



## PLANNING COMMISSION AGENDA

Regular Meeting Date: 06/17/2020

### BY REMOTE PARTICIPATION ONLY

*CLICK HERE TO JOIN MEETING:* <https://us02web.zoom.us/j/81115483603>

Call in: 253 215 8782  
Meeting ID: 811 1548 3603

Planning Commission  
Meeting:

First Wednesday of  
every Month @ 7:00pm

Planning & Community  
Development  
Department

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

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

#### Municipal Code

Available online:

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

- **CALL TO ORDER 7:00pm**  
Pledge of Allegiance
- **ROLL CALL**
- **GUEST BUSINESS**
- **ACTION ITEMS**  
1. Approve minutes for 05-20-2020

#### **DISCUSSION ITEMS**

- 1. Revised work program
- 2. Waterfront Residential Intro- Planning Commissioner to participate on task force
- 3. Food Truck Intro

Director Wright  
Senior Planner Levitan  
Planner Needham

- **COMMISSIONER REPORTS**
- **PLANNING DIRECTOR'S REPORT**
- Future Agenda Items (July-September)
  - 1. SEPA Infill Exceptions
  - 2. Multifamily Tax Exemptions
  - 3. Multifamily Uses in WR
  - 4. Mobile Food Vendors
  - 5. 2020 Comp Plan

#### • **ADJOURN**

#### **SPECIAL NEEDS**

*The City of Lake Stevens strives to provide accessible opportunities for individuals with disabilities. Please contact City of Lake Stevens ADA Coordinator, at (425) 622-9419 at least five business days prior to any City meeting or event if any accommodations are needed. For TDD users, please use the state's toll-free relay service.*

**PLANNING COMMISSION REGULAR MEETING MINUTES**

Remote Participation  
Wednesday, May 20, 2020

CALL TO ORDER: 7:08 pm by Chair Jennifer Davis

MEMBERS PRESENT: Janice Huxford, Vicki Oslund, Jennifer Davis, Linda Hoult, Todd Welch and Mike Duerr, John Cronin arrived at 7:29.

MEMBERS ABSENT: None

STAFF PRESENT: Community Development Director Russ Wright, Kathy Pugh, City Clerk and Jennie Fenrich, Clerk

OTHERS PRESENT: Councilmember Steve Ewing

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Chair Davis called the meeting to order at 7:08 p.m. and led the Pledge of Allegiance.

**Roll Call:** All present except Commissioner Cronin arrived at 7:29.

**Guest business:** None.

**Approval of Minutes:** Motion by Commission Welch, seconded by Commissioner Hoult, to approve the minutes of the 4/22/2020 with one correction to Director Wright's name. The motion carried (6-0-0-1).

**Public Hearing:**

Community Development Director Russ Wright gave a report on revised Flood Hazard Regulations. The last time this was addressed was in 2016. This 2020 version has few changes that are mainly non-substantive. There are duplicate definitions that have been updated and additions have been based on the FEMA model ordinance. The deadline to adopt is June 19, 2020 to keep flood insurance available in the city.

**MOTION:** Moved by Commissioner Hoult, seconded by Commissioner Welch to forward a recommendation to City Council to approve the revised flood hazard regulations. On vote the motion carried (7-0-0-0).

**Commissioner Reports:**

Commissioner Hoult announced her daughter has graduated from North Dakota University.

Commissioner Huxford asked for an update on the 123<sup>rd</sup> Right-of-Way Vacation application, Annexation and Waterfront Residential amendments. She has concerns that during this COVID-19 closure that the public/citizens are less likely to engaged in Public process. She is concerned that decisions will be made in haste without out public participation.

Commissioner Cronin apologized for being late to the meeting.

Chair Davis thanked the staff and City Council for their work during these difficult times.

**Planning Director's Report:**

Community Development Director Wright reported City Council passed the Infill lot ordinance. There is a Mobile Food Vendor ordinance currently being discussed. He proposed we cancel the next regular meeting and meet again on June 17.

Director Wright reported that at the next Planning Commission meeting he will be introducing new Senior Planner Dave Levitan. He reported the Building Division has not slowed during this time. Building permits are being moved to an online platform, soon. Land Use applications will also be migrated to online. Small business grants are available to help with business costs due to COVID-19. There is an application process for receiving a grant. Director Wright shared a revised work program. City Council wished Mobile Food Vendors to be moved forward. The Council also wishes to consider an interim Waterfront Multifamily ordinance prior to a final ordinance in 2021. He reported the Waterfront Task Force will be used in the future for the final ordinance.

In answering Commissioner Huxford's questions regarding 123<sup>rd</sup> ROW Vacation, Director Wright believes they are withdrawing their application. The annexations being considered are in the Industrial area as well as the remainder of the UGA. The City is working on an Inter-local agreement with Snohomish County with the UGA areas.

Commissioner Huxford is against the idea of a Waterfront Residential interim ordinance. She does not think its acceptable to move on this when there have been previous assurances that this would be on hold until next year. She restated her comment that citizens are trying to get through this Covid-19 time period and are not engaged in local government at this time.

**Adjourn:**

**MOTION:** Moved by Commissioner Hoult, seconded by Commissioner Welch to adjourn the meeting at approx. 8:10 p.m. On vote the motion carried (7-0-0-0).

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Jennie Fenrich, Planning Commission Clerk



## LAKE STEVENS PLANNING COMMISSION STAFF REPORT

Council Agenda Date: June 17, 2020

**Subject:** Revised 2020 Work Program

**Contact Person/  
Department:**

Russ Wright, Community Development  
Director

**Budget Impact:** Specific projects

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### RECOMMENDATION(S)/ACTION REQUESTED:

No action requested

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### BACKGROUND

Due to staffing issues, budget constraints and public gathering restrictions related to COVID, staff proposed to amend the 2020 long-range work program. Several amendments underway at the beginning of the year have been completed: zoning code updates, infill housing, affordable housing tax incentives, FEMA update and Temporary Sign updates. The Planning Commission was briefed on proposed changes in May. City Council approved the modified schedule provided as Attachment A.

Annexations will proceed per the schedule. The capital facilities update and minor land use updates for the Comprehensive Plan will continue. Priority projects for economic development (mobile food vendors and multifamily tax exemption), projects related to annexation (impact fees), mandated (building code) or grant funded projects (SEPA exemptions) will proceed through the second half of 2020. Process amendments would follow in late 2020 or early 2021 (code clean up, permissible use table, code enforcement). City Council directed staff to move forward with forming a lakefront task force starting in the 3<sup>rd</sup> quarter of 2020. Project details will be provided at a later briefing.

### ATTACHMENTS

A – Revised 2020 Master Schedule



Attachment A

# REVISED 2020 Long Range Work Program

Revised Lake Stevens 2020 Long Range Work Program					
Amendments	1 <sup>st</sup> quarter	2 <sup>nd</sup> quarter	3 <sup>rd</sup> quarter	4 <sup>th</sup> quarter	Status / Notes
<b>Zoning Code</b>					
1. Infill Code	PC / CC				Carryover / Implements House Bill 1923 Ord. 1080 & 1081 Passed
2. Content Based Sign Code (City Council Only)	CC				Legal Requirement Done
3. Permitted Use Table				PC	On-hold until 4 <sup>th</sup> Quarter
4. SEPA Infill Exceptions			PC	CC	Implements House Bill 1923 Start 3rd Quarter
5. Code Clean Up					On-hold - 2021
6. Multifamily Tax Exemption			PC	CC	Economic Development Start 3 <sup>rd</sup> Quarter
7. Affordable Housing Tax Funding (City Council only)	Schedule TBD				Done
8. Impact Fee Update				PC / CC	Start 4 <sup>th</sup> Quarter
9. Multifamily uses in WR			PC	CC	Start 3 <sup>rd</sup> Quarter
10. Floodplain Review	PC	CC			FEMA Mandate Done
11. Mobile Food Vendors	Schedule TBD				Interim Ordinance started – Action 5/26/2020
<b>Other Code Amendments</b>					
1. Chapter 14.80 Building and Construction	Schedule TBD				State Required Postponed until 4 <sup>th</sup> Qtr.
2. Title 17 Enforcement Code	Schedule TBD				Attorney Recommended On-hold until 4 <sup>th</sup> Quarter
<b>Comprehensive Plan / Economic Development</b>					
1. Annual Docket (if needed) a. Land Use Element • <del>Multifamily uses in waterfront residential</del> b. Capital Facilities	PC / CC	PC	PC / CC		Annual Update / Council Directed Start 3rd Quarter
2. RUTA Analysis	Schedule TBD				On-hold
3. Economic Development Marketing Materials	Schedule TBD				On-hold

<b><i>Annexations</i></b>					
1. Southeast Interlocal Annexation	Schedule TBD				Start 3 <sup>rd</sup> Quarter
2. Machias Industrial Petition	PC / CC				10% petition received In-process
3. NE Island	PC	CC			On-hold
4. Petition Placeholder					

1st Quarter January through March

2nd Quarter April through June

3rd Quarter July through September

4th Quarter October through December



## Staff Report City of Lake Stevens Planning Commission

Planning Commission Briefing  
Date: June 17, 2020

Subject: Waterfront Residential Code Amendments and Task Force

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

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**ACTION REQUESTED:** Staff presentation and discussion on potential code amendments to expand housing options in the Waterfront Residential (WR-4) zoning district, provide input on the project's public engagement, and nominate a commissioner to serve on the Waterfront Residential Task Force.

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**SUMMARY:** Earlier this spring, the City Council adopted Ordinances 1080 and 1081, which amended several sections of Title 14 of the LSMC to expand innovative housing and infill options in the city's R4, R6, and R8-12 zoning districts. As part of the code work, the city convened a Land Use Advisory Committee comprised of residents, developers and other stakeholders, which met eight times during 2019 to review and provide feedback on draft code language. The city also conducted a visual preference survey to gauge community reaction to different housing types such as duplexes, triplexes, fourplexes, cottages and townhouses, which the Planning Commission took at their March 6, 2019 meeting.

The expanded housing options permitted by Ordinances 1080 and 1081 did not apply to the Waterfront Residential (WR-4) district. City staff is now proposing a separate process to develop potential code amendments to the WR-4 zone, which would allow for appropriate multifamily development along the waterfront. Staff believes that updated code language can be adopted in November 2020.

As part of the public engagement process for the project, staff is proposing to create a 9 to 11-member Waterfront Residential Task Force. The task force would meet monthly through summer and fall and include a variety of stakeholders such as lakefront property owners (including within the city's urban growth area), developers and representatives from the City Council and Planning Commission. A press release soliciting applications will be issued later this week. Staff is requesting that commissioners nominate a liaison to the Waterfront Task Force at their June 17 meeting.

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**RECOMMENDATION:** Discuss the proposed approach and nominate a Planning Commission representative to serve on the Waterfront Residential Task Force.

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## Staff Report Lake Stevens Planning Commission

Planning Commission Briefing

Date: **June 17, 2020**

Subject: **Mobile Food Vendor (Food Truck) Interim Code Intro**

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

Jill Needham, *Assistant Planner*

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### **SUMMARY:**

A briefing on the current interim mobile vending unit code adopted by Council.

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

This is an informational briefing and no action is requested at this time.

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### **BACKGROUND / DISCUSSION:**

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

In preparing this ordinance, staff researched both Mobile Vending Unit codes of multiple cities (most notably Lynnwood's, Covington's, Yelm's and Puyallup's) and information posted on the Washington State Food Truck Association's website. Council's input was also taken into consideration.

Key items discussed in research include:

- *Location.* Most cities do not permit mobile vending units in residential zones. Some cities allow them to operate on public property such as parks or right-of-way (ROW). Interim ordinance allows them to operate on both private and public property.
- *Business Protectionism.* Many ordinances require vending units to be a certain distance away from other restaurants. Staff found this distance to vary from 100-300 feet among different cities. Interim ordinance requires units to be at least 250 feet from any restaurant, except with owner's permission.
- *Insurance.* Some jurisdictions require vendors to maintain liability insurance for property damage and injury. The interim ordinance does not currently require vendors to hold insurance.
- *Duration.* Most cities limit the time when food trucks may operate by time of day or days of the week. Current interim ordinance allows vending units to operate between 7:00am and 11:00pm, with the exception that vendors in the ROW may not operate during PM peak hours (4-6:00pm).
- *Licensing.* A Mobile Food Vendor License, renewed annually, is required to operate outside of a special event. A City business license is required for vendors grossing over \$2,000 in sales.

A Public Hearing on the interim ordinance will be held during the Council meeting on June 23, 2020.

### **Attachments:**

**1. Interim Ordinance (1090)**

**2. Schedule**



**ORDINANCE NO. 10xx**

AN ORDINANCE OF THE CITY OF LAKE STEVENS, WASHINGTON ADOPTING FINDINGS OF FACT; ADOPTING INTERIM ZONING CODE REGULATIONS FOR MOBILE FOOD VENDORS; SETTING FEES; PROVIDING FOR THE DURATION OF THIS ORDINANCE AND PUBLIC HEARING; ESTABLISHING A WORK PROGRAM; PROVIDING FOR SEVERABILITY, EXPIRATION AND AN EFFECTIVE DATE.

WHEREAS, the Lake Stevens City Council directed staff to develop interim controls for mobile food vendors at its May 12, 2016 meeting to further its economic development goals; and

WHEREAS, the City of Lake Stevens is authorized to adopt interim land use controls pursuant to RCW 36.70A.390 and RCW 35A.63.220; and

WHEREAS, the Lake Stevens City will hold a public hearing on the interim amendments within 60 days of adopting this ordinance; and

WHEREAS, the proposed interim official controls will promote the public health, safety, morals, and general welfare, and are consistent with the goals and policies of the Comprehensive Plan; and

WHEREAS, state statute allows interim land use controls to be effective for up to one year if a work plan is developed for related studies providing for such longer period pursuant to RCW 36.70A.390 and RCW 35A.63.220;

WHEREAS, the City is proposing that interim regulations be adopted concerning mobile food vendors supported by a detailed Scope of Work attached hereto as Exhibit A and Schedule attached hereto as Exhibit B; and

WHEREAS, the Lake Stevens Planning Commission will review the interim language for mobile food vendors consistent with the work plan/schedule attached hereto as Exhibit A and Scope of Work attached hereto as Exhibit B, which exhibits are incorporated herein by this reference, and adopt permanent amendments in Chapter 14.44 LSMC; Now, therefore,

WHEREAS, the temporary mobile food vendor regulations contained in this ordinance shall be controlling in the event of any discrepancy or inconsistency with any other code provision contained in the remainder of Title 14 LSMC.

WHEREAS, it is necessary to adopt interim fees for the administration of these regulations for the duration of the interim ordinance.

WHEREAS, this ordinance satisfies the procedural and substantive requirements of and is consistent with the GMA; and

WHEREAS, pursuant to WAC 197-11-880 and LSMC Chapter 16.04, the adoption of this ordinance is exempt from the requirements for a threshold determination under the State Environmental Policy Act (SEPA).

THE CITY COUNCIL OF THE CITY OF LAKE STEVENS, WASHINGTON, ORDAINS AS FOLLOWS:

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

**Section 2. Purpose.** The purpose of this interim zoning ordinance is to enact for the term of this ordinance for mobile food vendor regulations.

**Section 3. Interim Zoning Regulations.** Lake Stevens Municipal Code 14.08.010 is hereby amended for the term of this ordinance, adding the following definitions:

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

*Mobile Sales and Delivery.* A business where employees or contractors provide mobile sales and services of goods that includes Ice Cream Trucks, Mobile Delivery, Peddlers, and Similar Uses. Mobile Sales and delivery do not include mobile food vendors or mobile vending units as defined separately.

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

**Section 4. Interim Zoning Regulations.** Lake Stevens Municipal Code 14.44.400 Sales of Food from Stationary Motor Vehicles on City-Owned Property is hereby suspended for the term of this ordinance.

**Section 5. Interim Zoning Regulations.** Lake Stevens Municipal Code 14.44.410 Sales of Food from Stationary Vehicles on Property Not Owned by the City is hereby suspended for the term of this ordinance.

**Section 6. Interim Zoning Regulations.** Lake Stevens Municipal Code 14.44.080 Mobile Sales and Delivery is hereby amended for the term of this ordinance, to read:

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

**Section 7. Interim Zoning Regulations.** Table 14.40-I Table of permissible uses is hereby amended to include modified and new uses, for the term of this ordinance, as follows:

2.300	Mobile Sales and Delivery ( <del>Vending Carts</del> , (Ice Cream Trucks, Mobile Delivery, Peddlers, and Similar Uses) (See Section <a href="#">14.44.080</a> ) <sup>2</sup>	P	P	P	P	P	P	P	P	P	P	P	P
<u>2.310</u>	<u>Mobile Food Vending Units (Food trucks or similar vehicles, Vending Carts)</u>						P	P	P	P	P	P	P

**Section 8. Interim Zoning Regulations.** A new Lake Stevens Municipal Code section 14.44.085 Mobile Food Vendors is hereby adopted for the term of this ordinance, to read as follows:

(a) Purpose. The purpose of this section is to support local entrepreneurs, stimulate economic vitality, and provide regulations that protect public health and safety associated with the operation of mobile food vendors.

(b) License Required. To operate a mobile food vendor unit a city business license is required.

(1) No licenses shall be required for mobile food vendors exempt from a business license under LSMC 4.04.040 or associated with a city authorized special event.-

(2) All mobile food vendor licenses shall be prominently displayed upon all carts, vehicles or locations from which a mobile food vendor sells products.

(3) The mobile food vendor license and addendum will be reviewed annually for continued compliance.

(c) Application. The submittal requirements for business license review shall include the following:

(1) Mobile Food Vendor Addendum Application

(2) A scaled site plan depicting the following:

(i) Vehicle ingress and egress;

(ii) Location of the mobile vending unit, signs, and accessory equipment such as tables and canopies, if any; and

(iii) Site conditions including property parcel lines, parking, and buildings.

(3) Photograph of the vending unit, proposed signs, and any accessory equipment.

(4) Proof of approval by the Snohomish Health District.

(5) A written plan demonstrating appropriate disposal of wastewater and/or used cooking oil generated by the mobile vending unit. Grease shall be properly disposed of pursuant to the adopted Washington State health regulations.

(6) Evidence of current Washington vehicle registration.

(7) Proof of approval by the Washington State Department of Labor & Industries.

(8) Written permission from the property owner for each proposed location the mobile food vendor proposed to conduct sales of food. This includes written permission from the property owner for employees of the vending unit to use the property owner's restroom.

(d) General Regulations.

(1) No portion of the vending unit may be used as sleeping quarters.

(2) All attachments to the vending unit, including but not limited to signs, lights, overhangs, and awnings shall be maintained in such a manner as to not create a hazard to pedestrians, customers or vehicles.

(3) Mobile Food Vendors shall not obstruct sidewalks, streets, access points, fire lanes, or parking lot circulation by either the location of the vending unit, its accessories, or by causing customers to congregate.

(4) Mobile Food Vendors shall comply with the standards set forth by the Washington State Department of Labor & Industries for electrical service to the mobile unit. Electrical lines shall not be located overhead or on the ground in a manner that creates a public hazard or obstructs ADA access. service in any location in which the public has access.

(5) If a mobile food vendor uses an external propane tank (not mounted on the mobile food preparation van), wood/charcoal, external power connections and/or tent structures, the mobile food vendor will be subject to additional review by the Fire Marshal.

(6) Trash and other waste.

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

(ii) Mobile Food Vendors shall provide trash receptacles large enough to accommodate customer use. Trash receptacles not intended for customer use shall be screened from public view and securely covered.

(iii) The mobile food vendor shall install and maintain an adequate grease trap in the vending unit. Grease shall be properly disposed of per adopted Washington State health regulations.

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

(7) The hours of operation for mobile vending are limited to 7:00 a.m. to 11:00 p.m. Vendors operating within the public right of way shall not conduct sales between 4:00 p.m. to 6:00 p.m.

(e) Permitted Locations.

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

(2) Mobile food vending units shall not be located within 250 feet of any restaurant without written permission from the restaurant owner.

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

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

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

(iii) Mobile food vending unit may not diminish required off-street parking for another use.

(iv) Vending unit shall conform to the standard front setback for the zoning district.

(v) All temporary signage associated with the mobile vending unit shall be limited to 10 square feet.

(4) Mobile food vending units are allowed on public properties, including parks and street rights-of-way subject to a concession agreement, in addition to the license requirements of this section in ~~LSMC 14.44.085(b)~~, subject to the following requirements:

- (i) Customers shall not be served on the street side of the vending unit if parked in the public right of way; and
- (ii) No vending unit, sign, canopy or accessory may locate in the sight distance triangle or project into the roadway as to cause a safety hazard. ~~;~~ and

~~(iii) Right of way use permit shall be required for mobile food vendors to operate in right of way.~~

(f) Special Events.

(1) Mobile food vendors may operate part on private and public properties as part of an approved event permit, subject to the following:

- (i) Management of vendors, such as vendor selection, booth location and products offered shall be the responsibility of the event sponsor. Through the event permit process, the City may regulate the location of vendors to protect the health, safety and general welfare of the public and ensure that the event does not adversely affect the ability of the City to perform its duties and functions.
- (ii) The event sponsor shall be responsible to ensure that ~~the~~ vendors associated with the event are sufficiently insured for all liabilities. ~~who prepare food or beverages on or off site, and who intend to sell or serve food or beverage items to the public, have the required insurance policy as required by the City's current insurance provider. Said insurance shall list the City of Lake Stevens as additional insured and will include the endorsement of said policy.~~
- (iii) The event sponsor shall be responsible to ensure that all food vendors have the necessary permits per the current Snohomish County Health District requirements or other applicable State or County regulatory agency.

(g) Revocation of permit. A mobile food vendor, permitted pursuant to this section, may have its license revoked, suspended, or denied subject to LSMC 4.04.150. if the City finds:

- (a) The vendor has violated or failed to meet the terms of this section and all other applicable sections of the municipal code or conditions of approval; or
- (b) The mobile food unit operation is detrimental to the surrounding businesses or to the public due to either appearance or conditions of the stand.

**Section 9. Fees.** For each mobile vending unit, there shall also be an annual review fee of \$150.00.

**Section 10. Duration of Interim Zoning Regulations/Public Hearing.** The interim Zoning Code amendments adopted by this ordinance shall remain in effect for a period of 12 months from the effective date and shall automatically expire unless the same are extended as provided in RCW 36.70A.390 and RCW 35A.63.220 prior to that date, or unless the same are repealed or superseded by permanent amendments prior to that date.

**Section 11. Planning Commission Work Plan.** This Ordinance shall be referred to the Lake Stevens Planning Commission for study, review and a recommendation to the City Council for permanent zoning regulations.

**Section 12. Copy to Commerce Department.** Pursuant to RCW 36.70A.106(3), the City Clerk will send a copy of the permanent ordinance to the State Department of Commerce for its files within ten (10) days after adoption.

**Section 13. Severability.** If any section, sentence, clause or phrase of this Ordinance should be held to be unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this Ordinance.

**Section 14. Effective Date.** This Ordinance shall take effect and be in full force five days after passage and publication of an approved summary consisting of the title.

**PASSED** by the Council and approved by the Mayor of the City of Lake Stevens, this 26th day of May 2020

CITY OF LAKE STEVENS

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Mayor Brett Gailey

ATTEST/AUTHENTICATED:

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Kathy Pugh, City Clerk

APPROVED AS TO FORM:  
Office of the City Attorney

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Greg Rubstello

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



## Staff Report Lake Stevens Planning Commission

Planning Commission Briefing

Date: **June 17, 2020**

Subject: **Mobile Food Vendor (Food Truck) Interim Code Intro**

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

Jill Needham, *Assistant Planner*

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### **SUMMARY:**

A briefing on the current interim mobile vending unit code adopted by Council.

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

This is an informational briefing and no action is requested at this time.

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### **BACKGROUND / DISCUSSION:**

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

In preparing this ordinance, staff researched both Mobile Vending Unit codes of multiple cities (most notably Lynnwood's, Covington's, Yelm's and Puyallup's) and information posted on the Washington State Food Truck Association's website. Council's input was also taken into consideration.

Key items discussed in research include:

- *Location.* Most cities do not permit mobile vending units in residential zones. Some cities allow them to operate on public property such as parks or right-of-way (ROW). Interim ordinance allows them to operate on both private and public property.
- *Business Protectionism.* Many ordinances require vending units to be a certain distance away from other restaurants. Staff found this distance to vary from 100-300 feet among different cities. Interim ordinance requires units to be at least 250 feet from any restaurant, except with owner's permission.
- *Insurance.* Some jurisdictions require vendors to maintain liability insurance for property damage and injury. The interim ordinance does not currently require vendors to hold insurance.
- *Duration.* Most cities limit the time when food trucks may operate by time of day or days of the week. Current interim ordinance allows vending units to operate between 7:00am and 11:00pm, with the exception that vendors in the ROW may not operate during PM peak hours (4-6:00pm).
- *Licensing.* A Mobile Food Vendor License, renewed annually, is required to operate outside of a special event. A City business license is required for vendors grossing over \$2,000 in sales.

A Public Hearing on the interim ordinance will be held during the Council meeting on June 23, 2020.

### **Attachments:**

**1. Interim Ordinance (1090)**

**2. Schedule**