

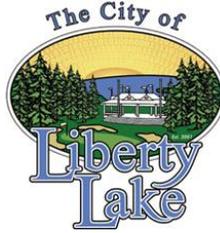
**CITY OF LIBERTY LAKE NOTICE OF AVAILABILITY OF PUBLIC HEARING
BEFORE CITY COUNCIL ON THE PROPOSED AMENDMENTS TO THE CITY OF
LIBERTY LAKE'S MOBILE CONCESSION REGULATIONS**

NOTICE IS HEREBY GIVEN TO ALL INTERESTED PERSONS THAT: The City of Liberty Lake City Council will conduct a public hearing on the proposed Amendments to the City of Liberty Lake's Mobile Concession Regulations. Attendees will have the opportunity to testify on the above-mentioned proposed amendments. Written comments may also be submitted to the contact person listed below. **The public hearing will be held Tuesday, May 21, 2019 beginning at 7 pm @ the Liberty Lake City Hall Council Chambers, 22710 E. Country Vista, Liberty Lake, WA.**

For more information, please contact: Lisa D. Key, Director of Planning & Engineering Services, 22710 E. Country Vista, Liberty Lake, WA 99019. Phone: 509-755-6708, Fax: 509-755-6713, Email: lkey@libertylakewa.gov. Information is also available on the City website at <http://www.libertylakewa.gov/196/Public-Notices>.

Individuals planning to attend the meeting who require special assistance to accommodate physical, hearing, or other impairments, please contact the City Clerk at (509) 755-6729 as soon as possible and with at least 48 hours' notice prior to the meeting, so that arrangements may be made.

Hearing Date: May 21, 2019



FINDINGS, CONCLUSIONS, AND RECOMMENDATIONS OF THE PLANNING COMMISSION

IN THE MATTER OF PROPOSED AMENDMENTS TO THE CITY OF LIBERTY LAKE’S MOBILE CONCESSION STAND (“FOOD TRUCK”) REGULATIONS

HEARING DATE: April 10, 2019 @ 4:00 p.m.

PROPOSAL COORDINATOR: Lisa D. Key, Director of Planning & Engineering Services

PROPOSAL SUMMARY:	
Location	Citywide
Proposal Information	City Initiated Amendments to Mobile Concession Stand Regulations regarding “Food Trucks”
Code Section	<p>City Code & RDSAP 08-001 Development Code §10-1C: Definitions (“Temporary Use”)</p> <p>City Code §10-2J-3(C)(2): Limited Use Regulations for Mobile Sales/Concessions in the “I” zone</p> <p>City Code & RDSAP Development Code §10-4I-1: Temporary Use Permits</p>
Proposed Amendments	See <i>Exhibit A</i> .

CITY OF LIBERTY LAKE REGULATORY FRAMEWORK & PROCEDURAL REQUIREMENTS:

City Code §10-4B-5: Type IV Projects:

Development Code Amendments are classified as Type IV Projects in the City of Liberty Lake Development Code and are considered legislative decisions. The procedural requirements and decision criteria are detailed in City Development Code §10-4B-5.

STATE OF WASHINGTON REGULATORY FRAMEWORK, AUTHORITY & REQUIREMENTS:

RCW 36.70A: Growth Management Act (GMA):

Liberty Lake is mandated to plan under GMA. The City's Comprehensive Plan and Development Regulations were developed in accordance with the requirements of GMA. Development Regulations are required to implement the City's Comprehensive Plan, and any amendments to City Development Code must be consistent with the City's adopted Comprehensive Plan. The City must provide reasonable public notice of proposed amendments and opportunities for public participation.

WAC 365-196: Growth Management -- Procedural Criteria for Adopting Comprehensive Plans and Development Regulations

Development code amendments must comply with procedures established in WAC 365-196, including rules regarding internal consistency, interjurisdictional coordination, public participation requirements, and notification to the Department of Commerce of "intent to adopt" proposed code amendments at least 60 days prior to final adoption.

WAC 197-11: State Environmental Policy Act (SEPA) Rules:

Development code amendments are subject to SEPA review as a non-project action, in accordance with procedures established in WAC 197-11.

SEPA REVIEW:

SEPA Checklists were completed for the proposed amendments to the City of Liberty Lake Mobile Concessions Regulations. The City of Liberty Lake Planning, Engineering & Building Services has determined that the proposal, as a non-project review, will have no significant adverse environmental impacts and issued a Determination of Non-Significance (DNS) and Adoption of Existing Environmental Document on the Proposed Amendments to the City of Liberty Lake Mobile Concession Regulations on March 20, 2019. The City adopted the Spokane County Final Supplemental Environmental Impact Statement for the Spokane County Comprehensive Plan that was prepared on November 22, 2000 and was previously adopted for the original City of Liberty Lake Comprehensive Plan and Development Code, as well as the Final Environmental Impact Statement for the City of Liberty Lake Urban Growth Area Boundary Alternatives that was prepared on December 13, 2006. The Notice of Availability, SEPA Checklist and Threshold Determination, and Amendment Document were routed to agencies on March 18, 2019, and a Notice of Availability was posted at the Liberty Lake Municipal Library and at City Hall, as well as being published in the March 22, 2019 edition of the Valley News Herald. On March 19, 2019, the Notice of Availability, Notice of Hearing, SEPA Checklist and Threshold Determination, and Amendment Lists were also posted on the City website, and the notice and a link to the City website was emailed to the public notice group, as well as the amendment applicants. Comments on the SEPA Checklist and Threshold Determination were due by 4 p.m., on April 2nd, 2019. No comments were received.

PROCEDURAL INFORMATION:

- February 5, 2019 City Council Workshop:
Agenda & packet published on City website & distributed to City’s “Notify Me” e-mail distribution list

- February 13, 2019 Planning Commission Meeting:
“Food Truck” Amendments - Timeline & Project Charter Disseminated

- March 13, 2019 Planning Commission Workshop:
Agenda & packet published on City website & distributed to City’s “Notify Me” e-mail distribution list

- March 18, 2019 SEPA Notice of Availability/ Planning Commission Public Hearing Notice:
NOA packet with SEPA checklist and DNS posted on the website and distributed to: involved agencies, adjacent jurisdictions; “brick and mortar” restaurant owners who engaged during the 2015 proposed amendment to these regulations; and, “Notify Me” e-mail distribution list

- March 22, 2019 SEPA Notice of Availability/Planning Commission Public Hearing Notice:
Published in Valley News Herald

- April 2, 2019 SEPA Comment Period Ends
No comments received.

- April 10, 2019 Planning Commission Public Hearing:
Agenda & staff report published on City website & distributed to City’s “Notify Me” e-mail distribution list on or before April 5, 2019.

AGENCY REVIEW:

SEPA Distribution List & Adjacent Jurisdictions: Liberty Lake Police Department; Avista; Century Link; Central Valley School District; City of Spokane Valley; CDA Tribe; Comcast; Spokane Clean Air; Spokane Valley Fire District; Spokane Transit Authority; Spokane Regional Health District; Spokane Tribe; WS Department of Ecology; Spokane Regional Health District; Department of Fish & Wildlife; WS Department of Natural Resources; WS Department of Transportation; Spokane Regional Transportation Council; Liberty Lake Water & Sewer District; Consolidated Irrigation District Spokane County Utilities; Spokane County Planning; WS Department of Commerce.

Agencies Notified	Notification	Comment Summary
SEPA Distribution List & Adjacent Jurisdictions	SEPA Notice of Availability; Proposed Amendment Summary; Determination of Non-Significance (DNS) Emailed 3/18/19	No comments received

PUBLIC COMMENTS (WRITTEN):

Name & Address	Comment Summary
N/A	No comments received

RELEVANT COMPREHENSIVE PLAN GOALS & POLICIES:

Governance Goal 1: Actively involve residents, businesses, and property owners in the governance of the City.

Governance Policy 1: The City shall use the website, email, social media, newsletters, local newspapers, special announcements and other techniques to keep the community well-informed.

Economic Development Policy 4: Continue to support the start-up, retention, expansion, and recruitment of businesses.

Economic Development Policy 5: Provide consistent, fair, and timely regulations that are flexible, responsive, and effective.

Economic Development Policy 6: Periodically review and update economic development techniques to provide a business climate conducive to new and start-up businesses.

STAFF ANALYSIS:

Under current City Code, “Food Trucks” also known as mobile food concessions, are a “Limited Use” in all zones. The standards for the “limited use” require a temporary use permit (as detailed in City Code §10-4I-1). Under these provisions, “food trucks” on public property or in the public ROW are only permitted during a community event or sports league play, and “food trucks” on private property are only allowed when associated with a temporary carnival/ fair, sidewalk sale, non-profit fundraiser, or community event. The required temporary use permit limits use to 21 consecutive days, or no more than 90 days in a calendar year. The temporary use permit requires a site plan, as well as refuse disposal, fire extinguisher and Health Department food vendor permit.

On February 5, 2019, City Council held a workshop to discuss potential changes to code to allow food trucks in the Light Industrial (“I”) zone. City Council asked that potential code revisions be referred to the Planning Commission for their consideration and recommendation, and that staff prepare a schedule for development of those code revisions.

The proposed amendments are intended to:

- Allow “Food Trucks” on private property as an accessory use in the “I” zone by temporary use permit when associated with an existing business.
 - Require site plan to address location on private property, traffic circulation, refuse disposal, fire extinguisher, seating (if applicable);
 - Require City of Liberty Lake Business License and Health Department Food Vendor Permit.
 - Limit the hours of operation for food truck to the hours of operation of the principal use on the subject property.

- Incorporate “Director’s Interpretation” from Policy Bulletin No. 21 into code related to “temporary use permits”:
 - Waive permit requirement for individual vendor booths within a larger non-profit special event permit provided the vendor has been included in the site plan for the event.

FINDINGS:

1. The required SEPA review has been completed on the proposed amendment.
2. All public and agency notice requirements were met and accomplished in a timely manner.
3. The public was provided the opportunity for early and continuous participation.
4. The public had the opportunity to submit written comments and testify at a public hearing before the Planning Commission.

CRITERIA FOR APPROVAL:

The criteria for approval of a code amendment are established in City Code §10-4B-5(A), which states:

A. Criteria for Amendment:

*The City may amend development regulations when it finds that **any** of the following applies:*

1. *Such amendment is consistent with the Comprehensive Plan and is not detrimental to the public welfare;*
2. *Change in economic, technological, or land use conditions has occurred to warrant modification;*
3. *It is found that an amendment is necessary to correct an error;*
4. *It is found that an amendment is necessary to clarify meaning or intent;*
5. *It is found that an amendment is necessary to provide for a use(s) that was not previously addressed; or*
6. *Those amendments as deemed necessary by the City Council as being in the public interest.*

CONCLUSIONS:

1. The proposed amendment **IS** consistent with the Comprehensive Plan and **IS NOT** detrimental to the public welfare.
2. The proposed amendment **IS** warranted by a change in economic, technological and/or land use conditions.
3. The proposed amendment **IS NOT** necessary to correct an error.

4. The proposed amendment **IS NOT** necessary to clarify meaning or intent.
5. The proposed amendment **IS** necessary to provide for a proposed use that was not previously addressed.
6. The proposed amendment **IS** deemed necessary as being in the public interest.

RECOMMENDATION:

In the matter of proposed amendments to the City of Liberty Mobile Concession Regulations (as detailed in Exhibit A of this Staff Report), the City of Liberty Lake Planning Commission recommends to City Council that the amendment be **APPROVED**.

Further, the City of Liberty Lake Planning Commission recommends to City Council that the City review the effect of implementation of the regulations allowing food trucks as an accessory use to an existing business in the industrial zone after one year, and consider expanding food truck use as a possible non-accessory business.

Ratified by the Planning Commission on May 8, 2019.

EXHIBIT A

PROPOSED "FOOD TRUCK" DEVELOPMENT CODE AMENDMENT

Development Code §10-1C (B): Definitions

Mobile sales / concessions - A mobile food service establishment or mobile sales booth operating at a non-permanent fixed location under an approved Temporary Use Permit. Definition does not include espresso stands as defined herein or Solicitors / Peddlers as defined in City Ordinance 96.

Temporary Use --~~A use approved for location on a lot for a period not to exceed 90 days with the intent to discontinue such use after the time period expires.~~ Temporary uses are characterized by the non-permanent nature of the facilities/site improvements, and/~~if or the~~ short term or seasonal nature of the use, and by the fact that permanent improvements are not made to the site. Temporary uses are subject to standards and criteria as may be required in the zone and require administrative approval ~~from P&CD.~~ These uses require approval of a Temporary Use Permit as set forth in Section 10-4I-1.

Development Code §10-2J -- I (Light Industrial Zone)

§10-2J-3(C) Requirements for Specific I Limited Uses:

2. Mobile sales / concessions

- a. Requires application for and approval of a Temporary Use Permit as outlined in Section 10-4I-1.
- b. One mobile food service establishment may be located on private property as an accessory use, where a principal use has already been established on the subject property.
- c. Only permitted Mobile sales/ concessions may be located in public right-of-way only during when associated with a special community events, such as Liberty Lake Yard Sale Weekend.
- d. Hours of operation for the mobile concession shall be limited to the hours of operation of the principal use associated with the subject property, except when associated with a community event, in which case the hours of operation for the mobile concession shall be limited to the hours of operation of that community event. Under no circumstance shall the hours of operation extend past 10 p.m., or begin before 5 a.m.

Development Code §10-4I-1 – Temporary Use Permits

Temporary uses are characterized by non-permanent nature of the facilities/site improvements, and/~~if or~~ their short term or seasonal nature of the use, and by the fact that permanent improvements are not

~~made to the site.~~ Temporary uses include, but are not limited to: construction trailers, leasing offices, temporary carnivals and fairs, parking lot sales, retail warehouse sales, mobile sales / concessions, and seasonal sales such as Christmas tree sales and vegetable stands. The uses listed below have specific requirements for Temporary Use Permit approval. The uses below and other uses listed in the Zoning Matrix may require a Temporary Use Permit with additional regulations or requirements identified in the Limited or Conditional Use:

- A. Seasonal and Special Events. These types of uses generally occur only once in a calendar year and for no longer a period than 90 days, unless approved for an extended period of time by the Director. Using the Exempt project procedure under Article 10-4B, the Director /Designee shall approve, approve with conditions, or deny a temporary use permit for a seasonal or special event based on findings that all of the following criteria are satisfied:
1. The use is permitted in the underlying zoning district and does not violate any conditions of approval for the property (e.g., prior development permit approval);
 2. The use does not violate zoning ordinances or conditional use permits applicable to the site;
 3. The applicant provides proof that the property-owner gave permission to use his/her property in the proposed manner;
 4. No parking will be utilized by customers and employees of the temporary use which is needed by the property owner to meet their minimum parking requirement under Article 10-3D - Vehicle and Bicycle Parking;
 5. The use provides adequate vision clearance, as required in Section 10-3B-2, subsection N, and shall not obstruct pedestrian access on public streets;
 6. Ingress and egress are safe and adequate when combined with the other uses of the property; as required by Article 10-3B - Access and Circulation;
 7. The use does not create adverse, off-site impacts such as vehicle traffic, noise, odors, vibrations, glare, or lights that affect an adjoining use in a manner which other uses allowed outright in the zone do not affect the adjoining use; and
 8. The use is adequately served by public sewer and water, if applicable. (The applicant shall be responsible for obtaining any related permits.)
- B. Temporary Sales Office or Model Home. Using the Exempt project procedure under Article 10-4B, the Director / Designee may approve, approve with conditions, or deny an application for the use of any real property within the City as a temporary sales office, offices for the purpose of facilitating the sale of real property, or model home in any subdivision or tract of land within the City, based on the following criteria:
1. Temporary sales office:
 - a. The use will be for no other purpose other than those described above; and

- b. The temporary sales office shall be located within the boundaries of the subdivision or tract of land in which the real property is to be sold; and
- c. The property to be used for a temporary sales office shall not be permanently improved for that purpose and shall be removed or the sales office use shall be discontinued upon sell-out of the subdivision or tract of land, unless the temporary sales office is located within a model house where the use shall comply with the requirements in subsection "2-c" below; and
- d. The temporary sales office may be located in the model house defined below.

2. Model house:

- a. The model house shall be located within the boundaries of the subdivision or tract of land where the real property to be sold is situated; and
- b. The model house shall be designed as a permanent structure that meets all relevant requirements of this Code; and
- c. The model house use shall be discontinued and the structure shall be converted to a saleable house, if necessary, after a period of three (3) years, unless the phase in which the model house is located is less than 80% sold- out in which case, the Director may grant up to two, one (1) year extensions for the model house use. If the model house contains a temporary sales office, the time limits specified above for the model house shall apply.

C. Temporary Building. Using the Exempt project procedure, as governed by Article 10-4B, the Director / Designee may approve, approve with conditions or deny an application for a temporary trailer or prefabricated building for use on any real commercial or industrial property within the City as a temporary commercial or industrial office or space associated with the primary use on the property, based on the following criteria:

- 1. The temporary trailer or prefabricated building will be for no other purpose other than those described above;
- 2. The temporary trailer or building shall be located within the boundaries of the parcel of land on which it is located;
- 3. The primary use on the property on which the temporary trailer or pre-fabricated building is to be located is already developed;
- 4. Ingress and egress are safe and adequate when combined with the other uses of the property, as required by Article 10-3B - Access and Circulation;
- 5. There is adequate parking for the customers or users of the temporary use, as required by Article 10-3D - Vehicle and Bicycle Parking;
- 6. The use will not result in vehicular traffic congestion on streets;
- 7. The use will pose no hazard to pedestrians in the area of the use;

8. The use does not create adverse off-site impacts including vehicle traffic, noise, odors, vibrations, glare, or lights that affect an adjoining use in a manner which other uses allowed outright in the zone do not affect the adjoining use; and
9. The building complies with applicable building codes;
10. The use can be adequately served by public sewer and water, if applicable. (The applicant shall be responsible for obtaining any related permits); and
11. The length of time that the temporary building will be used does not exceed one (1) year, unless approved for an extended period of time by the Director. When a temporary building exceeds this time frame, the applicant shall be required to remove the building, or renew the temporary use permit.

D. Mobiles Sales / Concessions. Using the Exempt project procedure under Article 10-4B, the Director / Designee shall approve, approve with conditions, or deny a temporary use permit for a mobile food service establishment or mobile sales booth, based on the following criteria:

1. Mobile food service establishment:

- a. A truck, trailer, or cart located in a non-permanent fixed location utilized primarily for the sale of food;
- b. Only permitted on public property or within the public right-of-way when associated with a community event as defined in this Code and determined by the City, or when associated with sports league play; the City has the right to limit the number of mobile food service establishments and types of products;
- c. ~~Only~~ May be permitted on private property when associated with a temporary carnival or fair, parking lot or sidewalk sale, non-profit fundraiser, or a community event as defined in this Code and determined by the City;
- d. May be permitted on private property when explicitly allowed within the zoning district of the proposed location, and subject to the standards of that zoning district.
- e. Mobile food service establishments associated with a special event cannot be utilized on public or private property for more than twenty one (21) consecutive days or the duration allowed within any one year for Seasonal and Special Events above, unless approved for an extended period of time by the Director / Designee;
- f. Temporary use permits for mobile food service establishments that are explicitly allowed within the zoning district shall be remain in effect for a period of one year. When the permit expires, the applicant shall be require to renew the temporary use permit, or remove the mobile food service establishment.
- g. A site plan must be submitted and the mobile food service establishment will only be permitted in a location approved by the City that allows for safe pedestrian, vehicular, and emergency access;

- h. The mobile food service establishment shall contain at least one functional fire extinguisher;
- i. The mobile food service establishment must have a trash and garbage disposal container capable of holding all trash and garbage generated by the operation of the concession. The container shall be emptied periodically as necessary in order to ensure, at all times, public access and use of the container;
- ~~j.~~ j. The applicant must provide proof that the property-owner gave permission to use his/her property in the proposed manner; ~~and~~
- ~~j.k.~~ j.k. Proper Health Department and City regulations, permits, and approvals must be obtained and complied with; ~~and,~~
- l. Hours of operation for the mobile concession shall be limited to the hours of operation of the principal use associated with the subject property, except when associated with a community event, in which case the hours of operation for the mobile concession shall be limited to the hours of operation of that community event.

2. Mobile sales booth:

- a. A booth (including trailer, canopy, or display area) utilized for the sale or display of goods or services located in a non-permanent fixed location;
- b. Only permitted on public property or within the public right-of-way when associated with a community event as defined in this Code and determined by the City;
 - 1. The City has the right to limit the number of vendors and types of products and services.
 - ~~4.2.~~ 4.2. The following products and services shall be prohibited and on-site enforcement of the prohibition shall be conducted by the Liberty Lake Police Department:
 - Adult oriented merchandise or services
 - Drug paraphernalia
 - Hazardous materials
 - Illegal merchandise or services
 - Tobacco
 - Weapons
 - Similar products and services as listed above, as determined by the Director / designee;
- c. Only permitted on private property when associated with a temporary carnival or fair, parking lot or sidewalk sale, non-profit fundraiser, or a community event as defined in this Code and determined by the City;
- d. Mobile sales booths cannot be utilized on public or private property for more than twenty one (21) consecutive days or the duration allowed within any one year for Seasonal and Special Events above, unless approved for an extended period of time by the Director / Designee;
- e. A site plan must be submitted and the mobile sales booth will only be permitted

in a location approved by the City that allows for safe pedestrian, vehicular, and emergency access;

- f. The applicant must provide proof that the property-owner gave permission to use his/her property in the proposed manner; and
- g. City regulations, permits, and approvals must be obtained and complied with.

- 3. The requirement for individual permits for mobile sales/concessions vendors within a larger non-profit special event may be waived, provided the mobile sales/concessions have been addressed in the Seasonal and Special Event permit application and site plan associated with that event, as required in paragraph A of this section.