeles, and it can work for your city as well.

## HOW CITIES SHOULD ADDRESS PUBLIC HEALTH AND SAFETY ISSUES

In the following pages, the Institute for Justice discusses how cities should address some major topics surrounding food trucks, including these health and safety issues:

- **Food Safety**
- **Food-Safety Enforcement**
- **Parking**
- **Refuse**
- **Liability Insurance**
- **Hours of Operation**
- **Employee Sanitation**
- **Commissary Requirements**
- **Licensing**

For each issue, the Institute will describe the applicable law in Los Angeles and explain its advantages and drawbacks. It will then examine how other cities address the issue and explain why those other approaches are better or worse than what L.A. does. Finally, the Institute will recommend what law cities should adopt and give reasons for that recommendation. Throughout, the report will provide citations to the pertinent laws.

*An online compendium containing the full language of the laws cited in this report can be found at <http://www.ij.org/vending>.*

## FOOD SAFETY

### HOW LOS ANGELES REGULATES FOOD SAFETY:

The city of Los Angeles does not regulate the design of food trucks, how they store and cook food or what procedures they must follow in cleaning their equipment and utensils. Instead, this function is performed by the Los Angeles County Health Department, which administers the rules set forth in the California Retail Food Code.<sup>26</sup> That code prescribes how all food businesses, restaurants and food trucks included, must be designed and run.

While the Food Code has general rules that are applicable to all food sellers,<sup>27</sup> it also contains food-truck specific rules. The code, for instance, specifies the requisite amount of aisle space within the cooking portion of the truck<sup>28</sup> and mandates that utensils be secured so they are not thrown about while the truck is moving.<sup>29</sup> The code also imposes different requirements on trucks based on what the vehicle will be used for. If food will be prepared and cooked on board a food truck, for instance, the code requires that the vehicle be equipped with both warewashing and handwashing sinks<sup>30</sup> and that any deep fryers be sealed using a positive air pressure lid.<sup>31</sup> Trucks that do not prepare and cook food need not meet these requirements.

### HOW OTHER CITIES REGULATE FOOD SAFETY:

As in Los Angeles, in most cities the regulations concerning food safety aboard food trucks come from state or county retail-food codes. In Phoenix, for instance, the Maricopa County Environmental Health Code governs how food trucks are regulated.<sup>32</sup> That code requires that trucks follow the general provisions that are

<sup>26</sup> Cal. Health and Safety Code §§ 113700 *et seq.*

<sup>27</sup> Cal. Health and Safety Code § 114294(a) (stating that “[a]ll mobile food facilities and mobile support units shall meet the applicable requirements in Chapters 1 to 8, inclusive, and Chapter 13, unless specifically exempted from any of these provisions”).

<sup>28</sup> Cal. Health and Safety Code § 114321.

<sup>29</sup> Cal. Health and Safety Code § 114323(b)(1).

<sup>30</sup> Cal. Health and Safety Code § 114311.

<sup>31</sup> Cal. Health and Safety Code § 114323(b)(2).

<sup>32</sup> Maricopa County Environmental Health Code, <http://www.maricopa.gov/EnvSvc/AboutUs/HealthCode.aspx>.

applicable to brick-and-mortar restaurants, but it also imposes some additional, food-truck specific regulations. Likewise, the regulations that govern food safety for food trucks in Indianapolis are governed by the retail food establishment sanitation requirements of the Indiana Administrative Code, which govern both mobile and fixed-location food providers.<sup>33</sup>

Often the design and construction requirements for a food truck turn on what the truck will be used for. New York City, for instance, has two different sets of regulations for food trucks based on whether the food truck will be selling food that requires any cooking or processing in the vehicle (excluding the boiling of hot dogs). The two categories are subject to different requirements, which are a mix of state and local sanitary and health codes.<sup>34</sup> Likewise, the food-truck application for Portland, Ore., details four classes of vehicles and the specific requirements that apply to each class.<sup>35</sup>

#### **INSTITUTE FOR JUSTICE RECOMMENDATION:**

The Institute for Justice notes that most municipalities follow the food-safety rules established in county or state food codes, which are typically based on industry best practices. To the extent the county or state food code does not deal with a specific issue, the Institute recommends that officials follow the requirements of Chapter 10 of the California Retail Food Code, which governs food trucks.<sup>36</sup>

Furthermore, cities drafting their own regulations should, as the California Retail Food Code does, customize those requirements based on what the truck will serve. Safety or cooking equipment that is necessary for a truck where food is prepared may well be unnecessary for a truck that

sells only prepackaged food or ice cream. Regardless of what law a city follows, though, it should lay out what precise steps operators must take. Having officials rely on informal customs and standards that are unknowable to those on the outside unnecessarily increases both uncertainty and costs to would-be entrepreneurs.

#### **BOTTOM LINE:**

*Cities without food-safety regulations for mobile vehicles should adopt Chapter 10 of the California Retail Food Code and tailor those regulations to the potential risk that the truck's food poses to public health and safety.*

## **FOOD-SAFETY ENFORCEMENT**

**HOW FOOD SAFETY IS ENFORCED IN LOS ANGELES:** Los Angeles County is the government body responsible for administering the state retail-food code and inspecting food trucks.<sup>37</sup> Its rules call on county officials to perform unannounced field inspections of trucks. In early 2011, the county started assigning letter grades to food trucks based on the results of their inspections, which mirrored what the county already did for brick-and-mortar restaurants.<sup>38</sup> Food trucks must display the grade they received on their vehicle.<sup>39</sup> Food truck owners have largely welcomed this change, which gives them the opportunity to show that they are just as clean and sanitary as their brick-and-mortar counterparts.<sup>40</sup>

**HOW OTHER CITIES ENFORCE FOOD SAFETY:** Cities are split as to who inspects mobile food vendors. Approximately half of America's largest 50 cities inspect trucks themselves, while state or county health departments conduct inspections for the other 25 cities. The frequency of inspections similarly varies: While San Antonio conducts "routine, unannounced inspections" of food trucks,<sup>41</sup> Albuquerque, N.M., inspects trucks at least twice a year based on the "past compliance record of a food establishment and the risk presented to consumers by the menu items provided by the specific food establishment."<sup>42</sup> Inspections in most cities are

<sup>33</sup> Indiana State Department of Health, Retail Food Establishment Sanitation Requirements, [http://www.in.gov/isdh/files/410\\_iac\\_7-24.pdf](http://www.in.gov/isdh/files/410_iac_7-24.pdf).

<sup>34</sup> See New York City Department of Health and Mental Hygiene Mobile Vending Permit Inspection Requirements, [http://www.nyc.gov/html/doh/downloads/pdf/permit/mfv\\_cart\\_truck\\_inspection.pdf](http://www.nyc.gov/html/doh/downloads/pdf/permit/mfv_cart_truck_inspection.pdf).

<sup>35</sup> See Mobile Food Unit Plan Review Packet, [http://web.multco.us/sites/default/files/health/documents/mfu\\_plan-review.pdf](http://web.multco.us/sites/default/files/health/documents/mfu_plan-review.pdf).

<sup>36</sup> Cal. Health and Safety Code §§ 114294 *et seq.*

<sup>37</sup> L.A. County Code §§ 8.04.405, 8.04.752.

<sup>38</sup> Rong-Gong Lin II, *A drive to grade food trucks in L.A. County*, L.A. TIMES, Sept. 14, 2010, <http://articles.latimes.com/2010/sep/14/local/la-me-food-trucks-20100914>.

<sup>39</sup> L.A. County Code § 8.04.752.

<sup>40</sup> See Lisa Jennings, *L.A. food trucks to post letter grade inspection results*, Nation's RESTAURANT News, Oct. 20, 2010, <http://nrrn.com/article/la-food-trucks-post-letter-grade-inspection-results>.

<sup>41</sup> San Antonio City Code § 13-62(k).

<sup>42</sup> Albuquerque City Code § 9-6-1-6.

unannounced,<sup>43</sup> and most are conducted by the same officials who inspect brick-and-mortar restaurants.<sup>44</sup>

**INSTITUTE FOR JUSTICE RECOMMENDATION:** Of the existing laws concerning food-safety enforcement, the Institute for Justice recommends that cities generally follow the approach of Los Angeles County.<sup>45</sup> In a forthcoming report, the Institute for Justice compares the inspection grades of restaurants and food trucks in Los Angeles and finds that the city's food trucks are just as clean and sanitary on average as its restaurants. Furthermore, cities should consider following Albuquerque's approach of taking a truck's inspection history and the food it serves into account when deciding how frequently to inspect it. The Southern California Mobile Food Vendors Association, in a similar vein, has suggested that trucks that get two "A" grades in a row should receive a "Certification of Excellence" that reduces their inspection rate to only once per year. This approach makes sense, since inspectors generally should spend less time on trucks that pass inspection with flying colors and instead focus on food trucks or restaurants that have a history of problems. Finally, inspectors should hold food trucks and brick-and-mortar restaurants to the same food-safety standards.

#### **BOTTOM LINE:**

*Cities should follow Los Angeles' approach by inspecting food trucks both when first permitting them and periodically thereafter. Trucks serving non-hazardous food or that have passed multiple inspections should, as in Albuquerque, N.M., be subject to less frequent inspections, which will give inspectors more time to inspect trucks and restaurants with a history of issues.*

## **PARKING**

### **HOW LOS ANGELES DEALS WITH PARKING:**

**Proximity Restrictions and Restricted Zones:** The city of Los Angeles does not prohibit food trucks from operating within a certain distance of brick-and-mortar restaurants. Likewise, the city does not restrict food trucks from operating in popular

commercial areas; instead, it merely states that food trucks cannot operate within 200 feet of certain parks<sup>46</sup> or near the Pacific Ocean.<sup>47</sup>

**Distance to Intersections:** Food trucks in Los Angeles must follow all traffic rules and any stopping, standing or parking prohibitions as provided by the State Vehicle Code.<sup>48</sup> They must also follow the traffic regulations in the Los Angeles Municipal Code that apply to all vehicles.<sup>49</sup> In addition to those state and municipal traffic laws, food trucks may not park within 100 feet of an intersection.<sup>50</sup> The 100-foot prohibition is far larger than what is needed to accommodate any congestion or visibility issues. For many smaller blocks, the restriction makes it difficult, if not impossible, for trucks to legally park and serve their fare. Indeed, it appears that Los Angeles recognizes the difficulty with this approach; according to the Southern California Mobile Food Vendors Association, the city of Los Angeles does not actively enforce its 100-foot restriction.

**Use of Metered Parking Spaces:** The city of Los Angeles permits food trucks to vend from metered public parking spots for the maximum amount of time listed on the meter.<sup>51</sup>

**Duration Restrictions (How Frequently Food Trucks Must Move):** The city of Los Angeles previously restricted how frequently food trucks had to move. Under its old law, food trucks could only stay in one spot for 30 minutes in a residential area, or 60 minutes in a commercial one.<sup>52</sup> They then had to move one-half mile away and not return for 30 or 60 minutes, respectively.<sup>53</sup> A Los Angeles Superior Court judge invalidated this duration restriction in 2009 and it is no longer enforced.<sup>54</sup>

<sup>43</sup> See, e.g., City of Kansas City, Food protection frequently asked questions, <http://www4.kcmo.org/health.nsf/web/foodfaqs#8>.

<sup>44</sup> See, e.g., Las Vegas City Code § 6.02.020.

<sup>45</sup> L.A. County Code §§ 8.04.405, 8.04.752.

<sup>46</sup> L.A. City Code § 80.73(b)(2)(A)(4)(i).

<sup>47</sup> L.A. City Code § 42.15(c).

<sup>48</sup> L.A. City Code § 80.73(b)(2)(B).

<sup>49</sup> *Id.*

<sup>50</sup> L.A. City Code § 80.73(b)(2)(A)(3).

<sup>51</sup> See L.A. City Code § 80.73(b)(2)(B).

<sup>52</sup> L.A. City Code § 80.73(b)(2)(F).

<sup>53</sup> *Id.*

<sup>54</sup> Press Release, UCLA School of Law Clinical Program Wins Case Challenging Validity of Los Angeles City Ordinance Implemented Against Taco Trucks, (June 10, 2009), <http://www.law.ucla.edu/news-media/Pages/News.aspx?NewsID=737>.

**Potential Sidewalk Congestion:** The city of Los Angeles does not mandate that food trucks park and vend only at sidewalks of a certain minimum width; instead, it states that food trucks should not operate in a way that blocks the public right of way.<sup>55</sup>

### HOW OTHER CITIES DEAL WITH PARKING:

**Proximity Restrictions and Restricted Zones:** In *Streets of Dreams*, the Institute looked at how many of the largest cities in the United States imposed restrictions on where food trucks could operate. In all, 20 of the 50 largest U.S. cities told food trucks to stay a certain distance away from their brick-and-mortar competitors, while 34 cordoned off parts of the city, often prime commercial areas, from vending.<sup>56</sup> Proximity restrictions exist solely to prevent one business from being able to compete with another, which simply is not a legitimate government interest. Indeed, virtually every court to consider one of these laws has held them to be unconstitutional and struck them down.<sup>57</sup>

Although not as transparently protectionist as laws establishing proximity restrictions, laws that create restricted zones are often protectionist in effect due to their breadth. Typically, congestion issues are fairly localized at particular intersections or on particular streets. But rather than take a narrow approach, restricted zones prohibit all vending in large swaths of a city. Regulations that exceed their required scope look like less of an honest attempt to solve a real problem and more of an attempt to keep food trucks from competing.

**Distance to Intersections:** The 100-foot restriction that Los Angeles requires food trucks to follow is much larger than similar laws in other major cities. Many cities do

not specify any minimum distance a truck must be from an intersection, instead merely requiring that a truck not vend “in a congested area where the operation will impede pedestrian or vehicle traffic.”<sup>58</sup> And of those cities that do provide for a minimum, the required distance ranges from 20 to 50 feet.<sup>59</sup>

**Use of Metered Parking Spaces:** Most cities in the United States allow food trucks to pay for and operate from metered parking spaces for the amount of time listed on the meter. One notable exception to this is Pittsburgh, which says that food trucks “shall not park any vehicles for the purpose of vending, or place any materials in on-street metered parking spaces.”<sup>60</sup> And in New York City, a controversy has erupted over whether food trucks may vend from metered spots. The city’s transportation regulations state that “[n]o peddler, vendor, hawker or huckster shall park a vehicle at a metered parking space for purposes of displaying, selling, storing or offering merchandise for sale from the vehicle.”<sup>61</sup> A food truck sued, arguing that its food was not “merchandise” for purposes of the law. A New York trial court ruled for the city in May 2011,<sup>62</sup> and that ruling was upheld the following year.<sup>63</sup>

**Duration Restrictions:** As discussed in *Streets of Dreams*, 19 of the 50 largest U.S. cities mandate how frequently a vendor must move, regardless of whether he or she is vending from a metered space or what the time limit for the space, if any, might be.<sup>64</sup> Those laws require vendors to move once every 15 minutes to two hours;<sup>65</sup> in some instances, vendors who have moved are not allowed to return to their original location for a specified amount of time.<sup>66</sup> These laws are counterproductive, and should be scrapped. Forcing vendors to move regularly makes it difficult, if not impossible, to run a profitable business. Short time limits also pose a safety hazard, since it pressures cooking trucks into moving before their equipment has completely cooled. And by requiring trucks to constantly be on the road, laws like these make congestion worse, not better.

**Potential Sidewalk Congestion:** Most cities deal with potential sidewalk congestion issues as Los Angeles does, by simply requiring that food trucks not operate in a manner that blocks or inhibits use of the sidewalk by pedestrians. Fresno, Calif., for instance, states that “[n]o mobile vendor shall block or

<sup>55</sup> See L.A. City Code § 56.08(c).

<sup>56</sup> STREETS OF DREAMS 16, 20 (July 2011).

<sup>57</sup> See, e.g., *People v. Ala Carte Catering*, 159 Cal.Rptr. 479 (1979); *Duchemin v. Lindsay*, 42 A.D.2d 100, 345 N.Y.S.2d 53 (1973), aff’d, *Duchemin v. Lindsay*, 34 N.Y.2d 636 (1974); *Thunderbird Catering Co. v. City of Chicago*, Case No. 83-52921 (Oct. 15, 1986).

<sup>58</sup> Las Vegas City Code § 6.55.070(A)(2).

<sup>59</sup> See, e.g., El Paso City Code § 12.46.020(C) (20 feet); Minneapolis City Code § 188.480(2) (30 feet); San Antonio City Code § 13-63(a)(5) (50 feet).

<sup>60</sup> Pittsburgh City Code § 719.05A(d).

<sup>61</sup> New York City Department of Transportation Regulations § 4-08(h)(8).

<sup>62</sup> Glenn Collins, *Food Trucks Shooed From Midtown*, N.Y. TIMES, June 28, 2011, [http://www.nytimes.com/2011/06/29/dining/food-trucks-shooed-from-midtown.html?\\_r=2](http://www.nytimes.com/2011/06/29/dining/food-trucks-shooed-from-midtown.html?_r=2).

<sup>63</sup> *Monroy v. City of New York*, May 8, 2012, <http://caselaw.findlaw.com/ny-supreme-court-appellate-district/1600535.html>.

<sup>64</sup> STREETS OF DREAMS 23 (July 2011).

<sup>65</sup> See Columbus City Code § 2151.16 (15 minutes); Las Vegas City Code § 6.55.070(A)(2) (30 minutes); Chicago City Code § 7-38-115(b) (two hours).

<sup>66</sup> See, e.g., Sacramento City Code § 5.68.170 (stating that vending vehicle may not return to original location until the next day).

obstruct the free movement of pedestrians or vehicles on any sidewalk.”<sup>67</sup> Las Vegas, Nev., similarly says that no mobile food vendor shall “[v]end in a congested area where the operation will impede pedestrian or vehicle traffic.”<sup>68</sup> And Philadelphia states that food trucks should not “increase traffic congestion or delay, or constitute a hazard to traffic.”<sup>69</sup>

### **INSTITUTE FOR JUSTICE RECOMMENDATION:**

**Proximity Restrictions and Restricted Zones:** The Institute for Justice recommends that cities follow the example of Los Angeles by not prohibiting food trucks from operating within a certain distance of brick-and-mortar restaurants. The first lawsuit the Institute for Justice brought as part of its National Street Vending Initiative was against El Paso, Texas, which enacted a law that kept food trucks from operating within 1,000 feet of any fixed business that served food.<sup>70</sup> In response to the lawsuit, El Paso quickly backed down and dropped its anti-competitive restriction.

The Institute for Justice also recommends that cities follow the example of Los Angeles by not establishing broad zones where food trucks may not operate. As discussed at the beginning of this report, cities should strive to enact narrow laws that address the particular problem at hand but go no further. New York City, for instance, does not have any blanket prohibitions on where food trucks may go; instead, it proscribes vending only at certain specific times and locations based on demonstrable congestion concerns. The Institute for Justice recommends that other cities do the same.

**Distance to Intersections:** Of the laws dealing with traffic, parking, and congestion issues, the Institute for Justice recommends that cities follow the example of El Paso, Texas, which states that food trucks “shall be allowed to stop, stand or park on any public street or right-of-way, provided this area is not within twenty feet of an intersection, such vehicle does not obstruct a pedestrian crosswalk and the area is not prohibited to the stopping, standing or parking of such vehicles.”<sup>71</sup> This rule is clear, definite, and easy for food trucks to follow. The Institute for Justice does not recommend that cities follow Los Angeles’ approach of prohibiting food trucks from parking within 100 feet of an intersection. Cities should not regulate more heavily than necessary, and Los Angeles’ 100-foot restriction is excessive compared to what other cities prescribe.

**Use of Metered Parking Spaces:** The Institute for Justice recommends that cities follow the example of Los Angeles and virtually every other major city by allowing food trucks to operate from metered locations provided that they pay the requisite fees and follow any time limitations associated with the location. Food trucks are miniature commerce centers, and letting them pay for and use parking spaces both enriches the city and helps consumers find the trucks that they want to patronize. Furthermore, there is no reason to single out food trucks from all other commercial vehicles and impose special burdens on them that the rest do not share.

### **Innovation: Food Truck Parking Passes**

*Some food trucks will want to use a metered parking space for longer than typically permitted. Food trucks that sell fried items, for instance, frequently struggle with shorter parking periods, as they often must take 30 minutes or more to heat up their oil while setting up or to cool it down while preparing to move. One way that cities can accommodate this desire is to sell special permits to food trucks that let them park at metered locations for an extended period of time. These permits may be issued on a periodic basis, such as monthly or quarterly, or the city can instead sell one-time passes. To use such a pass, truck operators would scratch off the current date and place it in their windshield; once on display, the pass would let the truck legally park at one or multiple spots over the course of the day. The price of these permits or passes could be set at a premium above standard meter rates. This would give more entrepreneurial food trucks more options while generating more revenue for the city.*

<sup>67</sup> Fresno City Code § 9-1107(h).

<sup>68</sup> Las Vegas City Code § 6.55.070(A)(2).

<sup>69</sup> Philadelphia City Code § 9-203(7)(d).

<sup>70</sup> El Paso Vending, The Institute for Justice, <http://www.ij.org/el-paso-vending>.

<sup>71</sup> El Paso City Code § 12.46.020(C).



**Duration Restrictions:** After reviewing laws that govern how long food trucks may stay at one location, the Institute for Justice recommends that cities follow the examples of Philadelphia and New York City. Neither city forces food trucks to move after an arbitrary amount of time; instead, they require only that food trucks obey the parking rules that apply to all vehicles. Although Los Angeles does not impose any duration restrictions, that is only because a court held them to be invalid; accordingly, the Institute does not recommend that cities adopt the language in Los Angeles' code.

Food trucks responding to an Institute survey pointed out that, for cooking trucks, it can often take up to a half hour to get set up and ready to cook and another half hour to close down the kitchen and get back on the road. As a result, owners universally expressed frustration with duration restrictions, which can make it practically impossible to vend from a modern gourmet food truck. Trucks also complained about the harm to their business's reputation when they have to turn away customers who have patiently waited in line. As one Washington, D.C., entrepreneur put it, "Expecting busy trucks to move with 30 people on line is a burden." For these reasons, the Institute for Justice recommends that food trucks be allowed to stay at one location for at least as long as any other vehicle.

**Potential Sidewalk Congestion:** The Institute for Justice recommends that cities follow the example of Los Angeles, which specifies only that food trucks not operate in a manner "which will interfere with or obstruct the free passage of pedestrians or vehicles along any such street, sidewalk or parkway."<sup>72</sup> A set rule that requires a minimum sidewalk width in some instances can be regulatory overkill, such as in areas with little to no

pedestrian traffic, and might be insufficient in particularly crowded areas. Los Angeles' approach is superior because it gives trucks more flexibility while continuing to protect the public right of way. As noted below, the fear that trucks lead to congested sidewalks has little to no evidentiary support.

#### **BOTTOM LINE:**

**Proximity Restrictions and Restricted Zones:** Cities should follow the example of Los Angeles by not prohibiting food trucks from operating within a certain distance of brick-and-mortar restaurants or establishing large no-vending areas that are neither narrow nor based on real congestion concerns.

**Distance to Intersections:** Cities should adopt El Paso Code Section 12.46.020(c), which states that food trucks "shall be allowed to stop, stand or park on any public street or right-of-way, provided this area is not within twenty feet of an intersection, such vehicle does not obstruct a pedestrian crosswalk and the area is not prohibited to the stopping, standing or parking of such vehicles."

**Use of Metered Parking Spaces:** Cities should follow the example of Los Angeles and almost all other cities by letting food trucks operate from metered locations.

**Duration Restrictions:** Cities should follow the examples of Philadelphia and New York City, neither of which artificially restricts how long a food truck may stay at one spot.

**Potential Sidewalk Congestion:** Rather than prescribing the minimum width that a sidewalk must be for mobile vending, cities should follow Los Angeles' approach and simply require that food trucks not operate in a manner "which will interfere with or obstruct the free passage of pedestrians or vehicles along any such street, sidewalk or parkway."

<sup>72</sup> See L.A. City Code § 56.08(c).

## *IJ Original Research on Food Trucks and Sidewalk Congestion*

Some local businesses that do not want to compete against food trucks argue that letting trucks operate on the streets will increase sidewalk congestion. The argument is that this congestion makes it harder for pedestrians to navigate the right of way and, in some instances, could even lead to safety hazards. This concern is offered as a justification for laws that prohibit trucks from operating in certain areas of the city or from operating on public property at all.

Of course, legislators should only act on these concerns if they are in fact true. But while claims of food trucks creating sidewalk congestion abound, there was no actual evidence showing that to be the case. In fact, the effects of food trucks on congestion had never seriously been examined. So, to find out if trucks really do pose congestion concerns, the Institute for Justice undertook an original empirical research study.

On three days in December 2010, January 2011, and February 2011, a team of researchers from the Institute for Justice observed pedestrian traffic in two areas of Washington, D.C. known as Federal Center and Dupont Circle. Federal Center is an area in Southwest D.C. that is close to several government buildings and a handful of deli-style restaurants. Dupont Circle,

which is located in Northwest D.C. is one of the city's busiest areas, with many dining options, office buildings, and retail shops. Both Federal Center and Dupont Circle are near subway stations.

IJ researchers measured the amount of foot traffic on both sides of the street. They also calculated how long it took pedestrians to travel from one end of the block to the other. They counted pedestrians on both sides on days when food trucks were present and on days when they were not.

The Institute's research showed that the presence of a food truck did not significantly increase foot traffic. In the Federal Center area, the highest amount of foot traffic occurred on a day when no food trucks were present, indicating that other factors impact foot traffic. The data from Dupont Circle reiterated this finding. The presence of a food truck was associated with a minor increase of pedestrians, just 28, over a two-hour time period, which amounts to an increase of less than one percent of total foot traffic.

### *Foot Traffic With and Without Presence of Food Trucks*

	Dec. 15, 2010 (With Truck)	Jan. 13, 2011 (Control – No Truck)	Feb. 10, 2011 (No Truck)
<b>Federal Center</b>	772	939	673
Truck Side	336	296	263
Non-Truck Side	436	643	410
	Feb. 15, 2011 (With Truck)	Feb. 23, 2011 (Control – No Truck)	
<b>Dupont Circle</b>	2921	2893	N/A
Truck Side	1043	951	N/A
Non-Truck Side	1878	1942	N/A

Nor did the presence of a food truck make it more difficult for pedestrians to traverse the sidewalk. Researchers observing Federal Center discovered that it took 42 seconds to travel a sidewalk block when a food truck was present, compared to 41 and 43 seconds when no truck was there. In Dupont Circle, it took pedestrians 74 seconds to cross a block where a food truck was parked, one second less than when no truck was present.

*Average Time for Pedestrians to Travel the Block, in Seconds*

	December 15, 2010 (With Truck)	January 13, 2011 (Control – No Truck)	February 10, 2011 (Control – No Truck)
<b>Takorean</b> (Federal Center) <sup>73</sup>			
Truck Side	42	41	43
Non-Truck Side	47	47	46
<b>CapMac</b> (Dupont Circle)	February 15, 2011 (With Truck)	February 23, 2011 (Control – No Truck)	
Truck Side	74	75	N/A
Non-Truck Side	75	76	N/A

Lastly, researchers noted that food trucks and customers often work out ways to further minimize any disruptions. At one popular truck, where upwards of 30 people were waiting, researchers saw customers spontaneously forming a single-file line along the edge of the sidewalk, which ensured that there was ample room for other pedestrians to pass by. This example shows that, even if there are discrete situations where sidewalk congestion might be an issue, there are simple and effective solutions that do not require limiting the ability of vendors to earn a living or preventing customers from having access to the delicious food they want to buy.

**REFUSE****HOW LOS ANGELES REGULATES REFUSE:**

Los Angeles requires that food trucks “shall pick up, remove and dispose of all trash or refuse which consists of materials originally dispensed from the catering truck, including any packages or containers, or parts of either, used with or for dispensing the victuals.”<sup>74</sup> So that customers can assist in this effort, the city also mandates that food trucks provide “a litter receptacle which is clearly marked with a sign requesting its use by patrons.”<sup>75</sup>

**HOW OTHER CITIES REGULATE REFUSE:** Most cities surveyed by the Institute for Justice require that food trucks clean up trash. In some cities like Seattle, for example, trucks must “maintain the vending site, merchandise display, and adjoining and abutting public place free of all refuse of any kind generated.”<sup>76</sup> Other cities instead require only that vendors take care of trash that they themselves create. Columbus, Ohio, for instance, makes vendors responsible for keeping the area within twenty-five (25) feet of their operation free and clear of any litter caused by such operation.<sup>77</sup>

Like Los Angeles, some jurisdictions require that trucks put out trash receptacles. In Boston, for instance, food trucks must provide “a waste container for public use that the operator shall empty at his own expense.”<sup>78</sup> And Buffalo, N.Y., which recently liberalized its vending rules, likewise requires that food trucks be “equipped with trash receptacles of a sufficient capacity that shall be changed as necessary.”<sup>79</sup>

<sup>73</sup> Due to construction, the sidewalk on the western side of the street was significantly shorter than the eastern side (201 feet compared to 303 feet). To account for this, times for the eastern side of the street have been multiplied by .6633. Adjusted times are shown.

<sup>74</sup> L.A. City Code § 80.73(b)(2)(E).

<sup>75</sup> L.A. City Code § 80.73(b)(2)(D).

<sup>76</sup> See Seattle City Code § 15.17.152(A).

<sup>77</sup> See Columbus City Code § 523.13(c)(11).

<sup>78</sup> Boston City Code § 17-10.8(a)(5).

<sup>79</sup> Buffalo City Code § 316-51(l).

**INSTITUTE FOR JUSTICE RECOMMENDATION:** Of the laws that deal with refuse issues, the Institute for Justice recommends that cities follow Los Angeles' approach, albeit with additional language that precisely lays out how far from the truck operators must search for any trash they created.<sup>80</sup> The following is an amalgam of language from Los Angeles and Columbus that cities may use in crafting their laws:

After dispensing victuals, at any location, a catering truck operator, prior to leaving the location, shall pick up, remove and dispose of all trash or refuse **within twenty-five feet of the catering truck** which consists of materials originally dispensed from the catering truck, including any packages or containers, or parts of either, used with or for dispensing the victuals.

It is reasonable for cities to make food trucks remove any trash they generate from the immediate area surrounding the truck, as is the requirement that trucks give customers some way to discard their refuse. Cities should be careful, however, not to go overboard with these regulations by mandating exactly what type of receptacles trucks must use or how large they have to be.<sup>81</sup>

#### BOTTOM LINE:

*Cities should follow the example of Los Angeles and require trucks to be responsible for the trash they create, but they should also give trucks a specific distance they are responsible for, as Columbus, Ohio, does.*

## LIABILITY INSURANCE

### INSURANCE REQUIREMENTS FOR FOOD TRUCKS IN LOS ANGELES:

Like all motor vehicles, food trucks in California must carry liability insurance in order to operate on the public right of way.<sup>82</sup> Food trucks operating in Los Angeles need not purchase any additional liability insurance beyond that amount.

### INSURANCE REQUIREMENTS FOR FOOD TRUCKS

**IN OTHER CITIES:** Most of the city laws surveyed by the Institute for Justice, like Los Angeles, do not impose separate liability insurance requirements on food trucks. Instead, those vehicles may get to work so long as they carry the state-mandated level of insurance to operate on the road. Some cities, however, also require that trucks carry a general liability insurance policy that lists the city as an additional insured. In Boston, for instance, a food-truck applicant must provide a "certificate of insurance providing general liability insurance listing the City as additionally insured."<sup>83</sup> And in Las Vegas, food trucks must maintain auto and general liability insurance of at least \$300,000.<sup>84</sup>

### INSTITUTE FOR JUSTICE RECOMMENDATION:

After reviewing liability insurance requirements for food trucks, the Institute for Justice recommends that cities follow the general approach of Los Angeles by not requiring that food trucks maintain insurance policies naming the city as an additional insured. Cities are no more liable for injuries caused by food trucks than they are for injuries caused by brick-and-mortar businesses. Additionally, having to name the city as an additional insured causes additional headaches for food trucks, as the practice is out of the ordinary and something many insurance companies are reluctant to do. Unless a city requires that all food service companies doing business within its boundaries carry a specific level of liability insurance, it should follow Los Angeles' approach and not foist additional requirements on food trucks that their brick-and-mortar counterparts do not share.

<sup>80</sup> L.A. City Code § 80.73(b)(2)(D)-(E).

<sup>81</sup> An earlier revision of Buffalo's food-truck law, passed in January 2012, required that trucks carry and put out "two, 65-gallon garbage cans." After complaints from food-truck operators, who saw the law as unnecessary and unduly burdensome, the sponsor of the bill changed the language to what is reflected above. Aaron Beseker, *Revised food truck rules unveiled*, THE BUFFALO NEWS, at D5 (Jan. 12, 2012).

<sup>82</sup> See Cal. Vehicle Code § 1656.2 (detailing minimum liability requirements that vehicle operators must carry).

<sup>83</sup> Boston City Code § 17-10.5(b)(7).

<sup>84</sup> Las Vegas City Code § 6.55.080.

**BOTTOM LINE:**

*Unless a city requires all businesses in its jurisdiction to carry a specific amount of liability insurance, it should follow the approach of Los Angeles and not impose this requirement on food trucks. Cities should not require trucks to carry liability insurance that names the city as an additional insured.*

## HOURS OF OPERATION

**HOURS OF OPERATION IN LOS ANGELES:** The city of Los Angeles does not place any artificial limitations on when vendors may operate, which allows food trucks to specialize. Some trucks like PerKup Coffee and Tea Co. may choose to serve breakfast fare, while other trucks may decide to cater to late-night customers, just as others serve bar patrons on Friday and Saturday nights. This kind of flexibility means that consumers will be able to get food on their way into work or on their way home after a late night. In the end, letting trucks choose when to operate leads to more successful trucks and more satisfied customers.

**HOURS OF OPERATION IN OTHER CITIES:** Of the 50 cities surveyed by the Institute for Justice for this report, approximately half prohibited food trucks from operating during at least part of the day. Some of these restrictions are quite minimal: In Austin, Texas, for instance, mobile food vendors are only required to cease operations between the hours of 3 a.m. and 6 a.m.<sup>85</sup> And New York City has no blanket restriction on hours of operation, instead

restricting vending during certain hours only at specified locations.<sup>86</sup>

Other cities' restrictions, however, are quite onerous. In Phoenix, food trucks may not operate in the public way after 7 p.m. or whenever it gets dark, whichever is later.<sup>87</sup> And in Sacramento, Cali., the city manager requires vendors to limit their hours of operation to between 8 a.m. and 6 p.m.<sup>88</sup> These restrictions do nothing to further public health and safety, but make it that much harder for trucks to succeed.

**INSTITUTE FOR JUSTICE RECOMMENDATION:** The Institute for Justice recommends that cities follow Los Angeles' approach and not restrict when food trucks may operate. Trucks should be free to vend at any time, or at the very least to be subject to the same rules as brick-and-mortar restaurants. To the extent that vending from a specific location at certain times poses actual public health and safety concerns, cities should address the specific problem and go no further. One example of such a narrow approach is Santa Monica, Calif. There, officials were concerned about the large crowds of people coming out of late-night bars on a stretch of Main Street. The worry was that the size of the trucks might create visibility problems for passing automobiles and lead to accidents involving inebriated bar patrons who venture out into the street. Rather than banning all food trucks in Santa Monica from operating at night, the city took a more focused approach by merely saying that on Friday and Saturday nights, trucks could not sell from 1 a.m. to 3 a.m. on the half-mile stretch of Main Street where the bars are located.<sup>89</sup> Food trucks were able to continue operating on nearby side streets where the city's traffic safety concerns were less.

**BOTTOM LINE:**

*Cities should follow Los Angeles' example and not place restrictions on when food trucks may operate. If a demonstrable health and safety issue exists at a specific location, cities should take the narrowest approach that resolves the issue.*

<sup>85</sup> See Austin City Code § 25-2-812(C)(4).

<sup>86</sup> See New York City Department of Health and Mental Hygiene Letter to Mobile Food Vendors 05/06/2011, available at <http://www.nyc.gov/html/doh/downloads/pdf/permit/mfv-restricted-streets.pdf>.

<sup>87</sup> Phoenix City Code § 31-24.1(C).

<sup>88</sup> Sacramento City Code § 5.88.110.

<sup>89</sup> Jason Islas, *Santa Monica Bans Late-Night Food Trucks on Main Street*, THE LOOKOUT NEWS (Nov. 10, 2011), [http://www.surfsantamonica.com/ssm\\_site/the\\_lookout/news/News-2011/November-2011/11\\_10\\_11\\_Santa\\_Monica\\_Bans\\_Late\\_Night\\_Food\\_Trucks\\_on\\_Main\\_Street.html](http://www.surfsantamonica.com/ssm_site/the_lookout/news/News-2011/November-2011/11_10_11_Santa_Monica_Bans_Late_Night_Food_Trucks_on_Main_Street.html).

## EMPLOYEE SANITATION

### SANITATION LAWS IN LOS ANGELES:

**Handwashing:** One of the simplest ways to prevent disease and contamination is for food handlers to wash their hands. In Los Angeles, food trucks that prepare food on board must be equipped with a handwashing sink for employees' use. This sink must be connected to at least a three-gallon water tank, be capable of dispensing water in excess of 100 degrees Fahrenheit, and must function independently of the truck's engine.<sup>90</sup>

**Bathroom Access:** Los Angeles requires food-truck operators that stay at a single location for more than an hour to have access to a building with toilet and handwashing facilities that is within 200 feet of where the truck is located.<sup>91</sup> A recent change to the law extends that distance to up to 300 feet for food trucks that pre-arrange and enter into "a fully-executed agreement between the operator and the owner of the restroom facility." Alternatively, trucks may close for 15 minutes every hour to "reset" the one hour clock. During that period, the food truck's windows must be shut, its employees must leave, and the operator must leave a note saying when the truck closed and when it will reopen.

### SANITATION LAWS IN OTHER CITIES:

**Handwashing:** Los Angeles' requirement that all trucks have handwashing sinks is by no means out of the ordinary. Almost all cities that regulate food trucks mandate handwashing sinks, with the specific requirements for those sinks differing based on the jurisdiction. For Mesa, Ariz., the handwashing sink must be at least 9" long, 9" wide, and 5" deep.<sup>92</sup> And Arlington, Texas, specifies that all food trucks must contain a handwashing station that is equipped with both soap and sanitary towels.<sup>93</sup>

**Bathroom Access:** Los Angeles is in the minority when it comes to its bathroom requirement. Most cities do not regulate bathroom access, instead trusting food truck entrepreneurs to manage their own bathroom needs. And those cities that do mandate bathroom access are less intrusive. In Austin, Texas, a food truck must enter into an agreement only if it will be in one location for more than two hours.<sup>94</sup> And in Boston, trucks need only show that they have access to flushable toilets and handwashing facilities within 500 feet of the truck if they're in one spot for more than an hour.<sup>95</sup>

### INSTITUTE FOR JUSTICE RECOMMENDATION:

**Handwashing:** The Institute for Justice recommends that cities follow the example of the California Retail Food Code, which requires trucks to have handwashing stations if they prepare food, but does not require them on trucks selling only prepackaged foods like frozen desserts.<sup>96</sup> Typically, the issue of handwashing sinks is governed by state health codes. To the extent that a state health code does not address the issue, the Institute recommends that a city require that "[m]obile food facilities from which nonprepackaged food is sold shall provide handwashing facilities."<sup>97</sup>

**Bathroom Access:** The Institute for Justice recommends that cities follow the examples of Las Vegas, Charlotte, and Portland, Ore., none of which requires trucks to enter into agreements for bathroom usage. Food trucks, as a matter of common sense, already provide bathroom access for their employees; they need not be ordered to do so by the government. Furthermore, laws requiring written bathroom agreements discourage trucks from exploring new markets and sharing their innovative products with parts of the city that they do not normally frequent.

### BOTTOM LINE:

**Handwashing:** Cities should follow California Retail Food Code Section 114311, which says that "[m]obile food facilities . . . from which nonprepackaged food is sold shall provide handwashing facilities," while exempting food trucks that sell only prepackaged foods like frozen desserts.

**Bathroom Access:** Cities should emulate Las Vegas, Charlotte, N.C., and Portland, Ore., by not requiring that food trucks enter into bathroom-access agreements with brick-and-mortar businesses.

<sup>90</sup> Cal. Health and Safety Code § 114325.

<sup>91</sup> Cal. Health and Safety Code § 114315.

<sup>92</sup> Maricopa County Environmental Services Department, Mobile Food Units 6, <http://www.maricopa.gov/EnvSvc/EnvHealth/pdf/Mobile%20Food%20Unit%20English.pdf>.

<sup>93</sup> City of Arlington, Texas, Requirements for Mobile Food Service Trucks, [http://www.arlingtontx.gov/health-food\\_ordinances\\_mobile.html](http://www.arlingtontx.gov/health-food_ordinances_mobile.html).

<sup>94</sup> See Austin City Code § 10-3-91(A)(8).

<sup>95</sup> See Boston City Code § 17-10.5(b)(6).

<sup>96</sup> Cal. Health and Safety Code § 114311 ("Mobile food facilities not under a valid permit as of January 1, 1997, from which nonprepackaged food is sold shall provide handwashing facilities.").

<sup>97</sup> See *id.*



## COMMISSARY REQUIREMENTS

### COMMISSARY REQUIREMENTS IN LOS ANGELES:

Most mobile-food vending operations in Los Angeles are based out of a commissary, which is a facility at which they can park and clean their truck, store their inventory and do the paperwork that is associated with running any business. The California Retail Food Code and Los Angeles County require that most food trucks be stored and serviced at an approved commissary.<sup>98</sup> The only exceptions to this requirement are for trucks that operate from a fixed position at community events, or trucks that engage only in limited food preparation (in which case they may instead be serviced by a mobile support unit).<sup>99</sup> With the exceptions noted above, food trucks must be cleaned every operating day and must report to the commissary at the end of each day's operations.<sup>100</sup>

Although Los Angeles food trucks may clean their vehicles and do their paperwork at a shared commissary, they may not actually do any food preparation there. The reason is a Los Angeles County Health Department rule that says that only the permit holder for a commercial kitchen may use it to prepare food. Matt Geller, CEO of the Southern California Mobile Food Vendors Association, views that position as counterproductive and "a threat to public health because it does not give mobile vendors the option to operate legally in a rented kitchen. This can lead to mobile vendors prepping from home or unlicensed kitchen facilities." He recommends that Los Angeles County create regulations that allow for use of an approved commissary or shared kitchen space.

**COMMISSARY REQUIREMENTS IN OTHER CITIES:** Most other cities require that food trucks generally associate with a commissary, but some cities' models give trucks more flexibility than Los Angeles does. Under Portland, Oregon's law, for example, a truck need not associate with a commissary if it sells only prepackaged food, in which case it need only be affiliated with a warehouse.<sup>101</sup> Alternatively, trucks in Portland "may not be required to have a base of operation if the unit contains all the equipment and utensils necessary to assure" that the vehicle is clean and can safely store and prepare food.<sup>102</sup> The state of Florida has similarly proposed regulations that would exempt self-sufficient mobile food vehicles from having to associate with a commissary.<sup>103</sup>

Most other cities also let food trucks and other culinary entrepreneurs use shared kitchen spaces to prepare and cook food. One such city is San Francisco, where La Cocina, a nonprofit "kitchen incubator," offers low-income entrepreneurs shared commercial kitchen space and workshops with such titles as "How to Start a Food Business in San Francisco."<sup>104</sup> And in Austin, Texas, another city that lets food truck operators use shared commercial kitchen spaces, a company named Capital Kitchens gives Austin food truckers a choice: They can use the facility as just a commissary where they can clean their truck and store their food, or they can also register the facility as their base of operations, which allows them to prepare and cook food there as well.<sup>105</sup>

**INSTITUTE FOR JUSTICE RECOMMENDATION:** The Institute for Justice recommends that cities follow Portland's example by exempting food trucks from being "required to have a base of operation if the unit contains all the equipment and utensils necessary to assure" that the truck can satisfy health and safety concerns. Some food trucks are self-contained mobile kitchens that protect against vermin and can refrigerate and freeze food 24 hours a day. Likewise, a truck selling only prepackaged items, like cupcakes, poses no real threat to public safety. Because signing up and working through a commissary can often be arduous, requiring trucks like these to associate with a commissary is both costly and unnecessary. For trucks that are not self-sufficient, the Institute recommends that cities follow the example of Los

<sup>98</sup> Cal. Health and Safety Code § 114295.

<sup>99</sup> See Cal. Health and Safety Code § 114295(b),(e).

<sup>100</sup> Cal. Health and Safety Code §§ 114295(c), 114297(a).

<sup>101</sup> Or. Admin. R. 333-162-0040.

<sup>102</sup> *Id.*; see also Oregon Health Authority Mobile Food Unit Operation Guide, <http://public.health.oregon.gov/Healthy-Environments/FoodSafety/Documents/muguide.pdf>.

<sup>103</sup> Florida Administrative Code § 61c-4.0161.

<sup>104</sup> La Cocina, <http://www.lacocinasf.org/>.

<sup>105</sup> Capital Kitchens, Mobile food vendor, <http://capital-kitchens.com/mobile-food-vendor.html>.

Angeles County, where trucks can operate out of their own commissary or a shared commissary.

Cities should also let food trucks band together and open their own shared kitchen spaces. Los Angeles County's prohibition against shared kitchens is counterproductive and puts a high roadblock in the way of fledgling entrepreneurs. Instead, the Institute recommends that cities follow the examples of San Francisco and Austin, Texas, which both let food trucks prepare and cook food in shared commercial kitchen spaces.

#### **BOTTOM LINE:**

*Cities should follow Portland, Oregon's example by saying food trucks should not be "required to have a base of operation if the unit contains all the equipment and utensils necessary to assure" to satisfy health and safety concerns.*

*For trucks that are not self-sufficient, cities should follow the example of Los Angeles County, where trucks can operate out of their own commissary or a shared commissary. Lastly, cities should let food trucks join together and open their own shared kitchen spaces, as both San Francisco and Austin, Texas, do.*

## PERMITTING AND LICENSING

### HOW LOS ANGELES PERMITS AND LICENSES FOOD TRUCKS:

**The Application Process:** Before a truck gets on the road, it needs to get both a health permit from the county of Los Angeles and a separate business license from the city of Los Angeles. The health permit requires operators to provide detailed plans for the layout of the vehicle.<sup>106</sup> It also requires operators to fill out written operational guidelines that lay out the truck's proposed menu, how it will be prepared, and how the truck will wash its equipment and utensils.<sup>107</sup> Lastly, at least one person on board the truck must be certified in food safety.<sup>108</sup>

Although Los Angeles' application process is relatively less complex than the process in other jurisdictions, it is still often hard for would-be food-truck operators to navigate it. This is because, although food trucks in Los Angeles are regulated at the city,<sup>109</sup> county,<sup>110</sup> and state<sup>111</sup> levels, none of those jurisdictions clearly explains how to get a vending

permit and get out on the road. Although the Southern California Mobile Food Vendors Association<sup>112</sup> has helped fill some of the void, Los Angeles should clarify what these fledgling entrepreneurs need to get started.

**Cost:** The annual fee for a Los Angeles County health permit for a food truck ranges from \$602 to \$787, depending on what types of items the truck sells.<sup>113</sup> The city of Los Angeles does not charge for a business license.<sup>114</sup>

**Who the Permit Covers:** Los Angeles County requires only that the operator of a truck have a permit. The employees who help out on the truck need not apply and receive their own vending permit.

### LIMITS ON THE NUMBER OF PERMITS ISSUED:

Neither the city of Los Angeles nor Los Angeles County limit or in any other way restrict the number of food trucks that may apply for and receive a license or permit.

### HOW OTHER CITIES LICENSE AND PERMIT

#### FOOD TRUCKS:

**Application Process:** Many cities' actual permitting procedures are more complex than Los Angeles'. In Milwaukee, for instance, opening a food truck means getting a peddler's license that requires the health department to inspect the vehicle. But a would-be operator must also apply for a separate food-dealer license and occupancy permit for the business.<sup>115</sup> And that, in turn, requires the operator to apply for and receive a Wisconsin state seller's permit.<sup>116</sup> Altogether, an applicant in Milwaukee must get permission from at least three separate government agencies, each requiring multiple steps, before getting on the road.

<sup>106</sup> County of Los Angeles Department of Public Health, Plan Check Guidelines for Mobile Food Facilities and Mobile Support Unit, [http://www.publichealth.lacounty.gov/eh/docs/vip/PLAN\\_CHECK\\_GUIDELINES\\_1.pdf](http://www.publichealth.lacounty.gov/eh/docs/vip/PLAN_CHECK_GUIDELINES_1.pdf).

<sup>107</sup> County of Los Angeles Department of Public Health, Written Operational Procedures, [http://www.publichealth.lacounty.gov/eh/docs/vip/CalCode\\_Wrtn\\_Opt\\_Proc\\_2.pdf](http://www.publichealth.lacounty.gov/eh/docs/vip/CalCode_Wrtn_Opt_Proc_2.pdf).

<sup>108</sup> County of Los Angeles Department of Public Health, Mobile Food Facility Information Packet Operational Guidelines, [http://www.publichealth.lacounty.gov/eh/docs/vip/Rules\\_and\\_Regulations\\_4.pdf](http://www.publichealth.lacounty.gov/eh/docs/vip/Rules_and_Regulations_4.pdf).

<sup>109</sup> See generally L.A. City Code § 80.73(b).

<sup>110</sup> See generally L.A. County Code Chapter 8.04.

<sup>111</sup> Cal. Health and Safety Code § 114294 *et seq.*

<sup>112</sup> <http://socalmfvva.com/>.

<sup>113</sup> L.A. County Code § 8.04.720.

<sup>114</sup> Southern California Mobile Food Vendors Association, FAQ, <http://socalmfvva.com/faq/>.

<sup>115</sup> City of Milwaukee, Food Peddler License Information, <http://city.milwaukee.gov/ImageLibrary/Groups/ccLicenses/FoodPeddlerApplication.pdf>.

<sup>116</sup> *Id.*



Boston's law is similarly complicated. The city has a single application form for mobile vendors; once an applicant submits the form, the Public Works commissioner submits it to various city departments for their review and approval.<sup>117</sup> But before an applicant submits their application, he or she must first obtain a health permit from the city Inspectional Services Department, a business certificate, a state-issued peddler's license and a GPS contract.<sup>118</sup> Altogether, a would-be vendor in Boston must go to three different city departments, the commonwealth of Massachusetts and a private GPS company before receiving her license. Actually being able to sell from the truck on either public or private property requires entrepreneurs to take several additional steps.<sup>119</sup>

Although Milwaukee's and Boston's permitting procedures are much more complicated than Los Angeles', both cities provide helpful guidance to applicants. In modernizing its food-truck rules, Milwaukee created a web document that helps would-be food-truck entrepreneurs understand what they need to do to get licensed.<sup>120</sup> Boston provides similar information on its website.<sup>121</sup>

**Cost:** The licensing fees that food trucks pay vary greatly by jurisdiction. In Kansas City, Mo., food trucks have to pay \$292 annually for a permit. In Boston, the permit fee varies based on a complex valuation of the public way used by the truck.<sup>122</sup> And in Cleveland, the annual fee for a food truck is \$263.44.<sup>123</sup>

**Who the Permit Covers:** Lastly, most cities require only that a food truck apply for and receive a single vending permit, with the truck's employees working under that permit. But Washington, D.C., issues

vending permits to individuals, not businesses, and requires that someone with a valid permit be on board the truck whenever it is in operation.<sup>124</sup> If the food truck's owner cannot be on board himself, then an employee on the truck must have his own separate vending permit. This requirement imposes a significant burden on food-truck owners, who face a huge burden if they want someone else to occasionally run the truck. And Washington, D.C.'s rule limits the opportunities for job creation that mobile food vending can offer.

**Limits on the Number of Permits Issued:** Most cities in the United States do not impose a limit on how many food trucks may apply for and receive a permit. One exception is New Orleans, which states that "the number of [food-truck] permits issued . . . shall at no time exceed 100 for the entire city."<sup>125</sup> New York City limits the number of permits available to food vendors, including food trucks, to 3,100.<sup>126</sup> Although it sounds like a large number, this number of permits is insufficient and has led to the growth of an illegal black market in vending permits. The price on the black market to use someone's food vending permit for two years has reached as high as \$20,000 according to a Wall Street Journal investigative article.<sup>127</sup>

## INSTITUTE FOR JUSTICE RECOMMENDATION:

**Application Process:** The Institute recommends following Los Angeles County's approach to permitting, which is less complex than the process in other jurisdictions. Most truck operators in other parts of the country report having to deal with two or more different agencies to get their permits, and having it take weeks, if not months, to complete the process. This complexity compounds the confusion that often surrounds the permitting process. As a food-truck operator in Philadelphia, which is known to have a complicated permitting process, said, "The government operates in silos, no agency is coordinated, no one person can give a succinct overview of the entire process, it seems like no one truly understands it comprehensively." Requiring multiple permits from many different government agencies makes it both more complicated and more expensive to get a truck on the road.

In terms of clarity, however, the Institute applauds Milwaukee and Boston for clearly explaining how to apply for a permit, and the Institute recommends that other cities publish similar step-by-step instruction guides. Operators across the

<sup>117</sup> Boston City Code § 17-10.5.

<sup>118</sup> City of Boston, Food Truck Permit Application 2012, [http://www.cityofboston.gov/Images\\_Documents/2012%20Food%20Truck%20Permit%20Application-4-12\\_tcm3-25641.pdf](http://www.cityofboston.gov/Images_Documents/2012%20Food%20Truck%20Permit%20Application-4-12_tcm3-25641.pdf).

<sup>119</sup> City of Boston, Mobile Food Truck: Choosing a Location For Your Food Truck, <http://www.cityofboston.gov/business/mobile/locations.asp>.

<sup>120</sup> See Pushcarts, Popcorn Trucks and Restaurants on Wheels: A Guide for Operators of Mobile Food Establishments from the City of Milwaukee Health Department, [http://city.milwaukee.gov/ImageLibrary/Groups/health-Author/CHE/PDFs/pushcarts\\_booklet\\_for\\_web\\_2010.pdf](http://city.milwaukee.gov/ImageLibrary/Groups/health-Author/CHE/PDFs/pushcarts_booklet_for_web_2010.pdf).

<sup>121</sup> See City of Boston, Mobile Food Truck: Permit Overview, <http://www.cityofboston.gov/business/mobile/application.asp>.

<sup>122</sup> Boston City Code § 17-10.9(b).

<sup>123</sup> Cleveland City Code § 241.05(d).

<sup>124</sup> D.C. Department of Consumer and Regulatory Affairs, Mobile Food Truck Licensing Information, <http://d.c.gov/DC/DCRA/for+business/apply+for+a+business+license/how+to+start+a+mobile+food+truck+business>. (stating that food-truck licenses "are issued to individuals not businesses and the truck must be operated by the individual who is issued the license").

<sup>125</sup> New Orleans City Code § 110-191(6).

<sup>126</sup> New York City Code § 17-307(b)(2)(a) to (b)(3)(a).

<sup>127</sup> Sumathi Reddy, *Prices for Food-Cart Permits Skyrocket*, WALL STREET JOURNAL, March 9, 2011, <http://online.wsj.com/article/SB10001420457248704758904576188523780657688.html>.

country repeatedly complain that the most frustrating aspect of the permitting process is not the specific requirements involved, but the lack of clear, consistent instructions on how to complete them. According to food-truck entrepreneurs with whom the Institute spoke, officials often don't seem to know all the rules, are unhelpful or give conflicting information.

**Cost:** The Institute, after reviewing the cost of applying for vending permits across the country, recommends that cities should impose a flat annual fee in the range of \$200-300, as both Cleveland and Kansas City have done. Businesses should not be viewed as a cash cow, and the Institute for Justice recommends that fees be no higher than necessary to cover the cost of inspecting and regulating the food trucks. Furthermore, those fees should be relatively stable and known to would-be truck operators before they enter the business. For this reason, the Institute for Justice recommends that cities not adopt Boston's convoluted fee structure.

**Who the License Covers:** The Institute for Justice recommends that cities follow the example of Los Angeles County by letting operators decide whether to have a license or permit issued to them personally or to their vending business. Cleveland, for instance, issues food-truck licenses to "vendors," which can be either an individual or the associated business.<sup>128</sup> Brick-and-mortar restaurants need not get a separate license for each shift manager; similarly, taking this simple step will let trucks avoid the time and expense of acquiring a vending permit for each manager who oversees truck operations.

**Limits on the Number of Permits Issued:** The Institute for Justice recommends that cities follow the example of Los Angeles and not limit the number of food-truck permits. Placing an arbitrary limit on how many licenses may be issued does not address any actual health and safety issues. Instead, it acts as a barrier to new food trucks while enriching those few who are lucky enough to have snared a permit. Furthermore, a limit hurts consumers by limiting their choices. Lastly, a cap is unnecessary, as consumer demand will guide how many food trucks will voluntarily choose to operate in a given city.

#### **BOTTOM LINE:**

**Application Process:** Cities should follow the licensing approach of Los Angeles County, which is not plagued by unnecessary complexity. In terms of guidance, cities should emulate Boston and Milwaukee, which both have published step-by-step instructions to guide entrepreneurs through the licensing process.

**Cost:** Cities should follow the approach of both Cleveland, and Kansas City, Mo., by imposing a flat annual fee in the range of \$200-300.

**Who the License Covers:** Cities should follow the approach of Los Angeles by issuing vending licenses to an individual's vending businesses rather than the individual himself or herself.

**Limits on the Number of Permits Issued:** Cities should follow the approach of Los Angeles and not cap the number of food-truck permits, which hurts consumers and leads to an illicit black market for permits, as it has in New York City.

#### **Innovation: Reciprocal Licensing Arrangements**

One major hurdle for food-truck entrepreneurs is having to get a separate license for each town in which they want to operate their trucks. This requirement makes little sense, particularly given that inspectors in many states verify food trucks' safety using a common set of criteria that are developed at the state level. Cities should consider entering into reciprocal licensing arrangements with nearby communities. A compact or joint agreement between different cities would mean that a truck would need to get licensed only once; it then could operate in any city that was a party to that joint agreement. This approach would cut a vast amount of red tape and make the trucks more commercially viable while still ensuring that the trucks met each city's legitimate health and safety concerns.

<sup>128</sup> Cleveland City Code § 241.03(3).



## CONCLUSION

A vibrant food-truck industry benefits everyone. It provides consumers with a wide variety of innovative, inexpensive cuisine that they might otherwise not get to enjoy. It gives would-be entrepreneurs who are long on ideas but short on financial capital a way to pursue their dream. And it can activate underused spaces, bring new life to communities and make them safer, more enjoyable places to live.

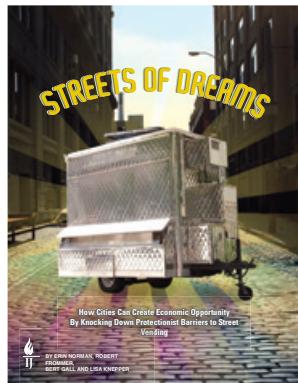
Public-minded officials who want to make their cities better would do well to encourage food-truck entrepreneurship. Thankfully, this commitment doesn't require paying for an expensive new program or hiring dozens of vending "experts." Instead, cities can look to other cities that have experience regulating food trucks, such as Los Angeles, and then adopt their best legislative practices by implementing the recommendations in this report. By avoiding protectionist restrictions and enacting clear, narrowly tailored and outcome-based laws to address legitimate health and safety issues, cities will enable their residents to enjoy all of the economic and cultural benefits of America's growing food truck revolution.

*An online compendium containing the full language of the laws cited in this report can be found at <http://www.ij.org/vending>.*





## OTHER PUBLICATIONS OF THE INSTITUTE FOR JUSTICE'S NATIONAL STREET VENDING INITIATIVE



*Street of Dreams: How Cities Can Create Economic Opportunity by Knocking Down Protectionist Barriers to Street Vending* (July 2011)  
<http://www.ij.org/streets-of-dreams-2>

*Seven Myths and Realities about Food Trucks: Why the Facts Support Food-Truck Freedom*  
(November 2012)  
<http://www.ij.org/vending>

## IJ VENDING VIDEOS



*Chicago Food Trucks*  
[www.ij.org/ChicagoFoodTruckVideo](http://www.ij.org/ChicagoFoodTruckVideo)



*Atlanta Vending*  
[www.ij.org/freedomflix/category/51/177](http://www.ij.org/freedomflix/category/51/177)



*El Paso Vending*  
[www.ij.org/freedomflix/category/43/177](http://www.ij.org/freedomflix/category/43/177)

## ROBERT FROMMER

Robert Frommer is an attorney with the Institute for Justice, where he litigates in defense of political speech, economic liberty and private property.

Frommer is lead counsel on the Institute for Justice's lawsuit against the city of Chicago's anti-competitive food-truck law. He is also lead counsel on a lawsuit challenging Atlanta's vending monopoly and is a co-author of *Streets of Dreams*. Frommer's views have been published in a number of print and on-line newspapers and journals, including *The Wall Street Journal*, *The Washington Post* and the *Pittsburgh Post-Gazette*.



Before joining IJ, Frommer was an attorney with the Washington, D.C., office of Gibson, Dunn & Crutcher LLP. He is a former law clerk to Judge Morris Sheppard Arnold of the U.S. Court of Appeals for the Eighth Circuit. Frommer received his law degree magna cum laude from the University of Michigan Law School in 2004.

## BERT GALL

Bert Gall is a senior attorney at the Institute for Justice, where he litigates economic liberty, free speech, school choice and property rights cases nationwide.

Gall directs IJ's National Street Vending Initiative, a nationwide effort to vindicate the right of street vendors to earn an honest living by fighting unconstitutional vending restrictions in courts of law and the court of public opinion. In addition to serving as co-counsel in IJ's current challenge to Chicago's protectionist food-truck law, he also served as co-counsel in IJ's successful challenge to El Paso's protectionist restrictions on mobile vendors, which resulted in El Paso repealing those restrictions.



Gall received his law degree from Duke University in 1999 and his undergraduate degree from Rice University. Before coming to the Institute, he worked at Helms Mulliss & Wicker in Charlotte, N.C., and clerked for Judge Karen Williams of the U.S. Court of Appeals for the Fourth Circuit.

In 2009, Gall was recognized by *The National Law Journal* as one of its "Rising Stars: Washington's 40 under 40," which honored the top 40 lawyers under the age of 40 in the Washington, D.C., area.

## ACKNOWLEDGEMENTS

The authors would like to thank the many food-truck associations whose members and officers provided valuable information and feedback, including Matt Geller, CEO of the Southern California Mobile Food Vendor's Association (SoCalMFVA); Jeffrey Dermer and Kevin Behrendt, counsel for SoCalMFVA and partners in law firm Dermer & Behrendt; Executive Director Che Ruddell-Tabisola and Doug Povich of the Food Truck Association of Metropolitan Washington; Rachel Billow, President of the New Orleans Food Truck Coalition; and Rebecca Kelly, President of the Tallahassee Food Truck Association. The authors would also like to thank Jon Markman, Akil Alleyne, Jordan Fischetti, Brad King, Eddie Lowe, Katie McLay, Nick Sibilla, Bryson Smith and Andrew Ward for their help in compiling and analyzing the data underlying this report.

## THE INSTITUTE FOR JUSTICE

*The Institute for Justice is a nonprofit, public interest law firm that litigates to secure economic liberty, school choice, private property rights, freedom of speech and other vital individual liberties and to restore constitutional limits on the power of government. Founded in 1991, IJ is the nation's only libertarian public interest law firm, pursuing cutting-edge litigation in the courts of law and in the court of public opinion on behalf of individuals whose most basic rights are denied by the government. Through its National Street Vending Initiative, the Institute for Justice works to defeat anti-competitive restrictions that violate the constitutional rights of street vendors to earn an honest living.*



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LAKE STEVENS CITY COUNCIL  
**STAFF REPORT**

**Council Agenda**  
**Date:** \_\_\_\_\_

**Subject:** Security Camera Solution

**Contact**

**Person/Department:** Information Services      **Budget Impact:** \$49,353.00  
\_\_\_\_\_

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**RECOMMENDATION(S)/ACTION REQUESTED OF COUNCIL:**

Approve the purchase of Security Camera Solution

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**SUMMARY/BACKGROUND:**

The city currently does not have a security camera program to protect physical assets such as city buildings and parks and recreation sites. The city has experienced a fair amount of vandalism, tagging, vehicle prowls, and other public safety concerns throughout the city. There is a growing concern with our new buildings and significant park improvements that we need now more than ever a security camera program to help protect and deter criminal activities. The proposed solution will be expandable as we bring on more sites and parks with security cameras. The solution also includes an electronic case management solution to facilitate the Police departments' need for a digital evidence solution.

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**APPLICABLE CITY POLICIES:**

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**BUDGET IMPACT:** \$49,353.00 Includes 1<sup>st</sup> support/maintenance for VMS server and for 1<sup>st</sup> year maintenance for 15 cameras for the Mill / North Cove Park

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**ATTACHMENTS:** [Genetec-product-technical-brochure.pdf](#)  
[Genetec-Clearance-Case Management-Features.pdf](#)



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## VIDEO SECURITY CAMERA PROPOSAL

### **Introduction**

The city currently does not have a security camera program to protect physical assets such as city buildings and parks and recreation sites. The city has experienced a fair amount of vandalism, tagging, vehicle prowls, and other public safety concerns throughout the city. There is a growing concern with our new buildings and significant park improvements that we need now more than ever a security camera program to help protect and deter criminal activities.

### **Policy and Governance**

The introduction of security cameras in public spaces is going to bring up concerns with our citizens who are concerned about privacy. The city is currently reviewing and drafting up policies and procedures for the governance of our security camera program. This will cover topics such as video retention lengths, access controls, notification, and signage to the public, and requirements for public disclosure requests. The software solution does include controls to blur and redact video to protect citizen's privacy or minors to ensure the city is following all required legal requirements for security video footage.

### **Network Architecture**

The security cameras will be connected to a secure private network that is only accessible to the video management server (VMS) to ensure no one can directly access the cameras outside of the management server. The VMS server will have a separate management network that will provide secure access only to authorized personnel. The solution offers a way to create a grouping of cameras to be able to secure and grant access rights to view the live video feeds. There will be designated locations for TV's to display live feeds to promote visibility for building access security. All other security cameras located in parks or public spaces that are not mainly for physical access will not be monitored by city staff and can only be used for investigations and incident management or approved by a designated authority.

### **Video Management Solution**

The ITD and Police reviewed several VMS solutions and decided on Genetec due to their tight integrations with their Digital Case Management solution. The Police have struggled to handle their digital evidence for case management, needing a tool to store, collect digital evidence from businesses or citizens, retention policies, and distribution of digital evidence to prosecutors, partner agencies. Genetec has a cloud-managed solution that fills this gap and integrates with this solution. The proposed solution is built for our future growth and can be expanded up to 100 security cameras.

### **Security Cameras**

The cameras we decided on are from Axis due to the quality, product selections, and price point. These cameras are available through our vendor CDWG and on state contract pricing. We have been working with a dedicated sales engineer from Axis to help us make the proper selection to ensure we are getting the right camera per location to meeting both interior or exterior requirements.

### **Project Cost Break Down**

This city's security camera program will be funded through various projects. In the initial project, "The Mill and North Cove Park," we must cover the VMS solution (the server hardware and software and licensing) and will be covered in this proposal. See attached quotes.

### **Summary of Solution (\$49,353.00)**

**Hardware:** \$15,205.00

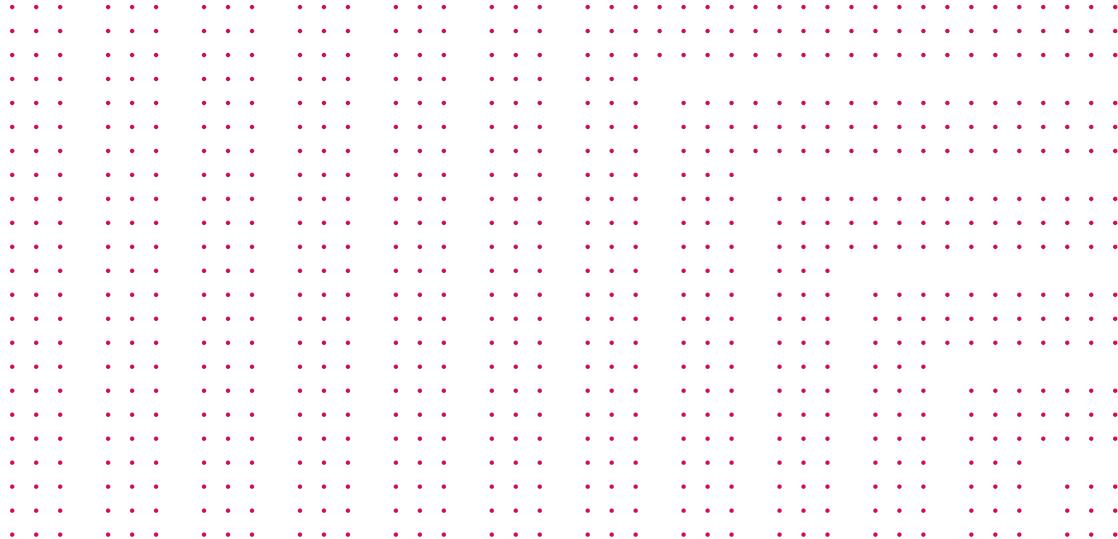
**Software:** \$10,438.00

**Cameras: (Mill and North Cove Phase 1)** \$20,990.00

**Professional Services:** 2-Day Remote install/training \$2,720.00



Complete access control



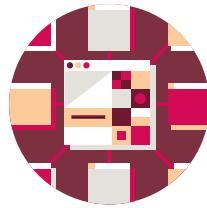
Security Center Synergis™ is an IP access control system that heightens your organization's security, introduces you to non-proprietary hardware choices, and lets you go about your day knowing that your team is equipped to respond to any threat.

## Key benefits



### Respond with confidence through unification

When you unify Synergis with video surveillance, intercom, and intrusion systems, you make a clearer, more timely decision compared to standalone systems.



### Choose your hardware based on your needs

Unlike proprietary systems, Synergis allows you to choose the best access control hardware. From leading manufacturers of IP door controllers to wireless and PoE locks – the choice is yours.



### Make your move to an adaptable access control system

Synergis offers the clearest path to an IP access control system that uses your network and existing access control infrastructure.



### Advanced cybersecurity at every level of your system

Advanced encryption and claims-based authentication ensures secure communications, protects your cardholders' identities, and keeps the integrity of your system a priority.



### Move to a single card

Centrally manage all your cardholders and credentials, even between multiple independent systems. Automatically synchronize changes from one system to another.



### Maintain less infrastructure and reduce your total cost of ownership

Deploy Synergis Cloud Link appliances at all sites and establish real-time connectivity to your main server, whether it resides on your premises or in the cloud.

## Security that revolves around you

From single-building installations to complex multi-site deployments, Synergis is engineered to handle the needs of growing organizations. From managing cardholders and visitors, printing badges, and running investigations, Synergis will meet your everyday needs. Built-in failover options let you go about your day-to-day operations uninterrupted and with the confidence of knowing that your people and assets are protected during critical situations.



### Designed to scale

Whether you need to secure a multi-site facility or a small location, Synergis has the flexibility needed to adapt to your security environment.

### All your needs in one

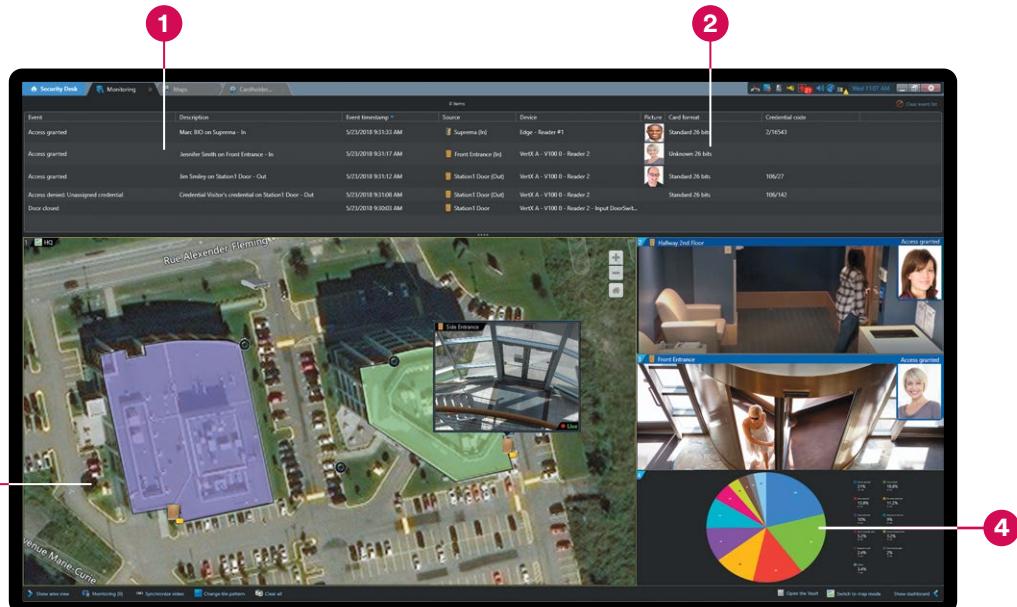
Get a full-featured solution with embedded badge design, cardholder and visitor management, advanced visual reporting, and more.

### Connect anywhere, any time

No matter their location, personnel can lock or unlock doors, review access control events, and change threat levels through a suite of mobile and web apps.

# Start your day with confidence

As part of the Security Center unified platform, Synergis allows you to heighten efficiency and security by unifying your access control system with other security and business systems. Operators will have the tools to make informed and timely security and operation decisions with a unified approach to your security. Move away from independent systems that were never designed to work together and take advantage of a unified view of all your security information.



## 1 Multi-task view

Keep multiple tasks open at the same time, allowing operators to see and do more. Monitor video, search archives, and pull reports, all at the same time.

## 2 Cardholder video verification

Verify cardholder pictures against live or recorded video associated to access control events for every door within any monitoring or reporting task.

## 3 Dynamic interactive maps

Efficiently monitor and manage all your sites with interactive maps that provide a dynamic view of all security devices, alarms, and system statuses.

## 4 Visual reporting

Capture timely insights into your day-to-day operations and view the flow of people within your premises without the need for heavy spreadsheets.

# Choose your deployment and purchase options

## Select how you own, deploy and maintain your access control system

Whether your system is deployed on-premises, in the cloud, or somewhere in between, Synergis delivers a steady flow of innovation that provides ongoing value to help you focus on your business. You choose whether you pay upfront or on a termed basis bringing flexibility to your budget with Synergis SaaS edition.



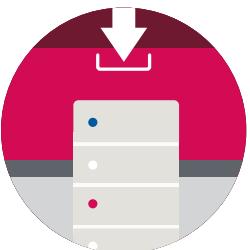
### Fully hosted

The Synergis SaaS edition is an Access Control as a Service (ACaaS) that lets you move your system entirely to the cloud, simplifying the deployment and maintenance of an enterprise-class system. Choose between monthly or yearly payments and reduce your infrastructure management.



### Hybrid

If you're not ready to fully transition to the cloud, the Synergis SaaS edition lets you deploy some or all of your system on-premises and enhances your security with value-added services in the cloud.



### On-premises

For many years, Synergis has been deployed on-premises. With all your infrastructure in your possession, you can either subscribe to the service or pay entirely in advance.



### An appliance for either option

The Synergis Cloud Link appliance reliably and securely connects your existing on-premises controllers, modules, and electronic locks to either the cloud or to your main access control server on-premises.

# Synergis key features

## Complete access control features for your day-to-day operations

### Threat level management

Quickly change the behavior of your security system in response to changing security conditions and potential threats. Pre-built threat levels can be built based on your corporate security policies.

### Global cardholder management

Synchronize cardholders, cardholder groups, credentials, and badge templates across multiple independent Synergis systems through multi-server synchronization.

### Visitor management

Modernize your approach to visitor management and become more efficient by enrolling visitors in Synergis, assigning physical access rights, and tracking their movements with ease.

### Badge design and issuance

Issue cardholder and visitor ID badges so that your staff can easily identify those who should and should not have access to your facilities. With advanced card request workflow, you determine who can create, view, and print badges.

### Dynamic interactive maps

Better visualize and manage your security environment by dynamically navigating through facilities and managing a greater number of doors, cameras, intrusion areas, and other security devices.

### Failover and redundancy

Count on the availability of your access control system to run reports or make access changes whenever you need them. Get ease of mind with built-in failover and redundancy mechanisms that protect against hardware failure or network interruptions.

### Microsoft Active Directory (AD) sync

Synchronize your Windows users with Security Center users and cardholders. Adding Windows users in AD will automatically create Security Center users and cardholders along with their groups, credentials, and custom fields.

### Elevator destination dispatch

Effectively manage elevator traffic based on cardholder's assigned access and schedules in Synergis. Optimize your building operations through orderly travel of cardholders.

### Federation

Facilitate centralized monitoring, reporting, and alarm management across multiple independent sites by synchronizing door entities and related events and alarms between sites in real time.

### End-to-end data security and privacy

Ensure that your servers, communications, and devices are secured with the latest cryptographic protocols so that your access control system is protected against emerging cyber threats.

# Comprehensive feature list

## Core access control functions

Cardholder management with advanced filtering options to quickly locate, assign minimum security clearances

Badge issuance workflow and activity trails to issue credentials, request badge screening and more.

Visitor Management with check-in/out process, print badge or paper credentials and visitor escort mode

Elevator control without PLCs  
(Destination dispatch integrations available)

Mobile credentials supported: assign mobile credentials to cardholders through a workflow. Integration to HID

Mobile Access portal

License plate as a credential

People counting for mustering

## Advanced access control measures

Antipassback (Soft, hard, on schedule, forgive APB)

Threat level management

First-Person-In rule for triggering unlock schedules

First-Person-In rule for activating access rights

Two-Person rule

Visitor Escort mode

Duress PIN support

## Supported hardware

Synergis Cloud Link supporting:

- HID VertX interface modules: V100, V200, V300
- Mercury EP and LP controllers
- Assa Abloy WiFi, PoE, and Aperio locks
- Salto SALLIS wireless locks (SVN plugin available)
- Allegion Schlage AD-Series, LE and NDE Locks (through Mercury EP Panels)
- SimonsVoss SmartIntego Locks (through Mercury EP Panels)
- Axis A1601 Network Door Controller
- OSDP-enabled readers over RS-485

HID Vertx and Edge EVO controllers supported

Morpho and Suprema biometric readers through plugin

## User interface

Unified access control and video in one software package

State of the art task-based interface

Cardholder verification and additional info in display tile

Unified alarm management (access, video, intrusion)

## Advanced reporting

Embedded reporting engine

View access control events and alarms through graphs and charts

Customizable reports without third party tool needed

Activity and Configuration reports

Export reports to CSV, EXCEL, and PDF

Automatically email reports to specific users

Time and attendance and area presence reporting

## Multi-site management

Advanced distributed architecture to manage multiple sites reducing total cost of ownership (TCO)

Centralized cardholder management and syncs between independent sites

Global reporting and monitoring of independent sites through Federation™

## Security measures

Configurable user-access privileges

Secure remote access capabilities

Secure protocols and communications from card to software

Password protected export

Authenticated user logins

Supervised login procedures

## Failover and redundancy

Native Access Manager and Directory failover

Failover and redundant archiving (hot-standby to minimize downtime)

Windows clustering supported

Virtualization support

Distributed architecture

Peer-to-peer communications across Synergis Cloud Link appliances for Global IO linking and antipassback

## System configuration

Copy configuration

Silent installation for mass deployment and upgrades

Auto-discovery of access control devices

Bulk Import of cardholders, credentials and custom fields

Centralized multi-device firmware upgrade

# Security Center Synergis editions

Synergis access control software is available in a variety of packages designed to fit the size and needs of your security applications. You can easily modify your package with a simple license update as your requirements evolve.

Package overview	Standard	Pro	Enterprise	SaaS
Maximum number of readers	64	256	Unrestricted	Unrestricted
Maximum number of monitoring clients (5 included)	5	10	Unrestricted	Unrestricted
Number of access managers	1	2	Unrestricted	Unrestricted
Badge designer and custom fields	●	●	●	●
Alarm management	●	●	●	●
Dynamic graphical maps	●	●	●	●
Custom reports and email notifications	●	●	●	●
Virtualization support	●	●	●	●
Built-in Access Manager failover			●	
Visitor management	○	○	○	●
Threat level management		○	○	●
Microsoft Active Directory – cardholders and users		○	○	●**
Global cardholder management and Federation*			○	●

● Included or supported    ○ Optional    \* Main site must be Enterprise. Remote site software can be any package.

\*\* Azure AD for cardholders. ADFS for users

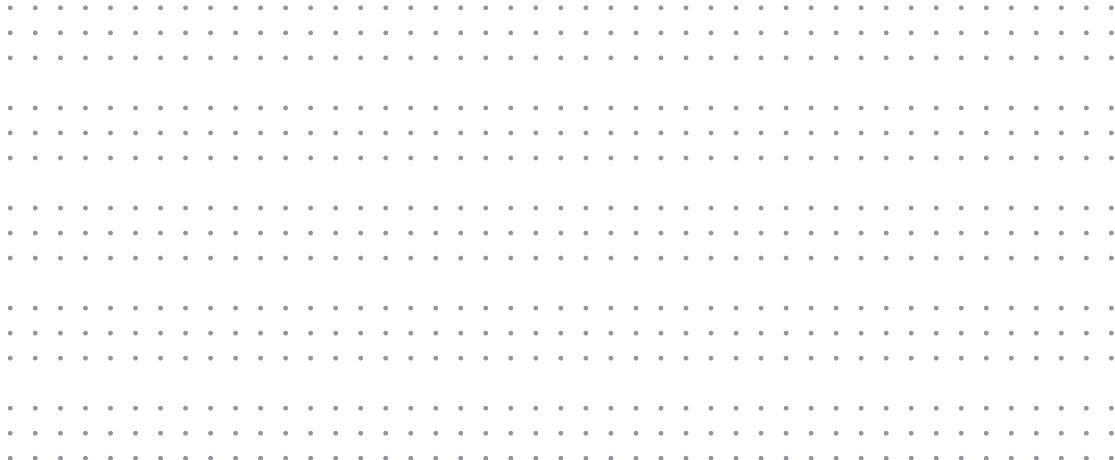
## Genetec Inc.

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info@genetec.com  
@genetec

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**Collaborative digital evidence management system**



**Genetec Clearance™** is a digital evidence management system that facilitates collaboration between agencies, corporate departments, attorneys, and the public – to help you review all the information you need from one app.

## Review and share your evidence from one app

The use of video recordings and multimedia has grown exponentially in investigations and to review operational processes. This presents a need for new applications that can handle the increased size, complexity and variety of data that has disrupted traditional systems and workflows.

**Genetec Clearance™** is a digital evidence management system that helps you centralize and review all case files, and reduce reliance on copying information to DVDs and shared drives. With Genetec Clearance, you can grant immediate access to evidence at the click of a button, and ensure information is only shared with authorized individuals – both internal and external to your organization.

## Key features

### Centralize digital files in one app

Organizations can upload media from a variety of sources, such as surveillance cameras, body-worn devices, interview rooms, and smartphones, as well as any digital file format (e.g. audio files, images, documents, etc.).

### Video conversion and review

Playback recordings from hundreds of standard and proprietary video codecs directly in Genetec Clearance, without the need to install standalone players or plugins.

### Video request workflows

Publish a registry of your cameras to allow internal and external participants to request video directly from Clearance. Customize request forms, develop an approval workflow and maintain an audit of all historical requests.

### Mobile app

The **Genetec Clearance™ Seen** mobile app allows investigators to capture evidence from their phones in the field, and upload it directly into Genetec Clearance.

### Built-in video redaction

An intuitive video redaction module allows users without advanced video editing knowledge to spend less time when redacting video. A face detection analytic helps to accelerate the process to mask individuals in a scene.

### Upload files from the public

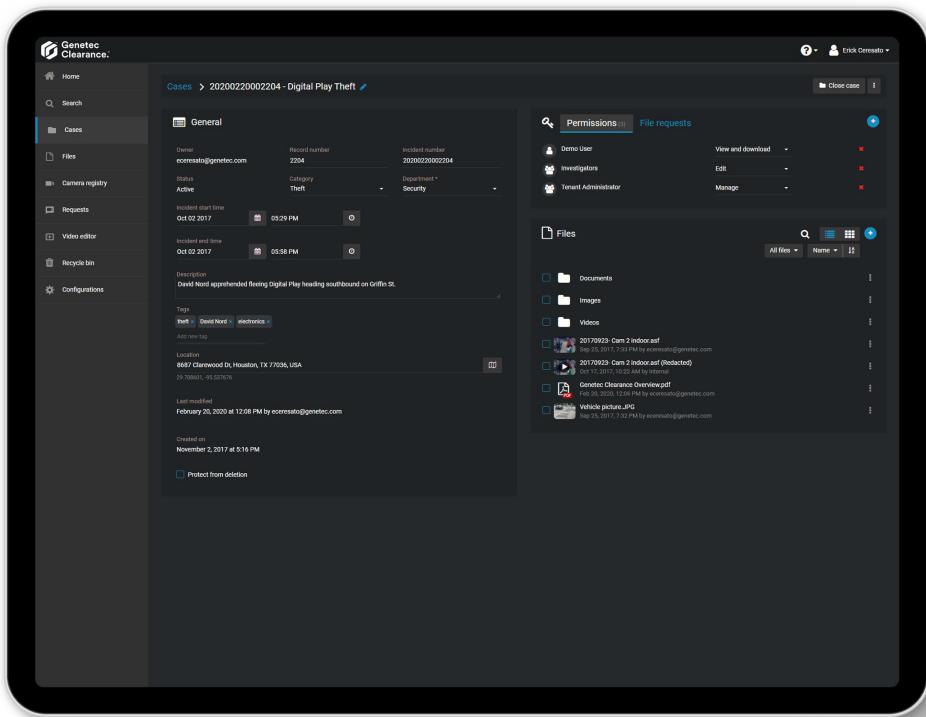
Instantly collect footage from bystanders and witnesses through a shareable link that allows them to share files of any size.

### Automatic retention policies

Administrators can configure automatic retention schedules to define how long files are preserved in the application and ensure compliance with organizational policies.

### Maintain chain of evidence

All actions are logged within the system's audit trail reports, which include detailed information about the user, activity type, and timestamps.



## Keep your cases confidential

Organizations mandate strict guidelines for how evidence is controlled, as the mishandling of sensitive data can lead to fines, and for criminal cases to be dismissed in courts. Still, many continue to rely on USBs to store and distribute digital evidence, despite the risk of the data being stored insecurely or getting lost.

As a trusted provider of security solutions for government agencies and high-profile public and private organizations worldwide, Genetec takes data security very seriously. To ensure alignment with our clients' security standards, all data transferred to Genetec Clearance is encrypted. Organizations can configure their access control policies to ensure cases and files are only accessible by authorized individuals.

## Integrate Genetec Clearance with your existing systems

When working on a case, it's essential that all the information you need is easily accessible. Genetec Clearance is designed using the "API First" development principle and provides documented and publicly available REST APIs that can be used to integrate with other systems.

Organizations can develop integrations with their CAD/RMS systems, surveillance system, and body camera video management software, incident reporting systems, and more, to automatically push data between applications.

## Subscription plans

Start collaborating and closing cases faster with a Genetec Clearance plan that best suits your needs.

Have more cases to manage? We can design a larger plan to fit your organization. Please contact us at [clearanceteam@genetec.com](mailto:clearanceteam@genetec.com) for more information.

Plans	Plan 100	Plan 200	Plan 600	Plan 1000
New cases per month	100	200	600	1000
Storage (GB)	1,500	3,000	7,500	15,000
Number of users	Unlimited			
Video redaction	•	•	•	•
Mobile app	•	•	•	•
Genetec Clearance plugin for Security Center	•	•	•	•
Support & software updates	•	•	•	•
Active Directory/SSO integration*	•	•	•	•
API access	•	•	•	•
Extended video format library	○	○	•	•
Camera registry	—	•	•	•
eDiscovery receipt	—	•	•	•
Custom domain name	—	—	•	•

- Included or supported
- Optional

\*Organizations can federate their Active Directory (AD) user identities through Microsoft Azure Active Directory or any provider supporting the OpenID Connect standard.

Plan25 is available for K-12 and Higher Education institutions.

## Request a Demo

[clearanceteam@genetec.com](mailto:clearanceteam@genetec.com)

## 45-day trial

Sign up for a free trial at [genetec.com/tryclearance](https://genetec.com/tryclearance)

## Contact us

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[info@genetec.com](mailto:info@genetec.com)  
[@genetec](https://twitter.com/genetec)



LAKE STEVENS CITY COUNCIL

**STAFF REPORT**

**Council Date:** \_\_\_\_\_ **Agenda** May 12, 2020

**Subject:** Amendments to Floodplain Regulations (LUA2020-0062)

<b>Contact Person/Department:</b>	Russ Wright, Planning & Community Development	<b>Budget Impact:</b>	None
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**RECOMMENDATION(S)/ACTION REQUESTED OF COUNCIL:**

1. No Action Requested

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**SUMMARY:**

Periodic amendments to the city's flood hazard regulations based on recommendations from FEMA.

**BACKGROUND/HISTORY:**

Periodic amendments to the city's flood hazard regulations based on recommendations from FEMA. The last update was completed in 2016. The updated flood hazard regulations must be completed by June 19, 2020 for the city to remain eligible for national flood insurance. Staff briefed the Planning Commission on April 22, 2020. The Planning Commission has scheduled a public hearing for May 19, 2020. Staff has issued a SEPA DNS and sent the proposed amendments out for agency review. FEMA and DOE staff have reviewed the draft code changes – comments have been integrated into the draft ordinance. The proposed changes are not discretionary. The revised ordinance (**Exhibits 1 and 2**) shows changes in edit mode – underlines are new information and strikethroughs are deletions. The following list summarizes changes:

- Moved Floodplain definitions from Chapter 14.08 LSMC to LSMC 14.64.060 to eliminate confusion with general zoning definitions and added new definitions based on FEMA review to comply with the model ordinance.
- Updated Basis section and the date on the current Flood Insurance Study in LSMC 14.64.005 based on FEMA review;
- Added new subsections (d), (e) and (f) to LSMC 14.64.010 to provide mandatory language from model ordinance based on FEMA review;
- Proposed minor updates to LSMC 14.64.015 based on FEMA review to be consistent with the model ordinance;
- Included minor updates to LSMC 14.64.020 including new subsections (i) and (j) based on FEMA review to be consistent with the model ordinance;
- Proposed minor updates to LSMC 14.64.045 including new subsection (g) based on FEMA review to be consistent with the model ordinance; and

- Included minor updates to LSMC 14.64.050 based on FEMA review to be consistent with the model ordinance – specifically substituting “subdivision” to “development”; and
- Added new section LSMC 14.64.503 Variances.

**NEXT STEPS:**

Move to Public Hearing on June 9, 2020

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**APPLICABLE CITY POLICIES:** Chapters 14.08 and 14.64 of the Lake Stevens Municipal Code

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**BUDGET IMPACT:** There is not a budget impact.

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**EXHIBITS (attached):**

1. Amendments to Chapter 14.08 LSMC Definitions
2. Amendments to Chapter 14.64 LSMC Special Flood Hazard Areas

## **Chapter 14.08 BASIC DEFINITIONS AND INTERPRETATIONS**

Sections:

14.08.010 Definitions of Basic Terms

14.08.020 Recodified

### **14.08.010 Definitions of Basic Terms**

~~Appeal (definition related to flood permits only). A request for a review of the interpretation of any provision of this title or a request for a variance.~~

~~Base Flood. The flood having a one percent chance of being equaled or exceeded in any given year (also referred to as the "100 year flood"). The area subject to the base flood is the special flood hazard area designated on Flood Insurance Rate Maps as Zones "A" or "V" including AE, AO, AH, A1-99 and VE.~~

~~Base Flood Elevation (BFE). The elevation of the base flood above the datum of the effective FIRM to which floodwater is anticipated to rise during the base flood.~~

~~Basement. Any area of a building having its floor below ground level (subgrade) on all sides in relationship to Chapter 14.64 and Chapter 14.88, Part V.~~

~~Channel Migration Area. The area within the lateral extent of likely stream channel movement due to stream bank destabilization and erosion, rapid stream incision, aggradations, avulsions, and shifts in location of stream channels locally characterized to include the outer limits of the special flood hazard area.~~

~~Critical Facility. A facility necessary to protect the public health, safety and welfare during a flood. Critical facilities include, but are not limited to, schools, nursing homes, hospitals, police, fire and emergency operations installations, water and wastewater treatment plants, electric power stations, and installations which produce, use, or store hazardous materials or hazardous waste (other than consumer products containing hazardous substances or hazardous waste intended for household use) in relationship to Chapter 14.64 and Chapter 14.88, Part V.~~

~~Development (definition related to flood permits only). Any manmade change to improved or unimproved real estate in the regulatory floodplain, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations, storage of equipment or materials, subdivision of land, removal of more than five percent of the native vegetation on the property, or alteration of natural site characteristics in relationship to Chapter 14.64 and Chapter 14.88, Part V.~~

~~Elevation Certificate. The official form (Form 81-31) used by FEMA to provide elevation information necessary to determine the proper flood insurance premium rate.~~

~~FEMA. The Federal Emergency Management Agency, the agency responsible for administering the National Flood Insurance Program.~~

~~Flood Fringe. The portion of the floodplain lying outside of the floodway.~~

~~Flood Insurance Rate Map (FIRM). The official map on which the Federal Insurance Administration has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.~~

~~Flood Insurance Study~~. The official report provided by the Federal Emergency Management Agency that includes flood profiles, the Flood Insurance Rate Map, and the water surface elevation of the base flood.

~~Flood or Flooding~~. A general and temporary condition of partial or complete inundation of normally dry land areas from the overflow of inland or tidal waters, and/or the unusual and rapid accumulation of runoff of surface waters from any source.

~~Flood Protection Elevation (FPE)~~. The base flood elevation plus one foot.

~~Flood Zones~~. Geographic areas that the FEMA has defined according to varying levels of flood risk. These zones, as depicted on the City's Flood Insurance Rate Map (FIRM), reflect the severity or type of flooding in the area.

~~Floodplain~~. See Regulatory Floodplain.

~~Floodway~~. The channel of a stream or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot at any point. As used in this title, the term refers to that area designated as a floodway on the Flood Insurance Rate Map prepared by the U.S. Federal Emergency Management Agency, a copy of which is on file in the Planning and Community Development Department.

~~Frequently Flooded Areas~~. Lands indicated on the most current FEMA map to be within the 100-year floodplain. These areas include, but are not limited to, streams, lakes, coastal areas, and wetlands.

~~Lowest Floor~~. The lowest floor of the lowest enclosed area (including basement). An unfinished or flood-resistant enclosure, usable solely for parking of vehicles, building access or storage, in an area other than a basement area, is not considered a building's lowest floor; provided, that such enclosure is not built so as to render the structure in violation of the applicable nonelevation design requirements per Chapter 14.64 (Special Flood Hazard Areas).

~~Mitigation (definition related to flood permits only)~~. An action taken to reduce or eliminate the risk of a hazard such as flooding; mitigation actions attempt to prevent flood hazards from developing into disasters, or to reduce the effects of flooding when it occurs in relationship to Chapter 14.64 and Chapter 14.88, Part V.

~~Moderate-to-Low Risk Areas or Non-Special Flood Hazard Area~~. Lands outside the one percent special flood hazard areas where the risk of being flooded is reduced, but not completely removed. FIRM maps designate non-special flood hazard areas with the letter B, C or X (or a shaded X).

~~Natural Floodplain Functions~~. The contribution that a floodplain makes to support habitat, including, but not limited to, providing flood storage and conveyance, reducing flood velocities, reducing sedimentation, filtering nutrients and impurities from runoff, processing organic wastes, moderating temperature fluctuations, and providing breeding and feeding grounds, shelter, and refugia for aquatic or riparian species.

~~Protected Area (definition related to flood permits only)~~. The lands that lie within the boundaries of the floodway, the riparian habitat zone, and the channel migration area. Because of the impact that development can have on flood heights and velocities and habitat, special rules apply in the protected area in relationship to Chapter 14.64 and Chapter 14.88, Part V.

~~Regulatory Floodplain~~. The regulatory floodplain is comprised of the special flood hazard area and all protected areas within the jurisdiction.

~~Special Flood Hazard Area (SFHA). Land subject to inundation by the base flood having a one percent chance of being equaled or exceeded in any given year. FIRM maps designate special flood hazard areas as Zone A, Zone AO, Zone AH, Zones A1-A30, Zone AE, Zone A99, Zone AR, Zone AR/AE, Zone AR/AO, Zone AR/A1-A30, Zone AR/A, Zone V, Zone VE, and Zones V1-V30.~~

~~Structure (definition related to flood permits only). A walled and roofed building including a gas or liquid storage tank that is principally above ground in relationship to Chapter 14.64 and Chapter 14.88, Part V.~~

~~Substantial Damage. Damage of any origin sustained by a structure whereby the cost of restoring the structure to its predamaged condition would equal or exceed 50 percent of the assessed market value of the structure before the damage occurred. "Substantial damage" also means flood related damage sustained by a structure on two separate occasions during a 10 year period for which the cost of repairs at the time of each such flood event, on the average, equals or exceeds 25 percent of the assessed market value of the structure before the damage occurred in relationship to Chapter 14.64 and Chapter 14.88, Part V.~~

~~Substantial Improvement (definition related to flood permits only). Means any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure either:~~

- ~~(a) Before the improvement or repair is started; or~~
- ~~(b) If the structure has been damaged and is being restored, before the damage occurred. For the purpose of this definition "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure.~~

~~The term can exclude:~~

- ~~(a) Any project for improvement of a structure to correct precited existing violations of State or local health, sanitary, or safety code specifications which have previously been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions; or~~
- ~~(b) Any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.~~

~~Undetermined Risk Areas. Land where no flood hazard analysis has been conducted, but a flood risk still exists. FIRM maps designate these areas with the letter D on the flood maps.~~

## Chapter 14.64 SPECIAL FLOOD HAZARD AREAS

### Sections:

- 14.64.005 Basis for Establishing Special Flood Hazard Areas
- 14.64.010 Application of Regulations
- 14.64.015 Authority and Duties of the Floodplain Administrator
- 14.64.020 Administrative Procedures
- 14.64.025 Conformance with Chapter 14.88 (Critical Areas), Chapter 14.92 (Shoreline Management), Section 14.16C.100 (Shoreline Permits), and the Shoreline Master Program
- 14.64.030 Exemptions and Allowed Activities
- 14.64.035 Other Activities
- 14.64.040 Development Standards
- 14.64.045 Construction Standards for Protection of Structures
- 14.64.050 Special Provisions for SubdivisionsDevelopment
- 14.64.053 Variances
- 14.64.055 Standards for Habitat Protection
- 14.64.060 Definitions

### **14.64.005 Basis for Establishing Special Flood Hazard Areas.**

The City hereby adopts by reference the special flood hazard areas identified by the Federal Emergency Management Agency (FEMA) Insurance Administrator in its most current scientific and engineering report titled "The Flood Insurance Study (FIS) for Snohomish County, Washington, and Incorporated Areas" dated November 8, 1999June 19, 2020, and any revisions thereto, with the current accompanying Flood Insurance Rate Maps (FIRM), and any revisions thereto, and declare the same to be a part of the Lake Stevens Municipal Code. The ~~Flood Insurance Study~~FIS and FIRM are~~is~~ on file in the Planning and Community Development Department.

### **14.64.010 Application of Regulations.**

- (a) All development in the regulatory floodplain, within the City of Lake Stevens, comprised of the special flood hazard area and all protected areas (i.e., lands within the boundaries of the floodway, the riparian habitat zone, and the channel migration area locally defined and mapped) shall comply with the terms of this chapter and other applicable local, state, and federal regulations including, but not limited to, obtaining necessary permits and approvals.
- (b) The degree of flood protection required is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by human-made or natural causes. This does not imply that land outside the special flood hazard areas or uses permitted within such areas will be free from flooding or flood damages. There shall be no liability on the part of the City of Lake Stevens, any officer or employee thereof, or FEMA, for any flood damages that result from reliance on this code or any administrative decision lawfully made hereunder.
- (c) Under the provisions of this chapter, the City will allow an applicant to request permit specific review as consistent with National Flood Insurance Program regulation contained in 44 CFR 60.3(a)(2) to

assess development impacts to floodplain and associated habitat functions and any requested deviations pursuant to the submission of a habitat impact assessment per Section 14.64.055(c) and, if necessary, a habitat mitigation plan per Section 14.64.055(d). Under a permit specific review, the development proposal must otherwise follow the defined administrative review procedures and regulations of this chapter.

- (d) This ordinance is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this ordinance and another ordinance, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.
- (e) No structure or land shall hereafter be constructed, located, extended, converted, or altered without full compliance with the terms of this ordinance and other applicable regulations. Violations of the provisions of this ordinance by failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with conditions), shall constitute a misdemeanor. Any person who violates this ordinance or fails to comply with any of its requirements shall be subject to the provisions of Chapter 17.20 LSMC including but not limited to civil enforcement procedures and penalties.
- (f) This ordinance and the various parts thereof are hereby declared to be severable. Should any Section of this ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the ordinance as a whole, or any portion thereof other than the Section so declared to be unconstitutional or invalid.

#### **14.64.015 Authority and Duties of the Floodplain Administrator.**

- (a) The Floodplain Administrator shall be the Planning and Community Development Director, or the Director's designee, appointed to administer and implementadminister, implement and enforce this chapter by granting or denying floodplain development permits in accordance with its provisions.
- (b) Upon receipt of a floodplain development application, the Floodplain Administrator shall compare the project's site elevation to the base flood elevation. A development project is not subject to the requirements of this chapter if it is located on land outside the protected area and higher than the base flood elevation.
- (c) The Floodplain Administrator shall determine, where needed, the exact location of the boundaries of the regulatory floodplain, the special flood hazard area, and the protected area when there appears to be a conflict between the mapped special flood hazard area boundary and actual field conditions, as determined by the base flood elevation and ground elevations per the criteria found in Section 14.88.510. The applicant may appeal an administrative interpretation of the boundary location to the hearing examiner in accordance with Section 14.16A.265.
- (d) Where the adopted FIS or FIRM map does not include base flood elevation and floodway data for special flood hazard areas, the Floodplain Administrator shall obtain, review, and reasonably utilize any base flood elevation and floodway data available from federal, state, and/or other sources.
- (e) The Floodplain Administrator shall obtain and maintain, for public inspection, all records pertaining to the provisions of this chapter and submit such reports as required for the National Flood Insurance Program.

**14.64.020 Administrative Procedures.**

- (a) The City shall require a floodplain development permit before construction and/or development begins within the regulatory floodplain.
- (b) The City shall review all development permits to determine that all necessary permits have been obtained from those Federal, State, or local governmental agencies from which prior approval is required, provided, the primary responsibility to identify and obtain required permits shall remain with the developer, and the City shall have no liability to the developer should it fail to identify any other permit that is determined to be required by the agency administering such permit.

(c) [Proposed elevation in relation to mean sea level, of the lowest floor \(including basement\) of all structures](#)

(d) For all new or substantially improved floodproofed nonresidential structures where base flood elevation data are provided through the FIS, FIRM, or as required in Section 14.64.015(d):

- (1) Obtain and record the proposed elevation (in relation to mean sea level) to which the structure was/will be floodproofed;
- (2) Where a structure is to be floodproofed, certification by a registered professional engineer or architect that the floodproofing methods for any nonresidential structure meet floodproofing criteria in Maintain the floodproofing certifications required in Section 14.64.045(c).

(e) [Description of the extent to which a watercourse will be altered or relocated as a result of proposed development](#)

(f) Where elevation data is not available either through the Flood Insurance Study, FIRM, or from another authoritative source per LSMC 14.64.015(d), applications for building permits shall be reviewed to assure that proposed construction will be reasonably safe from flooding. The test of reasonableness is a local judgment and includes use of historical data, high water marks, photographs of past flooding, etc., where available. Failure to elevate at least two feet above the highest adjacent grade in these zones may result in higher insurance rates.

(e) Applicants shall submit a floodplain development permit, on forms furnished by the City, and shall submit one or more site plans, drawn to scale, including, but not limited to, the following:

- (1) The nature, location, dimensions, and elevations of the property in question;
- (2) Names and locations of all lakes, water bodies, waterways and drainage facilities within 300 feet of the site;
- (3) The elevations of the 10-, 50-, 100-, and 500-year floods, where the data are available;
- (4) The boundaries of the regulatory floodplain, special flood hazard area, floodway, riparian habitat zone, and channel migration area, as appropriate;
- (5) The proposed drainage system including, but not limited to, storm sewers, overland flow paths, detention facilities and roads;
- (6) Existing and proposed structures, fill, pavement and other impervious surfaces, and sites for storage of materials;
- (7) Critical areas per Chapter 14.88; and
- (8) Existing native vegetation and proposed revegetation.

- (f) The applicant must record a notice on title that the property contains land within the regulatory floodplain including special flood hazard areas and protected areas, as applicable, before the City issues the floodplain development permit.
- (g) The City shall notify adjacent communities and the Department of Ecology prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Insurance Administration.
- (h) The City shall assure that the flood carrying capacity of the altered or relocated portion of said watercourse is maintained.~~require that maintenance is provided within the altered or relocated portion of said watercourse so that the flood carrying capacity is not diminished.~~
- (i) Base Flood Elevations may increase or decrease resulting from physical changes affecting flooding conditions. As soon as practicable, but not later than six months after the date such information becomes available, the Floodplain Administrator shall notify the Federal Insurance Administrator of the changes by submitting technical or scientific data in accordance with Volume 44 Code of Federal Regulations Section 65.3. Such a submission is necessary so that upon confirmation of those physical changes affecting flooding conditions, risk premium rates and floodplain management requirements will be based upon current data.
- (j) Notify the Federal Insurance Administrator in writing of acquisition by means of annexation, incorporation or otherwise, of additional areas of jurisdiction.

**14.64.025 Conformance with Chapter 14.88 (Critical Areas), Chapter 14.92 (Shoreline Management), Section 14.16C.100 (Shoreline Permits), and the Shoreline Master Program.**

Uses permitted within regulatory floodplain must also be consistent with Chapter 14.88, Chapter 14.92, Section 14.16C.100 and the Shoreline Master Program. Wherever regulations conflict in these chapters, the more restrictive provisions shall prevail. The intent of this section is to prevent development that is inconsistent with Chapter 14.88, Chapter 14.92, Section 14.16C.100 and the Shoreline Master Program even though it may seem permissible according to the regulations of this chapter.

**14.64.030 Exemptions and Allowed Activities.**

- (a) Nondevelopment Activities. Activities in the regulatory floodplain that do not meet the definition of "development" are exempt activities and do not require a floodplain development permit if the activity meets all other federal, state, and local requirements. The following are examples of activities not considered development:
  - (1) Routine maintenance of landscaping that does not involve grading, excavation, and/or filling;
  - (2) Removal of noxious weeds and hazard trees and replacement of nonnative vegetation with native vegetation;
  - (3) Normal maintenance of structures, such as reroofing and replacing siding, provided such work does not qualify as a substantial improvement;
  - (4) Normal maintenance of above ground utilities and facilities, such as replacing downed power lines and utility poles;
  - (5) Normal maintenance of streets and roads including filling potholes, repaving, and/or installing signs and traffic signals, but not including expansion of paved areas;

- (6) Normal maintenance of a levee or other flood control facility prescribed in the operations and maintenance plan for the levee or flood control facility. Normal maintenance does not include repair from flood damage, expansion of the prism, expansion of the face or toe or addition for protection on the face or toe with rock armor; and
- (7) Plowing and other normal farm practices (other than structures or filling) on farms in the regulatory floodplain and in existence as of the effective date of the ordinance establishing this chapter do not require a floodplain development permit. Clearing additional land for agriculture after the effective date of Ordinance No. 860 shall require a floodplain development permit.

(b) Activities Allowed with a Floodplain Development Permit. The City will allow the activities listed below in the regulatory floodplain, without a habitat impact assessment per Section 14.64.055(c), when the activity meets all other requirements of this chapter:

- (1) Repairing and/or remodeling existing structures if the repairs and/or remodels are not a substantial improvement or a repair of substantial damage;
- (2) Maintenance and/or repair of shoreline stabilization structures pursuant to the Shoreline Master Program that does not involve grading, excavation and/or filling;
- (3) Maintenance, repair, remodel and/or new over-water structures pursuant to the Shoreline Master Program that does not involve grading, excavation and/or filling;
- (4) Expansion of existing structures when the expansion does not increase the existing footprint more than 10 percent. The expansion measurement is counted cumulatively from the effective date of Ordinance No. 860. If the structure is in the floodway, there shall be no change in the dimensions perpendicular to flow;
- (5) Activities with the sole purpose of creating, restoring and/or enhancing natural functions associated with floodplains, streams, lakes, estuaries, marine areas, habitat, and riparian areas that meet federal and state standards, if the activities do not include the creation of structures and/or impervious surfaces;
- (6) Development of open space and recreational facilities, such as parks, trails, and hunting grounds, that do not include fill, the creation of structures and/or impervious surfaces, and/or removal of more than five percent of the native vegetation on that portion of the property in the regulatory floodplain; and
- (7) Maintenance and/or repair to on-site septic systems provided the ground disturbance is the minimum necessary to carry out the maintenance and/or repair.

#### **14.64.035 Other Activities.**

All other activities not listed in Sections 14.64.030(a) and (b) that are allowed by Chapter 14.44 are allowed, provided they meet all the other requirements of this chapter, including providing a habitat impact assessment pursuant to Section 14.64.055(c) and obtaining a floodplain development permit prior to the activity.

#### **14.64.040 Development Standards.**

- (a) Structures, impervious surfaces, and other development shall be located to avoid flood damage.

- (1) If a lot has a buildable site out of the regulatory floodplain, when possible, all new structures, impervious surfaces, and other development shall be located in that area.
- (2) If a lot does not have a buildable site out of the regulatory floodplain, all new structures, impervious surfaces, and other development must be sited in the location that has the least impact on habitat by locating the structures, impervious surfaces, and other development as far from the water body as possible and/or placing the structures, impervious surfaces, and other development on the highest land on the lot.
- (3) If the proposed project cannot meet the criteria of subsection (a)(1) or (2) of this section, a habitat impact assessment shall be conducted pursuant to Section 14.64.055(c) and, if necessary, a habitat mitigation plan shall be prepared and implemented pursuant to Section 14.64.055(d), prior to locating structures, impervious surfaces, and other development within the regulatory floodplain.

(b) Applicants shall design and locate all new structures, impervious surfaces, and other development to minimize the impact on flood flows, flood storage, water quality, and habitat.

- (1) To the extent feasible, stormwater and drainage features shall incorporate low impact development techniques that mimic predevelopment hydrologic conditions, such as stormwater infiltration, rain gardens, grass swales, filter strips, disconnected impervious areas, permeable pavement, and vegetative roof systems, pursuant to Chapter 11.06.
- (2) If a project proposes to create new impervious surfaces on more than 10 percent of that portion of the lot in the regulatory floodplain, the applicant shall demonstrate that there will be no net increase in the rate and volume of the stormwater surface runoff leaving the site or mitigate the adverse impacts, pursuant to Chapter 11.06.

(c) Hazardous Materials. New development shall not create a threat to public health, public safety, and/or water quality. Chemicals, explosives, gasoline, propane, buoyant materials, animal wastes, fertilizers, flammable liquids, pollutants, and other materials that are hazardous, toxic, or a threat to water quality are prohibited from the regulatory floodplain. This prohibition does not apply to small quantities of these materials kept for normal household use, or to the continued operations of existing facilities and structures, reuse of existing facilities and structures, or functionally dependent facilities or structures.

- (1) If the proposed development cannot meet the criteria of subsection (c) of this section, the applicant must provide a habitat impact assessment pursuant to Section 14.64.055(c) prior to any approval of the proposed development.

(d) Critical Facilities.

- (1) To the extent possible, construction of new critical facilities shall be located outside the limits of the regulatory floodplain.
- (2) Construction of new critical facilities in the regulatory floodplain shall be permissible if no feasible alternative site is available, provided:
  - (i) Critical facilities shall have the lowest floor elevated three feet above the base flood elevation or to the height of the 500-year flood, whichever is higher. If there is no available data on the 500-year flood, the permit applicants shall develop the needed data in accordance with FEMA mapping guidelines.
  - (ii) Access to and from the critical facility shall be protected to the elevation of the 500-year flood.

#### **14.64.045 Construction Standards for Protection of Structures.**

The provisions of this section shall apply in the special flood hazard area. All new structures and substantial improvements shall be protected from flood damage below the flood protection elevation.

(a) Applicability. The protection requirements of this section apply to all new structures and substantial improvements, which include:

- (1) Construction or placement of a new structure, including over-water structures and shoreline stabilization;
- (2) Reconstruction, rehabilitation, and/or other improvement that will result in a substantially improved structure, including over-water structures and shoreline stabilization;
- (3) Repairs to an existing structure that has been substantially damaged;
- (4) Placing a manufactured home on a site; and
- (5) Placing a recreational vehicle or travel trailer on a site for more than 180 days.

(b) Flood Protection Standards.

- (1) All new structures and substantial improvements shall have the lowest floor including basements elevated at least one foot above the flood protection elevation. Upon completion of the structure, certification by a registered professional engineer or surveyor that the elevation requirements of the lowest floor, including basement, of this section have been satisfied shall be provided to the Floodplain Administrator for verification.
- (2) Where practicable, new structures shall align parallel with the direction of flood flows.
- (3) To prevent flotation, collapse, and/or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy, all new structures shall provide anchoring.
- (4) All materials below the flood protection elevation shall be resistant to flood damage; provided, however, that materials harmful to aquatic wildlife, such as creosote, are prohibited below the flood protection elevation.
- (5) Electrical, heating, ventilation, ductwork, plumbing, and air-conditioning equipment and other service facilities shall be elevated above the flood protection elevation. Water, sewage, electrical, and other utility lines below the flood protection elevation shall be constructed so as to prevent water from entering or accumulating within them during conditions of flooding.
- (6) Fully enclosed areas below the lowest floor that are subject to flooding shall be used only for parking, storage, and/or building access and shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement shall either be certified by a registered professional engineer or licensed architect and or meet or exceed the following minimum criteria:
  - (i) Fully enclosed areas shall provide a minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding.
  - (ii) The bottom of all openings shall be no higher than one foot above grade.

- (iii) Openings may be equipped with screens, louvers, or other coverings or devices; provided, that they permit the automatic entry and exit of floodwaters.
- (c) Nonresidential Construction. New construction and substantial improvement of any commercial, industrial or other nonresidential structure shall be elevated in accordance with subsection (b) of this section. As an alternative to elevation, a new or substantial improvement to a commercial, industrial, or other nonresidential structure and its attendant utility and sanitary facilities may be dry flood-proofed if the following criteria are met:
  - (1) The structure is below the flood protection elevation and the structure is watertight with walls substantially impermeable to the passage of water;
  - (2) The structural components are capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; and
  - (3) A registered professional engineer or licensed architect certifies that the design and methods of construction conform to accepted standards of practice for meeting provisions of this subsection based on their development and/or review of the structural design, specifications and plans. The applicant shall provide such certifications with their floodplain development application.
  - (4) Upon completion of the structure, certification by a registered professional engineer or surveyor that the elevation requirements of the lowest floor, including basement, of this section have been satisfied shall be provided to the Floodplain Administrator for verification; or certification by a registered professional engineer or architect that the floodproofing design of this section is satisfied, including the specific elevation in relation to mean sea level to which such structures are floodproofed, shall be provided to the Floodplain Administrator for verification.
- (d) Manufactured Homes. The placing of all manufactured homes or substantial improvements to existing manufactured homes on sites shall be:
  - (1) Elevated on a permanent foundation in accordance with subsection (b) of this section; and
  - (2) Securely anchored to a foundation/foundation system to resist flotation, collapse and lateral movement. Methods of anchoring may include, but are not to be limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to other applicable anchoring requirements for resisting wind forces.
  - (3) Upon completion of installation of the manufactured home, certification by a registered professional engineer or surveyor that the elevation requirements of this section have been satisfied shall be provided to the Floodplain Administrator for verification.
- (e) Recreational Vehicles. Recreational vehicles placed on sites shall:
  - (1) Be on the site for fewer than 180 consecutive days; or
  - (2) Be fully licensed and ready for highway use, on their wheels or jacking system, attached to the site only by quick disconnect type utilities and security devices, and have no permanently attached additions; and or
  - (3) Meet the requirements of subsection (d) of this section.

(f) Appurtenant Structures. A structure on the same parcel as the principal structure, when the use is incidental to the use of the principal structure and is not used for human habitation, may be exempt from the elevation requirement of subsection (b) of this section, provided:

- (1) It is used only for parking or storage;
- (2) It is constructed and placed on the building site so as to offer minimum resistance to the flow of floodwaters;
- (3) It is anchored to prevent flotation which may result in damage to other structures;
- (4) All portions of the structure below the flood protection elevation must be constructed of flood-resistant materials;
- (5) Service utilities such as electrical and heating equipment meet the standards of subsections (b) and (g) of this section;
- (6) It has openings to allow free flowage of water that meet the criteria in subsection (b)(6) of this section; and
- (7) The project meets all the other requirements of this chapter.

(8) Upon completion of the structure, certification that the requirements of this section have been satisfied shall be provided to the Floodplain Administrator for verification.

(g) Construction of Below-Grade Crawlspace \*\*

- (1) The interior grade of a crawlspace must not be more than two (2) feet below the exterior lowest adjacent grade (LAG).
- (2) The height of the below-grade crawlspace, measured from the interior grade of the crawlspace to the top of the crawlspace foundation wall, must not exceed four (4) feet at any point.
- (3) There must be an adequate drainage system that removes floodwaters from the interior area of the crawlspace. The enclosed area should be drained within a reasonable time after a flood event.
- (4) The velocity of floodwaters at the site should not exceed five (5) feet per second for any crawlspace.

\*\* See Technical Bulletin 11 for further information.

(h) Utilities.

- (1) All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the systems;
- (2) Water wells shall be located outside the floodway and shall be protected to the flood protection elevation;
- (3) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters;
- (4) On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding. As a condition of approval for an on-site waste disposal system within the regulatory floodplain, the applicant must prepare and provide a habitat impact assessment in accordance with Section 14.64.055(c).

**14.64.050 Special Provisions for SubdivisionsDevelopment Proposals.**

- (a) This section applies to all subdivision-development proposals including but not limited to subdivisions, manufactured home parks, subdivisions, short subdivisions, planned developments, and binding site plans per Chapter 14.18 LSMC.
- (b) All proposals shall be consistent with the need to minimize flood damage.
- (c) All proposals shall have utilities and facilities, such as sewer, gas, electrical, and water systems, located and constructed to minimize or eliminate flood damage.
- (d) All proposals shall provide adequate drainage to reduce exposure to flood damage.
- (e) Wherever possible, all proposals shall provide at least one access road connected to land outside the regulatory floodplain with the surface of the road at or above the flood protection elevation.
- (f) Where base flood elevation data has not been provided or is not available from another authorized source, it shall be generated for subdivision-development proposals and other proposed developments which contain at least greater than 50 lots or five acres (whichever is the lesser).
- (g) The final recorded plat, short plat, or binding site plan shall include a note that a portion of the property contains land within the regulatory floodplain including special flood hazard areas and protected areas, as applicable.

**14.64.053 Variances**

**(a) Variances shall only be issued:**

- (1) Upon a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public or conflict with existing local laws or ordinances;
- (2) For the repair, rehabilitation or restoration of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure; \*\*
- (3) Upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief;
- (4) Upon a showing of good and sufficient cause;
- (5) Upon a determination that failure to grant the variance would result in exceptional hardship to the applicant;
- (6) Upon a showing that the use cannot perform its intended purpose unless it is located or carried out in close proximity to water. This includes only facilities defined in LSMC 14.64.060 of this ordinance in the definition of "Functionally Dependent Use."

\*\* Per FEMA P-467-2 (May 2008) Floodplain Management Bulletin Historic Structures and FEMA P-993 (July 2014) Floodplain Management Bulletin Variances and the National Flood Insurance Program, communities have the option of using either the Substantial Improvement Definition exclusion or the Variance criteria per 44CFR 60.6(a) to regulate Historic Structures.

- (b) Variances shall not be issued within any floodway if any increase in flood levels during the base flood discharge would result.
- (c) Generally, variances may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the Base Flood Elevation, provided the procedures found in sections LSMC 14.64.020 and LSMC 14.64.040 through 14.64.050 of this ordinance have been fully considered. As the lot size increases beyond one-half acre, the technical justification required for issuing the variance increases.
- (d) In considering variance applications, the Hearing Examiner shall consider all technical evaluations, all relevant factors, standards specified in other sections of this ordinance, and:

  - (1) The danger that materials may be swept onto other lands to the injury of others;
  - (2) The danger of life and property due to flooding or erosion damage;
  - (3) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
  - (4) The importance of the services provided by the proposed facility to the community;
  - (5) The necessity to the facility of a waterfront location, where applicable;
  - (6) The availability of alternative locations for the proposed use, which are not subject to flooding or erosion damage;
  - (7) The compatibility of the proposed use with existing and anticipated development;
  - (8) The relationship of the proposed use to the comprehensive plan and floodplain management program for that area;
  - (9) The safety of access to the property in time of flood for ordinary and emergency vehicles;
  - (10) The expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters expected at the site; and,
  - (11) The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, water system and streets and bridges.
- (e) Any applicant to whom a variance is granted shall be given written notice over the signature of a community official that:

  - (1) The issuance of a variance to construct a structure below the Base Flood Elevation will result in increased premium rates for flood insurance up to amounts as high as \$25 for \$100 of insurance coverage, and
  - (2) Such construction below the base flood elevation increases risks to life and property; and
  - (3) The Floodplain Administrator shall maintain a record of all variance actions, including justification for their issuance.

**14.64.055 Standards for Habitat Protection.**

The provisions of this section shall apply in the regulatory floodplain.

(a) Native Vegetation.

- (1) In the riparian habitat zone (required buffers per Chapter 14.88 and the Shoreline Master Program), native vegetation shall be left undisturbed, except as provided in Section 14.64.030.
- (2) Outside the riparian habitat zone, removal of native vegetation shall not exceed 35 percent of the surface area of the portion of the site in the regulatory floodplain. The applicant can count native vegetation in the riparian habitat zone portion of the property (required buffers per Chapter 14.88 and the Shoreline Master Program) toward this requirement.
- (3) If the proposed project does not meet the criteria of Section 14.64.030(a) and (b), the applicant shall provide a habitat impact assessment pursuant to subsection (c) of this section, and, if necessary, a habitat mitigation plan pursuant to subsection (d) of this section, prior to any approval of the proposed project.

(b) Compensatory Storage. New development shall not reduce the effective flood storage volume of the regulatory floodplain. A development proposal shall provide compensatory storage if grading or other activity eliminates any effective flood storage volume. Compensatory storage areas shall:

- (1) Provide equivalent volume at equivalent elevations to that being displaced. For this purpose, "equivalent elevation" means having similar relationship to ordinary high water and to the best available 10-year, 50-year and 100-year water surface profiles;
- (2) Be hydraulically connected to the source of flooding;
- (3) Provide compensatory storage in the same construction season as when the displacement of flood storage volume occurs and before the flood season begins; and
- (4) The newly created storage area shall be graded and vegetated to allow fish access during flood events without creating fish stranding sites.

(c) Habitat Impact Assessment. Unless allowed under Section 14.64.030(a) and (b), a permit application to develop in the regulatory floodplain shall include an assessment of the impact of the project on federal, state and/or locally protected species and habitat, water quality and aquatic and riparian habitat. The assessment shall be one of the following:

- (1) A biological evaluation or biological assessment developed per 50 CFR 402.12 to initiate federal interagency consultation under Section 7(a)(2) of the Endangered Species Act; or
- (2) Documentation that the activity fits within Section 4(d) of the Endangered Species Act; or
- (3) Documentation that the activity fits within a habitat conservation plan approved pursuant to Section 10 of the Endangered Species Act, where any such assessment has been prepared or is otherwise made available; or
- (4) An assessment prepared in accordance with Regional Guidance for Floodplain Habitat Assessment and Mitigation, FEMA Region X, 2010. The assessment shall determine if the project would adversely affect:
  - (i) Species that are federal, state or local listed as threatened or endangered;

- (ii) The primary constituent elements for critical habitat, when designated;
- (iii) Essential fish habitat designated by the National Marine Fisheries Service;
- (iv) Fish and wildlife habitat conservation areas, per Chapter 14.88, Part IV, or the Shoreline Master Program Appendix B; and
- (v) Other protected areas and elements necessary for species conservation.

(d) Habitat Mitigation Plan.

- (1) If the assessment, conducted under subsection (c) of this section, concludes the project will have an adverse effect on water quality and/or aquatic or riparian habitat or habitat functions, the applicant shall provide a plan to mitigate those impacts, in accordance with Regional Guidance for Floodplain Habitat Assessment and Mitigation, FEMA Region X, 2010.
  - (i) If the project is located outside the protected area, the mitigation plan shall include such avoidance, minimization, restoration, or compensation measures as are appropriate for the situation.
  - (ii) If the project is located in the protected area, the mitigation plan shall stipulate avoidance measures as are needed to ensure that there is no adverse effect during any phase of the project.
- (2) The proposed project shall incorporate the plan's habitat mitigation activities. The redesigned project and its mitigation components shall be the basis for the floodplain development permit.
- (3) The Floodplain Administrator shall not issue a certification of use and/or occupancy until the applicant completes all the work identified in the biological evaluation, biological assessment, and/or mitigation plan or provides the necessary assurance to complete unfinished portions of the project, in accordance with Section 14.16A.180.

**14.64.060 Definitions**

Alteration of watercourse. Any action that will change the location of the channel occupied by water within the banks of any portion of a riverine waterbody.

Appeal. A request for a review of the Floodplain Administrator's interpretation of any provision of this ordinance or a request for a variance.

Area of shallow flooding. A designated Zone AO, AH, AR/AO or AR/AH (or VO) on a community's Flood Insurance Rate Map (FIRM) with a one percent or greater annual chance of flooding to an average depth of one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable, and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

Area of special flood hazard. The land in the floodplain within a community subject to a 1 percent or greater chance of flooding in any given year. It is shown on the Flood Insurance Rate Map (FIRM) as Zone A, AO, AH, A1-30, AE, A99, AR. "Special flood hazard area" is synonymous in meaning with the phrase "area of special flood hazard".

Base flood. The flood having a one percent chance of being equaled or exceeded in any given year.

Base flood elevation (BFE). The elevation to which floodwater is anticipated to rise during the base flood.

Basement. Any area of the building having its floor sub-grade - i.e., below ground level - on all sides.

Building. See "Structure."

Critical Facility. A facility necessary to protect the public health, safety and welfare during a flood. Critical facilities include, but are not limited to, schools, nursing homes, hospitals, police, fire and emergency operations installations, water and wastewater treatment plants, electric power stations, and installations which produce, use, or store hazardous materials or hazardous waste (other than consumer products containing hazardous substances or hazardous waste intended for household use).

Development. Any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.

Elevation Certificate. The official form (Form 81-31) used by FEMA to provide elevation information necessary to determine the proper flood insurance premium rate.

Flood or Flooding.

1. A general and temporary condition of partial or complete inundation of normally dry land areas from:
  - a. The overflow of inland or tidal waters.
  - b. The unusual and rapid accumulation or runoff of surface waters from any source.
  - c. Mudslides (i.e., mudflows) which are proximately caused by flooding as defined in paragraph (a)(2) of this definition and are akin to a river of liquid and flowing mud on the surfaces of normally dry land areas, as when earth is carried by a current of water and deposited along the path of the current.
2. The collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding as defined in paragraph (a)(1) of this definition.

Flood elevation study. An examination, evaluation and determination of flood hazards and, if appropriate, corresponding water surface elevations, or an examination, evaluation and determination of mudslide (i.e., mudflow) and/or flood-related erosion hazards.

Flood Fringe. The portion of the floodplain lying outside of the floodway.

Flood Insurance Rate Map (FIRM). The official map of a community, on which the Federal Insurance Administrator has delineated both the special hazard areas and the risk premium zones applicable to the community. A FIRM that has been made available digitally is called a Digital Flood Insurance Rate Map (DFIRM).

Flood Insurance Study (FIS). See "Flood elevation study".

Floodplain or flood-prone area. Any land area susceptible to being inundated by water from any source. See "Flood or flooding."

Floodplain administrator. The community official designated by title to administer and enforce the floodplain management regulations.

Floodplain management. The operation of an overall program of corrective and preventive measures for reducing flood damage, including but not limited to emergency preparedness plans, flood control works, and floodplain management regulations.

Floodplain management regulations. Zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as floodplain ordinance, grading ordinance and erosion control ordinance) and other application of police power. The term describes such state or local regulations, in any combination thereof, which provide standards for the purpose of flood damage prevention and reduction.

Flood proofing. Any combination of structural and nonstructural additions, changes, or adjustments to structures which reduce or eliminate risk of flood damage to real estate or improved real property, water and sanitary facilities, structures, and their contents.

Floodway. The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height. Also referred to as "Regulatory Floodway."

Frequently Flooded Areas. Lands indicated on the most current FEMA map to be within the 100-year floodplain. These areas include, but are not limited to, streams, lakes, coastal areas, and wetlands

Functionally dependent use. A use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, and does not include long-term storage or related manufacturing facilities.

Highest adjacent grade. The highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

Historic structure. Any structure that is:

1. Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
2. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
3. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of Interior; or
4. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
  - a. By an approved state program as determined by the Secretary of the Interior or
  - b. Directly by the Secretary of the Interior in states without approved programs.

Lowest floor. The lowest floor of the lowest enclosed area (including "Basement"). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than

a basement area is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this ordinance.

Manufactured home. A structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term "manufactured home" does not include a "recreational vehicle."

Manufactured Home Park or Subdivision. A parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

Mean sea level. For purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929 or other datum, to which Base Flood Elevations shown on a community's Flood Insurance Rate Map are referenced.

New construction. For the purposes of determining insurance rates, structures for which the "start of construction" commenced on or after the effective date of an initial Flood Insurance Rate Map or after December 31, 1974, whichever is later, and includes any subsequent improvements to such structures. For floodplain management purposes, "new construction" means structures for which the "start of construction" commenced on or after the effective date of a floodplain management regulation adopted by a community and includes any subsequent improvements to such structures.

One-hundred-year flood or 100-year flood. See "Base flood."

Recreational vehicle. A vehicle which is:

1. Built on a single chassis;
2. 400 square feet or less when measured at the largest horizontal projection;
3. Designed to be self-propelled or permanently towable by a light-duty truck; and
4. Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

Regulatory floodway. See "Floodway".

Sheet flow area. See "Area of shallow flooding".

Special Flood Hazard Area (SFHA). See "Area of special flood hazard".

Start of construction. Includes substantial improvement and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days from the date of the permit. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading, and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling,

floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

Structure. For floodplain management purposes, a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home.

Substantial damage. Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

Substantial improvement. Any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the "start of construction" of the improvement. This term includes structures which have incurred "substantial damage," regardless of the actual repair work performed. The term does not, however, include either:

1. Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions; or
2. Any alteration of a "historic structure," provided that the alteration will not preclude the structure's continued designation as a "historic structure."

Variance. A grant of relief by a community from the terms of a flood plain management regulation.

Violation. The failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in this ordinance is presumed to be in violation until such time as that documentation is provided.

Water surface elevation. The height, in relation to the National Geodetic Vertical Datum (NGVD) of 1929, or other datum, of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas.