


CITY OF MARYSVILLE AGENDA BILL

EXECUTIVE SUMMARY FOR ACTION

CITY COUNCIL MEETING DATE: January 10, 2022

AGENDA ITEM:	
An ordinance of the City Of Marysville, Washington, Amending Title 22 of The Marysville Municipal Code by amending Section 22A.020.140 and adding new Chapter 22C.260 Mobile Food Vendors.	
PREPARED BY:	DIRECTOR APPROVAL:
Haylie Miller, Community Development Director	
DEPARTMENT:	
Community Development	
ATTACHMENTS:	
1. Staff Memorandum and Memorandum Exhibits 2. PC Recommendation 3. PC Minutes (09.28.21, 10.26.21, 11.23.21 and 12.14.21) 4. Adopting Ordinance	
BUDGET CODE:	AMOUNT:
N/A	N/A
SUMMARY:	
The City is proposing to allow food trucks (also referred to as mobile food vendors) under limited circumstances as summarized below:	
<ul style="list-style-type: none">• Allow food trucks on City-owned properties on a case-by-case basis per flexible terms as outlined in a contract with the City.• Allow food trucks as the primary or accessory use within a special event.• Allow for food trucks to be located on private properties with the following restrictions:<ul style="list-style-type: none">○ Must be 100 feet away from existing restaurants○ Written permission from property owner and use of restroom/hand washing○ May operate three days a week or twelve days per month○ Hours are limited to 7:00 a.m. to 11:00 p.m.○ May not eliminate existing minimum parking requirements○ Cannot park in the City Right-of-way or on private streets at this time○ Prohibited in residential zones	
The Planning Commission held a duly noticed public hearing on December 14, 2021 and recommended the City Council approve the modifications shown in the attached ordinance.	
RECOMMENDED ACTION:	
Affirm the Planning Commission Recommendation adopting the Mobile Food Vendor amendments to the Marysville Municipal Code.	
RECOMMENDED MOTION:	
Move to adopt Ordinance No. _____, approving amendments to Title 22 of The Marysville Municipal Code by amending Section 22A.020.140 and adding new chapter 22C.260 Mobile Food Vendors.	



MARYSVILLE
COMMUNITY
DEVELOPMENT

MEMORANDUM

DATE: January 10, 2022
TO: City Council
FROM: Haylie Miller, Community Development Director
RE: Food Trucks
CC: CD Planning Staff

LIST OF EXHIBITS

1. Proposed code
2. Letter to Restaurant Owners
3. Restaurant Owner Comment #1
4. Restaurant Owner Comment #2
5. Restaurant Owner Comments #3 and #4
6. Research Table – Other City Regulations
7. Research Citations – Other City Regulations
8. Zoning Map
9. Food Truck Association comment

BACKGROUND

The City is proposing to allow food trucks (also referred to as mobile food vendors¹) within City limits², under limited circumstances.

Food trucks have become increasingly popular over the years, and the City continues to receive several requests from food truck owners and the general public to allow this use in Marysville on a regular basis.

From a policy standpoint, there are concerns about food trucks and the potential to pull customers away from existing restaurants within the City who have made large investments to locate here in permanent structures.

Prior to introducing this topic to the Planning Commission in September 2021, the City sent direct mailings to each restaurant owner in Marysville (Exhibit 1) to solicit feedback on the matter.

The City received a handful of responses from restaurant owners. In an attempt to reach out to additional restaurant owners, the City posted these questions on social media including Facebook and Next Door. The post generated over 100 comments and several emails to staff. A summary of the comments (in three general categories) are provided below:

(360) 363-8100

Community
Development
80 Columbia Avenue
Marysville, WA 98270

¹ A mobile food vendor (as defined by the Snohomish Health District) is an operation where the food service establishment is readily movable; this includes mobile food trucks, trailers, and carts.

² MMC 22C.110.020(15) exempts, "vehicular or motorized catering such as popsicle/ice cream scooters and self-contained lunch wagons which cater to construction sites or manufacturing facilities. Such a use must remain mobile and not be utilized as parking lot sales." However, no regulations are in place to allow for stationary mobile food units. In limited circumstances, the City has allowed for food trucks to provide services as an accessory to a special event.

Feedback from Restaurant Owners

The City received one phone call and four written comments from restaurant owners within the City. A summary of the comments are provided below.

General Feedback

- The Dutch Bakery owner (Maya Oosterwyk) explained her family establishment has been in business (and has paid taxes) for 67 years. Food trucks are a concern. Parking in the area is also a concern for her business along Third Street. Ms. Oosterwyk supports food trucks by the Waterfront, City Hall, and within special events or festivals. If food trucks are allowed, it is suggested that they be located at least three blocks away from existing restaurants.
- The owners of the Village Taphouse and Grill also submitted feedback (Exhibit 3). Christina Adamson and Alicia Adamson are sisters who have owned the restaurant since 2010. Both have concerns related to this use and feel food trucks should have to follow the same regulatory policies that are mandated to full service restaurants. Money is spent by this restaurant on taxes, licensing and following government requirements including regular equipment inspections. If food trucks are permitted, it is suggested that there be a distance requirement between the food truck and restaurants. Both owners noted that they do not have a problem with food trucks and believe these are great in parks or festivals. The comment suggests that food trucks observe the same signage restrictions as restaurants. Parking should be in designated areas restricted to a certain time of day. Further, the commissary kitchen should be monitored, and a restroom and a hand washing facility should be provided.
- Steve Terpstra opened a restaurant in Marysville in 2008. Mr. Terpstra has feedback related to food trucks as outlined in Exhibit 4. The business has been a challenge to operate during COVID and a large investment has been made to build from the ground up. His business's loan, and construction cost details, rent, common area maintenance and utilities are outlined in Exhibit 4. Additionally, the business was required to pay transportation impact fees, utility connection fees, and other City mitigation fees. He has questions regarding operational procedures for food trucks related to sales, cleanliness and waste monitoring. Food trucks would be supported if they are a least 1,000 yards (over a half mile) away from an existing restaurant.
- Rickelle Pegrum owns The Creamery Co. and is in support of allowing food trucks in the City if there are rules and standards that are strictly followed and enforced (see Exhibit 5). Ms. Pegrum suggested that there be a joint event with local restaurants and food trucks for the community.

In summary, the restaurant owners have suggested the following regulations for food trucks.

- Food trucks should follow the same regulations as restaurants.
- Allow food trucks at special events.
- Require the same sign requirements for food trucks.
- Limit parking areas for food trucks.
- Require no impacts to existing parking.
- Snohomish Health District standards should be followed.
- Taxes should be tracked and paid.
- Restrooms and hand washing facilities should be provided.
- Locate food trucks a certain distance away from restaurants (suggested ranges from three blocks to 1,000 yards).
- Allow a joint event with local restaurants and food trucks for the community.

Feedback from the public (Next Door, Facebook and emails)

In an effort to reach more restaurant owners, two social media posts were made related to this topic. Within the social media threads and emails generated from the posts, two comments were provided from restaurant owners that had previously provided comments (above). Nearly all comments were from the public as summarized below.

General Feedback

- Allow food trucks in Marysville.
- Food trucks offer an outdoor option for food if you do not want to enter a restaurant.
- More varieties in food choices in Marysville is a desire.
- Food trucks will provide revenue and growth for business owners and the City.
- Allowing food trucks would create a sense of community and support small businesses.
- Other restaurants locate within close proximities of each other.
- There are not enough restaurant options for the growing community.
- Trips are taken to other cities for food trucks.
- There is a price difference between food trucks and sit down restaurants.

Feedback related to potential regulations

- Food trucks should not take up existing parking spots.
- Locate food trucks away from major restaurants.
- Food trucks should not intrude on existing businesses.
- Food trucks should park at least a block away from restaurants.
- Allow food trucks within special events, festivals, large gatherings and the Farmer's Market.
- Allow for food trucks to drive into neighborhoods.
- Allow food trucks to congregate in a certain area. Several examples of food truck parks/villages in other Cities were cited.
- Require safe parking, trash receptacles and overall cleanliness of the area.
- Allow for food trucks in City parks, such as Jennings Park and Comeford Park.
- Limit operations to certain times of the week or month. Should not be allowed on a permanent basis.
- Allow food trucks to operate 24/7.
- Create realistic/achievable standards for food trucks.
- Require that food trucks be independently and/or locally owned and operated.
- Require a yearly fee for food trucks.
- Locate in warehouse areas.

Staff introduced the topic to the Planning Commission during the September 28, 2021 meeting and held additional workshops on October 26, 2021 and November 23, 2021.

The Planning Commission requested no substantial changes to the latest materials during the November 23rd meeting and instructed staff to schedule a public hearing on the matter.

FOOD TRUCK REGULATIONS

Food truck regulations can generally be divided into three major categories: special events, City-owned properties and private properties.

Special Events

Staff believes the location criteria for special events should be fairly flexible with very limited restrictions. Special events are typically for a short duration. A special event permit may include a food truck as an accessory use. The special event could also include multiple food trucks (for an event such as "Food Truck Fridays" in a certain area). Special events may be held on private or public properties.

City-owned properties

Staff proposes to allow for food trucks to be located on certain City properties on a case-by-case basis.

Staff proposes a condition similar to what the City of SeaTac requires for Mobile Food Vending below:

Mobile food vending may be allowed within City owned properties, as part of a special event, approved pursuant to either a temporary use approval or by City contract or special event permit pursuant to MMC 5.46.

The length of stay for food trucks on City properties may be flexible as identified in the contract between the food truck and the City.

Private Properties (not associated with a special event permit)

The propose code allows for food trucks on private property under limited circumstances and with a minimum separation requirement from existing restaurants. Research related to what fifteen other cities in Washington require for food trucks is provided in Exhibit 6.

Should mobile food vendors be located a certain distance away from existing restaurants?

The draft proposal lists a separation requirement of 100 feet. Most other Cities that require a separation from restaurants have established a 100 foot buffer. Staff notes, the restaurant owners in Marysville that provided feedback requested buffers ranging from three city blocks up to 3,000 feet.

The Planning Commission requested that staff provide research on the potential effects to restaurants due to the proximity to a Food Truck (see research provided in Exhibit 6 specifically the column labeled "Brick and Mortar Protections"). Staff did not find substantial research related to this topic. Anecdotally, there are situations where food trucks may help a restaurant and in other situations where it may be in direct competition. This depends on the products offered and several other factors. Based on the feedback from local restaurants, staff recommends that a conservative approach be implemented and that a distance from food trucks to existing restaurants be required. Further, Staff does not propose that food trucks be permitted in the City right-of-way (on public streets) at this time. This will prevent food trucks from parking in front of restaurants or parking on the streets on a temporary basis.

Staff feels that if a restaurant wishes to have a food truck near their establishment, they may allow for it based on a mutual agreement between both parties. Suggested language is provided below and in Exhibit 1.

"Mobile food vendors shall be located at least 100 feet from an existing eating and drinking place except when the legal owner of the eating and drinking place provides written permission for the vendor to be located closer."

Which areas, or districts, should food trucks be allowed within the City?

Columns 2 and 3 in the attached research (Exhibit 6) show where food trucks are allowed and not allowed in other cities. In general, it appears most cities allow food trucks in commercial areas or special districts of the City. Some cities ban food trucks in residential areas, and within public streets and right-of way.

The Planning Commission suggested that food trucks be allowed on job sites, in the Cascade Industrial Center, and generally in commercial zones³. Staff recommends that food trucks be prohibited in residential and multifamily zones (unless associated with a special event or if located on a City owned property). The following zones below would allow for food trucks:

- Light Industrial
- General Commercial
- Community Business
- Neighborhood Business
- Mixed Use
- General Industrial
- Downtown Core*
- Flex*
- Main Street*

*See the zoning map (Exhibit 8).

What level of noticing should be required?

Staff suggests that no additional noticing be provided to restaurants in the area so long as the 100 foot proximity regulation is maintained. If the food truck wishes to locate closer than 100 feet, permission from the restaurants owners within 100 feet is required to be provided in writing.

Staff also suggests that the City have the authority to "pull the license" if the food truck causes unforeseen impacts to the area. Impacts could be associated with:

- Unsightliness/lack of maintenance to surrounding area;
- Unforeseen parking issues; and/or
- Unforeseen impacts from the surrounding areas and/or businesses.

Should food trucks be allowed in parking areas?

Staff suggests that food trucks be prohibited in the City right-of-way and on private streets. Staff further suggests that food trucks be located outside of existing parking areas unless it can be demonstrated that a surplus of parking exists as shown in Exhibit 1.

³ The Planning Commission appeared to be in favor of allowing food trucks in residential zones if it was associated with a special events permit or if it was located on a City property on a limited basis.

Health and Safety Regulations

Food trucks will be required to comply with Washington State Vehicle registration standards, Snohomish Health District regulations, Washington State Department of Labor and Industries regulations, and all applicable building and fire codes. Please note, food trucks must follow all food and safety regulations that restaurants are required to provide.

Owner Permission/Liability

The food truck will need written permission from the property owner to locate on site. A restroom (with hand washing facilities) from a neighboring business is also required to be provided. Verification will be required by the City prior to approval. The food truck will also be required to provide proof of public liability insurance.

CONCLUSION:

The Marysville Planning Commission held three workshops on September 28, October 26 and November 23, 2021 and on December 14, 2021, the Marysville Planning Commission held a duly-advertised public hearing, and recommended that the City Council adopt the proposed amendments to the City's development regulations as described above.

Exhibit 1 – Draft Mobile Food Vendor Regulations

22A.020.140 “M” definitions.

“Mobile food vending unit” means a truck or trailer licensed as a vehicle and equipped with facilities for cooking and/or selling food.

“Mobile food vendor” means a person or entity that sells food from a mobile vending unit.

MMC 22C.260 Mobile Food Vendors.

MMC 22C.260.010 Purpose.

The purpose of this section is to support local business owners, stimulate economic vitality, and protect public health and safety associated with the operation of mobile food vending units.

MMC 22C.260.020 Application.

Mobile food vendors operating on private property shall provide the City with the following information.

- (1) All mobile food vendors shall require a business license per Chapter 5.02 MMC.
- (2) A site plan depicting the following:
 - (a) Vehicle ingress and egress;
 - (b) Location of the mobile food vending unit, signs, and accessory equipment such as tables and canopies, if any; and
 - (c) Site conditions including property lines, parking, and buildings.
- (3) Photograph of the mobile food vending unit, proposed signs, and any accessory equipment.
- (4) Copy of Snohomish Health District permit.
- (5) Evidence of current Washington state vehicle registration.
- (6) The mobile food vendor must obtain a signed agreement between the property owner and the mobile food vendor allowing use of the property for the mobile food business including written permission from the property owner for employees of the mobile food vendor to use the property owner’s restroom. Portable restrooms are not permitted on site.

(7) 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.

(8) Property damage insurance of not less than \$25,000 for damages on account of any one accident or occurrence.

MMC 22C.260.030 General Regulations.

The following general regulations apply to mobile food vendors.

- (1) Mobile food vending units shall be temporary in nature, and may not operate from the same property more than three days of any calendar week, or twelve days per month.
- (2) The hours of operation for mobile vending are limited to 7:00 a.m. to 11:00 p.m.
- (3) No portion of the mobile food vending unit may be used as sleeping quarters.
- (4) All attachments to the mobile food vending unit including, but not limited to, signs, lights, overhangs and awnings, shall be maintained in a manner that does not create a hazard to pedestrians, customers or vehicles.
- (5) Mobile food vendors shall not obstruct sidewalks, streets, access points, fire lanes, or parking lot circulation by either the location of the mobile food vending unit or its accessories.
- (6) The mobile food vendor shall comply with MMC Chapter 16.12, National Electrical Code and Washington Cities Electrical Code, for electrical service to the mobile food vending unit. Electrical lines shall not be located overhead or on the ground in any location to which the public has access.
- (7) All mobile food vending units shall obtain Fire District approval prior to operating in the City and shall comply with all Fire District standards.
- (8) 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 within 100 feet of the mobile food vending unit.
 - (ii) 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 mobile food vending unit.

(iv) Grease shall be properly disposed of per adopted Washington State health regulations.

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

MMC 22C.260.040 Permitted Locations.

(1) Mobile food vending units shall be prohibited in the following areas:

(a) Any residential zones and abutting rights-of-way.

(b) City rights-of-way.

(c) Private streets.

(d) Parking areas unless it can be demonstrated that the minimum parking requirements are met on each site.

(e) Mobile food vending units may be allowed within the prohibited areas in subsections a - c above if approved as part of a special event permit, or when approved to be located on a City owned property.

(2) Mobile food vending may be allowed on City owned properties approved pursuant to either City contract, or a special event permit per MMC Chapter 5.46 and Section 22C.260.060.

(3) Mobile food vending units shall be located at least 100 feet from an existing eating and drinking place except when the legal owner of the eating and drinking place provides written permission for the vending unit to be located closer. Distance shall be measured using the shortest possible straight line from the closest edge of the mobile food vending unit to the closest edge of the restaurant building

(4) Mobile food vending units are allowed on private properties in commercial, industrial, recreation and public institutional zones. Mobile food vendors are subject to the following requirements:

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

(b) The mobile food vending unit may not diminish required off-street parking for another use.

(c) The mobile food vending unit shall conform to the standard front setback for the zoning district.

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

MMC 22C.260.050 Special Event Permit

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

(a) Management of vendors, such as vendor selection, booth location and products offered, shall be the responsibility of the event sponsor. Through the special 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.

(b) The event sponsor shall be responsible for ensuring 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 Marysville as additional insured and will include the endorsement of said policy.

(c) The event sponsor shall be responsible for ensuring that all food vendors have the necessary permits from the Snohomish Health District or other applicable State or County regulatory agency.

MMC 22C.260.060 Revocation of Permit.

(1) A mobile food vendor, permitted pursuant to this section, may have its license revoked, suspended, or denied subject to Section 5.02.130 if the City finds:

(a) The vendor has violated or failed to meet the terms of this section or other applicable sections of the municipal code or conditions of approval; or

(b) The mobile food vending unit operation is detrimental to the surrounding businesses or to the public due to either appearance or conditions of the unit.



MOBILE FOOD VENDING REGULATIONS

Community Development Department ♦ 80 Columbia Avenue ♦ Marysville, WA 98270
(360) 363-8100 ♦ (360) 651-5099 FAX ♦ Office Hours: Mon - Fri 7:30 AM - 4:00 PM

Dear Marysville Restaurant Owner,

The City of Marysville is considering potentially allowing Mobile Food Vendors (food trucks) within City limits, under limited circumstances, and would like restaurateurs' feedback on this proposal. This consideration is in response to growing interest from members of the public and food truck associations on providing allowances for food trucks in our community. A mobile food business is defined as a food cart on the sidewalk, or a vehicle from which food is prepared and sold, that drives through the City and vends on the curbside, or from a private property.

Initially, the City may propose allowing mobile food vendors at special events, the Ebey Waterfront Park plaza area, City parks and/or City owned properties, and potentially on private properties.

We are here to support you and are mindful of the fact that brick and mortar restaurants have significantly invested to be in Marysville. The City is interested in hearing your feedback related to this proposal. Specifically:

- As a restaurateur, would you support for mobile food vendors in the City within a certain area or a certain distance away from existing restaurants?
- Should mobile food vendors be allowed year round, or on a temporary basis only, such as a special event?
- Should mobile food vendors only be allowed in certain areas, or districts, within the City?
- Should mobile food vendors be located a certain distance away from existing restaurants?
- Should notices be provided to restaurants for new mobile food vendors?
- What other input would you like the City to consider related to mobile food vendors?

During these tough times, the City wishes to support our local businesses as much as possible. Prior to preparing a code amendment that would allow mobile food vendors in the City, staff would appreciate and welcome any feedback you may have on this topic.

Thank you for your continued effort to serve this community. We look forward to hearing from you!

Please share your thoughts with:

Haylie Miller, Community Development
Director
80 Columbia Avenue, Marysville, WA 98270
hmillier@marysvillewa.gov or 360.363.8211

Haylie Miller

From: Christina Adamson <mgr@villagetaphousegrill.com>
Sent: Thursday, June 24, 2021 8:41 AM
To: Haylie Miller
Subject: [External!] Fwd: Food Trucks in Marysville

External Email Warning! Use caution before clicking links or opening attachments.

Good morning Ms. Haylie Miller,

Thank you for the invitation to voice our opinions on the impact of food trucks to the existing small businesses in Marysville. My sister and I are partners, owning the Village Taphouse & Grill together, it's been a restaurant in Marysville since 1937, we've owned the restaurant since 2010.

We've shared our thoughts separately, my sister's thoughts are listed in the forwarded email below. We mostly feel the same, that Food trucks should have to follow the same regulatory policies that we are mandated to full service restaurants such as ours. We spend quite a bit of money on following all the requirements, regular inspections of all our equipment, hoods, alarms, sprinkler systems, etc. We tried to have an outdoor area at our old restaurant across the street, and were told we couldn't sacrifice a parking spot for this and needed to have all our parking for our guests, even though there was also lots of street parking, in addition to our parking lot. I would think that for businesses to be taxed the same, that we should all follow the same regulations and I wonder how they would be regulated as Food Trucks.

I would also hope that there would be a bit of distance required or an agreement made between businesses, for a Food Truck to be able to park directly in front of a restaurant. We spend a lot of time and money on advertising to bring our patrons to our establishment, so it would be tough to see a Food Truck park directly on the street in front of our restaurant and pick up our customers. We are great neighbors with Las Margaritas, but we are both following the same regulations and regulated by the same entities and we pay the same taxes, so it works for us all. I don't have a problem with Food Trucks, I think they are great at parks, or festivals, and can be another great way to enjoy food for our community.

Please see the email below from my sister on this same matter. And again, thank you so much for inviting us to share our opinions. The city of Marysville is a wonderful place to do business, we appreciate the support during tough times through Covid and also now including us in this new idea for the city, is much appreciated.

Thank you,

Christina Adamson
Village Taphouse & Grill

----- Forwarded message -----

From: ALICIA ADAMSON <alicia.adamson@comcast.net>
Date: Mon, Jun 21, 2021 at 3:56 PM
Subject: Food Trucks in Marysville
To: Christina Adamson <mgr@villagetaphousegrill.com>

Hello,

We wish to respond to your request for comments on allowing food trucks in Marysville. As full service restaurant owners we are of course concerned. We are quite used to competing with other restaurants on a level playing field where we all pay brick and mortar rent, a full staff, licensing based on the capacity of your building, buying new plates, glasses, etc as they break. We are friends with most of the locally owned full service restaurants and support one another as we can.

Inviting strangers into Marysville to compete with us without having the same expenses we have is unsettling. We pay a lot in sales taxes and so much licensing. If you allow them to come in I hope they have to follow the same restrictions we do along with paying all of the licensing and sales tax.

They should have to observe the same signage restrictions that we do. They should have restricted parking areas for restricted times.

They should have their commissary kitchens monitored. We've had several food trucks contact us over the years to see if they could pay us \$100 to say they were preparing their food in our commercial kitchen. They would still prepare it at home in their kitchen but couldn't get licensed without listing a brick and mortar commercial kitchen.

We think the city will also need to provide restroom and hand washing facilities. Those costs should be passed onto the food trucks as we pay for ours. If they aren't provided then people will just use the restaurant's facilities without spending a dime.

In summary, if they play on the same playing field then we will compete fairly with them just like all the other restaurants but if they just get to come in and park a truck anywhere with no restrictions we will be very unhappy. Thanks for taking these comments into consideration when you are making your decisions.

Thank you,
Alicia Adamson

Haylie Miller

From: Steven Terpstra <pancakekingnw@gmail.com>
Sent: Saturday, June 5, 2021 8:10 PM
To: Haylie Miller
Subject: [External!] Food trucks in Marysville

[External Email Alert! Use caution before clicking links or opening attachments.]

Haylie Miller Community Development,

Thank you for the opportunity to express my personal feelings about Food Trucks coming to our city of Marysville. As a restaurant owner there are so many factors that concern me about the possibility of this different type of food outlet coming in to our area. I opened my full service restaurant in 2008 at the peak of the economic slowdown making it a huge business challenge. Honestly if I had any idea that food trucks or the like would be infiltrating in the area I would not have acquired, designed, built, staffed and trained employees for my restaurant. In this economic situation caused by a terrible virus a slight change to our business could be very devastating.

Having my first and maybe last hand build from the ground up restaurant completed in Marysville has made me very proud of my life time work. It is very expensive and always a challenge to keep the doors open, employees well trained with a positive work environment, and to make a small profit.

My business is not a large one but it comes with costs. A very large loan, 2007 higher rent (vs. 2008 with the downturn), common area maintenance, and utilities. We even were required thru the city to help pay for a ill thought overpass on I-5. If Food Trucks or the like came to Marysville would they have to pay even reasonable costs or is it a unfair advantage to the newer food providers?

Construction costs - my restaurant with a \$2,000,000 loan cost a total of \$2,500,000. The food truck used \$30,000, new \$80,000.

Rent - my ground lease is \$10,500 a month. The food truck may or may not have any rent depending on the situation. Per square foot is would be way less.

Common area maintenance - It varys monthly averaging \$2,000 per month. The food truck would find it very unlikely to require this payment.

Utilities - This also will change with the season. We average at \$8,000 a month. The food truck if it has power for hood, small items and lights if it has them will be from zero to \$300 a month. If a generator is used for power it will use 5 gallons of gas a day at about \$500 a month. Propane, for grills, fliers will be near \$500 a month for a possible total of \$500 to \$1,000 a month for utilities.

Extra charges - We paid \$30,000 for the little used overpass. The food truck would most assuredly have to pay Zero.

When comparing my restaurant to a food truck program with expenses it is understood with each being open 7 days a week. With that there should be a sales volume difference. We do \$1,800,000 yearly where an average food truck should do \$235,000 to \$702,000 annually, there are exceptions.

Other factors are:

We employ 40 people in our business of which all are well above minimum wage. Many of them have insurance and sick leave. A food truck will employ 1 to 3 people which may include the owner.

Our sales are well tracked and verified. We pay exactly what we should in all forms of taxes. Will all food truck programs? How are sales monitored. Are they "rung in" to a computer or a cash register (which can be altered). Many people have told me about un-rung sales.

The area of the restaurant is monitored for cleanliness and has with a small amount of "to-go" paper and waste. A food truck will provide a high volume of waste if it is monitored and always picked up.

Cleanness standards are very high for all food establishments in Snohomish county. We work very hard to keep our location in top condition with excellent scores from the health department. I'm not questioning all food trucks but I have seen major violations in a number of trucks I have visited in other areas. What will keep the guest safe in a possible roll out?

If you haven't fallen asleep to this point (ha ha) I will say something that may surprise you and the city. Mobile food vendors should be allowed in a special event area such as a Fair or special event barring its in an area where existing restaurants are open. Outside the "Fair" option above even though I disagree with it, if one must have the food vendors it Must a large distance away from existing restaurants. Say at a minimum a 1000 yards away.

As far as a notices being given to a restaurant, how about asking the restaurant if the new food vendor thinking of starting nearby (not having the same expenses) will it affect their business?

In closing the way the new food trucks or vendors are posed to come into our city it will potentially harm many family owned businesses in the City of Marysville. It will most assuredly effect the fair tax revenue that is also produced by these businesses. Quality jobs and the sheer number of positions all be reduced. Skilled workers in the restaurants live in Marysville, the limited Food truck employees will in all likelihood live outside the area. This, if put in place, will not bring people from the outlying communities to spend their earning on a Food truck. It will not be a positive effort to bolster our economy.

Thank-you for your time on this matter.

Stay Healthy and Happy,

Steven Terpstra

Haylie Miller

From: The Creamery Co. <thecreameryco.msvl@gmail.com>
Sent: Wednesday, June 16, 2021 9:39 PM
To: Haylie Miller
Subject: [External!] Food Trucks

External Email Warning! Use caution before clicking links or opening attachments.

Haylie,

Hello, my name is Rickelle Pegrum,

I own The Creamery Co.

I recently received a letter informing/inquiring local restaurant owners of the city's plan to entertain the idea of food trucks within Marysville city limits.

I'm someone who takes some time to process information, but honestly I think it's great idea!

If there are rules & standards that are strictly followed/enforced (Clean areas)

The variety of food options it would provide to our community would amazing.

I would love to help on any way I can!

(Please feel free to reach out to me)

I think creating a joint event with current local restaurants & the food trucks would be a community style event.

☺ one that could be advertised & promoted.

Helping local restaurants after a very financially trying year & a half!

Like I said I'd love to help in anyway I can.

Thank you,

Rickelle Pegrum

--

The Creamery Co.

(360) - 386 - 8694



EXHIBIT 6

CITY	LOCATIONS ALLOWED	LOCATIONS NOT ALLOWED	TIME LIMITATIONS	BRICK & MORTAR PROTECTIONS	CODE SECTION	CODE SECTION II	DEFINITIONS	REQUIREMENTS	NOTES
Arlington	Code revisions In-work - currently on a case by case basis: suburban residential (SR), residential moderate density (R-MD), residential high density (R-HD), and Old Town residential (OTR), neighborhood commercial (NC), Old Town business district (CBD), general commercial (GC), highway commercial (HC), and business park (BP), general industrial (GI), light industrial (LI).	aviation flightline district (AF), medical services district (MS), public/semi-public (P/SP)	Code revisions In work - currently on a case by case basis	Code revisions In work - currently on a case by case basis	Chapter 20.40 - PERMISSIBLE USES 2.300 Transient Merchant Sales (vending carts, food trucks, ice cream trucks, mobile delivery, peddlers, and similar uses)	20.44.080 - Mobile sales and delivery. Zoning permits for mobile sales and delivery (Class 2.240 uses) may be issued and renewed on an annual basis in conjunction with a business license. Permits for mobile sales or delivery uses may be conditioned on hours of operation, duration of stay, strategies to minimize traffic congestion or pedestrian hazards, or any other concern.	"Mobile sales and delivery" means sales and delivery of goods or services from a mobile structure, either motorized or not. Mobile sales and delivery are not intended for uses set up in one location on a semi-permanent basis, but rather for uses that frequently move from one place to another.	TEMPORARY ROW USE PERMIT W/SITE PLAN BUSINESS LICENSE HEALTH DISTRICT PERMIT	CODE REVISION CURRENTLY IN WORK
Bellevue	BelRed subarea - Spring District - 121st & NE 14th Terrace St next to Facebook Downtown - Grand Connection - Artistic Elements	ALL OTHERS			20.25A.175 D. Grand Connection Guidelines and Standards. 2. Artistic Elements. c. Guidelines. i. Infrastructure throughout the Grand Connection should accommodate cultural programming, particularly in spaces that support opportunities for gathering and performing. Examples include space for vendors, food trucks, special events, seasonal venues, or other similar uses;			ROW PERMIT BUSINESS LICENSE KING COUNTY HEALTH PERMIT L & I INSIGNIA	PILOT PROGRAM OPERATED BY WASHINGTON STATE FOOD TRUCK ASSOCIATION (WSFTA)
Bellingham	Food trucks are allowed on private property or within the public right-of-way via approval of a Commercial-Related Temporary Right-of-Way Use Guide (which will require a Public Works Permit Application). The area outside of City Hall may also be reserved.					Chapter 13.14 TEMPORARY RIGHT-OF-WAY USE PERMITS The purpose of this chapter is to establish reasonable regulations and permit requirements for right-of-way uses other than transportation, which are temporary in nature and do not involve significant ground disturbance activities, including, but not limited to, sidewalk cafes, food trucks, parklets, encroachments associated with work on adjacent properties, such as scaffolding, staging, and dumpsters, and other temporary uses or encroachments by abutting property owners or occupants.	Chapter 13.14 TEMPORARY RIGHT-OF-WAY USE PERMITS 13.14.020 Definitions. F. "Food trucks and mobile food vendors" means trucks or trailers licensed as vehicles and equipped with facilities for cooking and/or selling food.	TEMPORARY ROW USE PERMIT W/SITE PLAN BUSINESS LICENSE HEALTH DISTRICT PERMIT	

Bothell	ALL EXCEPT RESIDENTIAL NOTE: FOOD TRUCKS ARE CURRENTLY ALLOWED IN SOME AREAS THAT BRICK AND MORTAR RESTAURANTS ARE NOT.	RESIDENTIAL ZONES	Chapter 17.20 PUBLIC AREA USE PERMITS. Ongoing uses of public areas for uses including but not limited to outdoor dining and merchant displays may be issued longer term permits, up to one year, which shall be renewable annually or for multiple years	Chapter 12.06 PERMITTED USES 12.06.060 Eating and drinking establishments I. Vendor trucks shall not be placed in a public area closer than 100 feet from any existing eating establishment, unless the legal owner of the eating establishment provides written permission to be within 100 feet of the eating establishment.	Chapter 12.06 PERMITTED USES 12.06.060 Eating and drinking establishments i. Vendor trucks shall be no larger than eight feet wide by 30 feet long, exclusive of temporary canopies which may be extended over the service side when parked;	Chapter 12.06 PERMITTED USES 12.06.060 Eating and drinking establishments j. Vendor trucks may be placed on public property and streets; provided a public area use permit is obtained, adequate lane width is maintained, adequate sidewalk space is available for the service side of the truck, and visibility at driveways, street intersections, store entrances and display windows is not obscured (note: a public area use permit is not required for private streets or the campus district, but other requirements of this subsection apply);	Chapter 11.02 DEFINITIONS 11.02.140 "V." "Vendor truck" means a motorized vehicle, or trailer pulled by a motorized vehicle, from which food, beverages or other goods are sold. Ice cream trucks that only sell prepackaged frozen foods are exempt from this definition and are allowed, with Washington State and city of Bothell business permits prominently displayed, in all zones.	PUBLIC AREA USE PERMIT BUSINESS LICENSE HEALTH DISTRICT PERMIT	ORDINANCE IMPLEMENTED IN 2014. NO NEGATIVE FEEDBACK FROM BRICK AND MORTARS. ONLY TWO B&M RELATED ISSUES, BOTH WERE POSITIVE: ONE BREWPUB ACTIVELY SOLICITS FOOD TRUCKS IN THEIR FRONTAGE ROW, THE OTHER WANTED TO FRANCHISE ADDING A "SECOND LOCATION" WITH A FOOD TRUCK.
Burlington	PRIVATE COMMERCIAL PROPERTY ONLY WITH PERMISSION	ALL PUBLIC STREETS AND PUBLIC ROW	Temporary use permits for mobile food vendors may be issued by the planning commission for up to 12 months on private property meeting the following conditions: The hours of operation for mobile vending are limited to between 7:00 a.m. and 9:30 p.m	5.30.040 Restrictions applicable to all mobile vendors D. No mobile vendor shall sell or deliver any food or goods from the mobile vendor's vending unit, cart, or other vehicle or conveyance if the conveyance is within 100 feet of the entrance of any business establishment which is open for business and offers for sale similar food or goods for sale, without the consent of said business.	Chapter 5.30 MOBILE VENDORS 5.30.040 Restrictions applicable to all mobile vendors A. Mobile vending on the public streets and public rights-of-way within the corporate limits of the city shall not be permitted, except for persons selling frozen prepackaged/individually wrapped food items regulated by chapter 5.16 BMC such as ice cream, as long as such vendors are present at one location no more than 10 minutes at a given time; or authorized participants in a city-approved event, festival, sports tournament or similar activity.	Chapter 5.30 MOBILE VENDORS 5.30.040 Restrictions applicable to all mobile vendors B. Mobile vending to serve local businesses' employees at the local businesses' location shall be permitted when authorized by the business, such as manufacturers located at the Burlington Hill Business Park, for the period of time that it takes to set up, serve, and close up.	5.30.010 Definitions D. "Mobile food preparation van" means a commercially manufactured motorized vehicle in which ready-to-eat food is cooked, wrapped, packaged, processed or portioned for service, sale or distribution. E. "Mobile food vendor" means a seller of foods from a mobile food preparation van, cart or other conveyance, whether upon the public streets, alleys or public property or on private property.	TEMPORARY USE PERMIT W/ SITE PLAN BUSINESS LICENSE SKAGIT HEALTH DISTRICT PERMIT	Chapter 5.30 MOBILE VENDORS IS WELL DEFINED AND COMPREHENSIVE IN SCOPE

Everett	<p>Location 1. 2825 Colby Ave Location 2. 2722-2798 Wetmore Ave Location 3. Pending final approval - Snohomish County Courthouse Plaza Location 4. In front of Funko at 2802 Wetmore Ave. Permit for Wed & Sat. 11-2.</p> <p>food truck vendor may only occupy one location per day</p>	WITHIN A TWO BLOCK RADIUS OF THE ARENA	<p>11am to 2pm - PUBLIC ROW Monday through Saturday between 4:00 and 7:00 PM - Food Truck Lot at the corner of Madison and Beverly Boulevard in central Everett</p>	NO, OTHER THAN ARENA FOOD VENDORS		<p>5.36.025 No vending activity Notwithstanding any other city regulation, it is unlawful to sell, offer to sell, solicit, order, rent, lease or otherwise peddle or distribute any goods, including any food or beverage or services of any kind, on public rights-of-way within the area bounded by the north right-of-way line of California Street, the south right-of-way line of Pacific Avenue, the west right-of-way line of Rockefeller Avenue and the east right-of-way line of McDougal Avenue extended from Pacific Avenue to California Street</p>	<p>Chapter 5.36 HAWKERS, PEDDLERS AND SOLICITORS 5.36.010 Definitions C. A “food truck” is a business that, as its principal function, sells or otherwise dispenses prepared food and beverages to the general public from a licensed motor vehicle that is not permanently affixed to real property. The term excludes food delivery vehicles that move from place to place and are stationary for no more than thirty minutes at a time, such as ice cream trucks.</p>	<p>Operational Mobile Food Vendor Permit BUSINESS LICENSE SNOHOMISH COUNTY HEALTH DISTRICT PERMIT, BUT WAIVED IF HAVE KING COUNTY HEALTH PERMIT</p> <p>Applicant has not been convicted of a crime of moral turpitude or intent to defraud within ten years from the date of application, and furthermore, has not within ten years from the date of application been released from a penal institution or from active supervision on parole as a result of the conviction of any of the aforementioned crimes.</p>	2019 PILOT PROGRAM OPERATED BY WASHINGTON STATE FOOD TRUCK ASSOCIATION (WSFTA) WHO MANAGES THE PERMITTING PROCESS AND LOCATIONS
Ferndale	<p>18.72.105 Performance requirements for mobile food vendors any zone in which restaurants are permitted, with the written consent from the property owner. within the City Center and Urban Residential zones when co-located with an existing business within the zone, or as authorized by a special events permit.</p>	<p>Within 400 feet of public or private school grounds during the hours of regular school session From the public right-of-way, with the exception of those parking stalls located within the 1900 block of Main Street east of First Street and west of the Nooksack River, as shown on mobile food zone map</p>	<p>All mobile food vehicles shall be temporary in nature, and may not operate from the same property more than three days of any calendar week, or 10 days per month, with the exception of those food trucks operating from one location as part of the normal restaurant operation of the existing business, when such business has paid the required impact and connection fees for a restaurant or dining establishment facility.</p>	NO			<p>18.08.1132 Mobile food vehicle “Mobile food vehicle” means a licensed and operable motor vehicle used to serve, vend, or provide ready-to-eat food or nonalcoholic beverages for human consumption from an approved and assigned fixed location. Also see “Mobile food vendor (temporary),” “Permanent mobile food facilities.” 18.08.1133 Mobile food vendor (temporary) “Mobile food vendor (temporary)” means any business operator or vendor who conducts business from a motor vehicle or cart upon private property for the purpose of selling food, also referred to as “vendor,” when in possession of a valid City of Ferndale permit for the use. 18.08.1682 Temporary public space use permit. “Temporary public space use permit” means a document issued by the City authorizing the use of the public right-of-way or public parks within a designated time frame and physical location, typically associated with mobile food vehicles or vendors, and subject to permanent time and place restrictions as further described by FMC 18.72.105.</p>	<p>Temporary Public Space Use Permit IF IN PUBLIC ROW OR PUBLIC PARK IN DESIGNATED MOBILE FOOD VENDOR ZONE OVERLAY/ SITE PLAN BUSINESS LICENSE</p>	2018 ORDINANCE UPDATE

Kirkland	Lakeshore Parking Lot and the Lake and Central Parking Lot, but not in public right-of-way PR 1.8 TOD ZONE WITHIN TLBD TOTEM LAKE BUSINESS DISTRICT GOVERNMENT FACILITY PARKING STRUCTURES			NO	CHAPTER 30 – OFFICE ZONES 30.20 Permitted Uses PU-40.a. Development may contain the following accessory uses: retail establishments selling goods or providing services; restaurants and taverns; food trucks and retail carts.			The request must come from an existing brick-and-mortar business within the Central Business District Only up to four stalls may be used at one time	2021
Lake Stevens	ALL BUSINESS/COMMERCIAL/MIXED USE/INDUSTRIAL 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 Mobile food vending units are allowed on public properties, including parks and street rights-of-way, subject to a public property use agreement	ALL RESIDENTIAL ZONES	7:00 a.m. to 11:00 p.m.	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.	14.44.085 Mobile Food Vendors		Mobile Food Preparation Vehicle. Vehicles that contain cooking equipment that produce smoke or grease-laden vapors or utilize LP-gas systems or CNG systems for the purpose of preparing and serving food to the public. Vehicles intended for private recreation shall not be considered mobile food preparation vehicles. 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.	City business license mobile food vending license W/SITE PLAN SNOHOMISH COUNTY HEALTH DISTRICT PERMIT WRITTEN PERMISSION OF PROPERTY OWNER	2020 -ROBUST CODE SECTION SPECIFIC TO FOOD VENDORS

Lynnwood	PRIVATE COMMERCIAL PROPERTY ONLY WITH PERMISSION	NO RESIDENTIAL OR PUBLIC ROW	7:00 a.m. and 10:00 p.m.	5.18.050 Restrictions applicable to all mobile food vendors D. A mobile food vendor shall not sell or deliver any food from the mobile food vendor's vending unit, if the vending unit is within 100 feet of the entrance of any business establishment which is open for business and offers similar food for sale, without the consent of said business.	Chapter 5.18 MOBILE FOOD VENDORS		B. "Mobile food preparation van" means a commercially manufactured motorized vehicle in which ready-to-eat food is cooked, wrapped, packaged, processed or portioned for service, sale or distribution. C. "Mobile food vendor" means a seller of food from a mobile food preparation van, truck, cart or other vehicle or conveyance, whether upon the public streets, alleys or public property or on private property. D. "Vending unit" means a mobile food preparation van, truck, cart, or other vehicle or conveyance, or any facility that is not on a permanent foundation that complies with the International Building Code, and which is used for the sale or delivery of food.	BUSINESS LICENSE W/ SITE PLAN SNOHOMISH COUNTY HEALTH DISTRICT PERMIT written permission from the property owner	2016 SPECIFIC CODE SECTION, BUT NOT ROBUST
Mill Creek	NONE-EXCEPT FOR SPECIAL EVENTS	ALL						SPECIAL EVENT PERMIT	NOT DEFINED OR MENTIONED IN ANY CODE SECTION POLITICAL HOT-BUTTON ISSUE WITHIN MILL CREEK

Renton	<p>PERMITTED OUTRIGHT IN ALL ZONES WITH TEMPORARY USE PERMIT REQUIRED IN RESIDENTIAL ZONES</p> <p>g. Within the Downtown Business District, as depicted in subsection D of this Section, mobile food vendors are allowed within the public right-of-way</p>	e. The mobile food vendor shall maintain a distance of fifty feet (50') from any lot zoned residential.	d. The mobile food vendor shall remove the unit from the permitted location between 12:00 a.m. (midnight) and 5:00 a.m. on a daily basis, except for in the case of a special event where the unit is allowed at the same location for up to seventy two (72) hours.	NO	4-2-080 CONDITIONS ASSOCIATED WITH ZONING USE TABLES a. A maximum of one mobile food vending unit is allowed per lot.	4-9-240 TEMPORARY USE PERMITS D. TEMPORARY USE PERMITS ARE REQUIRED FOR OTHER TEMPORARY USES OR STRUCTURES: The following uses or structures are separated into Tier I, Tier II, and Tier III temporary use categories. 1. Tier I: b. Mobile food vendors located in the CN, COR, and UC zones, c. More than one mobile food vendor per lot in the IL, IM, IH, CV, CA, CD, and CO zones, 2. Tier II: b. Mobile food vendors located in the residential zoning designations or within fifty feet (50') of a lot zoned residential, c. Mobile food vendors operating between the hours of 12:00 a.m. (midnight) and 5:00 a.m. on a daily basis per subsection K2 of this Section,	Section 202, General Definitions MOBILE FOOD FACILITY. Permanent and nonpermanent food operation vehicles that store, prepare, package, serve, vend, or otherwise provide food for human consumption, on or off the premises. 4-11-130 DEFINITIONS M MOBILE FOOD VENDING: A temporary use involving sale of retail food or beverages to the public from any vehicle, cart or wagon that is designed to be readily movable. Mobile food vending includes pushcarts, mobile kitchens, hot dog carts, pretzel wagons, or similar uses. A “mobile food vendor” includes the owners and operators of a mobile food vending use. This definition excludes drive-in/drive-through retail or service.	operational permit temporary use permit KING COUNTY HEALTH PERMIT	ALLOWED OUTRIGHT IN ALL ZONES WITH TEMP PERMIT SPECIFIC FIRE CODE CITATIONS - 10 FT SETBACK FORM BUILDINGS, OR 5FT IF IN PUBLIC ROW
Sea-Tac	NB – Neighborhood Business, O/C/MU – Office/Commercial/Mixed Use, O/CM – Office/Commercial Medium, CB – Community Business, CB-C – Community Business in the Urban Center, RBX – Regional Business Mix, I – Industrial, P – Park	UL – Urban Low, UM – Urban Medium, UH – Urban High, UH-UCR – Urban High-Urban Center Residential, T – Townhouse, MHP – Mobile Home Park	mobile food preparation vehicles shall not occupy for more than eighteen (18) hours during any twenty-four (24) hour period.	NO	Chapter 5.55 MOBILE FOOD VENDORS	15.415.300 Mobile Food Vending C. Mobile Food Vending as Permitted Uses. Mobile food vending may be permitted as follows: 1. Mobile food vending may be permitted as a primary or accessory use in applicable zones. 2. Mobile food vending may be allowed within parks, plazas, or schools as part of a special event, approved pursuant to either a temporary use permit or by concession contract or special use permit pursuant to SMC 2.45.520. 3. Parking and Circulation. b. All mobile vending shall maintain adequate pedestrian and vehicular circulation through parking lots. c. Mobile food vending as a primary use shall provide paved parking	5.55.020 Definitions A. “Mobile food preparation vehicle” (aka “food trucks”) means a commercially manufactured motorized vehicle or trailer vending unit in which ready-to-eat food is cooked, wrapped, packaged, processed or portioned for service, sale or distribution. B. “Mobile food vendor” means a seller of food from a mobile food preparation van, truck or other vehicle or conveyance. Sales of only pre-packaged food products does not constitute mobile food vending.	A separate business license, as provided for in Chapter 5.05 SMC, is required for each mobile food preparation vehicle. vending on public streets and/or public rights-of-way within the City shall require issuance of any applicable right-of-way use permits KING COUNTY HEALTH PERMIT	2018 REVISION
Shelton			seven a.m. and eleven fifty-nine p.m.	NO	Chapter 5.04 BUSINESS LICENSES 1. Mobile Food Vending Unit. The city may license mobile food vending units, defined as a mobile unit parked on private property, or on public property with the required authorization, and traveling city streets for the purpose of selling edible merchandise.			BUSINESS LICENSE LNI PERMIT	

Yelm	A. Mobile food vendors may be located on private property, city property, or city street right-of-way			K. Mobile food vendors located within public right-of-way must: 1. Be located at least 100 feet from an existing food establishment. This minimum distance may be reduced or waived if the existing establishment provides written statement approving the location.	Chapter 18.68 MOBILE FOOD VENDING 18.68.030 Development and performance standards A. The maximum size for mobile food unit, including accessory structures, is 300 square feet. J. Mobile food vendors located within parking lots shall not occupy more than 15 percent of the parking spaces required for the primary use of the property, and provide safe vehicular maneuvering area for its customers.	Chapter 18.12 MINISTERIAL REVIEW Projects allowed outright by the underlying zoning district and are of such a scale and character that they do not require public notice or hearings. These projects are subject to clear and objective standards and may require professional technical judgment. 18.12.105 Mobile food vending A. When Required. A mobile food vending approval is required to site a mobile food vending cart or vehicle not part of a special event in any commercial zone within the city and is also the right-of-way use permit for those applications in the city right-of-way.		BUSINESS LICENSE THURSTON COUNTY HEALTH PERMIT	
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Food Truck Research Notes

Research Cities

1. Arlington
 - a. https://library.municode.com/wa/arlington/codes/code_of_ordinances
 - b. Contact: Raelynn Jones, Permit Technician – 360-403-3436
2. Bellevue
 - a. <https://bellevue.municipal.codes/LUC>
 - b. General number – 425-452-7892
3. Bellingham
 - a. <https://bellingham.municipal.codes/BMC>
 - b. Contact: Emy Scherrer, City Planner – erscherrer@cob.org
4. Bothell
 - a. <https://bothell.municipal.codes/>
 - b. Contact: Dave Boyd, Senior Planner – 425-806-6406
5. Burlington
 - a. <https://www.codepublishing.com/WA/Burlington/>
 - b. Contact: Kim O-Hara, Permit Manager – 630-755-9717
6. Everett
 - a. <https://everett.municipal.codes/>
 - b. Contact: Dan Eernisse, Director of Economic Development – 425-257-8681
 - c. Contact: Tyler Chism, Tourism and Events Coordinator – 425-257-7107
7. Ferndale
 - a. <https://www.codepublishing.com/WA/Ferndale/>
 - b.
8. Kirkland
 - a. <https://www.codepublishing.com/WA/Kirkland/>
 - b. Contact: General number – 425-587-3600
9. Lake Stevens
 - a. <https://www.codepublishing.com/WA/LakeStevens/>
 - b.
10. Lynnwood
 - a. <https://www.codepublishing.com/WA/Lynnwood/>
 - b.
11. Mill Creek
 - a. <https://www.codepublishing.com/WA/MillCreek/>
 - b. Contact: general number – 425-551-7254
12. Renton
 - a. <https://www.codepublishing.com/WA/Renton/>
 - b.
13. Sea-Tac
 - a. <https://www.codepublishing.com/WA/SeaTac/>
 - b.

14. Shelton
 - a. <https://www.codepublishing.com/WA/Shelton/>
 - b. Contact: Jason Dose, Senior Planner – 360-426-4491
15. Yelm
 - a. <https://www.codepublishing.com/WA/Yelm/>
 - b.



























Research Criteria

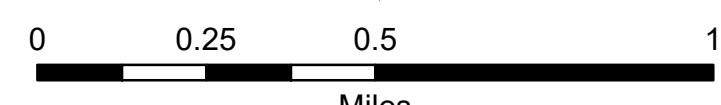
1. Locations
2. Time limits
3. Traffic impact fee exemptions
 - a. time thresholds (days per month)
4. Brick and mortar protections
 - a. Distance from
 - b. Public notice requirements

Resources

1. <https://wafoodtrucks.org/> Washington State Food Truck Association WSFTA
 - a. Lori Johnson, Director - 360-223-3801
 - b. Tim Johnson, Operations Manager – 360-223-5996
2. <https://wafoodtrucks.org/advocacy>
3. <https://lni.wa.gov/licensing-permits/manufactured-modular-mobile-structures/food-trucks-trailers/>
4. <http://www.seattle.gov/office-of-economic-development/small-business/food-businesses/mobile-food-businesses>
5. <https://kingcounty.gov/depts/health/environmental-health/food-safety/food-business-permit/mobile.aspx>
6. <https://www.foodtruckoperator.com/articles/washington-state-food-trucks-fight-for-exemption-from-commissary-requirement/>
7. <https://mrsc.org/Home/Stay-Informed/MRSC-Insight/June-2018/Food-Truck-Laws-and-Regulations.aspx>
8. <https://whatcomcounty.us/DocumentCenter/View/2023/Mobile-Unit-Plan-Review-Packet-PDF?bidId=>
9. <https://snohd.org/DocumentCenter/View/311/Mobile-Food-Unit-Plan-Review-Guide-Process-PDF>
10. https://www.piercecountywa.gov/DocumentCenter/View/73852/VendorGuidelines_2018
11. <https://www.tpchd.org/home/showpublisheddocument/4523/637565878158170000>
12. <https://www.thurstoncountywa.gov/phss/Pages/food-mobile-units.aspx>
13. <https://www.nourishingnetworks.net/> non-profit: food insecurity networking with food truck voucher program

City of Marysville Zoning

-  Urban Growth Area
-  City Limits
-  County PRD Regulations
-  Master Plan Area
-  General Commercial
-  Community Business
-  Community Business - Whiskey Ridge
-  Downtown Core
-  Flex
-  Flex Residential
-  Neighborhood Business
-  Main Street
-  Middle Housing 1
-  Middle Housing 2
-  Midrise Multi-Family
-  Mixed Use
-  88 - Mixed Use
-  General Industrial
-  Light Industrial
-  R28 Multi-Family High
-  R18 Multi-Family Medium
-  R12 Multi-Family Low
-  R8 Single Family High Small Lot
-  R6.5 Single Family High
-  R4.5 Single Family Medium
-  WR-R-4-8 Whiskey Ridge, Single Family High
-  WR-R-6-18 Whiskey Ridge, Multi-Family Medium
-  Public-Institutional
-  Recreation
-  Open

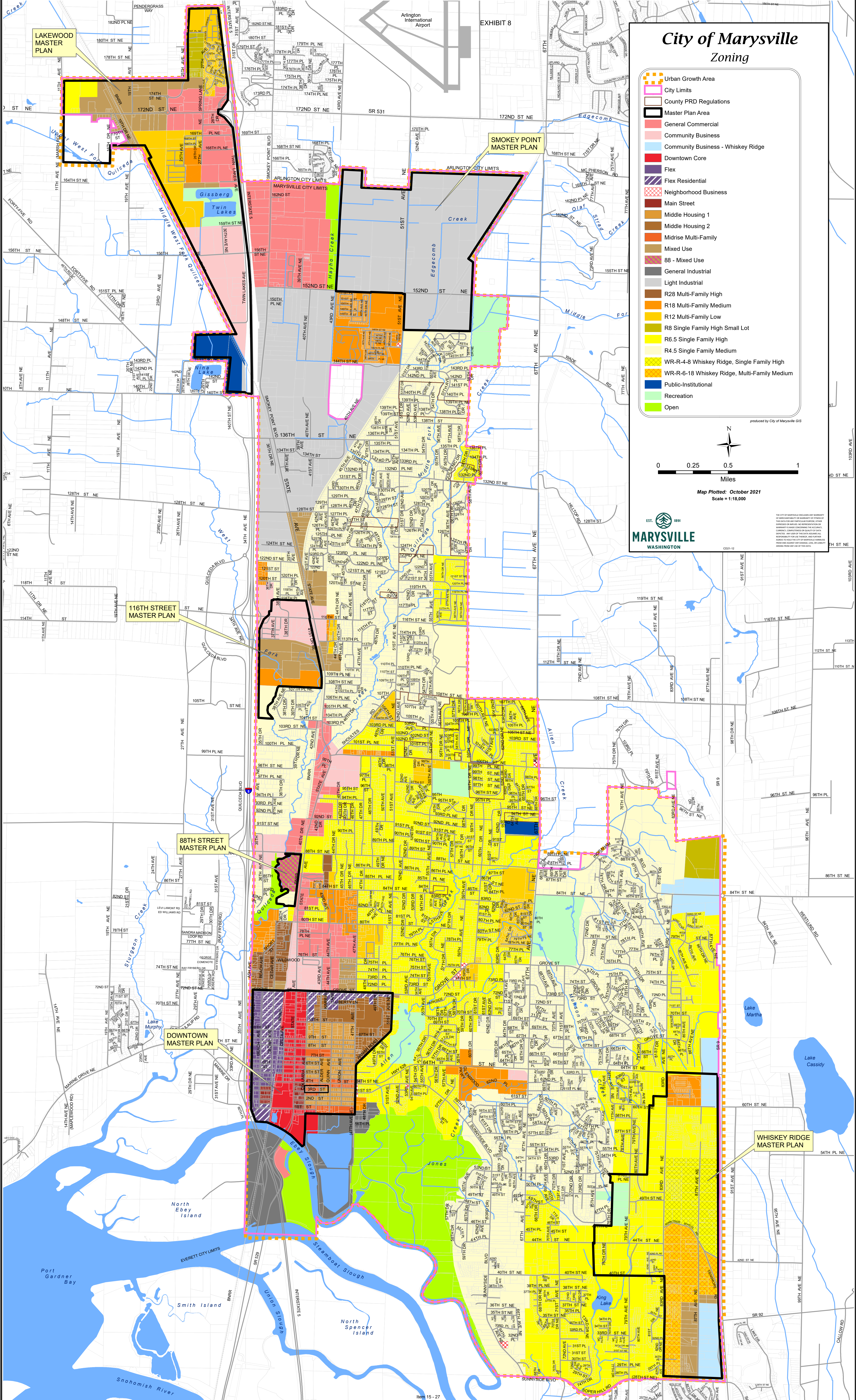


Map Plotted: October 2021
Scale = 1:18,000



CD01-12

THE CITY OF MARYSVILLE ASSUMES NO LIABILITY FOR ANY INACCURACIES OR OMISSIONS IN THIS ZONING MAP. THE CITY OF MARYSVILLE DOES NOT WARRANT THE ACCURACY OF ANY INFORMATION OR DATA PROVIDED HEREON. THE CITY OF MARYSVILLE ASSUMES NO LIABILITY FOR ANY DAMAGES, INCLUDING BUT NOT LIMITED TO, CONSEQUENTIAL DAMAGES, ARISING FROM THE USE OF THIS ZONING MAP. THE CITY OF MARYSVILLE ASSUMES NO LIABILITY FOR ANY DAMAGES, INCLUDING BUT NOT LIMITED TO, CONSEQUENTIAL DAMAGES, ARISING FROM THE USE OF THIS ZONING MAP.



LAKESIDE MASTER PLAN

SMOKEY POINT MASTER PLAN

116TH STREET MASTER PLAN

88TH STREET MASTER PLAN

DOWNTOWN MASTER PLAN

WHISKEY RIDGE MASTER PLAN

Kate Tourtellot

Subject: FW: [External!] Re: FW: [External!] Fwd: Food Trucks - Code update for City of Marysville

From: Lori Johnson <lorij@wafoodtrucks.org>

Sent: Tuesday, December 14, 2021 8:58 AM

To: Haylie Miller <hmiller@marysvillewa.gov>

Cc: Mara Wiltshire <mwiltshire@marysvillewa.gov>

Subject: [External!] Re: FW: [External!] Fwd: Food Trucks - Code update for City of Marysville

External Email Warning! Use caution before clicking links or opening attachments.

Hi Mara and Haylie,

If we had been given notice, we could have asked the mobile food vendor community to also provide comments, but in reading your attachments, I understand that the deadline has passed?

Comments from the WSFTA are as follows:

1. Re/ Mobile food vending units shall be temporary in nature, and may not operate from the same property more than three days of any calendar week, or twelve days per month.

What other food service businesses are restricted to only 3-days per week and what is the reasoning for this if the mobile unit were required to stop service by 11pm each day and return the unit to its health department approved commissary/servicing location for cleaning and storage? This is unnecessarily over restrictive and a portion of the code that should be checked on with the city attorney.

2. Re/ Summary comments:

In summary, the restaurant owners have suggested the following regulations for food trucks.

- Food trucks should follow the same regulations as restaurants.

Mobile food units are required to obtain the same county health department food establishment permit that non-mobiles do. They also receive the same inspections.

- Limit parking areas for food trucks.

Mobiles should follow the same existing zoning requirements that include the public's health and safety.

- Require no impacts to existing parking.

Mobiles should have access to public and rights of way via paid approved permit parking as in most other cities. Parking permits would require city business license, COI, proof of health permit, site plan, and fire authority.

- Snohomish Health District standards should be followed.

As a part of county health permit plan approval, mobiles are required to provide trash receptacle, return to commissary location at the end of service each day, dispose of greywater at this or other approved location.

- Taxes should be tracked and paid.

Mobiles all use the 4-digit city code, per city, for sales taxes.

- Restrooms and hand washing facilities should be provided.

A condition of their approved county health permit.

- Locate food trucks a certain distance away from restaurants (suggested ranges from three blocks to 1,000 yards).

50-100-feet is reasonable with restaurant owner approval.

Sincerely,

Lori Johnson, Executive Director

Washington State Food Truck Association, LLC

(360) 223-3801

www.wafoodtrucks.org

[@wafoodtrucks](#)



"The punishment of wise men who refuse to take part in the affairs of their government is to live under the government of unwise men." ~ Plato



MARYSVILLE
COMMUNITY
DEVELOPMENT

PC Recommendation – Food Truck Regulations

The Planning Commission (PC) of the City of Marysville, held a public hearing on December 14, 2021 in review of NON-PROJECT action amendments of the Marysville Municipal Code (MMC), adding Section 22C.260 – Mobile Food Vendors.

Having considered the exhibits and testimony presented, PC does hereby enter the following findings, conclusions and recommendation for consideration by the Marysville City Council:

FINDINGS:

- 1. The Community Development Department held a public meeting to introduce the NON-PROJECT action proposing Mobile Food Vendor regulations to the community on September 28, 2021.
- 2. The proposal was submitted to the State of Washington Department of Commerce for 14-day expedited review on November 16, 2021, in accordance with RCW 36.70A.106.
- 3. The PC held public work sessions on October 26 and November 23, 2021 to review the NON-PROJECT action amendments to the community.
- 4. The PC held a duly-advertised public hearing on December 14, 2021 and received testimony from city staff and the public.
- 5. At the public hearing, the PC reviewed and considered the new Mobile Food Vendor regulations.

CONCLUSION:

At the public hearing, held on December 14, 2021, the PC recommended **APPROVING** the proposed Mobile Food Vendor regulations.

RECOMMENDATION:

Forwarded to City Council as a Recommendation of **APPROVAL** of the NON-PROJECT action amendments of the Marysville Municipal Code (MMC), adding Section 22C.260 – Mobile Food Vendors this **December 14, 2021**.

By: _____
Stephen Leifer, Planning Commission Chair

(360) 363-8100

Community
Development
80 Columbia Avenue
Marysville, WA 98270

Planning Commission



1049 State Avenue
Marysville, WA 98270

**Meeting Minutes
September 28, 2021**

CALL TO ORDER / ROLL CALL

Chair Leifer called the September 28, 2021 Planning Commission meeting to order via Zoom at 6:00 p.m. Planning Manager Chris Holland called the roll.

Present:

Commissioner: Chair Steve Leifer, Vice Chair Jerry Andes, Commissioner Roger Hoen, Commissioner Sunshine Kapus, Commissioner Kristen Michal, Commissioner Brandon Whitaker

Excused: Commissioner Tom Thetford

Staff: Planning Manager Chris Holland, Community Development Director Haylie Miller, Planning Technician Mara Wiltshire, Senior Planner Kate Tourtellot

APPROVAL OF MINUTES

September 14, 2021 Planning Commission Minutes

Commissioner Hoen referred to the last paragraph of page 3 and clarified that he had asked about long-term planning because he has heard that if you give a building permit you are locking 50 years into the property.

Motion made by Commissioner Thetford, seconded by Commissioner Hoen, to approve the minutes. **Motion passed (4-0)** with Commissioners Michal and Whitaker abstaining.

AUDIENCE PARTICIPATION

James Vasil, commented that they own some property in Whiskey Ridge and are interested in what is going on in that area, especially regarding zoning and the Whiskey Ridge sewer lift station. Planning Manager Holland informed him that Public Works would be joining the Planning Commission on November 9 to go over current projects.

NEW BUSINESS

A. Food Truck Regulations

Community Development Director Haylie Miller explained staff is proposing to begin to work on regulations to allow food trucks in Marysville. They have solicited feedback from restaurant owners related to this topic and received some feedback from four restaurant owners. In general, the restaurant owners have concerns about competition and suggested that food trucks be located a certain distance away from a restaurant. There was general support for food trucks at special events. The general public is very much supportive of the idea of food trucks. There were suggestions and questions related to locations, parking, and whether they should be allowed on city property.

Commissioner Andes commented that a lot of food trucks go from construction site to construction site. He wondered how this would fit in to the proposals. Planning Manager Holland commented that as long as a food truck is staying mobile it would be an allowed use at construction sites. Setting up at a particular parking lot is not allowed right now.

Commissioner Kapus asked if the idea was to allow them to stay in one location or to just move around. Director Miller explained that they are considering allowing food trucks in a more steady location. Some cities allow them to rotate in and out of locations; for example, limited to two or three days a week. This is an area that staff is seeking direction from the Planning Commission. There was some discussion about how traffic impact fees would fit into this.

Commissioner Hoen commented on the generational attraction to food trucks. He noted that food trucks are heavily permitted and highly regulated. He commented on the importance of websites, apps, and other communications to get the word out about where food trucks will be located. He commented that it could be important for them to have some regularity in terms of location so people know where to find them. He noted that it could be a game changer if a commissary is required. As far as opportunities for food trucks, when the Cascade Industrial Center is developed there will be a lot of workers that will probably enjoy having a variety of food trucks.

Commissioner Whitaker suggested the City give preference to existing restaurants in town because they have made financial commitments to the City and the community at large. He spoke in support of allowing food trucks as part of special events, requiring them to be a certain distance away from other restaurants, and limiting them to a certain number of days a week.

Commissioner Michal thought that food trucks would be welcomed by most people. She noted there are questions about placement that would need to be addressed. She agreed with giving deference to permanent restaurants. She spoke in support overall of allowing them at special events.

Commissioner Kapus spoke in support of both semi-permanent and special events. Regarding locating next to restaurants, she suggested considering whether or not it would be a competing use.

Chair Leifer suggested protecting existing restaurants while also allowing food trucks to thrive and provide service to places like construction sites and special events. He also commented on the impact of Covid-19 on people's behavior with restaurants and food trucks. Some people are more comfortable eating outdoors from a food truck than going indoors to a restaurant.

As a starting point with this code, there was general agreement that food trucks should be:

- allowed in commercial areas
- required to be a certain distance of restaurants
- prohibited in residential zones (except for special events)
- allowed for special events in most locations, approved on a case-by-case basis

Chair Leifer asked about existing information about the impact of food trucks on restaurants and what distance actually makes a difference. Planning Technician Wiltshire replied that there is some research showing that food trucks can actually help a business because it creates a node. Commissioner Kapus commented that close proximity could actually be beneficial unless it was a competing type of restaurant. Commissioner Whitaker wondered what other jurisdictions have discovered about this. Director Miller commented that staff is planning on bringing information from about 15 different jurisdictions on what they are doing.

Community Development Director Miller asked the Planning Commission what level of noticing should be required. Staff is proposing that the food truck owner should provide some level of noticing to restaurants and that the input be solicited to the Community Development Department and some level of mitigation measures or denial would be implemented based on the feedback. Chair Leifer commented that it is related to the distance issue. Community Development Director Miller agreed and suggested they could wait on this until they get more information about the of impacts of food trucks on restaurants.

There was also some general discussion about considerations related to traffic impact fees. Staff will provide more information about food truck trip generation numbers.

Director Miller clarified that food trucks would be subject to health and safety regulations of the Snohomish County Health District and licensing requirements of the Department of Licensing. Also, commissary kitchens are not required as of 2019.

B. Emergency Housing Shelters

Director Miller explained that all cities in Washington State must accommodate emergency shelters and housing effective September 30. Cities are required to provide

for transitional housing facilities, permanent supportive housing, emergency shelters and emergency housing in all zones that allow for a hotel or within one mile of transit throughout the city. Staff is recommending that the City allow this in zones that allow for hotels as it is a more straightforward process. In residential zones and zones that allow hotels, cities are required to allow for transitional housing facilities and permanent supportive housing. Indoor emergency shelters and indoor emergency housing have to be allowed in zones that allow hotels. She clarified that these are all indoor shelters.

Director Miller reviewed some control measures proposed by staff.

- In residential zones the permanent supportive housing and transitional housing must be a conditional use and comply with the existing zoning regulations.
- For all zones staff is requiring an operations plan that would outline the operations and how they would mitigate impacts.

Commissioner Kapus asked about regulations regarding who would be monitoring the transitional housing and permanent supportive housing facilities. Director Miller replied that the definition says it can be a public housing authority, a non-profit organization or another public interest group. She did not think the City could be more restrictive, but they can require a management plan. Commissioner Kapus expressed concern about a sophisticated transient group overtook a vacant property with “leases.” She emphasized the need for monitoring who is running these. Director Miller indicated she would come back with a draft code that proposes these different uses and regulations for each of them. Chair Leifer noted that they have to be careful with regulations and controls so it doesn’t appear they are trying to not allow these types of housing. Director Miller agreed.

C. Accessory Dwelling Units

Senior Planner Kate Tourtellot introduced this item related to Accessory Dwelling Units and reviewed a series of definitions and other items that require amending and also reviewed other changes that will likely need amending in the future.

Required changes:

- Add and modify definitions - *household, major transit stop, ownership, and short-term rentals.*
- Revise parking requirements – Amend the off-street parking requirement for ADUs within one-quarter mile of a major transit stop. The City can no longer require an extra off-street parking stall in those situations. The only corridor which meets this requirement is State Avenue up through Smokey Point to the city limits. Planning Technician Wiltshire commented that they might need to also consider amending the parking requirement if they change the size restriction of ADUs.

- Revise utility connection fees. – Can the person tap into the existing water/sewer service (and pay capital improvement fees) or are they required to set up a new connection at the same cost as a single family residence? Senior Planner Tourtellot replied she would come back with more information on this.

Anticipated changes in the future:

- Remove the owner occupancy requirement - The code currently requires owner occupancy, but the City may not be allowed to have this requirement in the future. Commissioner Andes expressed concern that if they don't have the owner occupancy requirement it turns the lot into more of a multi-family use. Chair Holland agreed, but clarified that there would still be a limit on the number of people per square foot of the structure. Commissioner Michal asked if this issue might come up again soon. Senior Planner Tourtellot thought it might come back in 2022 because it has come up for the last three years. The previous two years it was just a recommendation, but this year it was an outright directive. Commissioner Leifer thought that the ability for cities to scrutinize who lives in houses will likely be taken away from cities. Commissioner Kapus spoke in support of removing the owner-occupancy requirement as a way of bringing in different kinds of housing to the community and to help offset people's expenses.
- Prohibit ADUs as short-term rentals – The City does not currently regulate this. The state law says ADUs cannot be used for short-term rentals/vacation rentals.
- Revise the minimum and maximum size limitations. – Right now the code says that the ADU can be 35% of the existing residence. The State is asking that it be less restrictive. Commissioner Michal asked about lot sizes that would be eligible for ADUs. Senior Planner Tourtellot explained that if a lot is less than 5,000 square feet an ADU would not be allowed. She is not sure if they will still have that ability to limit lot sizes with the new rule. Section 7 of House Bill 1220, which got deleted, says that non-conforming structures could not be prohibited from being ADUs. Chair Leifer asked if they would still be able to enforce regulations surrounding things like maximum impervious surfaces coverage and setbacks. Senior Planner Tourtellot thought they would be able to. Commissioner Andes commented that this is a way to get around the short plat process, especially if they eliminate the 35% restriction. Planning Manager Holland commented that they need to do more research on the impervious surface and setback coverage. Any Planned Residential Development throughout the city is not currently allowed to do an ADU.
- Conversion of non-conforming structures – The City's ability to regulate a structure which is non-conforming because of lot setbacks may be impacted in the future.

General discussion followed about expected growth numbers, buildable lands, and the Urban Growth Area. Chair Leifer asked if staff is considering an expansion of the Urban

Growth Area (UGA). Planning Manager Holland replied that the County Council is the one who would determine that. He doesn't think it will happen in this update. Chair Leifer asked how much the buildable lands have shrunk. Planning Manager Holland explained there is a lot of development happening in the Lake Stevens School District related to housing and in the Cascade Industrial Center for industrial and jobs. There are still some areas that need improvements in order to support greater density. There is still quite a bit of capacity, but they will still fall short of what is needed for the 2044 planning period. Senior Planner Tourtellot noted that Snohomish County Council just released its 2021 Buildable Lands Report which is on the county website. She added that the City still has capacity for population and employment through 2035. The big conversation will be how to get from 2035 to 2044 which will be coming to the Planning Commission shortly with the Comprehensive Plan amendments. Planning Manager Holland also gave an overview of impacts of the planned Whiskey Ridge sewer lift station.

OTHER

Planning Manager Holland reported that the City Council approved the Downtown Master Plan and five related ordinances last night. He thanked the Planning Commission for their work and recommendation.

ADJOURNMENT

Motion to adjourn at 7:57 p.m. moved by Commissioner Whitaker, seconded by Commissioner Michal.

AYES: ALL

Chris Holland

Chris Holland, Planning Manager for
Laurie Hugdahl, Recording Secretary

Next Meeting – October 12, or as necessary

Planning Commission



1049 State Avenue
Marysville, WA 98270

**Meeting Minutes
October 26, 2021**

CALL TO ORDER / ROLL CALL

Vice Chair Andes called the October 26, 2021 Planning Commission meeting to order via Zoom at 6:00 p.m. Planning Manager Chris Holland called the roll.

Present:

Commission: Vice Chair Jerry Andes, Commissioner Roger Hoen, Commissioner Sunshine Kapus, Commissioner Kristen Michal, Commissioner Brandon Whitaker

Excused: Chair Steve Leifer, Commissioner Tom Thetford

Staff: Planning Manager Chris Holland, Community Development Director Haylie Miller, Assistant Planner Mara Wiltshire

APPROVAL OF MINUTES

September 28, 2021 Planning Commission Minutes

Motion to approve the minutes as presented made by Commissioner Kapus, seconded by Commissioner Michal.

AYES: ALL

AUDIENCE PARTICIPATION

Vice Chair Andes solicited audience participation on items not on the agenda. There was none.

OLD BUSINESS

A. Food Truck Regulations

Director Miller reviewed the discussion regarding food trucks from the last Planning Commission meeting and discussed potential regulations regarding locations and proximity to restaurants. Regulations from about 15 different cities were provided as requested for reference.

Commissioner Whitaker thanked staff for the memo, noting that it was very informative and responsive to the conversation from the last meeting. He was in support of the recommendations presented by staff in the memo, but asked about the duration of approval for one location. Director Miller commented that the length would coincide with the event for special event permits and would be temporary. For city-owned property, like the waterfront, it would be up to the Commission. She offered to bring back some verbiage related to this topic.

Commissioner Hoen commented that he generally sees certain food trucks in almost permanent locations. He noted that there has to be a way for a food truck and its customers to have some certainty about location. Director Miller offered to bring back more information regarding timing and location.

Commissioner Kapus also thanked staff for the great research.

Commissioner Andes thought that a 100-150 foot distance from restaurants was a good distance. He noticed one city required food trucks to be a certain distance from residential zones. He also suggested having a timeframe that they can be open during the day. Director Miller indicated she would bring back draft regulations with more detail and options.

Commissioner Michal thanked staff for the great memo. She asked what the parameters might be around allowing these in parking lots. Director Miller commented that they would look at that on a case-by-case basis. The food truck would have to demonstrate that they are not taking away from minimum parking requirements.

Commissioner Hoen commented that people he has talked to in the Parks Department have seemed very positive about food trucks in the parks or at events. Director Miller agreed. Planning Manager Holland concurred but noted that they would generally not be allowed within the right-of-way, as it would reduce on-street parking.

B. Emergency Housing and Shelters

Director Miller explained the state has recently approved Housing Bill 1220 (HB1220) related to emergency and transitional housing. The housing is divided into four different type of uses in two categories, each with different regulations. At this meeting she focused on the first two types of uses - Indoor Emergency Shelters and Indoor Emergency Housing. She will review the other two uses at the next meeting. The state has required that Indoor Emergency Shelters and Indoor Emergency Housing be allowed with reasonable controls in zones that allow hotels or within the majority of zones located within one mile of public transit.

Tables in Exhibit 1 show the two types of uses and where they are required to be allowed. Staff is proposing that these uses be permitted subject to conditions in the code if they are housed with 30 or fewer individuals. If there are more than 30 individuals staff recommends that this go through the Conditional Use process.

Commissioner Whitaker asked how Enhanced Services Facilities would mesh with these types of housing. Director Miller explained that Enhanced Services Facilities are more tailored to people who have mental health or substance abuse issues and are transitioning from a state hospital back into the public. The four types of housing referred to by HB 1220 are focused on people who don't have somewhere to live.

Commissioner Hoen asked why shelters can't be within 1,000 feet of each other and why no more than one emergency housing or shelter can be on a site. He asked if there should be more flexibility in case there is an emergency. Director Miller suggested they could build in an opportunity for a variance or allow for the Hearing Examiner to decide depending on what the Planning Commission and Council want. Planning Manager Holland clarified that if there is a disaster the City already has the authority to open up a shelter wherever it needs to.

Commissioner Hoen asked for the reasoning behind the following General Requirements:

- O. In residential zones, no more than one adult bed per 250 square feet of floor area is allowed per facility*
- P. In all other zones, no more than one adult bed per 35 square feet of floor area is allowed per facility*

Director Miller explained these were ways to help identify the number of people that would be reasonable between residential and commercial zones.

NEW BUSINESS

A. East Sunnyside-Whiskey Ridge Sign Regulations

Planning Manager Holland explained staff would like to incorporate sign regulations and design standards from the overly restrictive Whiskey Ridge Design Standards into the general code rather than having them separate. There was some discussion about the background of the code and proposed setbacks and sizes.

Commissioner Kapus spoke in support of simplifying the regulations into one place.

Commissioner Andes commented that there are some places in town where a five-foot setback isn't enough to see oncoming traffic. Planning Manager Holland concurred and noted they would still need to comply with sight distance regulations.

Commissioner Whitaker commented that they don't need the same type of signs on some chunks of 87th since that area is still pretty rural. He suggested looking at some reduced heights in that area.

Next meeting – November 9, 2021

- Senior Planner Kate Tourtellot will be bringing back the Accessory Dwelling Units provisions.
- Director Miller will be bringing back topics discussed tonight.
- Public Works staff will also be coming to give an update on their projects.

ADJOURNMENT

Motion to adjourn at 6:55 p.m. moved by Whitaker, seconded by Commissioner Kapus.

AYES: ALL

Chris Holland

Chris Holland, Planning Manager for
Laurie Hugdahl, Recording Secretary

Planning Commission



1049 State Avenue
Marysville, WA 98270

**Meeting Minutes
November 23, 2021**

CALL TO ORDER / ROLL CALL

Chair Leifer called the November 23, 2021 Planning Commission meeting to order via Zoom at 6:00 p.m. Senior Planner Tourtellot called the roll.

Present:

Commissioner: Chair Steve Leifer, Commissioner Sunshine Kapus, Commissioner Brandon Whitaker, Commissioner Tom Thetford, Commissioner Roger Hoen, Commissioner Kristen Michal

Absent: Vice Chair Jerry Andes

Staff: Community Development Director Haylie Miller, Senior Planner Kate Tourtellot, Planning Technician Mara Wiltshire

APPROVAL OF MINUTES

November 9, 2021 Planning Commission Minutes

Commissioner Hoen commented that he had notified the Chair prior to the meeting that he would be late to the November 9 meeting. Chair Leifer confirmed this.

Motion made by Commissioner Thetford, seconded by Commissioner Whitaker, to approve the minutes. **Motion** passed unanimously.

AUDIENCE PARTICIPATION

Chair Leifer solicited audience participation on items not on the agenda. There were no comments.

NEW BUSINESS

None

OLD BUSINESS

A. Emergency Housing and Shelters

Director Miller reviewed code changes and solicited feedback related to Transitional Housing Facilities and Permanent Supportive Housing regulations. These two housing types are already allowed. Examples of projects around town include Twin Lakes Landing and the MESH program which both house homeless. Since the last meeting an additional condition has been added to the Operations Plans to ensure current best practices for permanent supportive housing and transitional housing facilities are used.

Chair Leifer pointed out a typing error on 22C.020.060 at the bottom of the page.

Director Miller then reviewed proposed changes to Emergency Indoor Shelters and Emergency Housing. Staff has proposed additional regulations for these uses to mitigate potential impacts.

- Hotels have been removed out of four multi-family zones.
- If shelters have less than 30, applicants can go through a standard application process. If over 30, it would require a conditional use permit process with the Hearing Examiner.
- Some of the requirements for separation between facilities were removed.
- The Police Chief reviewed and agreed with the conditions, but recommended a background check to vet sex offenders. This is currently pending as it needs to be vetted by the City Attorney. Condition 22 had originally allowed level 1 and 2 sex offenders; however the Police Chief only recommended level 1 at this time. Level 1 offenders could be permitted as long as they follow the standard registry protocol.
- The spacing was revised to 200 sf per individual. This is acceptable to currently operating shelter providers.
- Parking was revised to one stall per two employees plus one stall per five residents with a three-space limit. This would apply to all four uses.

Director Miller recommended holding a hearing on December 14. She is hoping to take it to City Council as soon as possible after that since the City is technically out of compliance right now.

Commissioner Hoen referred to requirements in item 22 and 23 and requested more clarity on which levels of sex offenders are allowed and prohibited. Director Miller noted that the police department recommended level 1 only. She solicited feedback from the Planning Commission on this. She summarized they are currently waiting on decisions regarding whether or not to require a background check and whether to allow level 2 sex offenders. She suggested that a decision on these could be rendered at the public hearing.

Motion made by Commissioner Whitaker, seconded by Commissioner Michal, to set this for a public hearing on December 14. **Motion** passed unanimously.

B. Accessory Dwelling Units (ADUs)

Senior Planner Tourtellot reviewed some background on this item.

- She checked with the City Attorney about the existing prohibition in Planned Residential Developments (PRDs), and he did not see a conflict with maintaining this prohibition.
- The definitions for *Accessory Dwelling Unit* and *kitchen* have been clarified.
- 22C.180.030(2) - The size of ADUs would be limited to 50% or 1000 sf whichever is smaller and give director authority to allow larger units if unreasonable division of space would result.

Commissioner Whitaker asked if underlying zoning dimensions would still apply to restrict the size. Senior Planner Tourtellot affirmed that all of the bulk and dimensional standards would still apply.

Chair Leifer asked why the maximum size is the *lesser* of either 50% or 1000 feet if the land area is sufficient. Senior Planner Tourtellot replied that this was a starting point for conversation, but could be modified.

Commissioner Hoen referred to the resident who had commented at the last meeting regarding his small house on a large lot. The resident had wondered if there was any way for him to build a larger ADU. Commissioner Hoen asked how this would impact him. Senior Planner Tourtellot replied that staff had discussed this and determined that he would be limited to the 50% of his existing home.

Chair Leifer asked how they got to the 1000 sf limit. He thought it should be proportional to the house size. Director Miller explained there is not a technical reason for this. Staff thought that beyond 1000 sf, it just felt bigger than an ADU and more like a full house size. Chair Leifer spoke to the conflict between the ideologies of infill and sprawl. He didn't agree with the limitation in size when there are so many variables in lot size and house size.

Commissioner Kapus agreed that we don't necessarily need a maximum since existing zoning should take care of it being out of character with existing homes.

Commissioner Thetford commented that there may be lots large enough that it would make sense to allow larger units. He personally wouldn't like to maximize the impervious lot area because he likes more space, but there are denser areas where it would make more sense.

Commissioner Whitaker thought the size should be limited to 1500 sf. Above that size it is the size of another house and not an ADU.

Commissioner Michal thought that 1000-1200 sf makes sense for most accessory uses. She asked if there could be discretion to allow for a bigger unit on a large lot.

Director Miller indicated that staff could allow a larger maximum size or could build in language allowing larger ADUs on larger lots if desired by the Planning Commission.

Chair Leifer asked for clarification about ADUs needing to be attached. Senior Planner Tourtellot commented that the provision that gives the director discretion to allow for a larger unit pertains to an ADU that would be attached. The allowance is for unreasonable division of space that would result from adhering to the code when converting existing living space into an ADU. An ADU in general can be attached or detached. Chair Leifer commented on how many people are struggling to buy a house; he is supportive of anything they can do to help people get into housing.

Senior Planner Tourtellot noted they could simply cap it at 50% of the existing house size. There was discussion about how this would impact various situations.

Commissioner Kapus suggested allowing new construction to become the primary dwelling unit if the lot size permits. Senior Planner Tourtellot indicated she could look into this with other jurisdictions.

There was consensus to simply cap the size at 50% of the existing house.

Motion made by Commissioner Hoen, seconded by Commissioner Thetford, to schedule this for a hearing on December 14. **Motion** passed unanimously.

C. Food Truck Regulations

Director Miller reviewed proposed food truck regulations and recommended scheduling this for a public hearing on December 14. At the last meeting they reached consensus about allowing food trucks on city property, special events and private property. The Planning Commission had asked for some information regarding the hours of operation. She has included a recommendation to allow a food truck on private property for 3 days a week or up to 12 days a week. That would not preclude a property owner from rotating different food trucks onto the site. Additionally, there would be a 100 ft. buffer for existing brick and mortar restaurants.

Commissioner Hoen commented that there would be a daily demand at the Cascade Industrial Center for more than just 3 days a week. He pointed out that Everett doesn't have any time restriction. He expressed interest in hearing from food truck operators.

Director Miller replied they can look into allowing them more. Her understanding was that the City Council was not in favor of food trucks at all at least in years past in an attempt to give preference to brick and mortar restaurants. The public, however, has been very interested in having food trucks. Staff's approach was a "soft landing" with a conservative code amendment for now and the possibility of revisiting in a year.

Chair Leifer did not think they should limit the days allowed to go to a construction site. Director Miller replied that this is already allowed under the temporary use permit.

Amanda Andrew, owner of Captain's Cod food truck, explained that they operate in 30 cities throughout Eastern Washington and prefer not to overstay their welcome in any one place. They have a contract with the property owner wherever they park. They are 100% self-contained with power and water. They don't stay in one city more than one day per week so this requirement wouldn't affect them. The way they operate is unique, and this is not be the norm for other food truck operators. The code amendments being proposed here are typical of what they see in most other cities.

Director Miller commented that the Washington Food Truck Association helps coordinate a rotating schedule between jurisdictions. She also noted that the City intends to allow food trucks on city properties either by a special event permit or by city contract. They would have flexibility with what they allow.

Chair Leifer said he was sympathetic to brick and mortar restaurants that pay fees and taxes. He also liked the soft landing approach. Other commissioners agreed.

Motion made by Commissioner Whitaker, seconded by Commissioner Kapus, to forward the food truck regulations to a public hearing on December 14. **Motion** passed unanimously.

ADJOURNMENT

Motion to adjourn at 7:45 p.m. moved by Commissioner Thetford, seconded by Commissioner Whitaker.

AYES: ALL

Chris Holland

Chris Holland, Planning Manager for
Laurie Hugdahl, Recording Secretary

Next Meeting – December 14, 2021

12-14-21 Planning Commission Minutes to be provided

**CITY OF MARYSVILLE
Marysville, Washington
ORDINANCE NO. _____**

**AN ORDINANCE OF THE CITY OF MARYSVILLE, WASHINGTON,
AMENDING TITLE 22 OF THE MARYSVILLE MUNICIPAL CODE BY
AMENDING SECTION 22A.020.140 AND ADDING NEW CHAPTER
22C.260 MOBILE FOOD VENDORS.**

WHEREAS, the State Growth Management Act, RCW Chapter 36.70A mandates that cities periodically review and amend development regulations which include but are not limited to zoning ordinances and official controls; and

WHEREAS, RCW 36.70A.106 requires the processing of amendments to the City's development regulations in the same manner as the original adoption of the City's comprehensive plan and development regulations; and

WHEREAS, the State Growth Management Act requires notice and broad public participation when adopting or amending the City's comprehensive plan and development regulations; and

WHEREAS, the City, in reviewing and amending its development regulations has complied with the notice, public participation and processing requirements established by the Growth Management Act, as more fully described below; and

WHEREAS, the City Council of the City of Marysville finds that from time to time it is necessary and appropriate to review and revise provisions of the City's municipal code and development code (MMC Title 22); and

WHEREAS, the Marysville Planning Commission held three workshops on September 28, October 26 and November 13, 2021, during which the Planning Commission discussed proposed amendments to Title 22 MCC regarding mobile food vendors, which proposed amendments would specifically add a new chapter 22C.260 and amend MMC 22A.02.140; and

WHEREAS, the proposed amendments are consistent with the following required findings of MMC 22G.010.520:

- (1) The amendments are consistent with the purposes of the comprehensive plan;
- (2) The amendments are consistent with the purpose of MMC Title 22;
- (3) There have been significant changes in the circumstances to warrant a change;
- (4) The benefit or cost to the public health, safety and welfare is sufficient to warrant the action.

WHEREAS, on December 14, 2021, the Marysville Planning Commission held a duly-advertised public hearing, and recommended that the City Council adopt the proposed amendments to the City's development regulations; and

WHEREAS, at a public meeting on January 10, 2022 the Marysville City Council reviewed and considered the Marysville Planning Commission's Recommendation and proposed amendments to the City's development regulations; and

WHEREAS, the City of Marysville has submitted the proposed amendments to the Washington State Department of Commerce on November 16, 2021 seeking expedited review under RCW 36.70A.106(3)(b) and in compliance with the procedural requirements of RCW 36.70A.106; and

WHEREAS, a notice of application was given on November 15, 2021 by the City of Marysville requesting State Environmental Policy Act review and approval for the proposed amendments related to regulations associated with Mobile Food Vendors pursuant to the optional DNS process outlined in WAC 197-11-355.

WHEREAS, a SEPA Determination of Non-Significance was issued on December 15, 2021 pursuant to the optional DNS process outlined in WAC 197-11-355.

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

Section 1. Amendment of Municipal Code. MMC Section 22A.020.140, entitled "M" Definitions, is hereby amended to add the following definitions, as follows:

22A.020.140 "M" Definitions.

"Mobile food vending unit" means a truck or trailer licensed as a vehicle and equipped with facilities for cooking and/or selling food.

"Mobile food vendor" means a person or entity that sells food from a mobile vending unit.

Section 2. Amendment of Municipal Code. MMC Title 22C *Land Use Standards* is hereby amended by adopting a new chapter MMC 22C.260 *Mobile Food Vendors*, as follows:

MMC 22C.260.010 Purpose.

The purpose of this section is to support local business owners, stimulate economic vitality, and protect public health and safety associated with the operation of mobile food vending units.

MMC 22C.260.020 Application.

Mobile food vendors operating on private property shall provide the City with the following information.

(1) All mobile food vendors shall require a business license per Chapter 5.02 MMC.

(2) A site plan depicting the following:

(a) Vehicle ingress and egress;

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

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

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

(4) Copy of Snohomish Health District permit.

(5) Evidence of current Washington state vehicle registration.

(6) The mobile food vendor must obtain a signed agreement between the property owner and the mobile food vendor allowing use of the property for the mobile food business including written permission from the property owner for employees of the mobile food vendor to use the property owner's restroom. Portable restrooms are not permitted on site.

(7) 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.

(8) Property damage insurance of not less than \$25,000 for damages on account of any one accident or occurrence.

MMC 22C.260.030 General Regulations.

The following general regulations apply to mobile food vendors.

(1) Mobile food vending units shall be temporary in nature, and may not operate from the same property more than three days of any calendar week, or twelve days per month.

(2) The hours of operation for mobile vending are limited to 7:00 a.m. to 11:00 p.m.

(3) No portion of the mobile food vending unit may be used as sleeping quarters.

(4) All attachments to the mobile food vending unit including, but not limited to, signs, lights, overhangs and awnings, shall be maintained in a manner that does not create a hazard to pedestrians, customers or vehicles.

(5) Mobile food vendors shall not obstruct sidewalks, streets, access points, fire lanes, or parking lot circulation by either the location of the mobile food vending unit or its accessories.

(6) The mobile food vendor shall comply with MMC Chapter 16.12, National Electrical Code and Washington Cities Electrical Code, for electrical service to the mobile food vending unit. Electrical lines shall not be located overhead or on the ground in any location to which the public has access.

(7) All mobile food vending units shall obtain Fire District approval prior to operating in the City and shall comply with all Fire District standards.

(8) 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 within 100 feet of the mobile food vending unit.

(ii) 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 mobile food vending unit.

(iv) Grease shall be properly disposed of per adopted Washington State health regulations.

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

MMC 22C.260.040 Permitted Locations.

(1) Mobile food vending units shall be prohibited in the following areas:

(a) Any residential zones and abutting rights-of-way.

(b) City rights-of-way.

(c) Private streets.

(d) Parking areas unless it can be demonstrated that the minimum parking requirements are met on each site.

(e) Mobile food vending units may be allowed within the prohibited areas in subsections a - c above if approved as part of a special event permit, or when approved to be located on a City owned property.

(2) Mobile food vending may be allowed on City owned properties approved pursuant to either City contract, or a special event permit per MMC Chapter 5.46 and Section 22C.260.060.

(3) Mobile food vending units shall be located at least 100 feet from an existing eating and drinking place except when the legal owner of the eating and drinking place provides written permission for the vending unit to be located closer. Distance shall be measured using the shortest possible straight line from the closest edge of the mobile food vending unit to the closest edge of the restaurant building

(4) Mobile food vending units are allowed on private properties in commercial, industrial, recreation and public institutional zones. Mobile food vendors are subject to the following requirements:

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

(b) The mobile food vending unit may not diminish required off-street parking for another use.

(c) The mobile food vending unit shall conform to the standard front setback for the zoning district.

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

MMC 22C.260.050 Special Event Permit

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

(a) Management of vendors, such as vendor selection, booth location and products offered, shall be the responsibility of the event sponsor. Through the special 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.

(b) The event sponsor shall be responsible for ensuring 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 Marysville as additional insured and will include the endorsement of said policy.

(c) The event sponsor shall be responsible for ensuring that all food vendors have the necessary permits from the Snohomish Health District or other applicable State or County regulatory agency.

MMC 22C.260.060 Revocation of Permit.

(1) A mobile food vendor, permitted pursuant to this section, may have its license revoked, suspended, or denied subject to Section 5.02.130 if the City finds:

(a) The vendor has violated or failed to meet the terms of this section or other applicable sections of the municipal code or conditions of approval; or

(b) The mobile food vending unit operation is detrimental to the surrounding businesses or to the public due to either appearance or conditions of the unit.

Section 3. Amendment of Municipal Code. MMC Section 22A.010.160, entitled "Amendments," is hereby amended as follows by adding reference to this adopted ordinance in order to track amendments to the City's Unified Development Code (all unchanged provisions of MMC 22A.010.160 remain unchanged and in effect):

"22A.010.160 Amendments.

The following amendments have been made to the UDC subsequent to its adoption:

<u>Ordinance</u>	<u>Title (description)</u>	<u>Effective Date</u>
_____	Mobile Food Vendors	_____, 2022"

Section 4. 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 5. Corrections. Upon approval by the city attorney, the city clerk or the code reviser are authorized to make necessary corrections to this ordinance, including scrivener's errors or clerical mistakes; references to other local, state, or federal laws, rules, or regulations; or numbering or referencing of ordinances or their sections and subsections

Section 6. Effective Date. This ordinance shall become effective five days after the date of its publication by summary.

PASSED by the City Council and APPROVED by the Mayor this _____ day of _____, 2022.

CITY OF MARYSVILLE

By: _____
JON NEHRING, MAYOR

Attest:

By: _____
DEPUTY CITY CLERK

Approved as to form:

By: _____
JON WALKER, CITY ATTORNEY

Date of Publication: _____

Effective Date: _____
(5 days after publication)