



PLANNING COMMISSION AGENDA

Regular Meeting Date: 07/15/2020

BY REMOTE PARTICIPATION ONLY

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Call in: 253 215 8782

Meeting ID: 880 2665 1498

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

Municipal Code

Available online:

www.codepublishing.com/WA/LakeStevens/

- **CALL TO ORDER 7:00pm**
Pledge of Allegiance
- **ROLL CALL**
- **GUEST BUSINESS**
- **ACTION ITEMS**
1. Approve minutes for 06-17-2020

DISCUSSION ITEMS

1. Waterfront Residential Update
2. Mobile Food Vendor

Senior Planner Levitan
Planner Needham

- **COMMISSIONER REPORTS**
- **PLANNING DIRECTOR'S REPORT**
- Future Agenda Items Aug 5th meeting

1. PH Mobile Food Vendor Ordinance (tentative)
2. Intro to Multifamily Tax Exemption
3. Comprehensive Plan briefing
4. Update on Waterfront residential task force

- **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, June 17, 2020

CALL TO ORDER: 7:05 pm by Chair Jennifer Davis

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

MEMBERS ABSENT: None

STAFF PRESENT: Community Development Director Russ Wright, Senior Planner Dave Levitan, Assistant Planner Jill Needham and Clerk Jennie Fenrich

OTHERS PRESENT: Councilmember Gary Petershagen

Chair Davis called the meeting to order at 7:05 p.m. and led the Pledge of Allegiance.

Roll Call: All present.

Guest business: None.

Approval of Minutes: Motion by Commissioner Hoult, seconded by Commissioner Cronin, to approve the minutes of the 05-20-2020 meeting as amended. The motion carried (7-0-0-0).

Discussion Items:

Community Development Director Russ Wright gave an update on the revised work program for the year, as items had to be re-assessed due to COVID-19. He stated that annexations will move forward as planned. The capital facilities update and minor land use update for Comprehensive Plans will continue. City Council has directed staff to move forward with forming a lakefront task force.

Senior Planner Dave Levitan was introduced to the Commission. He then gave an overview of the purpose of the Waterfront residential task force. The City is accepting applications from the community. There will be a representative from the Planning Commission and City Council on the task force. Jennifer Davis nominated Commissioner Huxford and John Cronin seconded. There was a unanimous vote for Commissioner Huxford to be the representative from the Planning Commission.

Assistant Planner Jill Needham gave an update on the mobile food vendor ordinance proposal. Key items researched were what zones are Mobile Vendors allowed in, locations near existing businesses, insurance requirements, hours and licensing. Commissioner Welch inquired about licensing fees and stated this would be one of the highest in the state. Commissioner Duerr asked about the hours allowed and if they are not allowed to sell during PM peak hours, they would be missing the dinner window. Assistant Planner Needham said this was only in City right-of-way, especially on 20th Street NE and SE as it could potentially impede traffic. Commissioner Cronin asked

about funds being generated and has would tax/revenue be generated. Assistant Planner Needham said at this time it will be the permit fee only. Commissioner Huxford asked if there were provisions for noise generated from the units. She asked that the City be sensitive to current brick and mortar businesses that could be affected. Assistant Planner Needham replied physical separation is intended to address this concern.

Commissioner Reports:

Commissioner Hoult thanked Commissioner Huxford for representing the Planning Commission on the Waterfront Zoning task force. She hopes everyone is healthy.

Commissioner Oslund reported her family walked down to the new Lake Stevens Farmers' Market and says this is a good thing for the community.

Commissioner Cronin welcomed new staff to the Planning Commission meeting. He reported that the Bert Cronin scholarships were awarded to four recipients this year.

Commissioner Huxford reported she has had multiple calls about the lake level. She gave an update on the Miss Aquafest pageant, 13 girls competed, and Trinity Martinez was awarded the title of Miss Aquafest. The Aquafest court completed over 2,700 hours of customer service this last year.

Chair Davis has had many inquiries on the work being done on 20th St SE and asked Director Wright if he knows what the timeline for completion is, in which he said he didn't have a specific time but believes it will be several months.

Planning Director's Report:

Director Wright opened for questions. Commissioner Huxford asked if Director Wright will be sitting on the task force. He stated he will be involved with it.

Adjourn:

MOTION: Moved by Commissioner Welch, seconded by Commissioner Hoult to adjourn the meeting at 7:49 p.m. On vote the motion carried (7-0-0-0).

Jennie Fenrich, Planning Commission Clerk

Staff Memo
City of Lake Stevens Planning Commission

Planning Commission Briefing
Date: July 15, 2020

Subject: Waterfront Residential Task Force Update

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

On June 17, staff provided an overview of the proposed Waterfront Residential Task Force, which will meet monthly this summer and fall to discuss potential zoning code amendments to the Waterfront Residential zoning district. Commissioners also nominated Commissioner Huxford as the Planning Commissions liaison to the task force during that meeting. Applications and nominations for the 9 to 11-member task force were accepted from community members through June 30, and a total of 23 people applied. Staff sent out a follow-up questionnaire to applicants on July 7, and as of the date of this memo staff was reviewing and evaluating applicants' responses.

By the time of the July 15 meeting, staff anticipates that task force members will have been selected, in consultation with Mayor Gailey. Staff hopes to have a diverse set of stakeholders and perspectives represented on the task force, including waterfront property owners from different areas of the lake, frequent lake users, and the development community. The first meeting will be held in late July or early August via an online platform such as Zoom and will focus on general concepts such as buildable land supply, permitted housing types, housing affordability, and the relationship to the recently updated Shoreline Master Program. Staff will provide periodic updates to commissioners throughout the process, and the Commission will be heavily involved in the review of any new or revised code language.



Staff Report Lake Stevens Planning Commission

Planning Commission Briefing

Date: **July 15, 2020**

Subject: **Revised Mobile Food Vendor (Food Truck) Code Briefing**

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

Jill Needham, *Assistant Planner*

SUMMARY:

A briefing on the proposed changes for the permanent mobile vending unit code

ACTION REQUESTED OF PLANNING COMMISSION:

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

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. An introduction to the interim ordinance was presented at the June 17 meeting. The public hearing was held at Council on June 23.

Staff made revisions to the interim the code based on feedback from Council, applicants, and the Washington Food Truck Association. Revisions and additions include the following:

- *Continuity with Health District.* The Snohomish Health District has many identical regulations and permit submittal requirements. To remove redundancies and streamline the application process, staff has removed 14.44.085 (c) (5) and (7), requiring a wastewater/grease disposal plan and proof of L&I approval. 14.44.085 (d) (6) (ii) has also been removed, which requires vendors to have a trash can on site.
- *Insurance.* An insurance requirement has been added, as shown in 14.44.085 (c) (9). Certificate of public liability insurance must be included with application submittal in the amount of \$500,000 minimum for injuries and \$25,000 for damages. Further discussion with City Attorney will be necessary.
- *PM Peak Hour Restriction.* Only vendors operating on 20th ST SE or 20th ST NE right of ways may not operate between the hours of 4 p.m. and 6 p.m., as shown in 14.44.085 (d) (7). This restriction does not apply to vendors on other right-of-ways.
- *Buffer from Restaurants.* The minimum distance a vendor may operate from an existing brick-and-mortar restaurant without the owner's permission has been reduced from 250 to 150 feet, as shown in 14.44.085 (e) (2). Language outlining the measurement method has been added.

Attachments:

1. Current Code with Proposed Revisions

DRAFT Food Truck Code

14.08 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.

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

~~14.44.400 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)~~

14.44.080 Mobile Sales and Delivery.

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

TABLE 14.40-I: TABLE OF PERMISSIBLE USES BY ZONES¹⁶

00	Mobile Sales and Delivery (Vending Carts, (Ice Cream Trucks, Mobile Delivery, Peddlers, and Similar Uses) (See Section 14.44.080) ²	P	P	P	P	P	P	P	P	P	P	P	P	P	P
10	Mobile Food Vending Units (Food trucks or similar vehicles, Vending Carts)							P	P	P	P	P	P	P	P

14.44.085 Mobile Food Vendors

- (a) Purpose. The purpose of this section is to support local entrepreneurs, stimulate economic vitality, and provide regulations that protect public health and safety associated with the operation of mobile food vendors.
- (b) License Required. To operate a mobile food vendor unit a city business license and mobile food vending license are required. All licenses for mobile food vendors shall be valid for one calendar year.
- (1) No licenses shall be required for mobile food vendors exempt from a business license under LMSC 4.04.040.
- (2) All mobile food vendor licenses shall be prominently displayed upon all carts, vehicles or locations from which a mobile food vendor sells products.
- (c) Application. The submittal requirements for mobile food vending 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) Copy of Snohomish Health District Permit
- (6) Evidence of current Washington vehicle registration.
- (8) Written permission from the property owner for each proposed location the mobile food vendor proposed to conduct sales of food. This includes written permission from the property owner for employees of the vending unit to use the property owner's restroom.
- (9) Certificate of public liability insurance in an amount not less than \$500,000 for injuries, including those resulting in death, resulting from any one occurrence, and on account of any one accident; property damage insurance of not less than \$25,000 for damages on account of any one accident or occurrence.
- (d) General Regulations.
- (1) No portion of the vending unit may be used as sleeping quarters.

- (2) All attachments to the vending unit, including but not limited to signs, lights, overhangs, and awnings shall be maintained in such a manner as to not create a hazard to pedestrians, customers or vehicles.
- (3) Mobile Food Vendors shall not obstruct sidewalks, streets, access points, fire lanes, or parking lot circulation by either the location of the vending unit, its accessories, or by causing customers to congregate.
- (4) The mobile vendor shall comply with the standards set forth by the Washington State Department of Labor & Industries for electrical service to the mobile unit. Electrical lines shall not be located overhead or on the ground service in any location in which the public has access.
- (5) If a mobile food vendor will be utilizing an external propane tank (not mounted on the mobile food preparation van), wood/charcoal, external power connections and/or tent structures, the mobile food vendor will be subject to additional review by the Fire Marshal.

(6) Trash and other waste.

- (i) The mobile food vendor shall leave the site clean and vacant each day, including picking up all trash and litter generated by the mobile food vendor's customers within 100-feet of the vending unit.
- (ii) Trash receptacles not intended for customer use shall be screened from public view and securely covered.
- (iv) The mobile food vendor shall install and maintain an adequate grease trap in the vending unit.
- (v) Grease shall be properly disposed of per adopted Washington State health regulations.
- (vi) Wastewater generated by the vending unit shall be disposed of in a proper manner and documented.

- (7) The hours of operation for mobile vending are limited to 7:00 a.m. to 11:00 p.m. Vendors operating along 20th ST NE and 20th ST SE 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 150 feet of any restaurant without written permission from the restaurant owner. Distance shall be measured using the shortest possible straight line from the closest edge of the mobile vending unit to the closest edge of the restaurant building on the same side of the street.
- (3) Mobile food vending units are allowed on private properties, in commercial and industrial areas pursuant to Table 14.40-I, and subject to written approval from the owner and the following requirements and restrictions:
 - (i) One portable pop-up tent that does not exceed 120 square feet or up to three tables with beach type umbrellas may be permitted as an accessory to the mobile vending unit. No cooking shall take place under the tent. Umbrellas and canopies must be removed at the end of the day.

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